

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

WEDNESDAY, 20 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

For the Prosecution:

Mr Peter Harrison
Ms Melissa Pack
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Mr A.F. Serry-Kamal

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 [Wednesday, 20 October 2004]
2 [Accused Sesay and Kallon entered court]
3 [The accused Gbao not present]
4 [Open session]
09:30:45 5 [Upon commencing at 9.45 a.m.]
6 WITNESS: GEORGE JOHNSON [continued]
7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming our proceedings. Mr Nicol-Wilson, are you
9 prepared to pursue your cross-examination of this
09:42:29 10 witness?
11 MR NICOL-WILSON: Yes, Your Honour.
12 PRESIDING JUDGE: Good morning, witness. How are you this
13 morning?
14 THE WITNESS: Quite fine, sir.
09:42:37 15 PRESIDING JUDGE: All right?
16 THE WITNESS: Yes, sir.
17 PRESIDING JUDGE: Good.
18 CROSS-EXAMINED BY MR NICOL-WILSON: [continued]
19 MR NICOL-WILSON:
09:42:48 20 Q. Good morning, witness.
21 A. Good morning.
22 Q. Now, I want to take you back to the meeting at Masiaka
23 after the retreat from Freetown. Was that meeting a
24 joint meeting between the AFRC and the RUF?
09:43:19 25 A. Yes.
26 Q. And what was the purpose of that meeting?
27 A. Purpose, as I initially said, was to go and gain control
28 of Bo.
29 Q. Was anything else discussed at that meeting?

1 A. No.

2 Q. Was anyone promoted at that meeting?

3 A. All the 16 members that made the coup and all RUF top
4 commanders at Masiaka promoted themselves as brigadier
09:44:47 5 general.

6 Q. Can you tell this Court a little bit about the
7 deliberations leading to the promotions. What was
8 actually discussed before the promotions were made?

9 A. It was not at the meeting the orders were given for the
09:45:24 10 promotions. As I said, they promoted theirselves [sic]
11 as brigadiers and no other discussions was made.

12 Q. So there was no promotion coming from the head of the SLA
13 for members of the SLA to become brigadier general?

14 A. No.

09:46:11 15 JUDGE BOUTET: And this promotion applied to both RUF and SLA?

16 THE WITNESS: Yes.

17 MR NICOL-WILSON:

18 Q. So can you tell this Court --

19 PRESIDING JUDGE: You said there was no instructions -- or the
09:46:23 20 promotions did not come from who? From the leader of --

21 MR NICOL-WILSON: From the leader of the RUF present at that
22 meeting or the leader of the AFRC present at that
23 meeting. The witness said they merely promoted
24 themselves.

09:46:43 25 PRESIDING JUDGE: Yes.

26 MR NICOL-WILSON:

27 Q. So can you tell this Court --

28 PRESIDING JUDGE: Of the RUF or the AFRC?

29 MR NICOL-WILSON: Yes, he said both the -- he said the 16 --

1 PRESIDING JUDGE: Have we got him up to that point? They just
2 met and promoted themselves?

3 MR NICOL-WILSON: Yes.

4 PRESIDING JUDGE: There was no prior deliberation --

09:46:52 5 MR NICOL-WILSON: Yes.

6 PRESIDING JUDGE: -- before the promotions were announced?

7 MR NICOL-WILSON: Yes.

8 PRESIDING JUDGE: Yes.

9 MR NICOL-WILSON:

09:46:56 10 Q. So now, Mr Witness, how did they promote themselves?

11 JUDGE THOMPSON: Let me clarify this, because I seem to have a
12 reference here to it was a -- did you say it was a joint
13 meeting of the RUF and the AFRC?

14 THE WITNESS: Yes.

09:47:12 15 JUDGE THOMPSON: And that all the 16 Honourables who were
16 responsible for the coup, plus RUF top commanders,
17 promoted themselves to brigadier general?

18 THE WITNESS: Yes.

19 JUDGE THOMPSON: Did you also just say, in answer to Judge
09:47:29 20 Boutet, that the promotion related to RUF and SLA? I
21 heard the expression "SLA". Are we missing something
22 here?

23 JUDGE BOUTET: No, no, you're quite right, Judge Thompson. I
24 used SLA rather than AFRC. That was my mistake.

09:47:48 25 JUDGE THOMPSON: I see. I'm a little worried whether we are
26 crossing purposes here. Thank you.

27 MR NICOL-WILSON:

28 Q. Can you tell this Court how the Honourables and the RUF
29 members promoted themselves?

- 1 A. After the withdrawal from Freetown, we went to Masiaka,
2 and the rumour went round that all Honourables have been
3 promoted to brigadier generals. So my own boss, who was
4 the PLO 3 - Principal Liaison Officer 3, also said that
09:48:22 5 to me.
- 6 Q. So it was merely a rumour; there was no deliberation?
- 7 A. No deliberation, as I earlier on said.
- 8 Q. At the Masiaka meeting you mentioned today that nothing
9 else was discussed besides the attack of Bo; is that
09:49:20 10 correct?
- 11 A. Yes.
- 12 Q. And then yesterday you said no instruction was given
13 about looting, rape and burning?
- 14 A. Yes, but looting was going on.
- 09:49:36 15 Q. Mr Witness, could you please stick to the answer -- to
16 the question. Now, was any instruction given about
17 amputations at that meeting?
- 18 A. No.
- 19 Q. Was any instruction given about the use of child soldiers
09:49:55 20 at that meeting?
- 21 A. No.
- 22 Q. Was any instruction given about forced labour?
- 23 A. No.
- 24 Q. Was any instruction given about the killing of civilians
09:50:28 25 deliberately?
- 26 A. No.
- 27 Q. I want to refer you now to the chart dealing with the
28 Kono Command Structure?
- 29 A. Yes, and I would like to have one.

1 Q. Now, I'll be referring briefly to this Kono Command
2 Structure and then we'll come back to it at a later
3 point.
4 PRESIDING JUDGE: Learned counsel, can you refer to it
09:51:57 5 specifically as an exhibit? I think it has been marked.
6 MR NICOL-WILSON: Yes, Your Honour.
7 PRESIDING JUDGE: Yes, refer to it as an exhibit.
8 MR NICOL-WILSON: Apologies, Your Honour.
9 PRESIDING JUDGE: So we can get it right on the records.
09:52:04 10 MR NICOL-WILSON: Exhibit 9.
11 PRESIDING JUDGE: Yes.
12 MR NICOL-WILSON:
13 Q. Now, on the right-hand corner of Exhibit 9 there is a box
14 with green. Have you seen that box?
09:52:14 15 A. Yes.
16 Q. And at the top of that box there is a name called
17 "Brigadier General Morris Kallon RUF"?
18 A. Yes.
19 Q. Did you assist the Prosecution in preparing this Kono
09:52:29 20 Command Structure chart?
21 A. Yes.
22 Q. Will I be correct to say that you referred to Morris
23 Kallon as a brigadier general because of the rumour you
24 heard?
09:52:41 25 A. Yes, and when we left -- when we left Masiaka till we
26 reach Kono, that was the title everyone was calling them.
27 Q. You referred to Morris Kallon as brigadier general --
28 A. Yes.
29 Q. -- because of the rumour you heard?

- 1 A. Yes, and he was a brigadier general at that time.
- 2 Q. Was he putting on a uniform with the rank of brigadier
3 general?
- 4 A. He was not putting on uniforms. He dressed in civilians
09:53:14 5 clothes, but --
- 6 Q. Was he performing the role of a brigadier general?
- 7 A. Yes.
- 8 Q. What role was he performing?
- 9 A. He was assigned at the highway -- the highway between
09:53:28 10 Makeni to Kono to create obstacles, and he has his own
11 troops that he will command and control. And he was
12 called Brigadier General Morris Kallon.
- 13 Q. Was it only people with brigadier general titles that
14 were assigned to highways to create obstacles?
- 09:54:01 15 A. No, that was his own particular assignment area.
- 16 Q. Am I correct to say that he was referred to as brigadier
17 general based on the rumours you heard at Masiaka?
- 18 A. As I said, he was called brigadier general and that is
19 what everybody knows about him in the jungle.
- 09:54:28 20 Q. And this is as a result of the rumour at Masiaka?
- 21 A. They promoted themselves and I heard it through my boss,
22 saying they are all brigadier generals.
- 23 Q. When you retreated from Freetown -- sorry. Before you
24 left Freetown, what was the rank of Morris Kallon?
- 09:55:11 25 A. Unknown to me.
- 26 Q. Do you know his rank at the time he joined the government
27 of the AFRC?
- 28 A. On their arrival when they came to Freetown, they were
29 all called Honourables, so I did not know the rank they

1 carried from the jungle to Freetown.

2 Q. Have you seen a copy of the gazette which was published
3 on the 18th of September, 1997?

4 A. Yes, I've seen it.

09:56:23 5 Q. Can a copy of Exhibit 6 be shown to the witness, please?

6 A. Yes.

7 Q. Can you turn over to page 324?

8 A. Yes.

9 Q. And we have a list with some names of members of the
09:57:01 10 Armed Forces Revolutionary Council.

11 A. Yes.

12 Q. Have you seen the number 9?

13 A. Yes.

14 Q. And what is the rank of Morris Kallon?

09:57:12 15 A. At that time he was Major Morris Kallon.

16 Q. So you will agree with me that when the RUF joined the
17 SLA informing the AFRC, Morris Kallon was a major?

18 A. I'll agree with you through the documents, but I did not
19 know what was his rank, because he was not putting on
09:57:39 20 uniform, neither a title.

21 Q. Mr Witness, is it usual in the army for people to promote
22 themselves?

23 A. In the army it's not usual, but in this case we are
24 talking of a guerilla army, a rebel. So rebels can
09:58:23 25 promote themselves.

26 Q. When you say "guerilla army", are you referring to
27 members of the SLA who went to Masiaka?

28 JUDGE THOMPSON: Could we just have that answer before you
29 proceed? Witness, you said in the army it is not usual.

1 THE WITNESS: It's not usual and it is not possible.
2 JUDGE THOMPSON: Yes. What else?
3 THE WITNESS: But in this case, after pulling out from
4 Freetown, it was not an army, a government army; we were
09:58:54 5 all rebels. So the rebels do promote themselves [sic].
6 JUDGE THOMPSON: Thank you.
7 MR NICOL-WILSON:
8 Q. Also looking at Exhibit 6, you will see the name Sam
9 Bockarie, number 8.
09:59:35 10 A. Yes.
11 Q. What is his rank?
12 A. Colonel Sam Bockarie.
13 Q. In your oral testimony you said in the absence of Foday
14 Saybana Sankoh, Colonel Sam Bockarie will deputise him?
10:00:18 15 A. Yes.
16 Q. Will I, therefore, be correct to say that Colonel Sam
17 Bockarie was the head of the RUF during the period in
18 which Foday Sankoh was incarcerated in Nigeria?
19 A. Yes, he was representing Foday Sankoh.
10:00:35 20 Q. Was he the highest commander?
21 A. He was.
22 Q. And he was at Kono?
23 A. Yes.
24 Q. You also said in examination-in-chief that when you
10:00:59 25 arrived in Masiaka, you got information that Sam Bockarie
26 was proceeding to Kailahun from Kenema?
27 A. Yes.
28 PRESIDING JUDGE: Please, let's have the last question. I
29 missed part of it.

- 1 MR NICOL-WILSON:
- 2 Q. In examination-in-chief you informed this Court that when
3 you arrived at Masiaka, you got information that Sam
4 Bockarie was proceeding to Kailahun from Kenema?
- 10:01:42 5 A. Yes.
- 6 Q. So am I, therefore, correct to say that Sam Bockarie was
7 not one of those who promoted themselves?
- 8 A. Sam Bockarie was not present when they promoted
9 themselves; he was at Kenema. And I don't know whether
10:02:15 10 he promoted himself at Kenema, but later he was also a
11 general.
- 12 Q. In the army which rank is higher, a general or a colonel?
- 13 A. A general.
- 14 Q. Would you agree with me that it is not possible for
10:02:58 15 Morris Kallon to be a general and then his boss, Sam
16 Bockarie, a colonel?
- 17 A. Say question again.
- 18 Q. Would you agree with me that it is not possible for
19 Morris Kallon to be promoted to the rank of brigadier
10:03:17 20 general whilst his boss, Sam Bockarie, remains a colonel?
- 21 A. It's not possible, but at that time they all promoted
22 themselves as the high command as generals, and Sam
23 Bockarie, too, when he went to Kailahun, he was a
24 general. So all of them are generals.
- 10:03:41 25 Q. And this information you got through rumours?
- 26 A. I heard it, as I said, from my boss, and the rumours went
27 round to the troops.
- 28 Q. Thank you. Now, when was the last time you saw Morris
29 Kallon before the retreat from Freetown?

1 A. The last time I saw Morris Kallon before the retreat was
2 at the residence of the president, Johnny Paul Koroma.

3 Q. Can you give the date?

4 A. It was on February 12th, in the afternoon.

10:04:51 5 Q. And when next did you see him?

6 A. I saw him next when we pulled out at Masiaka.

7 Q. I am putting it to you that Morris Kallon was not present
8 at the Masiaka meeting.

9 A. I saw him at Masiaka when we arrived Masiaka. If at all
10:05:40 10 he is not present on the meeting, I don't know, but he
11 was at Masiaka when I arrived there.

12 Q. So you saw him at Masiaka before the meeting?

13 A. Yes.

14 Q. And you cannot tell whether he was present at the
10:06:04 15 meeting?

16 A. No. Because at that time some commanders even went out
17 to get vehicles to move to Makeni.

18 Q. Now, I am putting it to you that Morris Kallon was in Bo
19 at the time you had the meeting at Masiaka.

10:06:34 20 A. I disagree.

21 Q. You've just stated to this Court that you saw him when
22 you arrived at Masiaka, but you are not sure whether he
23 attended the meeting you had at Masiaka?

24 A. Yes.

10:06:52 25 Q. So is it possible for him to be somewhere else at the
26 time the meeting was going on?

27 A. That's why I said there are commanders who went to Lunsar
28 and Makeni to loot vehicles for the movement. Maybe he
29 might be one or not.

- 1 Q. Is it possible for Morris Kallon to be somewhere else at
2 the time you were holding the meeting at Masiaka?
- 3 A. It is possible; that's what I've just said.
- 4 PRESIDING JUDGE: But I think the witness is saying that, you
10:07:21 5 know, it is possible. Some of the commanders, you know,
6 went out to look for vehicles to continue the journey to
7 Bo, so --
- 8 MR NICOL-WILSON: As Your Honour pleases. I will move
9 forward.
- 10:07:36 10 PRESIDING JUDGE: Yes, please.
- 11 MR NICOL-WILSON:
- 12 Q. Now, in your oral testimony you also spoke about a
13 meeting at Makeni?
- 14 A. Yes, a very brief one.
- 10:08:00 15 Q. What was the purpose of that meeting?
- 16 A. The purpose of the meeting for us to find a safe zone
17 where we can start organising ourself [sic] to attack
18 ECOMOG.
- 19 Q. So you will agree with me that it was a meeting to plan a
10:08:22 20 military strategy?
- 21 A. It was a meeting for us to find our safety zone and when
22 we reach there, we start planning military objectives.
- 23 Q. Was this a joint meeting between the AFRC and the RUF?
- 24 A. Yes, both.
- 10:08:52 25 Q. Was anything else discussed at that meeting?
- 26 A. No.
- 27 Q. Was any instruction given at that meeting to terrorise
28 the civilian populous?
- 29 A. No.

- 1 Q. Was any instruction given at that meeting to amputate
2 civilians?
- 3 A. No.
- 4 Q. Was any instruction given at that meeting to rape?
10:09:35 5 A. No.
- 6 Q. Was any instruction given at that meeting relating to
7 forced labour?
- 8 A. No.
- 9 Q. Was any instruction given at that meeting for combatants
10:09:59 10 to burn buildings?
- 11 A. No.
- 12 Q. Who were the members of the RUF high command that were
13 present at that meeting?
- 14 A. I could only remember and I could only name few. You
10:10:40 15 have -- you have Mike -- no, you have Morris Kallon, you
16 have Superman, you have Rambo. Those I could remember.
- 17 Q. I am putting it to you that Morris Kallon was not at that
18 meeting.
- 19 A. He was at the meeting and he -- we all pulled out to
10:11:10 20 Kabala.
- 21 PRESIDING JUDGE: And you all did what?
- 22 THE WITNESS: We all took the route to Kabala.
- 23 MR NICOL-WILSON:
- 24 Q. Now, before you left for Kabala did some members of your
10:11:39 25 group move towards Kono using the Makeni-Kono highway?
- 26 A. No.
- 27 Q. About how many people went to Makeni, how many
28 combatants?
- 29 A. I couldn't give a right figure, but we are up to

1 thousands.

2 Q. Were you able to monitor the movement of each and every
3 member of that group?

4 A. It's not possible, no.

10:12:35 5 Q. So you are, therefore, not in a position to tell whether
6 some of them may have gone to Kono from Makeni?

7 A. At that point I believe we were the first troop from
8 Kabala to go to Kono.

9 Q. I'm still at Makeni, Mr Witness. Because the troop was
10:12:59 10 very large in Makeni --

11 JUDGE BOUTET: Mr Counsellor, the witness has been talking
12 about pulling out to Kabala and all of sudden we're in
13 Makeni. So have we changed direction or location on --
14 the witness is answering to you about Kabala and you're
10:13:16 15 talking Makeni, so are we --

16 MR NICOL-WILSON: Yes.

17 JUDGE BOUTET: I'm not sure you are talking about the same
18 thing.

19 MR NICOL-WILSON: Your Honour, it was in response to a
10:13:24 20 question that the witness said -- I said to the witness
21 that Morris Kallon was not at the meeting at Makeni.

22 JUDGE BOUTET: I know.

23 MR NICOL-WILSON: And then he said Kallon was at the meeting
24 and they all proceeded to Kabala. But then I'm still at
10:13:38 25 Makeni, Your Honour. And I'm now asking the witness
26 whether he's in a position to tell if some people went to
27 Kono from Makeni instead of going to Kabala.

28 JUDGE BOUTET: Okay, thank you.

29 THE WITNESS: No.

- 1 MR NICOL-WILSON:
- 2 Q. So you are not in a position to tell?
- 3 A. No.
- 4 Q. And then you also spoke about the meeting at Kabala?
- 10:14:05 5 A. Yes.
- 6 Q. What was the purpose of that meeting?
- 7 A. At Kabala, the purpose of the meeting for us to organise
8 ourself and try to attack the ECOMOG troops.
- 9 Q. Was anything else discussed at that meeting?
- 10:14:33 10 A. No.
- 11 Q. Was this a joint meeting between the RUF and the AFRC?
- 12 A. There were few RUF commanders in the meeting in Kabala.
- 13 Q. So it was mainly a meeting of the AFRC?
- 14 A. It's not mainly, it's joint, because they had senior high
10:14:56 15 command RUF on the meetings.
- 16 Q. At that meeting was any instruction given for combatants
17 to terrorise the civilian populous?
- 18 A. No.
- 19 Q. Was any instruction given for combatants to rape?
- 10:15:49 20 A. No.
- 21 Q. Was any instruction given to combatants to amputate
22 civilians?
- 23 A. No.
- 24 Q. Was any instruction given to combatants to make use of
10:16:17 25 child soldiers?
- 26 A. No.
- 27 Q. Was any instruction given to combatants to loot and burn
28 down buildings?
- 29 A. No.

- 1 Q. So you will agree with me that this was a meeting to plan
2 a military objective?
- 3 A. Yes.
- 4 Q. And at that meeting also there was no instruction given
10:17:13 5 for people to be killed unlawfully?
- 6 A. No.
- 7 Q. Now, shortly before arriving at Freetown there was a
8 meeting at Newton?
- 9 A. On the march to Freetown?
- 10:18:04 10 Q. Yes.
- 11 A. Yes.
- 12 Q. And this is the meeting in which you have SAJ Musa as the
13 overall commander?
- 14 A. Yes.
- 10:18:17 15 Q. And who was the deputy commander?
- 16 A. Alex Tamba Brima was reinstated as the deputy commander.
- 17 Q. And who was next to Alex Tamba Brima?
- 18 A. Next to Alex Tamba Brima was also reinstated, Ibrahim
19 Bazy Kamara.
- 10:18:46 20 Q. And who was next in line to Ibrahim Bazy Kamara?
- 21 A. It was the G5 commander.
- 22 PRESIDING JUDGE: The what commander?
- 23 THE WITNESS: The G5 commander.
- 24 MR NICOL-WILSON:
- 10:19:08 25 Q. Can you remember his name?
- 26 A. Santigie Kanu, a.k.a. Five-Five.
- 27 Q. So this is a meeting consisting purely of members of the
28 Sierra Leone Army?
- 29 A. Yes.

- 1 Q. And at that meeting instructions were given?
- 2 A. Yes.
- 3 Q. What instructions were given to you by SAJ Musa?
- 4 A. You mean to me or the troops?
- 10:19:49 5 Q. To the troops.
- 6 A. Instructions were given to all battalion commanders their
7 area of responsibility when we reach Freetown.
- 8 Q. Was any instruction given with regards to those who
9 should be targeted on your arrival in Freetown?
- 10:20:09 10 A. No.
- 11 Q. Was any instruction given to you by SAJ Musa with regard
12 to the treatment of ECOMOG soldiers when you arrive in
13 Freetown?
- 14 A. There was no instruction given to us, for the treatment
10:20:55 15 of ECOMOG soldiers, by SAJ Musa.
- 16 Q. Was any instruction given to you about the treatment of
17 collaborators of the SLPP Government?
- 18 A. No instructions were given to us. The instructions that
19 were given to us about that came at Gubawater.
- 10:21:23 20 Q. Now, in your oral testimony in this Court you said that
21 at the meeting at Newton SAJ Musa gave some instructions?
- 22 A. As I just said, yes.
- 23 Q. In this Court you said SAJ Musa instructed the troops to
24 kill all Nigerian soldiers and civilians?
- 10:21:51 25 A. It was at Gubawater after the death of SAJ Musa those
26 instructions effected.
- 27 MR NICOL-WILSON: Yes, Your Honour?
- 28 PRESIDING JUDGE: [Microphone not activated]
- 29 MR NICOL-WILSON: Yes, Your Honour.

1 PRESIDING JUDGE: [Microphone not activated]

2 MR NICOL-WILSON: Yes, Your Honour.

3 Q. There was another meeting at Gubawater after the death of
4 SAJ Musa?

10:22:23 5 A. Yes.

6 Q. And the only person who was absent at this meeting, among
7 those who were present at the Newton meeting, is SAJ
8 Musa?

9 A. Yes.

10:22:30 10 Q. Who chaired that meeting?

11 A. Alex Tamba Brima.

12 Q. Were instructions given at that meeting?

13 A. Yes.

14 Q. Can you tell the Court what instructions were given?

10:23:15 15 A. The instructions were that all targeted people - like the
16 ECOMOG, the Nigerian civilians, the policemen, all police
17 stations in Freetown, and all SLPP collaborators - must
18 be killed.

19 PRESIDING JUDGE: And who gave these instructions?

10:24:06 20 THE WITNESS: At that time, after the death of SAJ Musa, the
21 commander of the troops was Alex Tamba Brima, and he
22 chaired the meeting, so the instructions came from him.

23 MR NICOL-WILSON:

24 Q. You also said in your oral testimony that after the
10:24:47 25 meeting at Kabala, there was another meeting at Kono?

26 A. Yes.

27 Q. And you said this was a command structure meeting?

28 A. Yes.

29 Q. What decisions were taken at that meeting?

- 1 A. The decisions were to reorganise ourself - put ourselves
2 into battalions, and try to defend Kono.
- 3 Q. Was this a joint meeting between the RUF --
- 4 A. Yes.
- 10:25:32 5 Q. -- and the AFRC?
- 6 A. Yes.
- 7 Q. You also said in your oral testimony that during the
8 period of occupation of Kono by your troops, no diamond
9 mining took place?
- 10:25:57 10 A. Exactly. At that time no diamond mining took place.
- 11 Q. Did any abduction take place?
- 12 A. When we reach Kono, people were abducted.
- 13 Q. Was any instruction given at that meeting for abductions?
- 14 A. No. On our arrival at Kono, the civilians we met there
10:26:42 15 were with us unless those who managed to escape from us.
- 16 Q. Was any instruction given about rape?
- 17 A. No. The meeting was a purely command structure meeting.
18 No other instructions were given.
- 19 Q. You also mentioned in your oral testimony that in Kono
10:27:16 20 there was a decision for SLA to be under the control of
21 the RUF?
- 22 A. Yes.
- 23 MR NICOL-WILSON: Your Honour, I would like to refer to
24 Exhibit 9, the Kono Command Structure.
- 10:27:33 25 THE WITNESS: Yes, I have one.
- 26 MR NICOL-WILSON:
- 27 Q. Now, can you tell how many people were in command
28 positions based on this command structure?
- 29 A. Based on the command structure, the battalion commanders

1 are commanders of the various battalions, and we have the
2 field commander --

3 Q. Now, if I may just interrupt you a little bit. Please
4 take your time, look at the Kono Command Structure and
10:28:22 5 tell me how many people were in command positions?

6 A. I could say the command structure, all those that are
7 there were commanders.

8 Q. How many?

9 A. As I said, everybody on this list are commanders.

10:28:43 10 PRESIDING JUDGE: [Microphone not activated]

11 MR NICOL-WILSON: Exhibit 9, Your Honour.

12 PRESIDING JUDGE: [Microphone not activated]

13 THE WITNESS: All of them are commanders.

14 MR NICOL-WILSON:

10:28:55 15 Q. How many of them belong to the RUF from that exhibit?

16 A. You have Denis Mingo, you have Brigadier General Morris
17 Kallon, you have CO Isaac, you have Colonel Komba
18 Gbundema, you have Major Kailondo, and you have
19 Lieutenant Busowa, you have Lieutenant Arthur. Those are
10:29:21 20 all RUF on the command structure in Kono --

21 Q. So you only have --

22 A. -- I know.

23 Q. -- seven members of the RUF --

24 A. Yes.

10:29:30 25 Q. -- in this command structure?

26 A. Yes, because - seven - most of them had pulled out to
27 Kailahun.

28 PRESIDING JUDGE: Yes, Mr Harrison?

29 MR HARRISON: As Exhibit 9 is in evidence, I think it is

1 appropriate to indicate that one other person is named
2 within the RUF, and that's Rambo, as the operations
3 commander.
4 PRESIDING JUDGE: Thank you. Thank you, Mr Harrison. Mr
10:30:30 5 Nicol-Wilson, I suppose you concede that?
6 MR NICOL-WILSON: Yes, I do, Your Honour.
7 PRESIDING JUDGE: Right, okay. You may now proceed.
8 MR NICOL-WILSON: So we have --
9 PRESIDING JUDGE: So let the records reflect that, please.
10:30:42 10 MR NICOL-WILSON:
11 Q. So we have eight members of this command structure
12 belonging to the RUF?
13 A. Yes.
14 Q. Now, can you mention the names of those who belong to the
10:30:52 15 SLA?
16 A. On the chart, the rest of the people are all SLAs.
17 PRESIDING JUDGE: Yes, I was just going to say that, you know.
18 MR NICOL-WILSON:
19 Q. So you will agree with me --
10:31:01 20 PRESIDING JUDGE: The chart is in evidence.
21 MR NICOL-WILSON: Yes, Your Honour.
22 PRESIDING JUDGE: And nothing in the chart has been contested
23 by him. He said, and he took note of the fact, that he
24 helped the Prosecution to draw up Exhibits 9 and 10.
10:31:15 25 MR NICOL-WILSON: Yes, Your Honour.
26 PRESIDING JUDGE: So since it has been reduced into a document
27 which is self-explanatory, unless there are other
28 questions, you know, which arise from that, we should
29 take them as such, rather than, you know, prolonging the

1 proceedings unnecessarily.

2 MR NICOL-WILSON: Yes, Your Honour.

3 PRESIDING JUDGE: Yes.

4 MR NICOL-WILSON:

10:31:38 5 Q. So would you agree with me that the majority of the
6 commanders, at that time in Kono, belonged to the SLA?

7 A. Yes, because when we reached Kono, we, the SLAs,
8 overpowered the RUF in number, because most of them
9 already pulled out to their headquarters.

10:32:02 10 PRESIDING JUDGE: You said most of them had pulled out to
11 Kailahun?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Yes, that is what he said in his evidence.

14 MR NICOL-WILSON: Yes, Your Honour.

10:32:19 15 Q. So, in reality, the SLA was not under the control of the
16 RUF?

17 A. We were under the control of the RUF, because in the
18 meeting we had already accepted to be under the control
19 of Denis Mingo, who is an RUF. So we were taking
10:32:38 20 commands from him.

21 Q. The SLA had more troops than the RUF in Kono?

22 A. Exactly.

23 Q. The SLA has more commanders in Kono than the RUF?

24 A. Yes.

10:33:27 25 Q. The field commander, too, was Alex Tamba Brima, and he
26 belonged to the SLA?

27 A. Yes, but he was not in Kono; he had already left for
28 Kailahun. So Ibrahim Bazy Kamara takes his place.

29 Q. And who was next in the command structure to Ibrahim

- 1 Bazzy Kamara?
- 2 A. In the command structure, as you can see right of the
3 chart in the green circle, you have all RUF stand-by
4 commanders there. And in Kono, because Johnny Paul had
10:34:43 5 said we should be under the control and command of the
6 RUF, all command and control was done by those stand-by
7 officers from Denis Mingo. And even the deputy commander
8 was not respected by these officers.
- 9 Q. Were you one of the commanders in Kono?
- 10:35:08 10 A. Yes, I was in Kono and I was the chief security officer
11 to Ibrahim Bazzy Kamara.
- 12 Q. Was it in all cases that you obeyed the instructions of
13 Denis Mingo?
- 14 A. In the period while we were at Kono, in all cases we
10:35:47 15 respected him as the battle field commander.
- 16 Q. Did he suggest to you at one point in time in Kono that
17 you should go to Kailahun?
- 18 A. No. After ECOMOG troops entered Kono, when we pulled out
19 from Kono to Krubola, and the rumour was heard by our own
10:36:33 20 troops that Mosquito has ordered Superman to go after us
21 and arrest SAJ Musa to be taken to Kailahun.
- 22 Q. Yesterday you said at one point in time while you were
23 staying at Kono, you referred to by the name Junior Bolo?
- 24 A. That was at the time -- in the year 1996, before I was
10:37:57 25 arrested and taken to Pademba Road, I was called Junior
26 Bolo.
- 27 Q. Why were you called Junior Bolo?
- 28 A. Because I was doing sports and I was doing martial arts,
29 so it was just a a.k.a. name.

1 PRESIDING JUDGE: Spell that, Bolo. I know we have had it on
2 the records before.

3 MR NICOL-WILSON: B-O-L-O.

4 PRESIDING JUDGE: B-O-L-O.

10:38:23 5 MR NICOL-WILSON: Yes, Junior Bolo.

6 PRESIDING JUDGE: Yes, witness, you were explaining why you
7 were called Junior Bolo.

8 THE WITNESS: Because I was doing sports and I was doing
9 martial arts, so that was my a.k.a. name.

10:38:37 10 MR NICOL-WILSON:

11 Q. Was that name given to you when you joined Tom Nyuma's
12 Ranger group as a vigilante?

13 A. No. The name was given to me before, in our karate
14 school in Kenema.

10:39:30 15 Q. When was that name given to you, which year?

16 A. It was given to me since 1990, when I was at school.

17 Q. And which school did you attend?

18 A. I attended the Magburoka Boys Secondary School --
19 Magburoka.

10:39:53 20 Q. Just now you said the name was given to you in Kenema --
21 at your karate school in Kenema?

22 A. Yes.

23 Q. And now you are saying the name was given to you in
24 school in Magburoka?

10:40:09 25 A. You asked me which school I attended, after answering the
26 question that just from school in 1990 the name was given
27 to me my karate school in Kenema. After school, my
28 father was transferred to Kenema and I was at Kenema.

29 [HS201004B 10.45 a.m.]

- 1 Q. Were you part of Tom Nyuma's Ranger Group?
- 2 A. Yes.
- 3 PRESIDING JUDGE: Part of what?
- 4 MR NICOL-WILSON: Part of Tom Nyuma's Ranger Group.
- 10:44:05 5 PRESIDING JUDGE: Tom?
- 6 MR NICOL-WILSON: Tom Nyuma, N-Y-U-M-A.
- 7 Q. Can you tell the Court who Tom Nyuma was?
- 8 A. Tom Nyuma was a soldier of the Sierra Leonean army and he
- 9 was also a member of the NPRC government. He was at
- 10:44:25 10 Kenema as Resident Minister East and later he was
- 11 appointed to be Under Secretary of Defence before the
- 12 handing over NPRC to the SLPP government.
- 13 Q. And what were the functions of the Ranger Group?
- 14 A. The functions of the Ranger Group was fighting against
- 10:44:54 15 the RUF in all fronts where they are.
- 16 Q. Was it a group consisting of the personal security guards
- 17 of Tom Nyuma?
- 18 A. Exactly so.
- 19 Q. And was this a group consisting mainly of vigilantes?
- 10:45:52 20 A. No.
- 21 Q. At the time you joined this group you were a vigilante?
- 22 A. Yes.
- 23 Q. Were you the only vigilante in this group?
- 24 A. No.
- 10:46:01 25 Q. Was this group feared in Kenema at that time?
- 26 A. Yes.
- 27 Q. And why were people afraid of members of the Ranger
- 28 Group?
- 29 A. Because at all time the RUF attack its starting position,

1 we would be the first group to repel the attack.

2 Q. During this time were there confrontations with
3 civilians?

4 A. Not at all.

10:47:32 5 Q. Were you still a member of this group when you were
6 assigned to Kono in 1996?

7 A. I was still a member, because at that time Tom Nyuma was
8 transferred to Freetown to be the Under Secretary of
9 State Defence and I went on AWOL to Kono to join Mohamed
10:48:12 10 Stalone.

11 Q. Was Mohamed Stalone your immediate boss in Kono?

12 A. Yes, and he was also a member of the Ranger Group.

13 Q. Was he the one who arrested you in Kono?

14 A. He arrested me and turned me over to AF Kamara, who was
10:48:52 15 the SLA CO in Kono, and I was flown to Freetown to Tom
16 Nyuma at the military headquarters in Cockerill. From
17 there I was taken to Pademba Road.

18 Q. Were you detained briefly in Kono before you were flown
19 to Freetown?

10:49:31 20 A. Yes.

21 Q. Where?

22 A. At the prisons in Kono.

23 Q. Before you became part of this Ranger Group, you were a
24 friend of Tom Nyuma?

10:50:00 25 A. Exactly so.

26 Q. And at that time he was very much fond of you?

27 A. Yes, because he was going to train at my training school.

28 Q. And, in fact, it was Tom Nyuma who encouraged you to
29 become part of his Ranger Group?

- 1 A. Yes.
- 2 Q. You were very close?
- 3 A. I've already said yes.
- 4 Q. While at Kono did Stalone inform you that a man called
10:51:25 5 Sito has been killed?
- 6 A. The killing of Sito, I was already at Pademba Road
7 prisons when the killing of Sito happened in Kono and the
8 suspects were brought into Pademba Road prisons. Then
9 I knew of that.
- 10:51:43 10 Q. Who was Sito?
- 11 A. I don't know him -- I only knew him when the suspects
12 were brought to Pademba Road and they told me that Sito
13 was a diamond dealer.
- 14 Q. Do you know why Sito was killed?
- 10:52:01 15 A. No.
- 16 Q. So why were you then arrested and brought to Pademba Road
17 prison?
- 18 A. As I told you yesterday, I was deployed by Mohamed
19 Stalone at a mining site and I had five carats,
10:52:35 20 25 per cent of diamond and I failed to tender that. So
21 Tom Nyuma ordered my arrest, and I was arrested and
22 brought to him in Cockerill, and then taken to Pademba
23 Road for safe custody.
- 24 Q. Was the diamond taken from you?
- 10:52:49 25 A. No. I failed to tender the diamond, as I said.
- 26 Q. After you were arrested, was the diamond taken away from
27 you?
- 28 A. No.
- 29 Q. So the diamond was with you at Pademba Road prison?

1 A. No.

2 Q. Where was it?

3 A. It was privately kept.

4 Q. Where?

10:53:18 5 A. At Kono.

6 PRESIDING JUDGE: Learned counsel, you want to go and look for
7 it now? You are free to -- you can go on an excursion
8 and look for it. You may proceed, Mr Nicol-Wilson.

9 JUDGE BOUTET: I would like to be assured as well that this is
10:53:37 10 really relevant to the issue [overlapping speakers] --

11 PRESIDING JUDGE: That is it. I didn't want to come to that
12 stage. My learned brother has --

13 MR NICOL-WILSON: I will proceed, Your Honour.

14 PRESIDING JUDGE: -- come to my aid to put the point directly
10:53:52 15 to counsel. You may proceed Mr Nicol-Wilson. Leave that
16 diamond alone. It is somewhere -- you will not be able
17 to trace it. I'm sure even himself may not be able to
18 trace it.

19 MR NICOL-WILSON:

10:54:10 20 Q. Have you ever been refused your salary at the military
21 headquarters after the restoration of residence to Tejan
22 Kabbah in 1998?

23 A. No, I was given my salary throughout till I went to
24 training and, when I came off training and left the army,
10:54:34 25 I was paid throughout.

26 Q. Were you given a pension package after you left the army?

27 A. No.

28 Q. Why?

29 A. I was asked to report at the military headquarters on the

1 following Monday, but due to the advice of my parents,
2 they said I should leave everything and get off the army,
3 so I never turned up again.

4 Q. I am putting it to you that you were refused a salary and
10:55:06 5 a pension package, because you are not a member of the
6 army.

7 A. I disagreed, because if I was not a member, then how will
8 I be verified, taken to the training -- Benguema training
9 centre and start my military training for four weeks out
10:55:29 10 of six weeks. I don't believe that should have been a
11 mistake from the army.

12 Q. You did not complete that military training at Benguema?

13 A. Yes, I said I did four weeks out of six weeks, and I was
14 brought to Cockerill and I was shown a paper signed by
10:55:52 15 Johnny Paul Koroma that I wanted to kill him and now
16 I've been enlist into the army, so he's not safe. At
17 that time he was the [inaudible] chairman.

18 Q. Now, what was your position at the West Side jungle?

19 A. I was operation commander.

10:56:24 20 Q. And what were the functions of the operation commander?

21 A. To organise all military operations.

22 Q. Did you take part in military operations?

23 A. I took part in two military operations -- one, the
24 Malians at Port Loko; two, Gberi Junction when we
10:56:50 25 attacked the Guineans.

26 Q. Where these Malians peacekeepers?

27 A. Yes.

28 Q. And you decided to attack them?

29 A. Yes, because I got the instruction from my field

- 1 commander.
- 2 Q. How many of them died during this attack?
- 3 A. It was at night, I couldn't count them. The only thing
4 that I know, we had two with -- two prisoners of war to
10:57:24 5 the West Side camp.
- 6 Q. Al the West Side camp at that time did you have Nigerian
7 and Guinean prisoners of war?
- 8 A. Exactly so.
- 9 Q. Were these prisoners of war tortured?
- 10:57:56 10 A. Not at all; they were properly taken care of.
- 11 Q. Was the finger of the Guinean prisoner of war broken?
- 12 A. He had an injury when he was captured at Kukuna before
13 brought to the operation commander at that time,
14 Colonel 05. He had an injury on his forehead and his
10:58:24 15 finger and he was with us, the march to Freetown, and he
16 went with us back to the West Side jungle, because he was
17 properly taken care of.
- 18 Q. Was he beaten up by one of the commanders at the West
19 Side jungle?
- 10:58:51 20 A. He was not beaten up. The Nigerian was beaten up by late
21 Tito.
- 22 Q. Was Tito a junior commander to you?
- 23 A. He was not a junior commander to me. He was the camp
24 commandant colonel, whilst I was the operation commander
10:59:17 25 colonel.
- 26 Q. So did you take any action against Tito for beating up a
27 prisoner of war?
- 28 A. No.
- 29 Q. You also said at one point in time you were based at Camp

1 Rosos.

2 A. Yes.

3 Q. For how long were you at Camp Rosos?

4 A. We were there for a few months.

10:59:54 5 Q. Were civilians killed at Camp Rosos?

6 A. In Camp Rosos civilians were not killed.

7 Q. Was there a situation in which some of the troops

8 executed four civilians?

9 A. In Camp Rosos -- the only execution that took place in

11:00:34 10 Camp Rosos was the abductees that were chosen to be

11 trained as fighters, two of them tried to escape. One

12 made it through and the one that was captured was

13 executed.

14 Q. So your first answer that civilians were not killed is

11:00:52 15 not correct?

16 A. Well, he is already a combatant, because he was on

17 training, he was no longer a civilian -- he was a

18 combatant.

19 Q. And who killed those abductees?

11:01:07 20 A. He was not an abductee -- I say he was a combatant.

21 Q. This is a combatant who was abducted?

22 A. Yes.

23 Q. And who killed that combatant?

24 A. The combatant was killed by a soldier named Cyborg on the

11:01:25 25 orders of the field commander.

26 Q. Did you take any action against Cyborg for killing that

27 combatant?

28 A. No, because a law had been passed by the field commander

29 that anyone trying to escape from the training, if being

1 caught, should be killed.

2 Q. And then at one point in time the troops moved over to
3 Major Eddie Town?

4 A. Yes.

11:02:07 5 Q. Were civilians killed at Major Eddie Town?

6 A. Yes.

7 Q. Can you tell this Court how many civilians were killed?

8 A. I cannot give the right figure, but civilians were
9 killed, claiming them to be witch, and they were
11:02:34 10 arrested -- some of them are female. They were impaled
11 and cut into pieces, thrown into the Little Scarcies.

12 Q. About how many civilians were accused of being witches?

13 A. About ten.

14 Q. Do you know the age range of these civilians who were
11:02:57 15 killed?

16 A. I could believe they are from the ages of 1 to 25.

17 Q. So somebody as young as the age of 1 was accused of being
18 a witch?

19 A. No, I only assumed the ages from 1 to 25 to get it
11:03:12 20 straight -- not more than 25 years.

21 Q. The youngest was about how old?

22 A. The youngest was about 15.

23 Q. And they were accused of being witches?

24 A. Yes.

11:03:23 25 Q. Who gave that order for these civilians to be killed?

26 A. The order came from the field commander, who was Alex
27 Tamba Brima, and they were all arrested, brought in front
28 of the field and they were all there, drinking palm wine
29 whilst the killing was going on.

- 1 Q. Did you take part in the killing of those civilians?
- 2 A. No.
- 3 Q. Did troops under your control take part in the killing of
4 those civilians?
- 11:04:14 5 A. You mean troops under my own command?
- 6 Q. Yes.
- 7 A. Yes.
- 8 Q. Did you take any action against them?
- 9 A. I couldn't take any action, because if I tried to do so,
11:04:26 10 I also would be killed by the field commander.
- 11 Q. While you were in the jungle, did anything significant
12 happen to some soldiers in Freetown when President Kabbah
13 returned from Guinea?
- 14 A. Yes, some soldiers were executed, which I heard on the
11:05:08 15 BBC radio station whilst I was at the jungle.
- 16 Q. Were you happy about that?
- 17 A. No. Because they were soldiers, I was not happy about
18 that.
- 19 Q. Was that execution discussed by members of your group at
11:05:30 20 the jungle?
- 21 A. No, everybody was just sad in Camp Rosos.
- 22 Q. Did you also organise a similar execution in the jungle?
- 23 A. No.
- 24 Q. You also in your oral testimony said that you went to
11:06:09 25 Karina.
- 26 A. Yes.
- 27 Q. What information was given to you about Karina by your
28 commander?
- 29 A. That Karina is the home town of the president, Dr Alhaji

1 Ahmad Tejan Kabbah, and that on our arrival at Karina if
2 any gunshot is fired against us, Karina should be burned
3 down to the ground, every civilian should be killed.

4 Q. And was that instruction effected at Karina?

11:06:49 5 A. It was effected, because when we attacked Karina, the
6 killing was plenty, and the burning was plenty.

7 Q. Did you take part in those killings?

8 A. No.

9 PRESIDING JUDGE: But you took part in the attack --

11:07:16 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: -- of Karina?

12 THE WITNESS: Yes.

13 MR NICOL-WILSON:

14 Q. And you were one of the commanders at that time?

11:07:24 15 A. Yes, I was a provost marshal at that time.

16 PRESIDING JUDGE: So what was your role in the attack?

17 THE WITNESS: My role in the attack, because the instruction
18 had come, I couldn't do anything because, as a provost
19 marshal, I was in charge of discipline, but because of
11:07:37 20 the instructions, I couldn't do anything unless to fight
21 the enemies that we met there.

22 MR NICOL-WILSON:

23 Q. And the enemies were the civilians?

24 A. No, they were SDD personnels deployed there and BTs.

11:07:51 25 Q. Is one of the functions of the provost marshal that of
26 mobilising men to go to the front?

27 A. The task force, its duty is to organise men to go to the
28 front. The provost marshal, he's not there to organise
29 men to go to the front, but he's there when a fighter

1 goes beyond the law, he will be brought to the provost
2 marshal for investigations.

3 Q. Do you want this Court to believe that throughout the
4 march from Mansofinia to Newton you did not kill a single
11:08:38 5 civilian?

6 A. You cannot say I did not kill a single civilian, because
7 I was fighting with a weapon, and I believe when I press
8 my trigger I will not know where the bullet is going, but
9 to my own conscience killing a civilian in front of me
11:08:58 10 that I'm aware of, no.

11 Q. In Freetown were you using the anti-aircraft weapon?
12 A. The troop had three anti-aircraft weapons.

13 Q. Were you manning any one of those anti-aircraft weapons?
14 A. No.

11:09:22 15 Q. Which weapon were you using during the Freetown invasion?
16 A. The 60mm Commando mortar and my personal rifle.

17 Q. And was that mortar used in Freetown?
18 A. Yes.

19 Q. Can you tell this Court the effect of using that mortar
11:09:49 20 in an environment where you have a lot of civilians?
21 A. Fighting a war -- if at all -- that is my weapon I'm
22 using. For fighting a war, I feel it is more effective
23 whenever we are under heavy attack to use it.

24 Q. Can you tell the Court the effect of using that weapon in
11:10:20 25 Freetown?
26 A. That's what I have said -- when we are under heavy
27 attack, I use it from the ECOMOG troops.

28 PRESIDING JUDGE: He says what are the effects of using it.
29 You used it. What are the effects of using it?

1 THE WITNESS: Could you please break it down?
2 MR NICOL-WILSON:
3 Q. What are the results after using that kind of weapon?
4 What will happen by using that --
11:10:45 5 A. It is an artillery weapon and it is being used. That's
6 why I said the effects -- it's dangerous, so normally
7 I use it only when we have heavy ECOMOG attack and I use
8 it. It is destructive.
9 Q. Can you assess the casualty rate in which the use of that
11:11:15 10 gun will create?
11 A. I could not assess the casualty rate, because where the
12 ammo goes to land I'm not there, so I cannot assess the
13 destruction it made in Freetown.
14 Q. So you don't see your targets while using that weapon?
11:11:35 15 A. Well, the weapon, it has a range of two miles radius, so
16 if I am here and I throw the weapon, at two miles
17 I cannot see what the destruction has caused.
18 Q. But you can say for certain that it is a weapon that will
19 kill many people?
11:12:01 20 A. Yes, it kills many people and it is also a weapon -- it
21 is an artillery weapon.
22 Q. So by using that weapon in Freetown, you may have killed
23 many people without knowing?
24 A. Because I was fighting war and I was defending myself, so
11:12:24 25 I just have to use the weapon to defend myself from the
26 ECOMOG fight.
27 PRESIDING JUDGE: No, he's saying -- he's saying that you may,
28 by using that weapon, have killed several people without
29 knowing it. That's the question counsel was putting to

1 you.

2 THE WITNESS: Yes, because where the round goes to land, I

3 don't see there, as I earlier on said.

4 MR NICOL-WILSON:

11:12:58 5 Q. Troops under your control went to Mamamah in April 1999;

6 is that correct?

7 A. Mamamah, yes.

8 Q. And at that time were there members of the CDF and loyal

9 SLAs based at Mamamah?

11:13:18 10 A. No, at that time was the pull-out from Freetown -- loyal

11 SLAs and members of the CDS have not deployed at Mamamah.

12 Q. So was there any resistance at Mamamah?

13 A. No, it was under our command and control when we pull out

14 from Freetown.

11:13:42 15 Q. Was there any instruction that you should make the

16 terrain fearful for ECOMOG advancing?

17 A. Yes.

18 Q. And how was that instruction effected?

19 A. It was effected when the ECOMOG started advancing and the

11:14:01 20 instructions effected.

21 Q. What was done?

22 A. Civilians were locked into grass [inaudible] house -- two

23 -- they were burnt there, and other civilians were

24 displayed on the highway and were killed.

11:14:19 25 Q. Did you take part in the killing of those civilians?

26 A. No.

27 Q. So you were merely a bystander not taking part in any --

28 not effecting any instructions given by the high command?

29 A. The instructions given by the high command, there are

1 people there to do the instructions. I was the commander
2 and I had my own boys.

3 Q. So you were one of the decision-makers?
4 A. No.

11:14:49 5 Q. Yesterday you referred to yourself as an insider. What
6 do you mean by that term?
7 A. I mean an insider, because I was with the troops,
8 fighting alongside with the troops.

9 Q. Did your troops attack Kagberie and Rotain at any point
11:15:49 10 in time -- Kagberie?
11 A. I'm not conversant with those names.
12 Q. Kagberie and Rotain.
13 A. It's Rogberi Junction our troops attacked.
14 Q. Can you recall attacking Kagberie and Rotain?
11:16:10 15 A. I would like to ask where Kagberie is on the map located.
16 Q. Can a copy of the map be shown to the witness?
17 A. The organisation is Kagberie and Rotain.
18 Q. I'd like you please to locate it on the map for me?
19 A. It's in the northern part of Sierra Leone.

11:16:58 20 Q. Which district?
21 A. The Port Loko district.

22 JUDGE BOUTET: What was the name again Robis [sic]?
23 THE WITNESS: Kagberie, K-A-G-B-E-R-I-E and Rotain -
24 JUDGE THOMPSON: Learned counsel, what's your spelling for
11:18:01 25 that?
26 MR NICOL-WILSON: It's K-A-G-B-E-R-I-E.
27 JUDGE THOMPSON: It's clearly between the -- is it somewhere
28 below Tombo Island or something like that? If it's
29 K-A-J-B -- try again - K-A-G-B-E --

1 MR NICOL-WILSON: E-R-I-E.
2 JUDGE THOMPSON: E-R-I-E.
3 JUDGE BOUTET: Yes, counsel for the Prosecution.
4 MR HARRISON: It's only a suggestion, but if Mr Nicol-Wilson
11:18:55 5 would like to approach the map that has been marked by
6 the witness, he may be able, in a shorter period of time,
7 to locate with the witness where they're talking about.
8 The West Side camp is marked on the map -- on the
9 exhibit.
11:19:11 10 PRESIDING JUDGE: Mr Harrison, you're right. I was also going
11 to -- since you have the hint from your client, maybe he
12 could be given the map -- why not -- for him to be able
13 to locate the place. He appears to be convinced it's
14 somewhere in the north. Can he be given the map? This
11:19:30 15 might be a location that is relevant --
16 MR NICOL-WILSON: That is exactly what I've done, Your Honour.
17 He's trying to locate the town on the map. The witness
18 is more conversant with the use of maps than I am.
19 PRESIDING JUDGE: It could well be one of those areas which is
11:19:55 20 not shown on the map.
21 MR NICOL-WILSON: Your Honour, I will move ahead. I will want
22 to move to a different --
23 PRESIDING JUDGE: A different subject.
24 MR NICOL-WILSON: Yes.
11:20:27 25 PRESIDING JUDGE: Right. I thought you were just wanting to
26 conclude --
27 MR NICOL-WILSON: And that is the last subject.
28 PRESIDING JUDGE: Right. I thought you were just going to
29 conclude in the last stage of the chapter you were

1 handling. Before you move to the next subject, we would
2 take a break and resume in the next couple of minutes.
3 The Court will rise, please.
4 [Break taken at 11.21 a.m.]
11:47:47 5 [On resuming at 11.48 a.m.]
6 PRESIDING JUDGE: Mr Nicol-Wilson, you may proceed with your
7 cross-examination.
8 MR NICOL-WILSON: I only need about 15 or 20 minutes to finish
9 and my colleague Mr Cammegh has informed me he will need
11:48:46 10 only 20 to 30 minutes so this side of the courtroom will
11 be finished with the witness before the end of the Court
12 day.
13 PRESIDING JUDGE: That's all right. We have had our
14 experiences --
11:49:00 15 MR NICOL-WILSON: Mr Jordash.
16 PRESIDING JUDGE: I'm not mentioning names, except from the
17 Defence, and we are prepared to accommodate your
18 positions, you know, as far as and as best as we can. So
19 you may proceed and conclude, as you say, in 15 minutes.
11:49:24 20 I won't say you should not go beyond 15 minutes, but
21 proceed, please.
22 MR NICOL-WILSON: I will try not to follow the footsteps of
23 Mr Jordash.
24 PRESIDING JUDGE: Mr Jordash, how about that? It is good that
11:49:41 25 it slipped off your ear, so that's okay.
26 MR NICOL-WILSON:
27 Q. Now, Mr Johnson, I will only ask you a few more questions
28 and then I'll be finished. When were you appointed as
29 provost marshal?

- 1 A. I was appointed as provost marshal at Mansofinia.
- 2 Q. And you were still a provost marshal when you went to
3 Camp Rosos?
- 4 A. Until the march to Camp Rosos I was still a provost
11:50:17 5 marshal.
- 6 Q. In Major Eddie Town?
- 7 A. In Major Eddie Town -- from Rosos to Major Eddie Town
8 I was commanding a battalion.
- 9 Q. And at Newton you became a provost marshal again?
- 11:50:28 10 A. At Newton I became a task force commander.
- 11 Q. Now, you said in Court that one of the functions of the
12 provost marshal is to instill discipline among the
13 troops.
- 14 A. Right.
- 11:50:42 15 Q. Will I therefore be correct to say that, when you were
16 provost marshal, you informed the troops not to commit
17 certain crimes such as rape, burning, looting, et cetera,
18 et cetera?
- 19 A. There were laws that had already been made by the field
11:51:02 20 commander, and those laws include no stealing of
21 government property, no rape -- those are the ones
22 I could remember, and those laws were known to all the
23 troops.
- 24 Q. Were there instances of violations of these laws?
- 11:51:26 25 A. Yes.
- 26 Q. And what action did you take as provost marshal?
- 27 A. In the case of stealing of government property like arms
28 and ammunition and medicines, we had one soldier who did
29 so and he was arrested and investigated, and his

- 1 punishment was public flogging, and it was done.
- 2 Q. In terms of rape?
- 3 A. No.
- 4 Q. No action was taken?
- 11:51:59 5 A. No, and I did not receive any case about that.
- 6 Q. Now, let us move over for the last time to Freetown. You
7 were not part of the coup in May 1997?
- 8 A. I was not.
- 9 Q. How did you know that 16 people took part in the coup?
- 11:52:30 10 A. From my release from Pademba Road and I came to learn
11 that 16 members, who were other ranks of the Sierra
12 Leonean army, made the coup.
- 13 Q. So you must have been informed by other combatants at
14 that time.
- 11:52:47 15 A. At that time I did not know until after the announcement
16 of the Cabinet, and I knew that it was 16 members that
17 made the coup.
- 18 Q. But the Cabinet included other people besides the 16?
- 19 A. Yes.
- 11:53:04 20 Q. So how did you know for sure 16 people organised the
21 coup?
- 22 A. I was the chief security to principal liaison officer.
- 23 Q. So he informed you?
- 24 A. Yes.
- 11:53:14 25 Q. And how did you know about the communication between Sam
26 Bockarie and the RUF -- inviting the RUF to join the
27 coup?
- 28 A. I was at that time chief security to Johnny Paul Koroma,
29 and I was at his office at the military headquarters,

1 Cockerill, when the radio message was sent to the RUF.
2 Q. You also informed the Court that, when you arrived at
3 Masiaka after the pull-out in 1998, you heard that
4 Bockarie was in Kenema proceeding to Kailahun?
11:54:07 5 A. Yes.
6 Q. What was the source of your information?
7 A. I heard it through rumours when we reached Makeni.
8 Q. You also said that when you got to Masiaka you also heard
9 two rumours that people had been promoted to the rank of
11:54:29 10 Brigadier-General.
11 A. People promoted themselves to Brigadier-General, yes.
12 Q. Yes, and you said you got the information partly through
13 rumours?
14 A. I got the information from my boss, principal liaison
11:54:41 15 officer 3, and rumours was all over to the fighters.
16 Q. So would you agree with me that most of what you have
17 told this Court is not based on personal accounts?
18 A. I disagree.
19 Q. Will you agree with me that most of what you told this
11:55:00 20 Court are information you got from rumours?
21 A. I disagree.
22 Q. So you did not tell this Court about anything for which
23 the information was obtained from rumours?
24 A. All I told this Court is that some information I got from
11:55:23 25 my boss and some I was present in the meetings, and the
26 rumours went down to the troops.
27 Q. So now your source is basically based on three
28 accounts -- some you were personally present?
29 A. Yes.

1 Q. Some are information you got from your boss?
2 A. Yes.
3 Q. And some are information you got from rumours?
4 A. Yes.

11:55:52 5 PRESIDING JUDGE: And you said in some you were present at the
6 meetings?
7 THE WITNESS: Yes, some meetings I was present.
8 MR NICOL-WILSON:
9 Q. Now, I am putting it to you that my client, Mr Morris
11:56:17 10 Kallon, was not a Brigadier-General in 1998.
11 A. When we pulled out from Freetown, he was a
12 Brigadier-General and he was called Brigadier-General
13 Morris Kallon.
14 Q. I am also putting it to you that Mr Morris Kallon was not
11:56:40 15 present at the meeting at Masiaka?
16 A. I disagree.
17 Q. Do you remember telling this Court that you are not sure
18 whether Mr Kallon attended the meeting at Masiaka or not
19 during the course of cross-examination this morning? You
11:57:19 20 said in Court you are not sure. You saw him at Masiaka
21 but you are not sure [overlapping speakers]?
22 A. I saw him at Masiaka, but in the meeting I did not see
23 him.
24 Q. Fine. So I'm now putting it to you that he was not
11:57:33 25 present at that meeting?
26 A. In the meeting he was not present, but at Masiaka he was
27 present.
28 Q. I am also putting it to you that the reason why he was
29 not present at the Masiaka meeting is because he was

1 pulling out from Bo where he was located?

2 A. I disagree, because he was present at Masiaka.

3 [HS202004C 12.00 p.m.]

4 MR NICOL-WILSON:

11:55:09 5 Q. I am also putting it to you that Mr Morris Kallon was not
6 present at the meeting the Kabala.

7 A. He was present and we all pulled out from Makeni to
8 Kabala and he pulled out with Denis Mingo, aka Superman,
9 in the same convoy to Kabala.

11:55:47 10 Q. Finally, I am putting it to you that Mr Morris Kallon was
11 not one of the commanders in Kono between March and May
12 1998.

13 A. He was one, because we pulled out together from Kabala to
14 attack Kono and he was present. We attacked Kono and
11:56:10 15 gained control of Kono and we were in Kono until we
16 pulled out and joined SAJ Musa.

17 MR NICOL-WILSON: Your Honours, that will be all for this
18 witness.

19 PRESIDING JUDGE: Yes, that is okay, thank you. Mr Cammegh?

11:57:31 20 MR CAMMEGH: May it please, Your Honour.

21 PRESIDING JUDGE: Mr O'Shea, do you want to cross-examine this
22 witness?

23 MR CAMMEGH: It sounds as if Your Honour wants him to.

24 PRESIDING JUDGE: Right. Okay.

11:57:46 25 CROSS-EXAMINED BY MR CAMMEGH:

26 MR CAMMEGH:

27 Q. Now, Mr Johnson --

28 A. Yes.

29 Q. -- I want to just summarise, if I can, please, on one or

1 two matters. It appears from the evidence that you've
2 given, that the operation in Freetown on the 6th of
3 January was an SLA operation, essentially. Would you
4 agree with that?

11:58:13 5 A. It was an SLA dominated operation.

6 Q. Commanded by the SLA?

7 A. Commander was an SLA.

8 Q. Yes. And if we can go back in history a short while,
9 you've told us, and I don't dispute this, that following
11:58:33 10 the intervention, in about February of 1998, there had
11 been various meetings while both SLA and RUF elements
12 fled eastwards across Sierra Leone?

13 A. Yeah.

14 Q. You've told us that originally in probably about February
11:59:01 15 or March of 1998 there was a meeting at Masiaka?

16 A. Yes.

17 Q. Followed by one at Makeni?

18 A. Yes.

19 Q. Culminating in one called by SAJ Musa at Kabala?

11:59:13 20 A. Yes.

21 Q. And I think it was at the Masiaka meeting that the
22 decision was made that the RUF and SLA should, in effect,
23 join as one?

24 A. That was made known to us at Kono by Johnny Paul Koroma
11:59:29 25 before he left Kono for Kailahun.

26 Q. Okay. Now, you've told us that, generally speaking, High
27 Commanders from both SLA and RUF would be present at
28 these meetings?

29 A. Most of them were present at the meetings.

1 Q. And it was at these meetings that the major policy
2 decisions were made?

3 A. Yeah.

4 Q. And, of course, one of the decisions that was made, I
12:00:07 5 think at Kabala, was that Superman should take over as
6 overall command?

7 A. For the operation to Kono?

8 Q. Yes.

9 A. Yeah.

12:00:20 10 Q. And this was a meet that took place on, I think, on SAJ
11 Musa's initiative?

12 A. Yes.

13 Q. And it involved all council members?

14 A. Not all council members, because some had already fled to
12:00:35 15 different countries after the intervention.

16 Q. Indeed, but those who remained or all council members who
17 remained attended the meetings at Kabala?

18 A. Yes, those that were with the troops attended the meeting
19 at Kabala.

12:00:50 20 Q. Yes, you have a copy of your interview there. I would
21 just like you to, please, turn to the interviews,
22 Mr Johnson, and I hope I can impart some relief by saying
23 that this is the only reference to an interview that I'm
24 going to make. If you would like to look at the
12:01:15 25 interview of the 8th of May, please. And --

26 A. 8th of May.

27 Q. And in my pagination --

28 PRESIDING JUDGE: 8th of what year, please?

29 MR CAMMEGH: 2003. Your Honours, I again apologise. I don't

1 have the updated pagination. I simply refer, please, to
2 page 36.

3 JUDGE BOUTET: I have been told that you were all given these
4 page numbers.

12:01:53 5 MR CAMMEGH: Your Honour, it is something, I'm afraid, that
6 hasn't filtered down to me. I'm sure I'm at fault.

7 JUDGE BOUTET: Okay. Well, we'll verify that. Not that I
8 don't take your word, but I have been told that all
9 counsel have been provided with those numbers that are
12:02:09 10 with the Court Management, but I take it that you have
11 not received it.

12 MR CAMMEGH: We probably have. The fault is probably entirely
13 mine.

14 JUDGE BOUTET: Thank you. It is the 8th of May.

12:02:21 15 MR CAMMEGH:

16 Q. 8th of May, please, yes, and it is my page 36?
17 A. Page 36?
18 Q. Yes.
19 A. 8464.

12:02:32 20 Q. I expect so, yes.
21 A. Yeah.
22 Q. Does the first line of that page read: "What about Gbao?
23 Was he there at that meeting?"
24 A. Yeah, yeah.

12:02:44 25 Q. Yes, right. You can take it from me, Mr Johnson, that on
26 page 35 there is a discussion about the meeting at
27 Kabala. There's no need to look at it, but if we can
28 just read, please, the two questions and answers here.
29 You were being asked about the Kabala meeting where

1 Superman was put in charge.

2 Q. What about Gbao, was he there at that meeting?

3 A. Who?

4 Q. Gbao, Augustine Gbao, do you know him?

12:03:10 5 And you said:

6 A. Augustine Gbao, the RUF? No, at that time

7 Augustine Gbao was not -- was -- he was just a

8 low rank, yes, that the time.

9 And that was in fact true, wasn't it?

12:03:29 10 A. At that time I did not know Augustine Gbao as a

11 commander. Yes.

12 Q. And if now you would like to turn back to page 35, there

13 is a discussion in relation to who was there, and at line

14 21 there's the question:

12:03:56 15 Q. Who called that meeting?

16 And your answer is:

17 A. SAJ Musa.

18 Q. Who attended that meeting?

19 A. SAJ Musa, my boss --

12:04:04 20 Q. Bazzy?

21 A. Bazzy, Superman, Issa, Rambo -- no, Rambo was

22 at Mabonkini with Johnny.

23 You then go on to say:

24 A. Momoh, Kallay, Papa, all the council members

12:04:23 25 were all on that meeting. The only person who

26 was absent was Mosquito and Johnny Paul.

27 Now, that is actually correct, isn't it, what you said

28 there?

29 A. Correct.

- 1 Q. Thank you very much. So it was your perception at that
2 time, or your understanding at that time that Gbao was
3 simply a low-ranking member of RUF?
4 A. Yes.
- 12:04:50 5 Q. And not one of the command team?
6 A. Yes.
- 7 Q. Thank you. Now, I just want to ask you a few -- I just
8 want to ask you a few questions, if I can, about what
9 happened following ECOMOG's entry in to Kono, and in
12:05:17 10 particular, in Koidu, because I think the point came,
11 didn't it, that Koidu was actually overrun by ECOMOG?
12 A. Yes.
- 13 Q. And following that, SAJ went to Krubola?
14 A. From Kabala SAJ went to Krubola.
- 12:05:39 15 Q. Indeed. And he took with him, in his command team, if I
16 can use that phrase, Tamba Brima, also known as Gullit?
17 A. No.
- 18 Q. Did Gullit follow shortly afterwards?
19 A. Gullit was at Kono when we pulled out from Freetown and
12:05:56 20 he went straight to Kailahun and later came back to Kono
21 before the pull out of Kono.
- 22 Q. Did he end up in Krubola with SAJ at some stage?
23 A. Yes.
- 24 Q. Yes. And also at Krubola, did we eventually have Ibrahim
12:06:18 25 Bazzy Kamara?
26 A. Yes.
- 27 Q. FAT Sesay?
28 A. Yes.
- 29 Q. General Hassan Papa?

1 A. Yes.

2 Q. Foday Kallay?

3 A. No.

4 Q. Oh, he hadn't entered --

12:06:30 5 A. Foday Kallay was -- went with the RUF. He was with

6 Superman at the outcast of Kono.

7 Q. I think he was injured at that time?

8 A. He was injured.

9 Q. I can't pronounce this, Santia or --

12:06:45 10 A. Santigie Kanu.

11 Q. Santigie Kanu, otherwise known as Five-Five.

12 A. Yes.

13 Q. And other SLAs all go to Krubola?

14 A. At Mansofinia.

12:07:00 15 Q. Yes, and -- well, Mansofinia and Krubola are two

16 different places, aren't they?

17 A. Yes. When we pulled out from Kono, we came to Krubola

18 and the troops that were pulled out from Kono were based

19 at Mansofinia, whilst SAJ was at Krubola.

12:07:15 20 Q. Right. But the time came when the whole force joined

21 together under SAJ Musa?

22 A. No.

23 JUDGE BOUTET: Mr Cammegh, I'm trying to go follow you too,

24 because you started off saying, "From Kabala you

12:07:28 25 proceeded to," and now we're at a totally different

26 place. I'm not sure -- I would like to understand what

27 you're aiming at, because you've lost me completely.

28 MR CAMMEGH: Very well.

29 Q. Following the meeting the Kabala --

1 A. Yes.

2 Q. -- SAJ -- or SAJ Musa decided he could not serve under
3 Denis Mingo, Superman?

4 A. He said could not serve under the RUF.

12:08:00 5 Q. Right. Did he then go to Krubola?

6 A. Yes.

7 Q. Who was with him at that point?

8 A. Brigadier Mani was with him. He was the only SLA
9 commander I could recall.

12:08:13 10 Q. Right. Did any RUF go with SAJ at that point?

11 A. Alfred Brown was with him. He also was the only RUF and
12 later Superman joined him at Krubola.

13 Q. I'll deal with it in this way: Was SAJ Musa eventually
14 joined by Gullit, Tamba Brima, Bazzy Kamara, FAT Sesay,
12:08:40 15 Hassan Papa and Santigie -- Kanu?

16 A. After we reach at Major Eddie Town, SAJ Musa left Krubola
17 and joined us at Major Eddie Town.

18 MR CAMMEGH: Your Honour, does that tidy it up? It was
19 probably my mistake in terms of the time when the other
12:09:04 20 members of the group joined.

21 JUDGE BOUTET: That is okay, thank you.

22 MR CAMMEGH: Thank you.

23 Q. Various attacks then took place then?

24 A. Say again.

12:09:14 25 Q. Various attacks then took place, didn't they?

26 A. Yeah.

27 Q. You've told us about initially an attack on Guinea,
28 Sewafe and then the establishment of the camp at Camp
29 Rosos?

- 1 A. Yes.
- 2 Q. You then went on to tell us the route of the SLA attack
3 towards Freetown?
- 4 A. Yes.
- 12:09:37 5 Q. Taking in Lunsar, RDF, Masiaka, et cetera?
- 6 A. Yes.
- 7 Q. Until you got to Benguema where SAJ Musa was killed. Up
8 until this point, was there any significant involvement
9 by the RUF in this attack force?
- 12:09:55 10 A. No, because SAJ Musa did not communicate with any RUF at
11 that time.
- 12 Q. Right. After SAJ Musa's death, I think it is right,
13 isn't it that Gullit, Tamba Brima radioed Mosquito?
- 14 A. Exactly.
- 12:10:16 15 Q. Requesting reinforcements and aid?
- 16 A. Yeah.
- 17 Q. Mosquito thought that was a trick, did he not?
- 18 A. Yes.
- 19 Q. Is it right that your force actually waited for three
12:10:37 20 days for RUF reinforcements to arrive?
- 21 A. After burying SAJ Musa we waited for three days.
- 22 Q. Yes, and having realised that these reinforcements were
23 not going to arrive, did you then move into Orugu?
- 24 A. We moved into Orugu village, yes.
- 12:11:00 25 Q. Yes. I think Makeni had fallen to the RUF at about that
26 time?
- 27 A. Yes.
- 28 Q. But certainly during the operation that followed within
29 Freetown, you received no reinforcement from the RUF at

- 1 all?
- 2 A. Not -- they promised to send reinforcement, but the
3 reinforcement only stopped at Waterloo.
- 4 Q. Yes. Following the SLAs ejection from Freetown by
12:11:29 5 ECOMOG, I think there was a meeting with RUF command at
6 Waterloo?
- 7 A. Yes.
- 8 Q. Sometime, I don't know, in the middle of January,
9 perhaps?
- 12:11:41 10 A. Yes.
- 11 Q. Yes. Following that, there was a failed attack on the
12 Hastings and Tombo areas?
- 13 A. Yes.
- 14 Q. By a joint RUF/SLA force?
- 12:11:54 15 A. Yes.
- 16 Q. But that was, as I just said, unsuccessful. And
17 following that time, Mr Johnson, did the RUF and the SLA
18 once again separate?
- 19 A. After we couldn't go through on the operation back to
12:12:11 20 Freetown, we separated at Waterloo. Some of the RUF High
21 Command went back to Makeni, some went back to Lunsar,
22 including some SLA High Commanders, whilst we went to
23 open the camp West Side Camp.
- 24 Q. Yes, I understand. I think that during this retreat
12:12:40 25 there was, at one point, a series of attacks from RUF
26 forces based in Lunsar on fleeing SLA forces; is that
27 right?
- 28 A. Yes.
- 29 Q. And a certain amount of looting went on?

- 1 A. Yes.
- 2 Q. At that point, Mr Johnson, was there any cohesion? Did
3 you understand that word?
- 4 A. Break it down, please.
- 12:13:08 5 Q. Was there any mutual togetherness?
- 6 A. No.
- 7 Q. Was there any example -- well, were the SLA and the RUF
8 actually acting as one entity, as one fighting body?
- 9 A. At that time we pulled out, we joined the RUF at
12:13:34 10 Waterloo. We came together and planned the operation
11 back to Freetown, haven't been successful, the splits
12 came. Some went with RUF to Makeni, whilst some stayed
13 with Bazzy to open the West Side Camp.
- 14 Q. Right. So would this be right, that the only time that
12:13:54 15 the RUF actively supported the SLA in action was on the
16 operation back into Freetown; the one that failed at
17 Hastings and Tombo?
- 18 A. Yes, I could say, but the operation still to Freetown we
19 had RUF fighters with us.
- 12:14:15 20 Q. But I think the numbers were very small?
- 21 A. They were very few.
- 22 Q. Yes. And is this right, that at no time, while the SLA
23 were operating in or around Freetown, were any RUF
24 commanders within the SLA ranks of that fighting force?
- 12:14:43 25 A. In Freetown? No, there were only communication going on
26 between Alex Tamba Brima in Freetown to Sam Bockarie in
27 Kailahun?
- 28 Q. Indeed. Now, I just want to ask you a few questions
29 about how you came to be in this courtroom, because I

1 think in your case, you, by your own initiative, entered
2 the peace process; is that right?

3 A. Yes.

4 Q. We've heard that you were a -- an important officer
12:15:20 5 within the West Side command structure?

6 A. Yes.

7 Q. We have heard that following the taking of a few British
8 and I think a Kazakhstanie hostage, you went to Liberia?

9 A. Yes.

12:15:41 10 Q. And the reason you wished to go to Liberia within the
11 West Side delegation, was that you wanted prove that
12 Johnny Paul Koroma was still alive?

13 A. Yes.

14 Q. You wanted to take orders personally from him?

12:15:53 15 A. Yes.

16 Q. In order that you could choose your own way forward
17 within the West Side Boys?

18 A. We did that because Johnny Paul was our leader and when
19 we went to the jungle, we couldn't hear from him, and we
12:16:11 20 were soldiers and we wanted to be reinstated into the
21 army again.

22 Q. Yes, and, in fact, you were, weren't you?

23 A. Yes.

24 Q. I think you, yourself were reinstated into the army very
12:16:23 25 shortly after your return from Liberia?

26 A. A few months after the return from Liberia.

27 Q. Yes, forgive me, I should have said within a month or
28 two. That would be right, wouldn't it?

29 A. Not a month a two, within six months, because after from

1 Liberia we came back to the West Side Camp and I came to
2 be Johnny Paul's chief security officer for several
3 months before I went for verification and for training.
4 Q. But the point is this, isn't it, Mr Johnson, that this
12:16:59 5 was all on your own initiative. This is something you
6 decided to do yourself to return to the army?
7 A. Yes.
8 Q. And you were accepted back into the army?
9 A. Yes.
12:17:08 10 Q. And I think, you even received training from British
11 soldiers, didn't you?
12 A. Yes.
13 Q. And more than that, you actually joined the SLPP, didn't
14 you?
12:17:20 15 A. No.
16 Q. Didn't you act in support of the SLPP?
17 A. No, I did not join the SLPP government.
18 Q. What about when you worked for the police, were you not
19 working actively in support of the government then?
12:17:38 20 A. No.
21 Q. All right. Well, I won't take that any further, but you
22 were interviewed, I think, by members of the Prosecution
23 team in May of last year?
24 A. Yes.
12:17:54 25 Q. I think you had been out of the -- well, you tell us,
26 please. When did you actually leave the West Side Boys?
27 A. I left the West Side Boys after the peace process when we
28 came from Liberia and Johnny Paul arrived to Freetown
29 with Foday Sankoh and I was choosen [sic] to come and be

1 his chief security officer. And that is some time late
2 2000.

3 Q. Right.

4 A. So I left the West Side Jungle to Freetown.

12:18:32 5 Q. If I can put it this way, how long have you actually been
6 back in civilian life?

7 A. Well, a few months, several -- few months, couple of
8 months.

9 Q. Now, returning to Augustine Gbao, following the period
12:18:58 10 around the Kabala meeting in 1998, did you ever see him
11 again?

12 A. As I told you, I never knew Augustine Gbao until when
13 after the May 8th incident 2000, when he went over the
14 air. That was the time I knew him. He was at Lunsar.

12:19:27 15 Q. And in 1998 he could not have been part of the RUF High
16 Command?

17 PRESIDING JUDGE: He went over what air?

18 THE WITNESS: He went over the BBC from Lunsar.

19 PRESIDING JUDGE: Yes.

12:19:45 20 JUDGE BOUTET: You are talking of Gbao?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: What did he say on the BBC?

23 THE WITNESS: He spoke on behalf of Corporal Foday Sankoh
24 about the May 8 incident expressing himself and the RUF
12:20:01 25 in the jungle that they were not happy on what transpired
26 in Freetown on that day.

27 MR CAMMEGH: Finally --

28 PRESIDING JUDGE: Just a minute, please.

29 JUDGE BOUTET: You say that Gbao at that time was in Lunsar?

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: What was it that happened in Freetown on
3 that day.

4 THE WITNESS: On May 8th?

12:20:46 5 PRESIDING JUDGE: Yes.

6 THE WITNESS: There was a demonstration in Freetown and lots
7 of civilians were killed in front of the house of
8 Corporal Foday Saybana Sankoh.

9 PRESIDING JUDGE: Killed by who?

12:21:28 10 THE WITNESS: Well, I cannot tell, because I was not present
11 on the demonstration. I was admitted into hospital and
12 I got to know about it when I heard it over the BBC radio
13 station.

14 JUDGE BOUTET: And you know it was Gbao simply because whoever
12:21:57 15 was speaking said, "I am Gbao."

16 THE WITNESS: Yes, his name was given.

17 JUDGE BOUTET: Right.

18 PRESIDING JUDGE: The 8th of May of what year, precisely?

19 THE WITNESS: 2000.

12:22:28 20 PRESIDING JUDGE: Yes.

21 MR CAMMEGH:

22 Q. If Augustine Gbao had become a member of the RUF High
23 Command at any time before you moved off to the West Side
24 Jungle in, say, February of 1999, would you have known
12:22:45 25 about it?

26 A. Well, I will not know about it, because the area of
27 responsibility of the RUF at that time was very large in
28 the country and we were penetrating into Freetown. So
29 I could not know about him.

1 Q. All right. So the -- what you can say for definite then,
2 is that certainly by the end of 1998 he could not have
3 been part of the High Command. That must be right,
4 mustn't it?

12:23:36 5 A. I wouldn't say right, because I was not with them in
6 Kailahun. Maybe he could have been in Kailahun, I don't
7 know. But I only know he was an RUF.

8 Q. As you say in your interview, certainly going back to the
9 Kabala meeting, he was a mere low rank?

12:24:00 10 A. He was a low rank and I did not know him at that time.

11 MR CAMMEGH: That's all I have. Thank you, Mr Johnson.

12 PRESIDING JUDGE: Mr Harrison, have you re-examination for
13 this witness?

14 MR HARRISON: One very brief area.

12:24:56 15 PRESIDING JUDGE: Proceed, please.

16 RE-EXAMINED BY MR HARRISON:

17 MR HARRISON:

18 Q. Witness, you'll recall when being asked questions by
19 Mr Nicol-Wilson, he asked about the unsuccessful attempt
12:25:12 20 to bring forth a second attack on Freetown that was
21 two-pronged; do you recall that?

22 A. Yes.

23 Q. And he put it to you that there was nothing in your
24 earlier statements where you discussed any attempt for
12:25:30 25 this two-pronged attack; do you recall that?

26 A. I recall.

27 Q. And you said that if you looked through the statements,
28 you would find something; do you recall that?

29 A. Yes.

1 Q. I'm going to ask you to turn to page 8684 in the
2 statements.
3 JUDGE BOUTET: Which is which date?
4 MR HARRISON: The date of the statement is the 13th of May,
12:25:57 5 2003.
6 THE WITNESS: 86?
7 MR HARRISON: 8684.
8 PRESIDING JUDGE: 8684.
9 MR HARRISON:
12:26:11 10 Q. And the numbering on the bottom of the page is 35?
11 A. Yes.
12 Q. Do you have 8684?
13 A. 8684, page 35.
14 Q. If you go to line 12, do you see that?
12:26:27 15 A. Yes.
16 Q. I'm going read a passage to you and I'm going to ask you
17 to listen to me and then indicate to the Court whether
18 you recall the information. Line 12:
19 Q. Talk a little bit louder, George. What was the
12:26:40 20 meeting about?
21 A. When we went we pulled out from, from Freetown
22 and went to Waterloo. He called on the meeting
23 because Issa was at Makeni. So all of them
24 came, and the meeting was about for us to come
12:26:55 25 together and launch another operation to
26 Freetown because they said they came with
27 ammunition. They have brought enough
28 ammunition.
29 Q. Who said that?

1 A. Issa.

2 Q. In that meeting itself?

3 A. Yes. That he came with ammunition and we will

4 run another operation to Freetown, and we

12:27:15 5 decided it and we started another operation at

6 Tumbo to use the Peninsular road?

7 Q. To go around the back way.

8 A. Yes.

9 Q. Okay, and who was at that meeting?

12:27:28 10 A. Issa was there, Issa Sesay, Gullit, Moris

11 Kallon, Bazzy, Five-Five, Rambo-RUF, Superman,

12 Gibril Massaquoi Bio, I was there, then all the

13 battalion commanders were there. Then also

14 RUF -- RUF battalion commanders also were

12:27:44 15 there.

16 Q. How many?

17 A. They were about -- they had about six

18 battalions at that time.

19 Q. All the commanders were there.

12:27:53 20 A. Yes.

21 Q. Do you remember the RUF battalion commanders?

22 A. No, don't know most of them.

23 Q. Do you remember any of them?

24 A. Um, you have Kposowa was heading one battalion.

12:28:04 25 Q. Kposowa?

26 A. Yes.

27 Q. Aha.

28 A. Then he also had one guy they called Mohammed

29 Badjeje.

1 Q. Badjeje?

2 A. Yes, along with -- he was also an RUF.

3 Q. Okay. Anybody equal?

4 A. I did not know much of RUF. I mean, I didn't

12:28:26 5 know much of them. We were not together.

6 Q. Okay, what happened now when you started the

7 operation?

8 Question again:

9 Q. And who was going to be leading that

12:28:37 10 operation?

11 A. Well, the overall Commander was to be Issa,

12 yes, because any time we come together with RUF

13 they topple us.

14 Q. Right.

12:28:46 15 A. You see.

16 Q. Okay.

17 A. So we planned an operation on Tumbo, yes, and

18 the operation was head (sic) by Superman.

19 Q. To attack Tumbo?

12:28:55 20 A. Yes. Superman, Five-Five, Rambo from RUF, then

21 you have Rambo Red Goat, Tito, and -- Tito,

22 Papa, they all went by Tumbo.

23 Q. To attack Tumbo?

24 A. To attack Tumbo --

12:29:10 25 Q. How soon --

26 A. -- whilst Superman -- no, Superman was at

27 Tumbo. Whilst Moris Kallon, Gibril Massaquoi,

28 George Johnson, Allan, Allan, Allan and some

29 other commanders were to attack Hastings.

1 Q. Hastings?
2 A. Yes from Waterloo.
3 Q. Was the attack to take place on the same day?
4 A. The same day. The attack took place on the
12:29:32 5 same day but we couldn't make it up.
6 Q. What happened?
7 A. The force of the ECOMOG were heavy. The
8 presence of it were heavy even at Tumbo and
9 even at Hastings. Because at Hastings, there I
12:29:45 10 was. We pushed them from Hastings, the
11 junction to Kosseh Town. We pushed them from
12 the Kosseh Tong (sic) -- Kosseh Town junction
13 but we did not want to cross and give them
14 there at Kosseh Town because it would be
12:29:57 15 dangerous again for us. So we tried to attack
16 them again at Kosseh Town to remove them from
17 their post, but we couldn't. For about a week
18 the operation was going on both at Tumbo and at
19 Allen Town so we did not -- we couldn't
12:30:09 20 penetrate them. So we had Superman and Issa,
21 Moris Kallon, Rambo -- no, Rambo stayed with
22 us -- they pulled out to Lunsar.
23 Those questions and answers was that passage you were
24 referring to when you answered the questions to
12:30:27 25 Mr Nicol-Wilson.
26 A. Exactly, sir.
27 MR HARRISON: Those are my questions.
28 PRESIDING JUDGE: Right.
29 [Ruling]

1 Learned counsel, before we rise, the Chamber would
2 like to re-visit the application that was made by the
3 Prosecution for a newspaper called "The Exclusive" to be
4 cited for contempt. This was on Monday the 18th of
12:32:31 5 October, because of an article that was published in the
6 Friday, October 15th edition of that newspaper.

7 Arguments were taken from the Prosecution by the
8 Chamber and the Defence also advanced some arguments in
9 relation to that issue, and it is the opinion of the
12:33:09 10 Chamber that there is a semblance of contempt which has
11 been committed by the newspaper "The Exclusive", because
12 it disclosed the identity of a protected witness, which
13 was contrary to a decision on protected measures that
14 were designed to protect this witness. But the Chamber
12:33:43 15 is also cognisant of the fact that this witness soon
16 thereafter applied that some protective measures be
17 lifted and that he wanted to testify in public and in
18 this regard, and notwithstanding our finding, we would
19 like to say here that this publication published an
12:34:19 20 article which revealed how a Lebanese supplied AFRC and
21 RUF junta with arms and ammunition and the article was
22 written by one Joseph Touray. This article contains the
23 following passages:

24 "One of the star Prosecution witnesses against the
12:34:49 25 Revolutionary United Front, code named TF1-067, yesterday
26 testified before the Court. Though the voice of the
27 witness was distorted by the public address system in
28 court, inside sources claimed that the star witness was a
29 former AFRC West Side Boy's commander, popularly known as

1 Junior Lion."

2 In its decision on Prosecution motion for
3 modification of protected measures for witnesses, dated
4 the 5th of July 2004, this Chamber ordered that a series
12:35:44 5 of measures, including the use of a pseudonym, be adopted
6 in order to protect the identity of witnesses.

7 The Chamber is therefore very concerned that this
8 news article intentionally seeks to thwart the Chamber's
9 decision by revealing the identity of this protected
12:36:16 10 witness and that this could seriously endanger the safety
11 of witnesses before this Court.

12 The Court would therefore like to remind all members
13 of the media, and others, that any reporting that would
14 tend to identify protected witnesses is in violation of
12:36:44 15 the court order and could amount to a contempt of court,
16 punishable in accordance with Rule 77 of the Rules of
17 Procedure and Evidence of the Special Court for Sierra
18 Leone.

19 This Court could, in addition, also consider taking
12:37:11 20 measures to exclude any journalists of the newspaper
21 guilty of this prohibited practice from the Court on
22 either a temporary or a permanent basis. The Chamber
23 would like the press, who we always welcome here for
24 objective reporting and who are part of process, to
12:37:43 25 strictly conform to the rules of the game and to respect
26 orders that are delivered by this Court.

27 This said, no action will be taken for now against
28 The Exclusive. We are letting it go the way we have
29 mentioned it, but let this warning be to all and sundry

1 that such conduct will no longer be tolerated.

2 Learned counsel, as you very well know, we have a
3 practice of not sitting on Wednesdays in the afternoon.

4 I think you have all merited a mid-week rest. I will
12:38:41 5 only indicate that the court will rise and will resume
6 sitting tomorrow at 9.30 a.m.

7 [Whereupon the proceedings adjourned at 12.43 a.m., to be
8 reconvened on Thursday, the 21st day of October, 2004, at
9 9.30 a.m.]

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C E R T I F I C A T E

We, Ella K Drury and Maureen P Dunn, 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.

Ella K Drury

Maureen P Dunn

WITNESSES FOR THE PROSECUTION:

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