

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

FRIDAY, 23 SEPTEMBER 2005
9.29 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges: Teresa Doherty, Presiding
 Julia Sebutinde
 Richard Lussick

For Chambers: Mr Simon Meisenberg

For the Registry: Mr Geoff Walker
 Ms Susan Gunstone

For the Prosecution: Mr Jim Hodes
 Ms Shyamala Alagendra
 Ms Maja Dimitrova (Case Manager)

For the Principal Defender: No appearances

For the accused Alex Tamba Ms Glenna Thompson
Brima: Mr Kojo Graham

For the accused Brima Bazy Mr Andrew William Kodwo Daniels
Kamara:

For the accused Santigie Borbor Mr Amadu Koroma
Kanu: Ms Karlijn van der Voort (legal assistant)

BRIMA ET AL
23 SEPTEMBER 2005

OPEN SESSION

1 Friday, 23 September 2005

2 [AFRC23SEPO5A - AD]

3 [Open session]

4 [Accused Brima, Kamara and Kanue present]

5 [Upon commencing at 9.29 a.m.]

6 WITNESS: TF1-153: [Continued]

7 EXAMINED BY MR HODES: [Continued]

8 PRESIDING JUDGE: Good morning. I'm sorry we are a bit
9 late starting again. Some administrative matters have arisen.

09:26:28 10 Unless there are some preliminary matters, I will remind the

11 witness of his oath. Mr Witness, you recall that you have sworn

12 to tell the truth. That promise and that undertaking is still

13 binding on you. You must answers all questions from both

14 Prosecution and Defence truthfully. Do you understand this?

09:26:57 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Thank you, Mr Interpreter. Mr Hodes, you

17 were in the midst of your examination-in-chief.

18 MR HODES:

19 Q. Good morning, Mr Witness.

09:27:07 20 A. Good morning.

21 Q. How are you doing today?

22 A. I am all right.

23 Q. Mr Witness, we left off yesterday afternoon with your

24 testimony concerning what you saw at the State House in Freetown.

09:27:34 25 A. Yes.

26 Q. Sometime after the invasion.

27 A. Yes, I remember.

28 Q. And your testimony was that you saw some corpses. I

29 believe it was three or more.

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1 A. I said about three or more because nearly it was about five

2 I saw.

3 Q. I believe you were also saying that a soldier was telling

4 you about who these people were. Could you go ahead and finish

09:28:15 5 that explanation?

6 A. Yes. When they showed me these corpses, I asked them whose

7 people are these? They said they were ECOMOG soldiers but they

8 were not in uniform again, and I said if that is so it's not bad.

9 I went out. As I went out I saw a lot of prisoners that were

09:28:44 10 saved from Pademba Road. So they told me that they should all

11 go, Gullit and other commanders. At that time I met Five-Five,

12 Woyoh, I met Alex Tamba Brima all of them at State House. They

13 told me that these prisoners that were freed they should all go

14 at the back. That is they should go to Moyiba, so I myself did

09:29:13 15 not waste my time though they did not escort me, but by then

16 there was tension at King Tom area.

17 PRESIDING JUDGE: Mr Witness, I think you are going a

18 little bit fast and the interpreters are trying to keep up with

19 you. And you also mentioned a place or a name which I did not
09:29:29 20 hear properly that the prisoners should go back to. Please
21 repeat it.

22 JUDGE LUSSICK: Before you go on, Mr Witness, I realise
23 that you are trying your best to help with your contributions to
24 the evidence, but I would enjoin you to please listen to the
09:29:49 25 question. Because my understanding was that counsel asked you
26 about what you said been told about the corpses. You have now
27 passed that and you are telling us about prisoners. Now if you
28 keep volunteering evidence that is not asked, this could prove a
29 very long testimony.

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1 So please listen to the questions and answer those specific
2 questions and try not to volunteer things that are not asked of
3 you. Counsel knows the evidence that he wishes you to give and
4 you must have confidence that he will ask you relevant questions
09:30:31 5 without you feeling you have to volunteer information that has
6 not been requested. Is that clear?

7 THE WITNESS: All right.

8 MR HODES: Thank you, Your Honour.

9 Q. Mr Witness, you explained about the corpses that you saw
09:30:49 10 and went on a little bit beyond that. One thing that I wanted to
11 ask you about is whether or not during the time of the invasion,
12 whether or not you had a radio, transistor radio.

13 A. Yes.

14 Q. And during this time were you listening to the transistor
09:31:17 15 radio?

16 A. Yes.

17 Q. And during this time did you hear any reports concerning
18 the events in Freetown?

19 A. Yes.

09:31:33 20 Q. If you would tell us what you heard on the radio during

21 this time?

22 A. When we came in, that was in January 6th, Mosquito went

23 through BBC and said he has one of his commander whom he called

24 Commander Yayah, and that he was holding the ground in Freetown.

09:32:07 25 And the command he gave to this commander is what he is going to

26 work on. So let the Sierra Leonean government be careful with

27 him.

28 Q. Mr Witness, let me actually take you back to what Justice

29 Doherty asked you about, which was the spelling of a name. I

1 think it was Moyiba, which I believe you spelt yesterday, but if
2 you could do it again for the Court.

3 A. Well, I spell Moyiba in two ways: M-O-Y-E-B-A,
4 M-O-Y-I-B-A.

09:32:51 5 Q. You also mentioned a Commander Yayah. Can you spell that,
6 just the Yayah part?

7 A. Y-A-Y-A-H.

8 Q. Had you ever heard anyone referred to as Commander Yayah
9 before?

09:33:14 10 A. No.

11 Q. Did you at some time later learn who Commander Yayah was?

12 A. Yes.

13 Q. Without telling me who Commander Yayah was, how did you
14 learn who Commander Yayah was? How did you come to have that

09:33:35 15 information?

16 A. Well, it was the time we came from Moyiba, we went to
17 Shankardass, when Gullit told us that Mosquito was sending
18 reinforcement for him. So I started to doubt. I said, "Oh, this

19 Commander Yayah you are talking about." So it was Gullit that
09:34:08 20 was Commander Yayah. That was how I came to know that the
21 Commander Yayah Mosquito was talking about was Gullit.
22 Q. I don't know if maybe I missed something, but did someone
23 say something to you about who Commander Yayah was?
24 A. No.
09:34:26 25 Q. So you just assumed based on what you saw?
26 A. It was what I heard.
27 Q. That is what I am asking you.
28 A. Yes.
29 Q. Who did you hear that from?

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1 A. It was Gullit who said that. Mosquito was sending
2 reinforcement for him in Freetown.

3 Q. Are you saying it was Gullit told you that his name was
4 Yayah?

09:35:14 5 A. No, it was not him who told me, but when he confirmed it
6 that Mosquito said that he would send troops for him to reinforce
7 him in Freetown, that was why I had that conviction that the talk
8 which Mosquito was talking on the radio was actually the
9 Commander Yayah he was referring to.

09:35:33 10 Q. Mr Witness, after your visit to the State House did you
11 return to the area known as PWD?

12 A. Yes.

13 Q. Mr Witness, did you see anything in particular that you
14 remember when you returned to what was the headquarters at PWD?

09:36:04 15 A. Yes.

16 Q. If you would tell us what you remember seeing, and just
17 what you remember seeing.

18 A. Well, it was Gullit, Five-Five and Woyoh, they called me

19 from Moyiba. When I came by then there were two corpses lying by
09:36:32 20 the dustbin that was there. Then Gullit told me, he said, "You
21 see these two corpses? One was a minister and the other was a
22 general of ECOMOG." He said, "I had finished them," they were
23 not in uniform. They were lying out there dead.

24 Q. And do you know what he meant by he had finished them?
09:37:06 25 A. Yes.

26 Q. What?

27 A. I did not meet them alive, I met them dead.

28 Q. Mr Witness, at the headquarters at the PWD did you see any
29 civilians?

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1 A. Yes, there were civilians.

2 Q. Can you tell me were there any female civilians?

3 A. Yes.

4 Q. Can you tell me what was happening with the -- if anything,

09:37:55 5 what was happening with the female civilians you saw at the

6 headquarters at PWD?

7 A. Yes.

8 Q. Please do.

9 A. Well, after I have seen these corpses, I returned and

09:38:23 10 Gullit sent for me again. At the time he had brought SAJ Musa's

11 wife and his children, so I myself didn't want to come. But

12 later I came eventually. When I came he said, "Look at your

13 man's wife". I said in my mind that how can I present myself to

14 that woman, because at that time -- as soon as they told me that

09:38:42 15 this woman had come, I was traumatised and I didn't know what to

16 say and how to look at her in the eyes. So I eventually, I

17 camouflaged myself that was happy to receive her, so I went there

18 and met her with her children. We spoke together and even Gullit

19 was there, Five-Five was also there, Bazzy came there once on the
09:39:05 20 while. Not long Tina that told me that where was her husband. I
21 told her that her husband was in the Peninsula Junction. She
22 said, "Is he alive?" I said, "Yes, he is alive." But in my
23 heart I was only trying to cover-up that event and eventually I
24 left and returned. After a few days, the woman called me again.
09:39:38 25 I didn't go there. She herself walked to Moyiba, so we came
26 back.

27 PRESIDING JUDGE: Mr Witness, did you hear the question
28 asked by counsel?

29 THE INTERPRETER: Your Honours, your mic is not on.

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1 PRESIDING JUDGE: Did you hear the question asked by
2 counsel?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Did you understand the question? The
09:40:04 5 question was what was happening to the female civilians, if
6 anything. Did anything happen to the female civilians and if so
7 what? I don't understand your answer. Are you answering that
8 question?

9 THE WITNESS: Well, I think I am answering the question
09:40:25 10 because when the woman was brought --

11 PRESIDING JUDGE: Mr Witness, please put on your mic as I
12 cannot hear you and I don't think anyone --

13 THE WITNESS: It is on.

14 PRESIDING JUDGE: Oh, sorry. Mr Court Attendant, please
09:40:39 15 assist us with putting the mic a little closer to the witness.

16 Yes, Mr Witness, please repeat what you were saying.

17 THE WITNESS: I said, because the question you asked was
18 that you said at PWD if I saw women there. Yes, I saw women

19 them, I saw women there at different times. If you want me to
09:41:09 20 say it in one nutshell because the events are so many, I don't
21 know the point he wants me to start with.

22 PRESIDING JUDGE: Thank you for that clarification, Mr
23 Witness. I will now ask counsel to be -- limit your question to
24 a particular time, Mr Hodes. It would appear that has confused
09:41:30 25 the witness.

26 MR HODES:

27 Q. Mr Witness, after you had this meeting with Tina Musa and
28 whatever thoughts you had about how to talk to Tina Musa, did you
29 see any other female civilians other than Tina Musa at the

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1 headquarters at the PWD?

2 A. Yes.

3 Q. Were they young, or older?

4 A. Well, they were young.

09:42:08 5 Q. And were these female civilians, just to be clear?

6 A. Yes, they were women civilians.

7 Q. Did you learn anything about them, where they came from?

8 A. Yes.

9 Q. Will you please tell us about the young female civilians

09:42:29 10 that you saw after you had all these conversations and thoughts

11 about Tina Musa?

12 A. Well, when I went to Tina, and I saw these ladies and Tina

13 Musa told me, "You see what your brothers are doing? Now they

14 have come with people - children." I myself told them to release

09:42:56 15 these ladies. They said they went to town from East End Police.

16 They went to a new world school. They gathered all the girls

17 there and brought them there. I myself, the way I am look, I am

18 seeing them. I told them to release these children. I met some

19 of them. They had already taken that -- they should be
09:43:13 20 responsible for them. That was Tina Musa, and she was there
21 until she handed them over.
22 Q. Stop. You just mentioned the name of a school. Could you
23 spell the name of the school for the Court?
24 A. Annie Walsh. Sorry I cannot be able to spell it.
09:43:55 25 Q. It is properly announced Annie Walsh?
26 A. Yes.
27 Q. And what part of town is it in?
28 A. It is by the East End Police Station.
29 Q. Please continue with what you were telling us about the

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1 young girls you saw at the PWD.

2 A. It was not only the young ladies I saw at PWD. So, when we
3 were there, later on, Tina Musa wanted me to join her but, during
4 that time, the forces were fighting us to drive us so we

09:44:41 5 transferred to Shankardass. I was in Shankardass --

6 Q. I am asking you a specific question about specific people.

7 What I am asking you about are young female civilians who you saw
8 at the PWD headquarters after you had had your initial
9 conversations with Tina Musa you have had initial thoughts

09:45:16 10 concerning Tina Musa. Now we are at this particular point in

11 time, to assist you, did you hear from Tina Musa or from the
12 girls what had happened to them during the course of the
13 invasion?

14 A. Yes.

09:45:43 15 MR DANIELS: That is a leading question.

16 PRESIDING JUDGE: Mr Hodes, it assumes that something did
17 happen to them.

18 MR HODES: I will rephrase.

19 Q. Given all of that that I have already talked to you about
09:46:05 20 and putting you into that time frame, did you learn whether or
21 not something had happened to these young female civilians during
22 the course of the Freetown invasion? Did you learn whether or
23 not something had happened?
24 A. Yes.

09:46:24 25 Q. What did you learn had happened to them during the course
26 of the Freetown invasion?
27 A. I later understood that the place they were caught they
28 were all raped.

29 Q. Do you know whether or not the girls talked to Tina Musa

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1 about this?

2 A. They told Tina because it was Tina that told me.

3 Q. Do you know if Tina Musa told anyone about the young girls
4 being raped during the course of the invasion?

09:47:14 5 A. Not to my knowledge.

6 Q. Were there other civilians at the PWD?

7 A. Yes.

8 Q. Who were the other civilians, if you know, that you saw at
9 the PWD?

09:47:37 10 A. Well, the other civilians I saw at PWD were the nuns and
11 the priests.

12 Q. Did you communicate, did you talk to either the nuns or the
13 priests at the PWD?

14 A. Yes.

09:47:57 15 Q. Did they tell you anything about what had happened to them
16 while they were in the custody of the soldiers?

17 MS THOMPSON: Your Honour, we don't know they were in the
18 custody of the soldiers.

19 MR HODES: I'll rephrase it.

09:48:18 20 MRS THOMPSON: We know they were at the PWD and that's it.

21 MR HODES: I'll rephrase it.

22 Q. Mr Witness, do you know whether or not the civilians you
23 saw at the PWD had freedom of movement? In other words, they
24 could come and go as they pleased?

09:48:35 25 MS THOMPSON: Your Honour, that is leading.

26 PRESIDING JUDGE: Mr Hodes, you have heard the objection.

27 MR HODES: With all due respect, Your Honour, I actually
28 don't know what the answer will be and therefore I --

29 PRESIDING JUDGE: [Microphone not activated].

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1 [Trial Chamber confers]

2 PRESIDING JUDGE: We'll allow the question.

3 MR HODES: Thank you, Your Honour.

4 Q. I don't know if you recall the question or not, Mr Witness,
5 but if you do, can you answer the question.

6 A. Yes.

7 Q. Please do.

8 A. Well, I know a lot because it was Gullit who sent to call
9 me that he had strangers for me and I asked, "Where are these
09:49:40 10 strangers coming from?" He said I should go upstairs. When I
11 went, I saw everybody in white. I said, "What is happening?
12 What are these people finding here?" Because I went because I am
13 a Christian and a Catholic. Then I became puzzled. I said,
14 "What has brought these people here?" By the way I saw them, the
09:50:06 15 were in agony. I saw all the priests who were downcasted and I
16 called one. I asked him what his name was. He showed me his
17 name, but I cannot remember the name now. There were many in
18 there. There were many in the house because they were in the

19 living room. I said, "Well, I will try by all means to persuade
09:50:34 20 Gullit to let these people go." Then I asked them if anything
21 had happen to them. The priest said, "A whole lot of things has
22 happened to us, female priests."
23 Q. Again, I will stop you. Again, please listen to the
24 question. The question that posed to you was --
09:50:54 25 A. You said, "What happened?"
26 Q. No, the question posed to you was whether or not these
27 people, these civilians that you saw, had freedom of movement.
28 Were they free to leave the PWD headquarters building?
29 A. No.

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1 Q. How do you know that, Mr Witness.

2 A. Because they were locked in a room.

3 Q. Thank you, Mr Witness. At this point you started to

4 explain who these other civilian prisoners were. If you could

09:51:30 5 just do that again as briefly as possible. Who were these

6 civilian prisoners that you saw?

7 A. I said it was the nuns and the priests.

8 Q. Okay. I think I was also asking you whether or not you

9 communicated with the nuns and priests.

09:51:54 10 A. Yes.

11 Q. At this point, I would like you to explain what they told

12 you at the PWD about what had happened to them, if anything had

13 happened to them.

14 A. Well, when I went upstairs and met them, I said I saw them

09:52:18 15 all sitting in the place. Everybody was in white, and then I

16 said, "What has happened? What have these people come to do

17 here? How did these people manage to bring these people here?

18 What is their own problem in this they are fighting." So I went,

19 I called the priest because the females were unable to look at
09:52:41 20 me. So I asked what happened. He said, "Well, they just went
21 there, gathered us and brought us to this place." Then I said,
22 "Okay, I will try to persuade Gullit to allow them to go because
23 I, myself, am a Christian and a Catholic. I will try to make
24 sure at least they are released." But the way I saw them, they
09:53:11 25 are so downcasted. They were not able to look at me. Even the
26 priest who was talking to me was trembling. So I left them. I
27 went down and met Gullit. I said, "Gullit, what is the problem
28 of these people? What is the problem of these people in our
29 fight?" He said, "They are all involved, they are making us

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1 suffer." The way Gullit was talking to me, I know him. He is
2 not an easy nut to crack. So I went away and I returned to where
3 I came from.

4 Q. Mr Witness, my question to you was: In talking to them,
09:53:50 5 did they tell you whether or not anything happened to them?

6 A. Yes.

7 Q. Not whether or not they are downcast?

8 A. Yes.

9 Q. Did they tell you if anything had happened to them?

09:54:04 10 A. Yes.

11 Q. What did they tell you had happened to them?

12 A. According to the priest that I spoke to, he said the place
13 where they caught these women, the female nuns were all raped.

14 Q. Thank you, Mr Witness. I want to take you back a second to
09:54:28 15 your testimony in reference to Tina Musa. Do you know if Tina

16 Musa ever spoke to Gullit or Bazy or Five-Five?

17 A. He usually talks to them.

18 Q. It is a yes or no question.

19 A. Yes.

09:54:57 20 Q. Do you know if Tina Musa spoke with Gullit, Bazy and

21 Five-Five?

22 PRESIDING JUDGE: There are actually three questions in

23 that, Mr Hodes.

24 MR HODES: You are right.

09:55:11 25 Q. Do you know if Tina Musa spoke with Gullit back at the PWD

26 headquarters?

27 A. Yes.

28 Q. Do you know if Tina Musa spoke with Bazy at the PWD

29 headquarters?

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1 A. Well, I didn't see Bazzy at the PWD headquarters. It was
2 Five-Five, Gullit and Woyoh.

3 Q. Sorry. The question is very simple.

4 A. Sorry.

09:55:40 5 Q. Yes or no: Do you know if Tina Musa spoke with Bazzy at
6 the PWD headquarters?

7 A. I did not see that. I never saw Bazzy.

8 Q. Last, do you know if Tina Musa spoke with Five-Five at the
9 PWD headquarters?

09:56:08 10 A. Yes.

11 Q. Did you hear any of those conversations?

12 A. I heard, but I cannot remember because during that time --

13 Q. [Microphone not activated].

14 A. During that time they were coming at intervals because they
09:56:35 15 were all joking together. So they said a lot of things which I
16 thought were not relevant.

17 Q. Do you know if Tina Musa ever spoke to Gullit about any of
18 the civilian prisoners?

19 MS THOMPSON: Your Honour, that is leading. I think this
09:57:00 20 witness has said that he does not recall the content of the
21 conversations between Tina Musa and the various people that have
22 been put to the witness. To now ask the witness about a specific
23 topic of conversation will be leading the witness and suggesting
24 an answer. In fact, it's actually trying to jog the witness's
09:57:18 25 memory.

26 PRESIDING JUDGE: Your reply, Mr Hodes.

27 MR HODES: Again, Your Honour, I don't know that it's
28 leading the witness in that the answer could be he doesn't
29 remember, it didn't happen. So I don't believe it is a leading

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1 question.

2 [Trial Chamber conferred]

3 PRESIDING JUDGE: We consider this is a leading question

4 and we uphold the objection.

09:58:12 5 MR HODES: I will move on.

6 Q. Mr Witness.

7 A. Yes.

8 Q. Do you know if Gullit had a radio, one of the communication

9 radio sets?

09:58:27 10 A. Yes.

11 Q. How is it that you know that, Mr Witness?

12 A. Because I knew his operator.

13 Q. Did you speak with his operator?

14 A. Yes.

09:58:50 15 Q. Did his operator tell you anything about Gullit's

16 communications, if there were any?

17 A. Yes.

18 Q. What did he tell you about those communications?

19 A. He said, he told me that at that time we were at
09:59:19 20 Shankardass he said, "This man, when we were coming on the way,
21 SAJ was angry because they are communicating with Mosquito, but
22 now he is just contacting these RUF people. When he came to
23 Freetown, I don't think he will get back because this is a
24 dangerous area because these people have fought us in Koinadugu
09:59:46 25 and now we are communicating with them."
26 PRESIDING JUDGE: I think there was a place name there
27 Mr Hodes, could we have the spelling for it, please?
28 At the beginning of the sentence Shankardass or similar.
29 THE WITNESS: Koinadugu. Can I spell it? Should I spell

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1 it?

2 MR HODES:

3 Q. Go ahead?

4 A. K-O-I-N-A-D-U-G-U.

10:00:31 5 PRESIDING JUDGE: Thank you.

6 MR HODES: In Freetown, did you speak to Gullit's radio

7 operator?

8 A. Yes.

9 Q. In Freetown did the radio operator indicate that Gullit had

10:00:47 10 been speaking with anyone?

11 A. Yes.

12 Q. In Freetown, who did the radio operator indicate to you

13 Gullit had been in communication with?

14 A. He said he was communicating with Mosquito and Superman at

10:01:10 15 Makeni.

16 Q. Mr Witness.

17 A. Yes.

18 Q. Did you hear anything about any raids during the course of

19 the Freetown invasion?

10:01:43 20 A. Yes.

21 Q. What did you hear about raids during the course of the

22 Freetown invasion?

23 A. Oh yes. At that time, that was when the headquarters what

24 at the PWD. A soldier came from Fourah Bay with his head bust

10:02:15 25 and he said the Fourah Bay community fought him and Gullit,

26 Five-Five and Woyoh jumped in a vehicle --

27 Q. I'm going to stop you, Mr Witness, because the question was

28 simply whether or not you heard about any raids, okay?

29 A. I said yes.

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1 Q. Thank you, Mr Witness. Did you hear of any raids of any
2 warehouses?

3 A. Oh, yes.

4 Q. What did you hear about a raid of a warehouse, Mr Witness?

10:02:56 5 A. That was a WFP warehouse that is at the PWD area.

6 Q. What did you hear about the raid of the warehouse of the
7 WFP?

8 A. I heard that Bazzy went there and unlocked the warehouse in
9 the pretext that there was food in it. But when he opened the

10:03:27 10 warehouse, he met machetes.

11 Q. Mr Witness, did you learn what happened to those machetes?

12 A. Yes, I learnt about it in the evening.

13 Q. What did you learn about the machetes?

14 A. Well, in the evening I saw Bazzy. He came to inform Tina

10:04:02 15 Musa that he was having this weapon but all his boys were having

16 machetes. So, Tina Musa asked him, "Why your men are holding

17 machetes?" He said, "We are just from Operation Cut Hand." That

18 was how I knew that the machetes that they took out of the WFP

19 warehouse they used to amputate people.

10:04:44 20 Q. Mr Witness, at some point did you move from the

21 headquarters at PWD?

22 A. Yes.

23 Q. Where did you move to?

24 A. We came opposite the bank by brewery.

10:05:13 25 Q. How long did you say in the bank by the brewery?

26 A. Well, we were there, I was shuttling at intervals. I

27 cannot tell exactly the time I spent there.

28 Q. At some point, did you move from this bank building?

29 A. Yes.

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1 Q. Where did you go from the bank building?

2 A. At that time, the Guineans were pushing us, so we came at
3 the back of Kissy mental house.

4 Q. Mr Witness, who else was with you at the Kissy mental
10:06:19 5 house?

6 A. Well, at that time, we were with all the prisoners that we
7 took out of Pademba Road, and even people like Gibril Massaquoi,
8 Steve Bio and one Gullit's friend, whose name was Scatter the
9 Bundle.

10:06:58 10 Q. Do you know Scatter the Bundle's real name?

11 A. I used to know it, but I will recall later. But I cannot
12 recall now; I know the name actually.

13 Q. Mr Witness, do recall if Gullit was at the Kissy mental
14 house?

10:07:23 15 A. Yes.

16 Q. Mr Witness, do you recall if Bazzy was at the Kissy mental
17 house?

18 A. No, he was --

19 Q. Mr Witness?

10:07:38 20 A. Yes.

21 Q. Do you recall if Five-Five was at the Kissy mental house?

22 A. Yes.

23 Q. Did anything happen while you were at the Kissy mental

24 house?

10:08:04 25 A. Yes.

26 Q. Tell us what happened at the Kissy mental house,

27 Mr Witness.

28 A. Well, we were there in the morning. So, we were trying to

29 clean up ourselves. I decided to tow around the prisoners that

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1 were released. So, I went, fortunately I met this Scatter the
2 Bundle fellow and Steve Bio. I told them that the way you are
3 sitting in this location is not good. The way we came from the
4 bush and the way you are behaving now is different, now you are
10:08:52 5 opening up ourselves too much. This is a built-up area, try to
6 find a place to cover up because anything can happen.
7 At that time they did not listen to my advice so five
8 minutes after I left the place a bomb was sent on them. Steve
9 Bio and Scatter the Bundle died at the same spot, so from there
10:09:19 10 not too long the Kamajors and the ECOMOG troops were up side.
11 They started firing and advancing at us. So, Gullit sent a
12 Eluguma who was Gullit's radio operator to go and collect us.
13 That is to collect me, Tina Musa and myself and the children. So
14 we came a joined him and Five-Five. From there we decided not to
10:09:57 15 go into the bush any more and we took the old road to come to
16 Freetown.
17 Q. Mr Witness, in your prior testimony you talked about the
18 nuns.

19 A. Yes.

10:10:12 20 Q. Do you know what happened to the nuns?

21 A. Well, at that time when we are at the back of Kissy Mental

22 Home, I was unable to see them because I was busy nursing SAJ

23 Musa's children. Because I was under pressure because the woman

24 wanted to know the whereabouts of her husband. When they asked

10:10:42 25 anyone they would just tell a different story. So she was

26 looking at me --

27 PRESIDING JUDGE: Mr Witness, do you remember what I said

28 before? The question was: Do you know something about previous

29 evidence about the nuns? You are telling us a different story.

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1 Please answer that question. Did you understand that question?

2 THE WITNESS: I did not see them at that time when we were
3 at back of Kissy Mental Home. When we decided to pull out was
4 the time I saw them.

10:11:21 5 MR HODES:

6 Q. If you would Mr Witness, tell us, regardless of the time
7 frame what you saw with regard to the nuns?

8 A. Okay. Well, when we are coming, leaving the Kissy Mental
9 Home, the nuns, as we went up to Portee area by the Cotton Tree,
10:11:53 10 that was where we met the nuns, because we are walking very fast.

11 Gullit ordered them to walk faster. Women, their feet were
12 tired; some their feet were all blistered. So they tied some
13 rags on their feet. So there was a black nun with them. Gullit
14 ordered that they should walk fast, and if they refuse, he will

10:12:17 15 kill them. So we thought it was a joke. We were together, so he
16 took out his pistol and shot the black nun, and the women fell on
17 the ground. Then Tina turned and said, "Eh, you see what is
18 happening?" She said, "My husband is there. This is not the way

19 to fight a war." I said, "Mummy, let's go. Let's reach." So,
10:12:42 20 as we went, and when we arrived at Koba Wata there was an old
21 man. By that time, Gullit and Five-Five had ordered the burning
22 of houses. Five-Five instructed the soldiers that if they don't
23 burn the houses they will burn them alive. So he forced them to
24 burn the houses.

10:13:02 25 Q. Mr Witness.

26 A. Yes.

27 Q. The question to you was in reference to the nuns.

28 A. Yes.

29 Q. If you know, how many nuns were there originally when you

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1 first saw them; how many were there?

2 A. I was unable to count them; they were many.

3 Q. You just testified that you saw Gullit shoot and kill one

4 of the nuns?

10:13:42 5 A. Yes, the black nun, yes.

6 Q. Did you at some time learn what happened to the other nuns?

7 A. Yes.

8 Q. How did you come to learn? How did you get the information

9 about what happened to the other nuns?

10:14:08 10 A. Well, it was when I saw them.

11 Q. Okay. Where did you see the other nuns?

12 A. That was at Allen Town.

13 Q. If you would, tell the Court what you saw of the nuns in

14 Allen Town.

10:14:30 15 A. Well, I met two corpses lying on the street at Allen Town.

16 Q. Mr Witness --

17 A. Yes.

18 Q. Who were the corpses, if you know?

19 A. I said they are nuns.

10:14:53 20 Q. Mr Witness --

21 A. Yes.

22 Q. Just to be clear, when you say "corpse", are you referring

23 to a dead person?

24 A. Yes.

10:15:14 25 Q. Do you know how these nuns died?

26 A. Well, I found out later.

27 Q. Who told you how these nuns died?

28 A. It was Coachy Borno.

29 Q. What did Coachy Borno tell you about how these nuns died?

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BRIMA ET AL
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OPEN SESSION

1 A. Coachy Borno met me. By that time we were in Allen Town in
2 my location. We were sitting, he said, "[BY ORDER OF THE COURT,
3 THIS NAME HAS BEEN EXTRACTED AND FILED UNDER SEAL] --

4 Q. Mr Witness, I know you like to repeat these conversations.

10:16:02 5 Perhaps the Court can help me by instructing the folks outside,
6 but the witness is again --

7 PRESIDING JUDGE: Mr Witness, first of all, do you
8 recall -- I know you know and it just slipped, but I will remind
9 you for your own safety and protection to avoid certain names and

10:16:30 10 words. I will say to the people sitting in the public gallery
11 that this is a protected witness, and any matters concerning his
12 name or his identification must be kept secret and not be
13 transmitted or discussed outside the public gallery.

14 Particularly I direct that to media as well as to other people

10:16:55 15 present. Please continue, Mr Witness, and don't worry about it.

16 MR HODES:

17 Q. You were telling us what Coachy Borno told you. Please
18 continue.

19 A. He told me, "Look at what had happened." He said, "Scatter
10:17:14 20 the Bundle, who died, his brother has shot a nun up." He said he
21 didn't know the repercussion of what he has done. I said, "I,
22 myself, I am tired."
23 Q. [Inaudible]
24 A. Yes.
10:17:35 25 Q. I am also going to interject because you started talking
26 about Scatter the Bundle and Scatter the Bundle's brother. Do
27 you know who Scatter the Bundle's brother was?
28 A. Yes.
29 Q. Who was Scatter the Bundle's brother?

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1 A. He was Foday Bah Marah.

2 Q. Can you spell that for the Court?

3 A. Yes. F-O-D-A-Y B-A-H M-A-R-A-H.

4 Q. I think at this point Coachy Borno was explaining the two
10:18:32 5 nuns. Can you just finish up what Coachy Borno told you about
6 the two nuns?

7 A. So, he said the man, Foday Bah Marah has killed a nun and
8 he killed another because ECOMOG had killed his brother. I said,
9 "Well, go be and tell Gullit about this, because there is
10:18:59 10 dangerous, because these are not the people we are fighting.
11 What we came, we have not accomplished anything."

12 Q. Mr Witness, just to make clear, who did Coachy Borno tell
13 you killed these two nuns?

14 A. Foday Bah.

10:19:21 15 Q. Killed both of them?

16 A. No, he said he killed the one.

17 Q. Did Coachy Borno tell you who killed the other none?

18 A. Well, I believed he killed both of them because Coach told

19 me that he killed another.

10:19:43 20 Q. Mr Witness, I am going to take you back a little bit to

21 when you were testifying about the one nun that Gullit had shot

22 as you were leaving the Kissy mental house and moving away from

23 there. Did Gullit give any orders as you were leaving the Kissy

24 mental house?

10:20:19 25 A. Yes.

26 Q. What orders did Gullit give as you were leaving the Kissy

27 mental house?

28 A. He ordered the burning of all houses.

29 Q. I think you also testified that you heard Five-Five give

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1 orders.

2 A. Yes.

3 Q. What orders did you hear Five-Five give?

4 A. He also gave the same orders.

10:20:47 5 Q. Did anything happen as a result of these orders?

6 A. Yes.

7 Q. What happened, Mr Witness?

8 A. The entire eastern area was filled with smoke.

9 Q. Did you see homes set on fire, Mr Witness?

10:21:14 10 A. Yes.

11 Q. Did you see if there were people in any of the homes?

12 A. Yes.

13 Q. Can you tell the Court about that?

14 A. Yes, I will cite one instance. After the nun had died we

10:21:35 15 were coming along Koba Wata. There was one pa in his house who

16 was putting shorts, he was having [indiscernible]. He said,

17 "Instead of the --

18 Q. Please slow down.

19 A. [Inaudible]

10:21:49 20 Q. Go ahead.

21 A. So the man said, instead of the burning of his house he

22 would prefer to be killed. So Gullit fired him on his chest.

23 Q. And what happened to that person, if you know, Mr Witness?

24 A. When the man opened his hand, when Gullit shot at him he

10:22:26 25 fell down. I don't know whether he died or not. We passed

26 there, by then the tension was very high.

27 Q. Okay. Mr Witness, where did you go after you left the

28 Kissy mental house?

29 A. We came back to brewery.

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1 Q. And after the brewery, where did you go?

2 A. We crossed and came over to Allen Town.

3 Q. And from Allen Town, where did you go?

4 A. Well, Gullit left us at Allen Town and they went ahead. We

10:23:30 5 remained at Allen Town.

6 Q. Okay, thank you. So, again my question is, from Allen

7 Town, where did you go?

8 A. I went to Benguema.

9 Q. Did you see anybody from the AFRC in Benguema at that time?

10:23:59 10 A. Yes.

11 MR HODES: Your Honours, I think "Benguema" has been spelt

12 previously.

13 PRESIDING JUDGE: It has.

14 MR HODES:

10:24:09 15 Q. Who did you see in Benguema as you pulled out of Freetown

16 completely?

17 A. Well, I met Gullit there; I met Five-Five there; I met

18 Bazzy there; Tito there. I met -- nearly all the commanders were

19 there.

10:24:31 20 Q. Where did you go from Benguema, Mr Witness?

21 A. We came to Masiaka.

22 Q. Did anyone else come with you to Masiaka. I also think

23 "Masiaka" has been spelt previously.

24 A. Yes.

10:25:02 25 Q. Who else came with you to Masiaka, Mr Witness?

26 A. Tina Musa.

27 Q. In Masiaka, did you meet up with any AFRC members?

28 A. Yes.

29 Q. Who did you see, who did you meet up with in Masiaka.

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1 A. It was Gullit and Five-Five.

2 Q. If you know, Mr Witness, was Bazzy in Masiaka?

3 A. No.

4 Q. Again, if you know, where was Bazzy at that time?

10:25:41 5 A. Well, Bazzy -- they decided that they would come to

6 Gberibana, that they later called the West Side.

7 Q. Can you spell the name of the place you just mentioned?

8 A. Yes .

9 Q. Please do.

10:26:04 10 A. G-A-R-I-E-B-A-N-A [sic]. Can I spell West Side?

11 Q. West Side I [Inaudible]. If you know Mr Witness, who was

12 with Bazzy in Gberibana?

13 A. Well, at that time, I knew it was Tito, Bomb Blast, Junior

14 Lion, and others were at the West Side.

10:26:46 15 Q. And again, if you know, why did Bazzy stay on the West Side

16 while Gullit and Five-Five went to Masiaka, if you know?

17 A. Yes.

18 Q. Why Mr Witness?

19 A. Because Bazzy was disgruntled from the start and he decided
10:27:22 20 that he would not join the RUF. That was why they decided to
21 stay on their own.

22 Q. And do you know, Mr Witness, did Gullit and Five-Five meet
23 with anybody from the RUF once they left Freetown?

24 A. Yes.

10:27:50 25 Q. Who did they meet with?

26 A. Well, they met at intervals with the commanders from the
27 RUF troops.

28 Q. Do you know the names of any of the RUF commanders?

29 A. Well, yes.

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1 Q. Do you know the names of the RUF commanders that they met
2 with?

3 A. Yes.

4 Q. Can you tell the Court who they were?

10:28:29 5 A. Yes.

6 Q. Please do, Mr Witness.

7 A. Well, Issa Sesay, used to come at intervals. He would come
8 and meet with them. Should I spell it?

9 PRESIDING JUDGE: Thank you, we know how to spell that.

10:28:57 10 THE WITNESS: Okay. Superman came; Mike Lamin came, and
11 other few commanders that were --

12 MR HODES:

13 Q. Mr Witness, at some point did you and Tina Musa leave
14 Masiaka?

10:29:27 15 A. Yes.

16 Q. If you know, did Gullit and Five-Five also leave Masiaka?

17 A. Yes.

18 Q. Again, if you know, did Gullit issue any orders before he

19 left Masiaka?

10:29:43 20 A. Yes.

21 [AFRC23SEP05B - SV]

22 Q. What was Gullit's order before he left Masiaka?

23 A. Well, he told everybody that if they attacked the troops --

24 if the ECOMOG troops attacked Masiaka, then they should burn the

10:30:08 25 entire town.

26 Q. Mr Witness, do you know if the soldiers burned Masiaka?

27 A. Yes.

28 Q. Did they burn Masiaka?

29 A. Yes.

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1 Q. Was that because of Gullit's orders?

2 MS THOMPSON: Your Honour, that's leading.

3 PRESIDING JUDGE: Sorry, Ms Thompson, I didn't hear you.

4 MS THOMPSON: Sorry. The question was that because of

10:30:53 5 Gullit's orders. My objection is that's a leading question.

6 PRESIDING JUDGE: We agree and we uphold that objection.

7 MR HODES: Let me rephrase it actually.

8 Q. Mr Witness, were any of the homes in Masiaka burning prior

9 to Gullit issuing the order you just mentioned?

10:31:22 10 A. No, all the houses were intact.

11 Q. And, Mr Witness, were any of the homes in Masiaka burning

12 after Gullit issued that order?

13 A. Yes.

14 MR HODES: I have nothing further.

10:31:43 15 PRESIDING JUDGE: Sorry, Mr Hodes, did you indicate you

16 were finishing your examination-in-chief?

17 MR HODES: I am, Your Honour.

18 PRESIDING JUDGE: Thank you, Mr Hodes. Counsel,

19 Ms Thompson, you're commencing cross-examination? Thank you.

10:32:05 20 CROSS-EXAMINED BY MS THOMPSON:

21 Q. Mr Witness, I have a few questions for you.

22 A. No problem.

23 Q. Okay, thank you. We can start with the evidence you've

24 given in this Court since yesterday and then I'll go on to more

10:32:25 25 general things.

26 A. All right.

27 Q. Now yesterday you said that after the coup in May 1997,

28 Tamba Brima -- okay, first of all, let me establish Tamba Brima

29 is the person you refer to as Gullit. That's right, is it not?

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1 A. Yes.

2 Q. Tamba Brima went to the Wilberforce Barracks.

3 A. Yes.

4 Q. Can you tell the Court how long after the coup that you saw

10:32:56 5 him at the Wilberforce Barracks?

6 A. After the coup, it was in the morning he entered

7 Wilberforce Barracks.

8 Q. Was that on the same day?

9 A. Well, the coup took place at night and in the morning we

10:33:17 10 saw him.

11 Q. What time in the night did the coup take place?

12 MR HODES: I'll object to foundation. Specific time for

13 this witness, he didn't participate in the coup so I'm not sure

14 how he can testify to a specific time.

10:33:39 15 MS THOMPSON: Your Honour, I'll rephrase.

16 Q. The coup took place at night. Was it before midnight or

17 after midnight?

18 A. I saw him before midday.

19 Q. Okay. Do you know what date that was?

10:34:03 20 A. Well, I think we all have a general date when this coup

21 happened. It was the day after that date or it is within that

22 frame in the morning I saw him.

23 Q. So you saw him either on 27th May or 28th May?

24 A. As you are assuming yourself.

10:34:25 25 Q. I'm not assuming, I'm just asking you.

26 A. Well, I think so because for me I cannot remember dates

27 now.

28 Q. Well, let's work from the basis that the coup took place on

29 27th May. Can you hear me? Okay. Let's work from the basis

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1 that the coup took place on 27th May?

2 A. Okay, let's take it that.

3 Q. So you saw him either on 27th or on the 28th; that's your

4 evidence, is it?

10:34:56 5 A. Yes.

6 Q. In the morning hours?

7 A. Yes.

8 Q. When you saw him was he alone?

9 A. Yes.

10:35:03 10 Q. You said you saw him later, I'm not sure how much later,

11 when he came and spoke to you about SAJ Musa?

12 A. Yes.

13 Q. Was that on the same day or was that a few days after?

14 A. I saw Gullit --

10:35:39 15 Q. No, Mr Witness, please, let's keep this short?

16 A. All right. Okay.

17 Q. You have given us two instances when you saw him after the

18 coup at Wilberforce Barracks?

19 A. Yes.

10:35:55 20 Q. One you said was immediately after he came to Wilberforce

21 Barracks.

22 A. Yes.

23 Q. The other you said he came to speak to you or to inform you

24 that SAJ Musa was coming; not so?

10:36:04 25 A. Yes.

26 Q. My question is: How long after you saw him the first time

27 did he come to you to tell you that SAJ Musa was coming? How

28 long?

29 A. Well, it was a few days after that day.

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1 Q. Is that all he told you?

2 A. If I tell you everything he told me we will not leave this
3 place.

4 Q. Okay, well then, please, don't tell us everything he told
10:36:37 5 you then. I put it to you, Mr Witness, that you did not see
6 Tamba Brima on either of those two occasions.

7 A. Look at him sitting there. If I'm lying --

8 Q. I'm not asking for you to identify him, Mr Witness. I'm
9 suggesting that you did not see him on those two days.

10:37:01 10 A. I want to tell you that I have taken an oath and I don't
11 think I'll lie in front of God.

12 Q. Are you aware that Tamba Brima had a road accident around
13 that time?

14 A. I'm only hearing it from you now.

10:37:21 15 Q. Now you also told us that there was a rally organised to
16 welcome SAJ Musa?

17 A. Yes.

18 Q. Were you present at that rally?

19 A. No.

10:37:40 20 Q. Okay. So is it the case that you were hoping that on SAJ

21 Musa's coming you will now get some benefit from your friendship

22 with SAJ Musa?

23 A. Yes.

24 Q. So you will agree with me if I say to you that was an

10:38:09 25 opportunity to benefit from nepotism. SAJ Musa was going to do

26 something for you this time, wasn't he?

27 A. It was not alone; he and Gullit.

28 Q. Okay, he and Gullit. You told us yesterday that they both

29 offered you the job to go to Kono?

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1 A. Yes.

2 Q. Now you recall that you've made statements to investigators
3 from the Special Court before; not so?

4 A. Yes. I was not aware that they were from Special Court.

10:38:54 5 Q. All right, but you've spoken to people regarding everything
6 that you know from May 97 to when you left -- to some time in 99;
7 not so? Okay. Now if I just give you a time frame, one of those
8 interviews was on 27th February 2003; do you recall?

9 A. Yes.

10:39:17 10 Q. Then another one on 28th February 2003?

11 A. Yes.

12 Q. And then on a series of dates starting on 25th June this
13 year?

14 A. Yes.

10:39:33 15 Q. Okay. Now I'm going to read a passage from your interviews
16 and then I will put the question to you after I've read the
17 passage. So if you will just listen carefully to what I read;
18 okay?

19 A. You're welcome.

10:39:58 20 MS THOMPSON: Your Honours, I'm looking at page 10363 and

21 it's paragraph 31.

22 JUDGE SEBUTINDE: Kindly repeat the page number, please.

23 MS THOMPSON: Sorry, 10363. It's the proofing statements,

24 additional information provided by witness and paragraph 31, Your

10:40:45 25 Honours.

26 PRESIDING JUDGE: Thank you, Ms Thompson, we have that

27 before us.

28 MS THOMPSON:

29 Q. In fact I'll start reading from paragraph 30, so at least

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1 you know what I'm talking about.

2 A. You're welcome. Continue.

3 Q. "At that time I did not want to stay in Sierra Leone any

4 longer and I wanted to return to XXXXXX. But there was a ban for

10:41:25 5 travel and I was afraid to go to Guinea as they were capturing

6 collaborators of the junta regime. SAJ Musa told me that he

7 would help me to go back after the war. Therefore I stayed with

8 him three months in Freetown. Then SAJ Musa told me to go to

9 Kono as mines monitoring officer and to be his eye on the ground

10:41:47 10 as he did not trust the man who was representing the junta in

11 Kono. That was around November or December 1997." Now do you

12 recall --

13 PRESIDING JUDGE: Just pause, Ms Thompson, if I could just

14 remind you that yesterday the witness was reluctant to indicate

10:42:13 15 where he had been overseas so in the next series of questions if

16 you could avoid that indication, please.

17 MS THOMPSON: Thank you, Your Honour. I'm sorry, I will.

18 It completely skipped me.

19 Q. Do you recall saying this to the people who were
10:42:23 20 interviewing you?

21 A. Yes, but I was not under oath.

22 Q. So when you were telling them are you saying that you were
23 telling them a pack of lies because you were not under oath?

24 A. No, no. It was an emotional something. You know why, the
10:42:42 25 reason being that the house where I was asked to obtain this
26 interview from me, that was the house where Gullit was and in
27 that house I've already repaired the generator where Gullit was.
28 So it takes a man any time to interpret, to give information as
29 to how it is interpreted.

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1 Q. Mr Witness, do you understand that when you were giving
2 your interview you were obligated to tell the truth because the
3 investigators were going to act upon what you say?

4 A. No, it was not the [indiscernible]. He told me that he met
10:43:31 5 me at my place of work and when he came he just placed his hand
6 in my hand and then he called my name. I said, "Mmm!" Any
7 sober-minded person will actually be surprised and they wanted
8 information from me and during that time they were arresting
9 people and putting them in Pademba Road and --

10:43:50 10 Q. Mr Witness, please, please. This was June 2005, okay?

11 A. You are talking of this now.

12 Q. This statement I have just read to you was one you supplied
13 to them this year?

14 A. No. The one I did here, I really confirmed it I did under
10:44:10 15 oath, when I did it I was saying the truth.

16 Q. Let's keep this short, okay. I'm not talking about what
17 you said yesterday or today; okay?

18 A. All right. Okay.

19 Q. I'm talking about what you told them in June this year.

10:44:30 20 You did not mention that Tamba Brima was part of that decision to

21 send you to Kono as mines monitoring officer. That is the

22 question I'm putting to you. Did you mention it or not; yes or

23 no?

24 A. No, I didn't mention that.

10:44:48 25 MR HODES: Your Honours, I'm going to object to the whole

26 line of questioning, because I don't know if it's designed to

27 impeach the witness for something that he didn't testify to. I'm

28 just not clear of what the purpose of this whole line of

29 questioning is, to be honest with you.

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1 JUDGE LUSSICK: Well, it seems to me that the question is
2 allowable. I understand Ms Thompson to be cross-examining on
3 credit. Is that correct, Ms Thompson?

4 MS THOMPSON: That is correct, Your Honour.

10:45:30 5 JUDGE LUSSICK: Yes, I think that objection should be
6 overruled.

7 MS THOMPSON: I'm grateful, Your Honour.

8 Q. Mr Witness, I'm putting it to you that Tamba Brima was in
9 no way involved in the decision to send you to Kono, as you told
10:45:46 10 this Court yesterday?

11 MR HODES: Your Honours, I don't remember him testifying
12 that Tamba Brima sent him to Kono as a mines monitor. In fact,
13 my recollection is that it was -- excuse me, Mr Witness. That it
14 was SAJ Musa who requested that he go to Kono to be the mines
10:46:14 15 minister [sic], and that there was no mention at all, during any
16 of his testimony, about Mr Brima sending him to Kono.

17 MS THOMPSON: Your Honour, I'm looking at yesterday's
18 transcript. There is no page number because it's the draft. But

19 starting about 10.09 line 6:
10:46:40 20 "Well, when I and him were at Hill Station, because I was
21 acting as personal assistant to him - ironing his uniform,
22 cleaning his boots - he said that he did not want to give me that
23 job, that sort of job. He and Tamba Brima came together and
24 said, 'Let us don't leave TF1-153 sitting just like that. Let
10:47:01 25 him go and do something.' And they decided that I should be sent
26 to Kono. So they sent me to Kono as mines monitoring officer."
27 JUDGE LUSSICK: I've got a note to that effect myself.
28 PRESIDING JUDGE: I also have a note to that effect,
29 Mr Hodes.

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1 MR HODES: But, Your Honour, the suggestion is that it was
2 Mr Brima who sent him to Kono, when in fact it was SAJ Musa who
3 communicated all of this to him. So, you know, as far as the
4 witness was concerned, the witness understood it to be SAJ Musa
10:47:37 5 sending him to Kono. So I think it's really a sort of a
6 subjective concept here as to who sent him to Kono.

7 PRESIDING JUDGE: Ms Thompson is entitled to put the
8 passage she's just read out to the witness which involves
9 Mr Brima. So she is entitled to put to that and whatever
10:47:58 10 questions follow on from that will follow on from it. I note the
11 time, Ms Thompson. I think we should put that question since it
12 has already been posed. Put the question and we then will
13 consider a break.

14 MS THOMPSON: Yes, Your Honour, in fact the question was
10:48:16 15 whether or not Tamba Brima was involved in the decision. That
16 was how I phrased it.

17 PRESIDING JUDGE: I will permit that on that basis.

18 MS THOMPSON: In fact, Your Honour, I think he answered the

19 question, but for the avoidance of doubt maybe I'll put it again.

10:48:33 20 PRESIDING JUDGE: That would be wise.

21 JUDGE SEBUTINDE: What he answered was that it's true, he

22 did not tell the investigators that Tamba Brima was part of this

23 decision. However, what I'm dying to know is the difference

24 between the two, why the difference between the two.

10:48:50 25 MS THOMPSON: Perhaps, Your Honour, I will exhaust that

26 line and then we can go to the break.

27 PRESIDING JUDGE: Very well, Ms Thompson, it would be

28 appropriate to finish off that line of questioning.

29 MS THOMPSON:

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1 Q. Mr Witness, you say you know Tamba Brima very well?

2 A. Yes.

3 Q. Why is it that when you were asked in June this year you
4 did not mention that Tamba Brima was involved in that decision?

10:49:22 5 A. Well, because it was official -- I went there on official
6 duties, and the person who signs my application in "terms of
7 references" was SAJ Musa's signature. I never saw Gullit's
8 signature there. And so that was why I decided that it was SAJ
9 Musa who gave me that appointment.

10:49:44 10 Q. And is it not also because Tamba Brima was not involved in
11 that decision to send you to Kono? That is the case, isn't it?

12 A. Well, I don't understand.

13 Q. You don't understand the question?

14 A. No.

10:50:02 15 Q. You didn't tell them that because Tamba Brima was not
16 involved in the decision to send you to Kono. Isn't that the
17 case?

18 PRESIDING JUDGE: Clarify who "them" is, Ms Thompson.

19 MS THOMPSON: Sorry.

10:50:17 20 Q. You didn't tell the investigators that or the people who
21 were questioning you on behalf of the Special Court, you didn't
22 tell them anything of the sort because Tamba Brima was not
23 involved in that decision; isn't that the case?

24 A. That was the case but that was not how it happened.

10:50:37 25 MS THOMPSON: Your Honour, I think I've exhausted that as
26 far as I can go. This would be a convenient time to stop.

27 PRESIDING JUDGE: Thank you, Ms Thompson. In the
28 circumstances we will adjourn for 15 minutes.

29 Mr Court Attendant, would you please adjourn court for 15

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1 minutes.

2 MR WALKER: Court rise.

3 [Break taken at 10.55 a.m.]

4 [Upon resuming at 11.10 a.m.]

11:11:47 5 PRESIDING JUDGE: Ms Thompson, please continue.

6 MS THOMPSON: Thank you, Your Honour.

7 Q. Now, Mr Witness, yesterday you also told us that Tamba

8 Brima had gone to see you in Koidu and that was because there had

9 been reports of you drinking and you said perambulating around in

11:12:09 10 Kono. Was Tamba Brima sent to see you in Kono because you had

11 been drinking and misbehaving?

12 A. No.

13 Q. Who was sent to see you in Kono because of your behaviour?

14 A. Well, no specific person was sent to me in Kono to come and

11:12:38 15 see me.

16 Q. Nobody had been sent to see you. I'm sorry, can you say

17 that again, please?

18 A. Gullit went to Kono but he was not sent there purposefully

19 to see me.

11:12:55 20 Q. Now the question I asked was was anybody sent to Kono to

21 observe you or to see you?

22 MR HODES: I'm going to object to the nature of the

23 question. It assumes that he knows whether or not somebody else

24 ordered somebody else to do anything.

11:13:15 25 PRESIDING JUDGE: Foundation, Ms Thompson.

26 MS THOMPSON:

27 Q. You had been sent there by SAJ Musa, you told us that much;

28 not so?

29 A. Yes.

SCSL - TRIAL CHAMBER II

1 Q. Did SAJ Musa send anybody to observe you in Kono?

2 A. He didn't send anybody to observe me in Kono.

3 Q. Okay. You've told us that you remember making statements

4 to people working for the Special Court or to people who you did

11:13:49 5 not know.

6 MS THOMPSON: Your Honours, may I ask that we turn to page

7 9999. In fact, perhaps for it to make sense, we can start from

8 the previous page, page 9998, from the last line, 25, which is

9 his answer. May I read, Your Honour?

11:14:52 10 PRESIDING JUDGE: Yes, please proceed, Ms Thompson.

11 MS THOMPSON:

12 Q. Answer: "Okay, we came at one time with just a cup full

13 of -- like this, a cup full of diamonds. And when I came twice

14 with those diamonds, gave them to SAJ, and SAJ too was so happy

11:15:07 15 with me. But first when I went, people who came with messages

16 that I was drinking, getting drunk, because I've now got money,

17 things of those sorts. So he had to send counter agents for me.

18 But when they went it was the opposite, and later they told me,

19 'Man, we did not come here to party. They told us to come and
11:15:27 20 watch at what you are doing. But all that they have said about
21 you is not happening.' And even at that time they have hold me
22 against salary. They say I have suffered too much, you see.
23 Since I started working for them they had never paid me a cent."
24 Do you recall saying that to your interviewer?

11:15:51 25 A. I don't remember.

26 Q. Did anybody go to Kono and speak -- sorry. Can you
27 remember if people went to Kono and spoke to you about your
28 behaviour?

29 A. Yes.

SCSL - TRIAL CHAMBER II

1 Q. And had these people been sent by SAJ Musa?

2 A. No.

3 Q. Do you know who sent them?

4 A. I don't know who sent them.

11:16:25 5 Q. Do you know who these people were?

6 A. Yes.

7 Q. Who were they? Don't give me their names, but did they
8 belong to any particular organisation?

9 A. They were in the AFRC.

11:16:42 10 Q. And was it the case that they went to speak to you because
11 there were reports of you getting drunk?

12 A. They went on their own personal affairs.

13 Q. Did they speak to you about you getting drunk and having
14 lots of money?

11:17:05 15 A. Yes.

16 Q. Because at that time, Mr Witness, you had also started
17 accepting bribes, had you not?

18 A. Yes.

19 Q. And this was because you felt that the AFRC owed you
11:17:22 20 something for the work you were doing on the ground?

21 A. Yes.

22 Q. So it's true you were making a lot of money?

23 A. I didn't make a lot of money.

24 Q. But enough money --

11:17:42 25 A. Say about how much.

26 Q. Mr Witness, I don't know the amount; that's a matter for

27 you. I'm not asking you the amount. I'm saying that you made

28 enough money for you to be able to enjoy yourself?

29 A. That is not true.

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1 Q. And I suggest that that enjoyment was a source of great
2 concern to your benefactor, SAJ Musa?

3 A. Well, it is not to my knowledge, because I didn't enjoy, I
4 suffered.

11:18:18 5 Q. Okay. Is it not the case that apart from accepting bribes
6 you were also siphoning diamonds to sell?

7 A. That is not true.

8 Q. From whom were you accepting these bribes?

9 A. Those who had the licence.

11:18:44 10 Q. So in order for them to do what their licence allowed them
11 to do they had to pay you some extra money?

12 A. Yes.

13 Q. Before we go on, may I just clarify one issue. You

14 mentioned yesterday that Rosos is a place which is code named

11:19:12 15 Eddie Town. Did I get that right?

16 A. Again.

17 Q. Rosos is the place code named Eddie Town?

18 A. Yes.

19 Q. Okay. And you also said that -- you were going on about a
11:19:39 20 conversation when yourself and SAJ Musa arrived at Eddie Town and
21 Tito received you. And you said that Tito had said that Gullit,
22 Tamba Brima, had received command from SAJ Musa. That's right,
23 is it? You said he had received command from SAJ Musa. I just
24 want you to confirm that.

11:20:17 25 A. By the way, it was not me that Tito went to receive.

26 Q. Okay. Well, you were present -- let me rephrase, perhaps I
27 got it wrong. But let me rephrase it.

28 A. Yes.

29 Q. You were present when you had a conversation with SAJ Musa,

SCSL - TRIAL CHAMBER II

1 were you not?

2 A. It was not me that had the conversation with SAJ Musa. It
3 was Tito who had conversation with SAJ Musa.

4 Q. Okay. And Tito said that SAJ Musa had given command to
11:20:51 5 Tamba Brima. That's right, is it?

6 A. I cannot remember I said he gave command to Tamba Brima at
7 Rosos.

8 Q. No, not at Rosos. Let me remind you of what you said. You
9 were telling us about what happened, about Tito relating what had
11:21:13 10 gone on in the camp before SAJ Musa came. And what had been
11 going on had been of surprise to Tito; not so?

12 A. Yes.

13 Q. And Tito was even more surprised because he said SAJ Musa
14 had given command to Tamba Brima?

11:21:32 15 A. I don't really know what you mean. If you're talking of
16 the command SAJ Musa gave to Tamba Brima, it was in Krubola to
17 find a camp between Makeni and Port Loko. But it was in Rosos
18 that he gave that command. He was the overall commander at

19 Rosos.

11:21:51 20 Q. We'll come to that. Now you also mentioned yesterday that

21 at Rosos, also known as Eddie Town, you met certain people in a

22 prison cell, including Junior Lion?

23 A. Yes.

24 Q. Now, I'll go into that in much detail later but, for now,

11:22:23 25 can you just describe what this prison cell looked like. If you

26 can remember, that is.

27 A. Yes.

28 Q. Can you describe it for us then?

29 A. Yes.

SCSL - TRIAL CHAMBER II

1 Q. Please go ahead.

2 A. Well, when we reached -- when we arrived the camp, the
3 prison cell was down, down towards the end of the town. So
4 Gullit was at the middle. It was in a mud house they used for
11:22:59 5 prison cell. In there they had a box, a big box where they were
6 putting some tobacco when it had been harvested for it to
7 ferment. But I never met anybody in that box. I met the women
8 sitting on the ground. Junior Lion, Amos and Bio, they were in
9 another room whilst the other women were in another room.

11:23:28 10 Q. And this place, this mud hut, was known as the prison. Do
11 you recall who the officer in charge of that prison was?

12 A. Yes, I know him, but I cannot remember his name now.

13 Q. Okay. Also sticking to Eddie Town, is it your
14 understanding that this person, Gullit, had been running military
11:23:54 15 operations from Eddie Town before you and SAJ Musa arrived?

16 A. Yes, many.

17 Q. And when you got to Eddie Town, your evidence is that Tamba
18 Brima handed over command to SAJ Musa?

19 A. Yes.

11:24:34 20 Q. And also can you tell --

21 A. Formally, formally.

22 Q. That is what I was going to ask you about, Mr Witness.

23 When you say "formally", can you tell us what you mean? Can you

24 describe the scene for us, please?

11:24:53 25 A. All soldiers were mustered. Gullit made a formal handing

26 over to SAJ Musa.

27 Q. Was there any dissent from any of the soldiers?

28 A. To oppose who; Gullit or SAJ Musa? Who?

29 Q. To oppose SAJ Musa.

SCSL - TRIAL CHAMBER II

1 A. No.

2 Q. And SAJ Musa ordered that Tamba Brima should hand over
3 command?

4 A. Yes.

11:25:39 5 Q. And when he ordered -- when he made that order, Tamba Brima
6 did as he was ordered to?

7 A. Yes.

8 Q. And you also told us yesterday - this is the last question
9 on yesterday's evidence - that SAJ Musa warned people about the

11:26:04 10 Special Court. That he understood that there was going to be a
11 Special Court, in 1998?

12 A. Yes.

13 Q. And that he was a lawyer so he knew what he was doing?

14 A. Yes.

11:26:21 15 Q. And the battalions that he divided into -- because I've
16 seen somewhere else where you describe it as something else. How

17 many battalions did he divide the troops into?

18 A. He divided the battalion into three and his own, which was

19 the brigade headquarter, which makes it four in number.

11:26:41 20 Q. Which battalion were you attached to?

21 A. I was under the brigade.

22 Q. What position did you hold?

23 A. Well, at that time I was the diarist.

24 Q. And as diarist what did you do?

11:27:07 25 A. I took notes of the events, the work we left from Rosos, up

26 to the time we came to Waterloo.

27 Q. Were you trained in how to fire a gun?

28 A. No, I was never trained.

29 Q. Were you not a lieutenant at one stage?

SCSL - TRIAL CHAMBER II

1 A. Yes. Yes, I am happy about this question.

2 Q. You were a lieutenant?

3 A. Yes.

4 Q. Under SAJ Musa?

11:27:36 5 A. Yes, but I never put on any uniform until we came to

6 Masiaka.

7 Q. But you were saluted by the others as a lieutenant; you

8 were recognised by the others as a lieutenant?

9 A. Yes, there was a reason for that.

11:27:52 10 Q. I'm not asking you about the reason, Mr Witness. And in

11 Masiaka you wore a uniform?

12 A. Yes.

13 Q. And you had that uniform until you came to Freetown?

14 A. Yes.

11:28:08 15 Q. And retreated?

16 A. No, I didn't retreat with uniform.

17 Q. Where did you get clothes from?

18 A. I had clothes in my bag when we were coming.

- 19 Q. When you were coming you were travelling with belongings?
- 11:28:21 20 A. I had no property but I had my hand luggage.
- 21 Q. Where did you get those things in your hand luggage from?
- 22 A. It was the ones I removed from Freetown, I went to Kono.
- 23 Q. Now today you have told us about -- this morning you told
- 24 us that you worked out that the person who was Gullit was also
- 11:29:07 25 the person Commander Yayah?
- 26 A. Yes.
- 27 Q. It's right to say that no one told you that; not so?
- 28 A. Yes.
- 29 Q. It was an assumption which you made?

1 A. I didn't assume.

2 Q. Well, Mr Witness, if no one told you that how else could
3 you have got it if you didn't assume it?

4 A. Thank you. Because the whole world knew that soldiers have
11:29:48 5 entered Freetown and that was no force but the AFRC, and that
6 time the commander who was heading the entire troop was Gullit.
7 So if someone code name in -- eventually, from my own common
8 sense, I knew it was Gullit because there was no other force
9 except AFRC.

11:30:11 10 Q. So from all of that you assumed that they were one and the
11 same persons -- one and the same person, I beg your pardon.

12 A. Yes.

13 Q. Now you say that Gullit showed you the body or two bodies
14 and said one was a minister, the other was an ECOMOG general and
11:30:37 15 that he had finished them?

16 A. Yes.

17 Q. I put it to you, Mr Witness, that is not true.

18 A. I am assuring you that I was not lying. That was the

19 truth.

11:30:57 20 Q. Do you know that the minister was ambushed at East End

21 Police?

22 A. Not to my knowledge.

23 Q. Do you know that Tamba Brima was nowhere near there?

24 A. Well, it was not Tamba Brima who arrested him. They

11:31:23 25 brought him to Tamba Brima.

26 Q. Do you know that Tamba Brima was nowhere near the minister,

27 dead or alive?

28 A. It was near his headquarter where the bodies were lying.

29 How could he be away from them? I can't understand.

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1 Q. Isn't that another assumption that you made, that Tamba
2 Brima killed the minister?

3 A. I did not assume. He called me to show me the corpses.

4 Q. He called you for no other reason but to show you people
11:32:12 5 that he said he had killed?

6 A. Yes.

7 Q. I see. Fourah Bay is different from Fourah Bay Road; not
8 so? There are two different locations, the area called Fourah Bay
9 and the place called Fourah Bay Road. Just confirm that for me,
11:32:44 10 please?

11 A. It is right in Fourah Bay that you have the Fourah Bay
12 Road.

13 Q. Have you lived in Freetown for very long?

14 A. Since birth, except when I went to XXXXX.

11:32:57 15 Q. Also you have told us today that you and Tamba Brima had a
16 conversation about the nuns and the priests?

17 A. Yes.

18 Q. Isn't that another assumption that you made?

- 19 A. I am putting it to you that he sent for me to tell me that
11:33:24 20 he had visitors.
- 21 Q. Okay, let's look. And you said that you tried to get these
22 nuns and priests released?
- 23 A. Yes.
- 24 Q. Your benefactor SAJ Musa, he had kidnapped Father Mario,
11:33:49 25 had he not?
- 26 A. Yes.
- 27 Q. And you were present when Father Mario was in his custody?
- 28 A. Yes.
- 29 Q. Now you told us yesterday that you were Catholic?

SCSL - TRIAL CHAMBER II

1 A. Yes.

2 Q. Was SAJ Musa also a Catholic?

3 A. Yes.

4 Q. Did you intervene on Father Mario's behalf?

11:34:03 5 A. Yes.

6 Q. What did you do?

7 A. I intervened, yes.

8 Q. What did you do?

9 A. Well, if you want me to explain I will explain from the

11:34:20 10 time he was captured.

11 Q. No, Mr Witness, please confine yourself to my question.

12 You say you did something on Father Mario's behalf. What, if

13 anything, did you do? That can be two sentences.

14 A. Let me make it in five sentences.

11:34:44 15 Q. Okay.

16 A. When Father Mario was captured, the reason why SAJ arrested

17 him, he was captured with a document when he was inaugurated as a

18 paramount chief. He was called Pa Alimamy. That was why SAJ was

19 angry, not because -- when SAJ was ready to flog him I said,
11:35:06 20 "Thou shalt not strike the Lord". I said, "Let us release this
21 man". But he said, "Please, talk to him so that he will behave
22 and that he should go in accordance to what I tell him". When we
23 arrive at Rosos, he decided to do the same thing when he was
24 trying to contact Bishop Biguzzi.

11:35:26 25 Q. But Father Mario was not released on your say so, was he?

26 A. Well, at that time we did not release Father Mario.

27 Q. And yet SAJ Musa was someone to whom you were very close?

28 A. Yes.

29 Q. And you used to advise him?

SCSL - TRIAL CHAMBER II

1 A. Yes.

2 Q. And yet, as a Catholic, he wanted to flog a Catholic
3 priest?

4 A. Well, at that time he was not taking him as a Catholic, he
11:36:06 5 accepted him as a chief and he was a part and parcel because Pa
6 Alimamy Father Mario are two distinct things.

7 Q. Have you ever heard the name Bulldoze?

8 A. Many times.

9 Q. Who was Bulldoze?

11:36:36 10 A. Bulldoze is not the name of a human being.

11 Q. Wasn't Bulldoze the person also called Foday Bah Marah?

12 A. No, I did not know him for that name.

13 Q. All right. However, you knew him. Was he not the person
14 responsible for the killing of those nuns, all the nuns?

11:36:59 15 A. Well, he didn't kill all the nuns.

16 Q. Mr Witness, I put it to you that Tamba Brima did not kill
17 any nun?

18 A. I'm also telling you right now that he killed them, in my

19 presence, I saw him.

11:37:25 20 Q. We'll come to that again later.

21 A. No problem.

22 Q. Now you also said yesterday that he gave orders to burn

23 Freetown?

24 A. Yes.

11:37:32 25 Q. Was that also done in your presence?

26 A. Yes, right in my presence.

27 Q. Can you tell us the exact words that he used?

28 A. Yes.

29 Q. What did he say?

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1 A. He said, "Well, now that we have lost everything, they too
2 shall lose everything". So he instructed all the soldiers as we
3 are leaving Freetown we should burn the houses. By then
4 Five-Five was standing by him. I too was there, Tina Musa was
11:38:10 5 there and Elongima was there, soldiers were there. So it was not
6 a hidden secret.

7 Q. Can you tell the Court the exact words that he used?

8 A. Well, I think this is what I have said, except if you want
9 me to repeat.

11:38:29 10 Q. No, you paraphrased. I want the exact words.

11 A. He said, "Well, now that we have lost Freetown, they too
12 will lose everything". So the soldiers should burn down houses.
13 He ordered the soldiers to burn the houses. We will not go in
14 vain.

11:38:57 15 Q. Okay, again you have paraphrased but, never mind, we'll
16 move on. Again in the statement you made, I think this one is
17 the one on 27th February 2003 -- no, I think it's 28 February
18 2003. It's on page 10284 or starting at page 10284. Actually

19 what I want is 10285 but I will have to read from 10284 for it to
11:39:57 20 make some sense. Reading from the top, line 1:
21 "Q. But you were leaving with TEENZ, okay, and LONGZ
22 he was with Gullit --
23 "A. "Gullit", yes.
24 "Q. And were you all together or were you separate with
11:40:22 25 TEENZ?
26 "A. Well, TEENZ was sleeping apart, but I normally go to
27 her any time I want.
28 "Q. Okay.
29 "A. Yes. Also with the kids too, to see what is

SCSL - TRIAL CHAMBER II

1 happening.

2 "Q. That's fine. What I'm trying to get at is you didn't

3 have a field radio.

4 "A. No.

11:40:38 5 "Q. You were with TEENZ and the kids as you were

6 retreating:

7 "A. Yes.

8 "Q. So we're trying to see where you would have been able

9 to hear Gullit give the orders over the radio. At any time

11:40:51 10 did you hear those orders coming over a radio?

11 "A. You see, the set that Gullit was having is just like a

12 mobile phone, so they could handle it and walk about,

13 talking to the communication sets on the various positions.

14 So for me to say now directly the words he would have

11:41:09 15 said, you know, I could not tell you that.

16 "Q. That's great. That's all we need to know. We need to

17 know exactly what you heard.

18 "A. Okay.

19 "Q. Okay? And not what you assumed --

11:41:22 20 "A. Assume, okay.

21 "Q. That he did. So if you didn't hear it, no problem,

22 but if you did hear it, I need to know what you heard,

23 exactly what he said.

24 "A. I don't know. He was giving the command, he was

11:41:40 25 executing the command, and the boys were executing it.

26 "Q. How did you know?

27 "A. Because if he did not execute it he would shoot at

28 them and he did it so many times.

29 "Q. Okay. But the issue about burning Freetown or about

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1 now that we haven't been able to have Freetown, you can do
2 what you want, again is that something you just assumed
3 was happening because of the behaviour of the troops, or is
4 it something that you heard him talking about?

11:42:06 5 "A. Yes, I heard him talking about.

6 [AFRC23SEP05 - CR]

7 "Q. And where was that at?

8 "A. It was -- even as we were at the two-storey building
9 and when we came to SHASHGZ, he said if we were going to

11:42:20 10 lose Freetown it was going to be another thing?

11 "Q. But what does he mean by another thing? That's very
12 vague.

13 "A. Well, I don't know. But the things that were
14 happening now is another thing.

11:42:33 15 "Q. But by saying we lost Freetown, it's now going to be
16 another thing. It doesn't mean it's looting or burning.

17 "A. Watching at the shooting incident is another thing."
18 Mr Witness, do you recall saying that in your interview.

19 A. Well, I can't recall.

11:42:58 20 Q. You see, Mr Witness, I'm going to put it to you that at no
21 time did Tamba Brima order anybody, in your presence or not, to
22 burn Freetown.

23 A. Well, I'm telling you that I was present and I'm confirming
24 it that I'm saying the truth.

11:43:27 25 Q. But when you were asked by the interviewers, you didn't say
26 that. You said: "Another thing, it would be another thing."
27 Now, another thing does not necessarily mean burn, does it?

28 A. Well, I can't remember making that statement.

29 Q. Now, you've heard the name Junior Lion before?

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1 A. Yes.

2 Q. Can you tell this Court when you first met him?

3 A. Well, I saw Junior Lion at Yifin and later at Rosos.

4 Q. Okay. Now, that was before you came to Freetown in January

11:44:30 5 1999?

6 A. Yes.

7 Q. When you first met him at Yifin, was he known to you as

8 Junior Lion, or did you recognise him as Junior Lion? Sorry, was

9 he introduced to you as Junior Lion?

11:44:51 10 A. No, no one introduced him to me.

11 Q. How did you know he was Junior Lion?

12 A. When I met him in the prison at Rosos.

13 Q. When you saw him at the prison at Rosos, that was still

14 before January 1999; not so?

11:45:14 15 A. Yes.

16 Q. He told you he was Junior Lion?

17 A. He himself did not tell me that he was Junior Lion.

18 Q. Who told you he was Junior Lion?

19 A. It was when I found out what SAJ told me to do about the
11:45:39 20 prisoners that were in the prison that I came to know that he was
21 called Junior Lion.

22 Q. Okay. Now, Mr Witness, what I'm interested in is the name
23 "Junior Lion", okay.

24 A. Yes.

11:45:55 25 Q. Was that the name that they referred to this person that
26 you saw -- was that the name used to refer to this person that
27 you saw in the prison; the name Junior Lion?

28 A. Yes.

29 Q. Was that the same person you had seen before in Yifin?

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1 A. Yes.

2 Q. When you were in Yifin, did you hear anybody refer to him
3 as Junior Lion?

4 A. No.

11:46:24 5 Q. Now, apart from Yifin, did you see him again before Rosos?

6 Did you see him again?

7 A. I did not see him.

8 Q. After Rosos, did you see him again?

9 A. Well, we came together to Freetown.

11:46:43 10 Q. Can you remember if he was playing any role within the

11 movement to Freetown?

12 A. Well, he was in Bazzy's group.

13 Q. Can you remember what he was doing within that group?

14 A. Well, when we came to Freetown, I did not see him any more.

11:47:14 15 I did not see him. I didn't even see Bazzy.

16 Q. But all the time when people referred to him, they referred

17 to him as Junior Lion?

18 A. I did not even know his actual name. I know him to be

19 Junior Lion.

11:47:34 20 Q. Thank you. Now, let's deal with your relationship with SAJ

21 Musa. He's a relative of yours; not so?

22 A. Yes, I accepted him to be so.

23 Q. Yes. You were very close to him?

24 A. Yes.

11:47:54 25 JUDGE SEBUTINDE: I'm sorry, Ms Thompson, you asked if SAJ

26 Musa was his relative?

27 MS THOMPSON: Yes, Your Honour.

28 JUDGE SEBUTINDE: He gave a rather qualified answer. He

29 said, "I accepted him to be so."

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1 MS THOMPSON: I was coming to that, Your Honour, because it
2 is different from what he had said in-chief. Perhaps I will deal
3 with that now.

4 Q. Now, you said you accepted him to be so. Now that conveys
11:48:16 5 a different meaning to me. When you were giving evidence
6 yesterday, you said he was your blood relative. Now we wouldn't
7 usually accept blood relatives to be so; they are either your
8 relative or not. So what was he? Was he someone you accepted to
9 be your relative, or was he your blood relative?

11:48:34 10 A. Well, he's someone I accepted to be my relative, because we
11 came from the same district.

12 Q. So yesterday when you said he was your blood relative,
13 that's not true?

14 A. I didn't say he's my blood relative. It is XXXXXXXX that I
11:48:55 15 said was my blood relative. If you don't mind, we can go to the
16 records. It was XXXXXXXX that I referred to as my blood relative,
17 because when I arrived in Koinadugu, he took the bag from my
18 head.

19 Q. Okay, I'll come to that later anyway. You say you accepted
11:49:24 20 him to be so, all right. It is right to say you were loyal to
21 him?
22 A. Yes.
23 Q. And is he someone that you held in high regard?
24 A. Yes.
11:49:39 25 Q. You would not want anyone to tarnish the memory of SAJ
26 Musa; not so?
27 A. No, I am a democratic man.
28 Q. But you hold his memory very dear. You don't want anyone
29 to tarnish it?

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1 A. No, everybody should play his card. I always speak the
2 truth. It is not that because he's dear to me if he does
3 anything wrong, I won't say he does bad [as interpreted]. That
4 is where the law is. If someone does bad, you have to say it.

11:50:24 5 That shows true love.

6 Q. Yes, but from beginning, from the campaign from May '97 up
7 to the period February 1998 and when you were marching down, SAJ
8 Musa didn't do anything wrong by you, did he? As far as you were
9 concerned, what he was doing was to achieve an objective, and he

11:50:54 10 didn't do anything wrong.

11 PRESIDING JUDGE: Would you clarify that question,
12 Ms Thompson. Did you say to the witness -- when you say "you",
13 do you mean the witness did not do anything wrong, or are you
14 still referring to SAJ Musa?

11:51:07 15 MS THOMPSON: SAJ Musa, Your Honour.

16 Q. SAJ Musa did not do anything wrong, so far as you were
17 concerned?

18 A. Well, I didn't say so in this Court.

19 Q. Yes, but everything you've told us so far has not been
11:51:26 20 critical about SAJ Musa. That's the point I am making.

21 MR HODES: Your Honour, I'm going to object. I don't know
22 that any questions were asked of the witness as to whether or not
23 SAJ Musa had done anything wrong, as to his opinion about that.
24 So I'm objecting to the question.

11:51:53 25 PRESIDING JUDGE: Ms Thompson, if you have something
26 specific to the witness, you should put that specific issue.
27 This is very generalised.

28 MS THOMPSON: I will put the specific question.

29 Q. Now, when you got to Benguema and you discovered that SAJ

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1 Musa had died, you were upset; not so, because he had been buried
2 pretty quickly?

3 A. Yes.

4 Q. And you felt that he should not have been buried in that
11:52:27 5 way because he was a Catholic?

6 A. No. The reason why I felt bad, when the man died, I've
7 never seen a person buried that night. Midnight.

8 Q. And you believe that Tamba Brima was responsible for his
9 death?

11:52:51 10 A. Yes, I believe that.

11 Q. In fact, you believe that Tamba Brima killed him?

12 A. Because they were together. Why is it that he was the only
13 one that had the fragment --

14 Q. [Microphone not activated] Yes or no, you believe that
11:53:16 15 Tamba Brima --

16 A. Yes, I believe so. Yes, I believe.

17 Q. Isn't it the case then, that because you hold SAJ Musa so
18 dear and because you believe that Tamba Brima is responsible for

19 his death, that is why you have come to this Court today, to tell
11:53:31 20 a pack of lies?

21 A. I am telling you -- in fact, I didn't want to come to this
22 Court because of the way I was feeling, but I found out that it
23 is my right and the right of the country to know what happened
24 from the start until the time we came to Freetown so that the
11:53:59 25 entire country will know those who bear the greatest
26 responsibility. That is why I opted to come.

27 Q. Yes, but you will also accept that most of what you have
28 told this Court is not things that you saw, but things that you
29 heard; not so?

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1 A. I heard, I saw. I heard and I saw.

2 Q. And you also made up?

3 A. I didn't make up anything.

4 Q. Now, after the coup, it's fair to say that between the SLA

11:54:45 5 and the RUF, there was a mutual distrust; not so? They didn't

6 trust each other?

7 A. Well, I was not RUF and I was also not a soldier at that

8 time.

9 Q. Okay, AFRC then; there was a mutual distrust between the

11:55:17 10 AFRC and the RUF?

11 A. I'm only learning it now from you.

12 Q. Did SAJ Musa like the RUF?

13 A. Well, I'm not SAJ Musa. I can't tell you.

14 Q. You were with him, were you not?

11:55:36 15 A. Yes, I was with him. But I am not SAJ Musa, he is not me.

16 Q. Yes, did he not tell you he did not like the RUF? Did he

17 not tell you that, Mr Witness?

18 A. Yes.

19 Q. Well, that's the simple question I'm asking you. In fact,
11:56:05 20 that's one of the reasons why he sent you to Kono; not so?

21 A. That is not the reason why he sent me to Kono. He sent me
22 to become a mines monitoring officer under the advice of the
23 senior mines monitoring officer, Mr Kawawa Jallow.

24 Q. Let me ask you, were you qualified for that job?
11:56:29 25 A. Well, I did not do anything in geology; I did engineering.

26 That is why he sent a senior mines monitoring officer who was my
27 boss. He didn't give me the top-most job. He wanted me to gain
28 experience.

29 Q. That was your first proper job?

1 A. Yes.

2 Q. You had never had a proper job in your life, had you?

3 A. At all, at all.

4 Q. Basically when you went to Kono, you didn't know what to do

11:57:07 5 and what you were doing?

6 A. Well, except now that you are saying it, because I know I

7 am literate, I can read and write.

8 Q. Was Mosquito mining in Kono when you went there?

9 A. I never saw him with a shovel, but I saw him there.

11:57:29 10 Q. Did he have people mining for him?

11 A. Not to my knowledge.

12 Q. Were you doing your job as a mines monitoring officer?

13 A. Yes.

14 Q. How many times did you see Mosquito in Kono?

11:57:43 15 A. Well, I saw him about three to five times.

16 Q. When you saw him, what was he doing?

17 A. The first time they went, he went together with Tamba Brima

18 to address us in the town hall as to how they will introduce us

19 to the people in Kono that we were the new mines monitoring
11:58:16 20 officer so that they will respond to whatever we tell them. The
21 second time I came, they were about to talk to us. They summoned
22 us. As they were ready to talk to us, he cut off the meeting.
23 And the other time, I saw him in a vehicle moving around. It was
24 only once that we have audience with him, the time he presented
11:58:42 25 us in Kono.

26 Q. You, as the mines monitoring officer, were answerable only
27 to the AFRC? I correct that; only to SAJ Musa.

28 A. No, it was to the Ministry of Mines. I was answerable to
29 the ministry. He was the Minister of Mines at that time.

1 Q. Okay. That's the answer to my question. Now, you say you
2 saw Tamba Brima in Kono.

3 A. Yes.

4 Q. How long did he stay?

11:59:21 5 A. [Translation interrupted].

6 Q. Did you not see Tamba Brima when he stayed for one week.

7 Did you not tell -- sorry, I rephrase that, Mr Witness. Sorry.

8 Did you not tell those who were interviewing you in June this

9 year that you saw Tamba Brima and he stayed for one week?

11:59:46 10 A. I said about. It could be above one week, it could be
11 below one week.

12 Q. Sorry, your answer was? I didn't get an interpretation.

13 A. I said about. It could be below a week, it could be above

14 a week.

12:00:12 15 Q. You told them it was about a week?

16 A. About.

17 Q. Sorry, when was this week? Can you remember what month?

18 A. I cannot remember now.

19 MS THOMPSON: Your Honours, I'm looking up page 10364,
12:00:33 20 paragraph 45.

21 Q. You said to those interviewing you,
22 "When I was still posted in Koidu Town Gullit came there.
23 He sent to call me and I met him. He seemed intoxicated. He
24 told me that he had been sent to assert some discipline on the
12:01:00 25 ground. But his own bodyguards were stealing and looting in
26 Koidu. I told him about the behaviour of his bodyguards and he
27 knew about it. He spent a week on the ground and then left for
28 Freetown."
29 Is that what you said?

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1 PRESIDING JUDGE: Ms Thompson, can I get that page number
2 again, please?

3 MS THOMPSON: 10364, I beg your pardon, and it is
4 paragraph 45, the last paragraph.

12:01:28 5 Q. Do you recall saying that?

6 A. Once more.

7 Q. "When I was still posted in Koidu Town Gullit came there.

8 He sent to call me and I met him. He seemed intoxicated. He

9 told me he had been sent to assert some discipline on the ground.

12:01:46 10 But his own bodyguards were stealing and looting in Koidu. I

11 told him of the behaviour of his bodyguards and he knew about it.

12 He spent a week on the ground and then left for Freetown."

13 Do you recall saying that?

14 A. I cannot remember saying it was one week. I said about.

12:02:12 15 Q. May I also put to you that, in fact, you and Tamba Brima

16 did not meet in Koidu in Kono District.

17 A. I am telling you I am saying the truth.

18 Q. Well, do you recall that about this time, December 1998,

19 Tamba Brima went to Kono to get married?

12:02:40 20 A. You're only telling me now.

21 Q. Did SAJ Musa ever tell you he overheard a conversation

22 between Mike Lamin and somebody else, saying they were going to

23 deal with AFRC soldiers in Kailahun?

24 A. Yes.

12:03:11 25 Q. And Mike Lamin was a member of the RUF; not so?

26 A. Yes.

27 Q. Do you recall a meeting in Kabala wherein Mosquito said

28 that Johnny Paul Koroma was in detention?

29 A. Yes.

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1 Q. Mosquito said that?

2 A. That was what SAJ told me.

3 Q. Okay, you were not present at this meeting?

4 A. No, no. I was not in that location.

12:03:55 5 Q. Well, can you recall around what time SAJ Musa said this
6 meeting took place?

7 A. The time he withdrew from Kono, when he took the window to
8 Makeni and went up to Kabala.

9 Q. That would be before you met him in Krubola; not so?

12:04:20 10 A. Yes, so many months.

11 Q. So we would be talking about the first half of 1998, around
12 about March 1998. February, March 1998. Or February, in fact.

13 A. Okay.

14 Q. I'm asking you for an estimation in time.

12:04:44 15 A. Well, it was in February, in February.

16 Q. These witches that you say you found at Eddie Town --

17 A. I did not say they were witches. It was not me who said
18 that, no.

19 Q. Sorry, Mr Witness. I didn't mean you said. I mean the
12:05:22 20 ones who were alleged to be witches and you found them and they
21 had been accused of being witches. That's your evidence; not so?
22 A. Yes.
23 Q. Did you witness Tamba Brima ordering their detention?
24 A. We were not there. We found that they had already been
12:05:45 25 detained.
26 Q. Do you know what happened to them eventually?
27 A. Yes. After my investigation, SAJ ordered that they should
28 be released.
29 Q. All of them?

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1 A. All of them.

2 Q. Do you know the name of Tamba Brima's wife?

3 A. Yes.

4 Q. Have you met her before?

12:06:15 5 A. Yes.

6 Q. When?

7 A. The time when he, Gullit, told me to visit him.

8 Q. You met her then?

9 A. Yes. It was at Wilberforce Barracks.

12:06:37 10 Q. Sorry?

11 A. It was at Wilberforce Barracks.

12 Q. Can you tell us what year that was?

13 A. Before the AFRC.

14 Q. You do know that Tamba Brima has only one wife?

12:07:22 15 A. At that time, yes.

16 Q. And that the second wife came subsequently to his brother's

17 death; not so?

18 A. Not to my knowledge.

19 Q. Now, when you got to Eddie Town, you said there were young
12:07:41 20 boys who had been trained to fight. You said they were SBUs.

21 A. Yes.

22 Q. SAJ Musa having ordered that the alleged witches be set

23 free, did he order that these boys be set free?

24 A. Thank you, yes.

12:08:05 25 Q. And were they?

26 A. They were set free, but they didn't go.

27 Q. Is it not the case that SAJ Musa himself came with some

28 SBUs?

29 A. Yes.

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1 Q. And he was the commander at this time?

2 A. Yes.

3 Q. And he was in charge of the camp and all these boys?

4 A. Yes.

12:08:40 5 Q. After you discovered the death of SAJ Musa -- I mean, your

6 evidence was that you came and you found out that SAJ Musa had

7 died?

8 A. Yes, yes.

9 Q. This is your evidence. Was Tamba Brima willing to continue

12:09:08 10 the March towards Freetown?

11 A. Yes, he was willing.

12 Q. Are you sure about that?

13 A. Yes.

14 Q. Let me refer you to what you said earlier when you were

12:09:28 15 making your statement.

16 A. Yes.

17 MS THOMPSON: Your Honours, I'm looking at page 10165,

18 starting from lines 17 to 23. Starting from lines --

19 JUDGE LUSSICK: Just one moment, Ms Thompson, we're
12:10:42 20 attending to a noise problem here.

21 PRESIDING JUDGE: Please proceed, Ms Thompson.

22 MS THOMPSON: Your Honours, I'm reading from line 17.

23 Q. "The troops were confused" -- I think, perhaps, I better
24 read from line 7. It makes more sense and flows better, I beg
12:11:30 25 your pardon:

26 "Q. So you said there was a week of mourning?

27 "A. Yeah.

28 "Q. Where were all the battalions for that week?

29 "A. All of us came now together and stayed in one place.

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1 "Q. Which was?

2 "A. Which was inside this -- the Freetown peninsula
3 jungle now.

4 "Q. That's where you were for one week?

12:11:50 5 "A. For one week.

6 "Q. Was that only to mourn SAJ, or were the troops
7 waiting for someone -- for something?

8 "A. The troops were confused. Command structure had
9 fallen, people were afraid to advance.

12:12:04 10 "Q. Well, Gullit was in charge, though?

11 "A. He was in charge, but he was afraid to advance. At
12 that stage, he said his lamb had died, that was his tall I
13 sayman [sic]. Once the lamb had died, he could not do
14 anything."

12:12:20 15 Do you recall saying that?

16 A. Yes.

17 MS THOMPSON: I refer, also, Your Honours, to page 10169.

18 I think I can start from page 10168, reading from line 22, which

19 is halfway through his answer.

12:12:57 20 Q. "So when we were in the peninsula mountain, we decided to

21 organise ourselves as to how we should forge ahead, and we

22 knew for sure that if we had returned back, we would have

23 gone and met the RUF forces, and if we have advanced again,

24 we knew the obstacle ahead that we were going to meet. So

12:13:20 25 we decided to accomplish SAJ Musa's mission, yes, because

26 that was what he had planned. And since we were coming

27 along the road, he normally used to address us and tell us

28 his plans for Freetown. So, upon that, we decided to come

29 to Freetown.

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1 "And when Gullit was told to leave the troops, he said
2 because SAJ has died, he's scared to come to Freetown. But
3 he was forced to do so by SAJ's men, that if he's not going
4 to lead the troops now he was to answer the consequences
12:13:58 5 for SAJ's death. So later on he yielded together with his
6 commanders."

7 Do you recall saying that?

8 A. Yes.

9 Q. Well, I will ask you the question again: Did Tamba Brima
12:14:13 10 want to advance to Freetown?

11 A. Yes.

12 Q. Do you recall telling the interviewers that he was afraid

13 to do so, and indeed he had to be forced to do so?

14 A. Well, it was not his own calendar's time, the time we were
12:14:33 15 ordered to come. It is not that he wanted to come to Freetown.

16 MS THOMPSON: Sorry, Your Honour, I don't know if that was

17 the end of the sentence. I didn't get the interpretation to the

18 last answer.

19 THE WITNESS: I said not that he didn't want to come, but
12:14:56 20 it was not his time he should come, that was why I said he was
21 afraid for that time, but he still had to come to Freetown.

22 MS THOMPSON:

23 Q. Well, when you were being interviewed, Mr Witness - I've
24 read out what you said - and there's nowhere in that interview
12:15:16 25 where you say, "At that time Tamba Brima did not want to come,
26 but he would have come at some other time of his own
27 convenience." You did not tell them that now, did you?

28 A. Not to my knowledge, because why I felt that Tamba Brima
29 had wanted to come, because he took the uniform of SAJ Musa and

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1 he took the promotion of SAJ Musa and he was leading the troop
2 and saying he was the commander of the troop and the troops were
3 heading for Freetown, but at that particular time he was about to
4 come, he said his sheep had died, that is why I said he was
12:15:55 5 afraid. Indeed, he had to come to Freetown.

6 Q. But you are assuming that, Mr Witness, because you said in
7 your interview that he was forced to come by SAJ Musa's men, one
8 of them being you; not so? You were one of SAJ Musa's men; not
9 so?

12:16:23 10 A. Yes, I was one of his men, but I did not force him. It was
11 the whole troop.

12 Q. But he was forced; not so?

13 A. It was for him to speed up the time, because he wanted a
14 later date.

12:16:35 15 Q. Mr Witness, you haven't said anything about dates or time
16 in that interview, okay. You did not say that.

17 A. Well, I cannot remember.

18 Q. How tall was SAJ Musa?

- 19 A. I didn't have a metre to measure him.
- 12:16:54 20 Q. Would you describe him as somebody who was very tall?
- 21 A. Yes, he was a tall man.
- 22 Q. Was he fat?
- 23 A. No, he was not. He was --
- 24 Q. So about your size?
- 12:17:10 25 A. Yes.
- 26 Q. Taller than you?
- 27 A. Well, I did not measure his height.
- 28 Q. When you stand next to him, is he taller than you, or what
- 29 or are you taller than him?

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1 A. I cannot remember now.

2 Q. You stood next to him lots of times; not so?

3 A. But I never observed, or I didn't stand near him to observe
4 his height.

12:17:54 5 Q. Now, the mission to Hastings, also --

6 A. Yes.

7 MS THOMPSON: Your Honour, I think there is something wrong
8 with my headphones. It cuts off and then comes on again.

9 PRESIDING JUDGE: Mr Court Attendant, can you assist? Is
12:18:12 10 there a spare headset?

11 MS THOMPSON: I will try these ones, Your Honour, and see
12 how far I can get.

13 Q. Did Tamba Brima, according to you, want to pursue Hastings?
14 Did he want to go into Hastings?

12:18:59 15 A. Yes.

16 Q. Was he not afraid to go to Hastings?

17 A. Well, by the way I know Gullit, Gullit was a good soldier.
18 He's never afraid.

19 MS THOMPSON: Your Honours, I will read from page 10175,
12:19:20 20 line 14 to 17.

21 PRESIDING JUDGE: Could we have the page number again,
22 Mrs Thompson?

23 MS THOMPSON: 10175, Your Honour.

24 PRESIDING JUDGE: Yes, we have that before us, thanks,
12:19:49 25 Ms Thompson.

26 MS THOMPSON: Lines 14 to 17.

27 Q. The question was:

28 "Q. Okay, and that decision was made by whom?

29 "A. By Gullit, that we should choose to run away because

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1 he was afraid even - to even pursue Hastings. He said

2 because his lamb had died he's not going further."

3 Do you remember saying that?

4 A. No, I don't remember that.

12:20:24 5 Q. Mr Witness, this was something you said in 2003; not so?

6 This statement you made in 2003?

7 A. I made a statement in 2003, but during that time, the

8 interpreter we had during that time, but what I know is the truth

9 and I'm saying it.

12:20:50 10 Q. But you would agree with me when I say in 2003 events were

11 a lot fresher in your mind than they are, perhaps even today?

12 A. Well, I feel it's just the same.

13 Q. Okay. I'll read further on page 10175, going over the

14 page, starting from line 24.

12:21:24 15 "A. No, he was only threatened once by SAJ's men, that if

16 he does not -- that if he does not command the troops, they

17 were going to finish him too, because he had machinated the

18 death of SAJ. Because everybody was so surprised to see

19 them wearing his uniforms, because you -- you love
12:21:43 20 somebody, he will not die in a minute and then you
21 scattered his properties like that. There would be
22 suspicion."
23 Do you remember saying that?
24 A. Yes, I remember.
12:21:54 25 Q. So you remember saying that he was afraid, he was not going
26 to go forward, but he only did so because SAJ Musa's men had
27 threatened him, that they were going to finish him?
28 A. Well, that expression I gave, I didn't say he was afraid in
29 a sense. It was a later date he had wanted to come, because

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1 Gullit is a man who is never afraid.

2 Q. Mr Witness, you keep telling us about a later date, but in

3 the passage I read to you, not this one, the one I read before I

4 read this last one, you said he is not going further. There is

12:22:40 5 nothing about a later date, Mr Witness, is there?

6 A. Well, I don't know.

7 Q. Now, it is right that SAJ Musa had promised that he will

8 help you to go back to XXXXX at the end of everything; not so?

9 A. Yes, that one, he said it.

12:23:11 10 Q. And in fact, you have family in XXXXXXXX?

11 A. Yes.

12 Q. You saw this as an opportunity for you to go back and see

13 them; not so?

14 A. Yes. Any responsible family would wish for that.

12:23:35 15 Q. Are you hoping that after giving evidence here, you will

16 find a way -- that the Special Court will help you to reunite

17 with your family?

18 A. No. Now I'm afraid to go to XXXXXXX because of the events

19 that are taking place there. I would prefer to stay.

12:23:53 20 Q. I see. I guess you -- perhaps you think that the Special

21 Court will help you to bring them over to join you?

22 A. No. We have not spoken about that.

23 Q. I don't want you to say the language, but if I ask you that

24 apart from English and Mende and Krio you speak another language,

12:24:21 25 do you not?

26 A. Yes.

27 Q. And that's XXXXXXXX language?

28 A. Yes.

29 Q. Were you not promised by the AFRC government that you would

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1 be their ambassador to the country where you had been before?

2 A. You're only telling it to me now.

3 Q. Did you not act as an interpreter and as a go-between

4 between members of the AFRC and people from that country?

12:24:52 5 A. Well, I want you to actually cite an instance.

6 Q. I'm asking you the question: Have you ever acted as a

7 go-between and an interpreter between members of the AFRC

8 government and people from that country?

9 A. No, I have never.

12:25:17 10 Q. In fact, I am putting it to you, Mr Witness, that you were

11 involved in arms deals between the AFRC government and that

12 particular country; you were involved in those deals.

13 A. I wish you had a document to prove this.

14 Q. You can either accept or deny it. I'm putting it to you

12:25:44 15 that you were.

16 A. It never happened.

17 Q. Is it not the case that throughout this journey from Kono

18 which you took to Freetown that you and Tamba Brima did not see

19 him, you did not speak to him and that what you have told this
12:26:12 20 Court is merely a pack of lies? Isn't that the case?
21 A. Not true.
22 Q. You have blamed him because you blame him for the death of
23 someone who was very close to you and whom you loved?
24 A. I don't only love SAJ Musa dearly. All of them sitting
12:26:49 25 there, I love them dearly, but everybody should carry his own
26 load.
27 Q. You will help Tamba Brima to carry even more load because
28 you are annoyed that he -- you are annoyed because you think he
29 killed SAJ Musa; isn't that the case?

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1 A. They all know me. I'm never vexed; I'm never angry. I
2 just take them how they were, as how they told me about him.

3 Q. Were you employed as a mechanical engineer for the
4 maintenance of helicopter gunships in the Sierra Leone Army?

12:27:40 5 A. It never happened.

6 Q. Have you ever been employed in any way by the Sierra Leone
7 Army; have you never helped them in any way, the Sierra Leone
8 Army, in 1997?

9 A. Unless when I went to Kono. I went, as you just said, that
12:28:00 10 was the first job that I had. That was the first job I have and
11 the most decent one, even though I was not paid.

12 Q. Yes, but you took bribes to make sure that --

13 A. Yes, yes, I had to live.

14 Q. Now, you have told this Court about conversations you had
12:28:18 15 with Tina Musa this morning.

16 A. I thought you said converse. Yeah, yeah.

17 Q. You didn't have these conversations with her now, did you?

18 A. Which one?

19 Q. Any of those.

12:28:42 20 A. No, I had lost contact with her.

21 Q. I'm suggesting that in January of 1999, you did not have

22 those conversations with Tina Musa, you did not speak to her.

23 A. I am telling you I spoke to her, and all that I'm saying is

24 true.

12:29:06 25 Q. Mr Witness, I'm suggesting to you that you have not been

26 truthful with this Court. I have no further questions for you.

27 A. My answer is that I am on oath.

28 MR HODES: Thank you. I was just going to ask whether or

29 not that was a question or a comment.

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1 PRESIDING JUDGE: Yes, he hasn't been given an opportunity
2 to answer properly. What was your last answer, Mr Witness?

3 THE WITNESS: I said I am under oath and I see no reason
4 why I should lie.

12:29:53 5 PRESIDING JUDGE: Thank you, Mrs Thompson. Mr Daniels,
6 please proceed.

7 CROSS-EXAMINED BY MR DANIELS:

8 Q. Good afternoon, Mr Witness.

9 A. Good afternoon.

12:30:05 10 Q. You have told this Court that you have never really held a
11 proper job; is that correct?

12 A. Except when the lawyer says so.

13 Q. You agreed with my learned friend?

14 A. She suggested I made helicopters. I'm a XXXXXX engineer; I

12:30:40 15 don't know anything about aviation.

16 Q. The question I'm asking you is whether you have ever held a

17 job, gainfully employed, in your career.

18 MR HODES: Your Honours, I'm going to object to the form of

19 the question. The definition of what proper job is would help, a
12:30:56 20 time frame, if is this in his entire lifetime. Does he want a
21 resume or a complete listing of jobs that the witness may have
22 held at different times and different places?

23 PRESIDING JUDGE: Mr Daniels, that is a big question. You
24 need to be more precise.

12:31:13 25 MR DANIELS: Your Honour, it was put to the witness by my
26 colleague that he had never held a proper job and he agreed. So
27 I am only asking him to confirm that.

28 THE WITNESS: Except when I was made the mines monitoring
29 officer in Kono.

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1 MR DANIELS:

2 Q. Very well. For some years, you have been surviving on

3 handouts from a certain country XXXX XXXXXXXXXX; is that correct?

4 A. Where, at Wilberforce Barracks?

12:31:52 5 Q. No, here in Sierra Leone.

6 A. Which specific country are you referring to?

7 MR HODES: I'm going to object to the possibility of going

8 into information that could establish identity. If this line of

9 questioning is going to require information that might do that, I

12:32:11 10 would suggest that we go into a closed session.

11 PRESIDING JUDGE: Mr Daniels, you know your line of

12 questioning. Is this a line of questioning that could go to the

13 possible identification of the witness?

14 MR DANIELS: Yes, but only briefly. It is only a very

12:32:33 15 brief reference to what has been provided in the witness

16 statement.

17 PRESIDING JUDGE: I see.

18 JUDGE LUSSICK: Witness, do I understand you to be saying

19 that you don't know what country Mr Daniels is referring to? I
12:32:57 20 don't ask you to say it out loud.

21 THE WITNESS: Where I studied is a place I received
22 handouts from; is that what you are saying?

23 MR DANIELS:

24 Q. Exactly.

12:33:11 25 A. No, the only thing they sent for me is my family, the
26 medi-video cassette for my family. I even played it; even Gullit
27 watched it. They showed me how my child was developing. That is
28 not money, but it is worth more than money. If that is what you
29 are referring to as money, okay, I'll accept.

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1 Q. No, that's not what I'm referring to.

2 MR DANIELS: Your Honours, I'm referring to the witness
3 statement, 10361, the very first page, which is paragraph 3. I
4 will go straight to the point so I don't mention the country.

12:34:10 5 MR HODES: Your Honours, I rise only because I think the
6 paragraph explains itself. It speaks for itself in that he
7 received money during the time that he was abroad studying. So
8 if the Court could look at that paragraph, perhaps it could get
9 us past this particular issue.

12:34:43 10 THE WITNESS: It was allowances.

11 JUDGE LUSSICK: That paragraph doesn't seem to bear out
12 your suggestion, Mr Daniels, that he's surviving on pittances
13 from overseas.

14 MR DANIELS: I wish to say that perhaps he was surviving on
12:35:17 15 handouts from where he was.

16 JUDGE SEBUTINDE: Mr Daniels, a lot of students survive on
17 scholarships and funds. But the way you're putting it, I don't
18 think is synonymous with what is written in this paragraph.

19 MR DANIELS: Very well. I will move on. Because of the
12:35:42 20 sensitive nature of this particular matter, I will move on.

21 Q. Mr Witness, you told this Court that you were robbed of
22 your watch --

23 A. Yes.

24 Q. -- when you were at Yifin. Do you remember that?

12:36:08 25 A. Yes.

26 Q. Do you remember when exactly it was?

27 A. Well, it was after -- when ECOMOG had entered Freetown.

28 When I travelled, I went up to Koinadugu. I went up to Yifin.

29 So I was with the chief when he gave me one man I was staying

1 with, Mr Lagah. That was where I saw soldiers entered inside.

2 When they came, one of them called me. They were all gathered in

3 one street sitting on the verandah. Some were drinking.

4 Q. Do you remember the person who took your watch?

12:37:10 5 A. I can't recall his name, but I know him.

6 Q. You told this Court that there were a group of soldiers

7 under the command of Bazy Kamara; did you not say so?

8 A. Yes, yes, even when we went to Rosos, I met him there and I

9 asked him for my watch. I even told Bazy about it.

12:37:37 10 Q. I wish to put to you that Mr Bazy Kamara was at no time in

11 Yifin.

12 A. Well, I am putting it to you that I am saying the truth.

13 Q. I am also putting it to you that he did not come with any

14 troops to Yifin.

12:38:07 15 A. I'm putting it to you that I'm saying the truth.

16 Q. When was the first time you got to know Mr Bazy Kamara?

17 A. I knew him very well when we arrived at Rosos.

18 Q. That was the very first time that you got to know him?

19 A. Well, understanding somebody and knowing somebody are two
12:38:44 20 different things.

21 Q. Did you know him from Wilberforce Barracks?

22 A. I came to know him when their names were read over the air
23 when they were overthrown, because he was PLO2 - 3, rather.

24 Q. I'm going to refer you to your statement to the
12:39:15 25 Prosecutors. I'm referring to 10012, line 17. May I go on?

26 PRESIDING JUDGE: Yes, please do, Mr Daniels, we have that
27 before us.

28 MR DANIELS:

29 Q. Line 14:

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1 "A. I knew them.

2 "Q. Okay, so you recognised some of them?

3 "A. I recognised some of them. [As read].

4 "Q. Do you remember the names of any of the ones you
12:41:08 5 recognised?

6 "A. The names I don't know now. You see, because it is a
7 long time, and there were so many, you know, you
8 understand. So I took the jungle. I had to go to a town
9 called Dola."

12:41:27 10 MR DANIELS: I'm also going to 10014, line 20.

11 MR HODES: Your Honours, before we move off of that page,
12 I'm just wondering whether or not Defence counsel is trying to
13 impeach the witness off that initial quote, because that quote
14 initially deals with whether or not he recognised anybody at a
12:42:03 15 roadblock, not anybody in Yifin. I just want to make sure that
16 that was clear.

17 PRESIDING JUDGE: Mr Daniels, you haven't actually put that
18 to the witness, and you shouldn't ask two questions at once. If

19 there is some prior matter that should be put to the witness in
12:42:19 20 conjunction with that passage, then it should be done together,
21 in fairness to the witness.

22 MR DANIELS:

23 Q. I want to put it to you, having read the first paragraph to
24 you, that at the time you were -- you met the soldiers in Yifin,
12:42:38 25 you did not know who they were and you never subsequently got to
26 know who they were.

27 MR HODES: That's the objection, Your Honour. 10012 and
28 the quotation that Defence counsel is citing is specifically
29 about a roadblock that the AFRC set up somewhere between Yifin

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1 and Kono. I would cite the Court and Defence counsel to page
2 10011 at line 6 and 7, which is the reference to the roadblock
3 which is then where he doesn't recognise any of the AFRC soldiers
4 in 10012.

12:43:56 5 JUDGE LUSSICK: Mr Daniels, did you want to ask him about
6 that roadblock, or are you still referring to the incident in
7 Yifin where he was asked to hand over his watch?

8 MR DANIELS: Maybe if I could clarify that with the
9 witness.

12:44:10 10 Q. Was there a roadblock at Yifin?

11 A. Yifin is a town. There will be no roadblock in Yifin. It
12 is between Kayima and Yifin where the roadblock was.

13 MR DANIELS: Very well then. Your Honours, I'm looking at
14 the time. Maybe I can move on to the next matter when we return.

12:44:35 15 PRESIDING JUDGE: Mr Daniels, this is normally the time we
16 would adjourn for the lunchtime adjournment. I think it would be
17 appropriate to adjourn now and resume at 2.15.

18 [Lunch recess taken at 12.48 p.m.]

19 [Upon recommencing at 2.18 p.m.]

20 PRESIDING JUDGE: Good afternoon. Mr Daniels, you were in

21 the midst of your cross-examination [Overlapping microphones].

22 MR DANIELS: Your Honour --

23 MR HODES: Your Honours, I was just getting the Krio

24 interpretation on my English channel.

25 PRESIDING JUDGE: So was I. I think everybody was.

26 THE INTERPRETER: It is okay, Your Honours, now.

27 PRESIDING JUDGE: It has been rectified.

28 MR DANIELS: Your Honours, I was just about to put to the

29 witness a statement in page 10014. Reading from line 20.

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1 PRESIDING JUDGE: Yes, please proceed.

2 MR DANIELS:

3 Q. Mr Witness, I am going read a portion of your statement --

4 A. Welcome.

5 Q. -- of 27 February 2003.

6 A. You are welcome.

7 Q. "'Come over here.' At that time I was shivering like hell.

8 I went. 'What do you have over there?' They took off the

9 watch, they search into my pockets. I was having some cash

10 with me. They took everything and left me with 5000

11 Leones.

12 "Q. And do you know who was in charge of Yifin at that

13 point?

14 "A. Yifin?

15 "Q. Which commander was in charge of Yifin --"

16 "Q. Who was in charge of Yifin?

17 "A. Yifin, no."

18 At that point, the point -- first of all, do you remember

19 making this statement to the Prosecutors?

20 A. Well, it is a long time now but you can go ahead now.

21 Q. Yes, in this statement you were asked whether you knew

22 who the commander was and your answer was, no, you did not know

23 who the commander was . And then much later on at --

24 JUDGE SEBUTINDE: Mr Daniels, the answer was not no, I

25 don't know who the commander was. He just didn't answer the

26 question that was asked. If you look at 10015, he said, "Yifin,

27 no, at that time the chief was just there." He just didn't

28 answer that question. Twice. He was asked the same question and

29 he just didn't answer it.

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1 MR DANIELS: He said, "Yifin, no". He says no. Well, the
2 record will speak for itself. I see no, that's why I am taking
3 it from there. Very well.

4 Q. Then much further on at 10072, reading from line 3,
5 answer -- or question, "Who was in command in Yifin?" Is the
6 question that was asked to you. You said:

7 "A. Well, at that time the person who was there, later on
8 whom I saw in the jungle amongst the group, it was
9 Brigadier Bazzy who was the commander, and he was there
10 together with Five-Five -- Five-Five because at the time I
11 was not acquainted with him. It was only when I met them
12 in Camp Rosos I recognised him again. So I even told him,
13 I said, man, do you have my watch? When he looked at me,
14 he then had to realise, so he had to beg my apology and
15 say, man, he felt I was somebody -- not of that -- not of
16 that, how can you put it.

17 "Q. So it was Bazzy who had your watch.

18 "A. Yes, it was Bazzy that had my watch."

19 Do you remember making this statement?

20 A. I did not remember. I'm not sure I have ever said this to

21 anybody.

22 Q. You never said this to anybody.

23 A. No.

24 Q. But this is a recorded statement. It is a recorded -- a

25 recording of your conversation. So do you still maintain that

26 you never made such a statement? It was a recording on 27

27 February 2003.

28 A. Well, at that time they could write anything they want to

29 write. There was no interpreter. Only two of us were there. I

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1 could not remember I made that statement.

2 Q. So at -- but you told us earlier on that you recognised
3 Bazy for the very first time at Camp Rosos. Do you still stand
4 by that?

5 A. Yes.

6 Q. I had knew him before but I didn't know him. Because
7 knowing somebody and seeing the person is two different
8 situation.

9 A. Then in your evidence, in your evidence on 22 September --

10 MR DANIELS: With respect, Your Honours, at page 34 of the
11 proceedings starting from actually 33. Line 27.

12 Q. "So one morning when I woke up, after I had been in Yifin
13 for sometime, nearly one month, I saw these soldiers
14 arrive. To my understanding the soldiers told me that they
15 had come with one commander who was Bazy. By the way they
16 entered the town made people to be afraid."

17 So the question I want to ask you is that when were you
18 told that Bazy was the commander -- a commander in Yifin?

19 A. Well it was the time when I went to the chief. It was the
20 time he told me there is a honourable in town. In fact, it is --
21 it was the time when he too went to the chief.

22 Q. The chief told you that an honourable was in town when you
23 were in Yifin?

24 A. Yes. Yes, but I never knew him.

25 Q. But you disagree because in your recorded statement, what I
26 read to you a minute ago, you stated that the very -- you can't
27 hear? In your recorded statement you stated that the very first
28 time you knew Bazy was the commander in Yifin was when you went
29 to Camp Rosos. So which one is it?

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1 A. Well, when I went to Rosos it was the time I met Bazzy; we
2 sat together and spoke. It was the time I realised he was the
3 Bazzy.

4 Q. Very well. Now you also told us that some money was taken
5 from you?

6 A. Yes.

7 Q. By the troops. [Overlapping microphones] you remember.
8 How much was taken from you?

9 A. It was not the soldiers that took money from me, it was a
10 soldier that took my money.

11 Q. How much did he take from you?

12 A. I had about 10,000 Leones in my pocket. He took eight from
13 me and left two with me.

14 Q. Are you sure of that?

15 A. Yes, I'm sure.

16 Q. Now in your statement, yes, at page or registry number
17 10014, reading from line 20.

18 PRESIDING JUDGE: Mr Daniels, just before you put this to

19 the witness, the witness has said once, I think possibly twice,
20 about no interpreters being present. It has been the practice in
21 this Court when putting prior inconsistent statements to also
22 ascertain what language those statements were conducted. That is
23 not apparent to me in the light of what the witness has said.

24 MR DANIELS: I take the cue.

25 Q. Mr Witness --

26 A. Yes.

27 Q. -- You were interviewed on the 27th February 2003; do you
28 recall?

29 A. Yes, I could recall.

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- 1 Q. Do you remember the language that was spoken to you?
- 2 A. Yes.
- 3 Q. What language was that?
- 4 A. Well, it was English they spoke in.
- 5 Q. And you responded in what language?
- 6 A. I spoke English too with them.
- 7 Q. Do you read and write English fluently?
- 8 A. Yes, I can do my own bit of it.
- 9 Q. I take it that you are also a teacher; am I correct?
- 10 A. Yes.
- 11 Q. Where do you teach?
- 12 A. Well, I can't disclose it now.
- 13 Q. So what did you mean when you said that there was no
- 14 interpreter present when you were giving your statement?
- 15 A. Well, because of all of what I said was not revealed to me
- 16 for me to confirm that that is what I said. When the interview
- 17 was taken that was the way I went back home. So what everything
- 18 I said was recorded.

19 Q. What you mean is that the recording was never played back
20 to you; is that what you mean?

21 A. Well, let me give you one example. If you go and tell
22 somebody to go and write a letter for you, then you write the
23 letter and there is somebody refuse to read back the letter to
24 you, whatever thing you say will be what the person say I have
25 written.

26 Q. Thank you. What I am saying is that your statement was a
27 recording. It was a recording of the interview that took place
28 on 27 February 2003.

29 MR HODES: I believe it was a transcription. I think there

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1 was a court reporter present from the way I read the first page
2 of the transcript.

3 MR DANIELS:

4 Q. But, more importantly, at the time the questions were being
5 asked did you understand the questions?

6 A. Yes.

7 Q. And you answered them.

8 A. Yes, I understood and answered them.

9 Q. Very well, I shall proceed.

10 Reading from line 20, you said: "'Come over here.' At that
11 time I was shivering like hell. I went. 'What do you have over
12 there?' They took off the watch, they search into my pocket. I
13 was having some cash with me. They took everything an left me
14 with 5000 Leones?"

15 Now do you remember making this statement to the
16 investigators?

17 A. I made a statement like that but it was not replayed to me.

18 Even if they recorded it, it was not replayed to me for me to

19 confirm that that is a clear statement I made. How can you take
20 a statement from somebody and fail to reveal it to him for him to
21 confirm?

22 Q. But the question I am asking you is whether the statement
23 is correct, what I just read to you, the fact that you had 5,000
24 Leones after had been robbed of your money?

25 A. Well, to my knowledge it is not correct.

26 Q. It is not correct. Mr Witness, I want to put it to you
27 that you have not been truthful to this Court.

28 A. As far as I am concerned, as far as I am under oath I know
29 I am saying the truth.

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1 Q. And that no money was taken from you in Yifin.

2 A. I believe I am saying the truth.

3 Q. I also further put to it you that Mr Bazzy Kamara was never
4 in Yifin.

5 A. The chief will testify to that. Once you have the power to
6 go and meet him, he will testify to that.

7 Q. All right, I shall move on then. You gave evidence today
8 in this Court, my colleague for the Prosecution asked you the
9 question. The question was, "Do you know if Tina Musa spoke with
10 Bazzy at the PW headquarters?" Do you remember that question put
11 to you this morning? I am reading from the transcript.

12 A. Yes.

13 Q. And your answer was:

14 "A. Well, I didn't see Bazzy at the PWD headquarters. It
15 was Five-Five, Gullit and Woyoh.

16 "Q. Sorry, the question is very simple.

17 "A. Sorry.

18 "Q. Yes or no. Do you know if Tina Musa spoke with Bazzy

19 at the PWD headquarters:

20 "A. I did not see that. I never saw Bazy."

21 Do you remember making this statement this morning?

22 A. But I didn't tell you I never had. I said I never saw. I

23 didn't say I never had.

24 Q. Then later on this morning a question was put to you:

25 "Q. What did you hear about the raid of the warehouse of

26 WFP?

27 "A. I heard that Bazy went there and locked the warehouse

28 on the pretext that there was no food in it. But when he

29 opened the warehouse he met machetes.

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1 "Q. Mr Witness, did you learn what happened to those
2 machetes?

3 "A. Yes, I learnt about it in the evening.

4 "Q. What did you learn about the machetes?

5 "A. Well, in the evening I saw Bazzy. He came to inform
6 Tina Musa that he was having this weapon but all his boys
7 were having machetes. So Tina Musa asked him, 'Why your
8 men are holding machetes?' He said, 'We are just from
9 Operation Cut Hand.' That is how I knew that the machetes
10 they took out of the WFP warehouse they used to amputate
11 people".

12 So the question I want to put to you is that did you or
13 didn't you see Tina Musa speak with Bazzy at the PWD
14 headquarters?

15 A. I said at Shankardass. I didn't say at PWD. I said
16 Shankardass, at Shankardass.

17 Q. Mr Witness, what I am reading is what has been recorded
18 from your own conversation this morning.

19 A. I said when we left Shankardass -- when we left PWD we went
20 to Shankardass. We left PWD and went to Shankardass. When we
21 went to Shankardass, there we sat and saw Bazzy come.

22 Q. I want to put to it you again that --

23 THE INTERPRETER: Your Honours, the Krio interpreters are
24 complaining that the counsel is going too fast.

25

26 MR DANIELS: I apologise.

27 Q. I want to put it to you that Bazzy Kamara never raided the
28 warehouse at WFP. What do you say?

29 A. I said I am saying the truth.

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1 Q. I want to put it to you again that you have not been
2 truthful to this Court.

3 A. I am also telling you that, as long as I have taken an
4 oath, I am saying the truth.

5 Q. We shall move on then. Just before that could you just
6 confirm whether or not you were present when the warehouse was
7 raided?

8 A. I was not there when they raided that store.

9 Q. Thank you. You have told us today that Colonel Eddie Town
10 was a code name for Camp Rosos. Do you remember saying that?

11 A. Yes.

12 Q. Were you at Camp Rosos? It is a simple question.

13 A. Yes, yes, yes.

14 Q. Were you at Camp Rosos?

15 A. Yes, yes, yes.

16 Q. For how long were you there?

17 A. We were there for up to a week.

18 Q. If I told you that Colonel Eddie Town is about 10 to

19 15 miles away from Camp Rosos what do you say?

20 A. I will say you are not saying the truth.

21 MR HODES: Your Honour, I am going to object only because I

22 believe in previous testimony before the Court there is testimony

23 to suggest they there were two locations near the village of

24 Rosos and that at some point they moved from one location to a

25 second location. This witness, because he was only there during

26 the end period, was only at one location and he can only identify

27 one location. Although the name may be confusing, because he is

28 balancing from name to name, this witness was only with these

29 other troops in one location and so this question suggests that

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1 he has information that he hasn't testified to or wouldn't really
2 know about but it is information that has come before the Court
3 previously.

4 JUDGE LUSSICK: He has answered the question anyway.

5

6 MR DANIELS: Do we go on or do I respond.

7 JUDGE LUSSICK: Well, you have got an answer to your
8 question. His answer was, 'I would say you are not saying the
9 truth', so he has denied what you put to him anyway.

10

11 MR DANIELS: Very well then, I will proceed.

12 Q. I put it to you that you never really knew what was going

13 on at Camp Rosos; what do you say?

14 A. For the week I spent on the assignment SAJ gave me I know

15 the --

16 THE INTERPRETER: Your Honours, can the witness go over his

17 answers again.

18 PRESIDING JUDGE: Mr Witness, the interpreters are trying

19 to keep up with you. Could you start your answer again and speak
20 a little more slowly, please.

21 THE WITNESS: I said because of the assignment SAJ gave me
22 that time to find out what was happening in the camp, that made
23 me to confirm that when he sent Gullit to go and find a base
24 between Port Loko and Makeni, that was the reason why I confirmed
25 that it was Camp Rosos and Camp Rosos is located within a swamp.
26

27 MR DANIELS:

28 Q. I also put it to you that Camp Rosos and Colonel Eddie Town
29 are not one and the same place; what do you say?

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1 A. Well, I am telling you that it's the code name for Camp

2 Rosos. That is what I can say.

3 Q. I shall move on. You said at one point Bazzy Kamara on the
4 retreat from Freetown ended up at what is properly known as West
5 Side. Do you recall telling the Court this this morning?

6 A. Yes.

7 Q. Do you know what he went to do there?

8 A. No. They had not wanted to go and join the RUF, so they
9 decided to go there and live on their own.

10 Q. When he was in Camp Rosos, if you remember --

11 A. After the pull-out from Freetown.

12 Q. All right.

13 A. All right.

14 Q. Do you know who was in charge, who was the commander at
15 West Side?

16 A. The overall commander for the whole of the AFRC troops, I
17 believe it was Gullit.

18 Q. I am talking about West Side.

19 A. I didn't go there.

20 Q. Do you remember telling the investigators that the overall

21 commander was one Papa?

22 A. Which Papa?

23 Q. I will read you your statement.

24

25 MR DANIELS: Your Honours, I would refer to page 10336 and

26 10337.

27 Q. From line 5 at 10336:

28 "Q. And in whose camp was Bazzy:

29 "A. Bazzy was on his own, he was a commander. He was in

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1 the 4th Battalion.

2 "Q. Was he with Gullit's camp or Papa's camp?

3 "A. He was in Papa's camp at this time, on our retreat."

4 Do you remember making this statement?

5 A. Well, that's the reason why I'm saying that that statement

6 is a little bit distorted. I could not remember.

7 Q. Well, on the next page at line 1:

8 "Q. And who was the overall commander of this?

9 "A. It was Papa.

10 "Q. Papa was the overall commander?

11 "A. Yes.

12 "Q. And his deputy?

13 "A. Well, Bazy and -- Bazy and Bio. All of those -- all
14 of those were commanders?"

15 Do you remember making this statement?

16 A. I made a statement about Papa, but the way you are reading

17 it now, that was not the way I put it.

18 Q. Again I would like you to know that what I am reading to

19 you is a recording of your conversation, your interview.

20 A. But it was not confirmed to me.

21 MR DANIELS: I think I will stop there. I have ended.

22 PRESIDING JUDGE: You mean that is the end of your

23 cross-examination, Mr Daniels?

24 MR DANIELS: Yes.

25 PRESIDING JUDGE: Thank you, Mr Daniels. Mr Koroma.

26 MR KOROMA: Yes, Your Honour.

27 CROSS-EXAMINED BY MR KOROMA:

28 Q. Good afternoon, Mr Witness?

29 A. Yeah.

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1 Q. Mr Witness, I would suggest to you that you don't know
2 Five-Five very well. You don't know Five-Five very well?

3 A. I know him; I know him.

4 JUDGE SEBUTINDE: [Microphone not activated].

5 THE INTERPRETER: "Yes, I know him; I know him." Before
6 that he said, "Well, let me crack a simple joke. I know him;
7 know him."

8 MR KOROMA:

9 Q. Mr Witness, I take it that you know a lot of soldiers in
10 the Sierra Leone Army; not so?

11 A. Yes.

12 Q. Mr Witness, you know a very popular soldier called
13 Five-Five in the Sierra Leone Army?

14 A. Yes, I know him.

15 Q. You will agree with me, Mr Witness, that he looks very much
16 alike to this Five-Five that you have identified?

17 THE INTERPRETER: Can you go over that? Please let the
18 witness go over that last bit of evidence.

19 THE WITNESS: [Indiscernible]

20 THE INTERPRETER: Could the witness go over the last bit of
21 his evidence?

22 PRESIDING JUDGE: Mr Witness, please repeat your last
23 answer for the interpreter.

24 THE WITNESS: I said that the Five-Five I know, there is no
25 there is no second of him. There is no other second on the
26 resemblance of him.

27 MR KOROMA:

28 Q. Mr Witness, the Five-Five that you say you know, when did
29 you first meet him?

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1 A. At Camp Rosos.

2 Q. So before then you didn't know him at all?

3 A. I didn't know him. I used hear his name over the radio.

4 Q. Mr Witness, is it true that this Five-Five you say you know
5 was detained by the RUF in Kailahun?

6 A. It is only now that I am hearing this.

7 Q. Do you agree or disagree with me?

8 A. I don't know.

9 JUDGE SEBUTINDE: Could I request that you don't speak over
10 each other's voice, because we don't then hear what you are
11 saying.

12 MR KOROMA: As Your Honour pleases.

13 Q. Mr Witness, the question I pose to you is that if you agree
14 with me that the Five-Five you know was detained by the RUF in
15 Kailahun?

16 MR HODES: I object, Your Honour, because I believe the
17 witness answered he heard something to that effect.

18 PRESIDING JUDGE: I have recorded an answer: "It is only

19 now I hear it."

20 MR KOROMA: As Your Honour pleases.

21 Q. Mr Witness, I am waiting for an answer to that question.

22 PRESIDING JUDGE: He did answer it. His answer was, "It is

23 only now I hear it."

24 MR KOROMA:

25 Q. I take it that that is not true at all; not so? He was not

26 detained?

27 PRESIDING JUDGE: Mr Koroma, I think that is unfair. He

28 said he is only now hearing this. So he cannot say whether it is

29 true or false.

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1 MR KOROMA: As Your Honour pleases.

2 Q. Mr Witness, did you make a statement to investigators on
3 the --

4 A. Yes, I made a statement.

5 Q. [Overlapping microphones]

6 A. Yes, indeed.

7 MR KOROMA: Your Honour I will refer to the said statement
8 at page 10172. I'm sorry, it is 10102.

9 Q. Mr Witness, in that statement didn't you suggest that the
10 Five-Five you say you know was detained at Kailahun by the RUF
11 together with other people?

12 JUDGE SEBUTINDE: Mr Koroma, you have seen the practice by
13 other lawyers. They read text that you want to put.

14 MR KOROMA: Will read the text starting from line four. In
15 answer to a question:

16 "A. Well, I think it was because SAJ was more concerned
17 about Johnny Paul's welfare, because SAJ knew that Johnny
18 Paul was with him. Even when Johnny Paul -- Johnny Paul

19 Tamba Brima, Five-Five were together in Kailahun, they were
20 really brought -- they were really humiliated in Kailahun.
21 "Q. When were they together in Kailahun?
22 "A. When -- it was from Masiaka that Johnny Paul departed
23 from SAJ. And later this Tamba Brima was with Kono
24 together with Five-Five, yeah, together with Five-Five. So
25 when they heard of February 13th thing, they travelled
26 direct to Kailahun in order for them to cross the border.
27 But when they arrived at the border they were stopped by
28 Mosquito's men and they were really humiliated. But later,
29 when Johnny Paul went there, he had to beg for mercy on

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1 their behalf. So they said that they were --

2 "Q. Who is they.

3 "A. Gullit, Tamba Brima, Five-Five and the likes begged
4 that, okay, if it is now not so we are going back to
5 support your men in fighting. So they had to. Mosquito,
6 too, yielded and had to return them back so that they
7 should come and join the others to fight."

8 Mr Witness, did you make that statement to investigators?

9 A. Well that is why said I made the statement to the
10 investigators. But that is not to my knowledge.

11 Q. [Inaudible]

12 A. Not at all.

13 Q. I will move on. Mr Witness, in fact I put to it you -- now
14 when you were making your statement to investigators in
15 February 2003, statements of other witnesses were shown to you;
16 was it not the case?

17 A. Whose statements?

18 Q. Well, other witnesses. I mean you have to agree or

19 disagree with me.

20 A. I am not aware of that.

21 Q. Mr Witness, is it not the case that when you were making

22 statements to investigators you were asked whether you knew

23 Five-Five; not so?

24 A. They asked me, yes.

25 Q. Further to that you were asked --

26 A. What?

27 Q. Whether you had known him before; not so?

28 A. Yes, they asked me.

29 Q. And, in fact, you told them that you went to Kailahun?

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1 A. Myself going to Kailahun?

2 Q. [Inaudible]

3 A. I never made that statement.

4 Q. Mr Witness, I put it to you that when you were making your
5 statement in February 2003 what you know about the incidents you
6 have narrated were very fresh in your mind then; not so? All
7 that you know was very fresh in your mind in 2003?

8 A. Even up to now it is fresh.

9 Q. But, Mr Witness, is it not the case that when you were
10 talking to investigators in 2003 you did not tell them that
11 Five-Five was leading an operation to attack Thombo? Did you not
12 tell them that?

13 A. I told them everything I knew. But I don't know. If it
14 was confirmed to me, I would have said so.

15 Q. [Inaudible] investigators?

16 JUDGE SEBUTINDE: Mr Koroma, may I caution you again not to
17 speak over the witness's answer, especially over the
18 interpretation of the answer.

19 MR KOROMA: As Your Honour pleases. I thought he had
20 finished answering the question.

21 JUDGE SEBUTINDE: You can hear interpretation yourself,
22 when the interpretation has come or not. I think your listening
23 to the Krio witness rather than the interpreter.

24 MR KOROMA: Unfortunately, Your Honour, I understand Krio,
25 so I am not tuned the interpretation. I just listen to what he
26 said.

27 PRESIDING JUDGE: Well, get yourself tuned, because you
28 were warned three times yesterday and you have been warned twice
29 today, Mr Koroma.

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1 MR KOROMA: As Your Honour pleases.

2 Q. Mr Witness, I was putting the question to you that you
3 didn't tell the investigators in your statement in February 2003
4 that it was Five-Five who led the operation.

5 MR HODES: Your Honour, I don't know if this question is
6 designed to impeach the witness because of a statement that the
7 witness made during his direct testimony, but I don't believe
8 that the witness's testimony suggested that Five-Five led the
9 attack on Thombo during direct examination.

10 PRESIDING JUDGE: Are you putting a prior in consistent
11 statement, Mr Koroma?

12 MR KOROMA: Yes, Your Honour.

13 PRESIDING JUDGE: Is it a prior a statement that came in
14 the course of examination-in-chief or one that is in writing?

15 MR KOROMA: No, examination-in-chief, Your Honour.

16 PRESIDING JUDGE: Well, could you refer us to the time so
17 we can have look at our records.

18 MR KOROMA: This is a statement yesterday. Yes, Your

19 Honour, I have the drafts here at page 100, lines 28 and 29.

20 PRESIDING JUDGE: We are having a problem with our own
21 record transcripts, Mr Koroma. Presumably it was an afternoon if
22 it was page 100, did you say?

23 MR KOROMA: Yes, page 100.

24 PRESIDING JUDGE: That was an afternoon session, was it?

25 MR KOROMA: Yes, it was.

26 PRESIDING JUDGE: Thank you.

27 MR KOROMA: Your Honour, I will read from an answer in line
28 26 which he gave. The witness said, "After they had buried
29 towards X-mas Day, that was the time Gullit planned the first

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1 attack on Tombo. So after he had made a plan, it was Five-Five
2 who was the commander of the troop that went to Tombu."

3 JUDGE SEBUTINDE: That would appear to be the correct
4 record of the proceedings, yes.

5 MR KOROMA: As Your Honour pleases. I am very grateful.
6 May I move on, Your Honour?

7 PRESIDING JUDGE: Yes. Are you putting that quotation to
8 the witness and allowing him to respond to it, Mr Koroma?

9 MR KOROMA: As Your Honour pleases.

10 Q. Mr Witness, that is what you said to this Court in your
11 evidence-in-chief yesterday, that it was Five-Five who led the
12 operation to attack Tombo. Is that not what you told this Court
13 yesterday?

14 A. That is true, yes.

15 Q. Now, Mr Witness, when the events of what you are narrating
16 to this Court were then very, very fresh in your mind sometime in
17 February 2003, you did not tell investigators that?

18 A. I believe that I said everything. But now that it is not

19 here, what they did there, I did not trust it alone, because they
20 did not give it to me to review.

21 MR HODES: Your Honours, I would rise only to further
22 object to the idea that the witness is somehow being impeached
23 for an answer that wasn't given to a possible question that
24 wasn't asked. So unless there was a question asked relating to
25 the particular incident in which the witness gives a different
26 response, I don't see how he can be impeached if that is what
27 Defence counsel is trying to do. Impeach him with something that
28 was not said.

29 PRESIDING JUDGE: I repeat my question, Mr Koroma, are you

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1 putting a prior inconsistent statement?

2 MR KOROMA: Yes, Your Honour.

3 PRESIDING JUDGE: Well, refer us to the inconsistent
4 statement.

5 MR KOROMA: Your Honour, I will refer you to page 10172 of
6 the statement of the witness. Your Honour, I will start to read
7 from line 19 on page 10172. In answer to a question he says,
8 "A. Gullit had to tell me that one. He said man you have
9 to pick up your spirit. But I was so weak that I was just
10 staring at him, watching at how he was so hard-hearted not
11 to recognise him in the way that man had died. But he
12 could not show any sign. So what he did, he had to
13 organise -- when we wanted to conclude the meeting, he had
14 to organise his men again to go along the peninsula at
15 Tombo for -- on food finding. When they went they were
16 repelled, even most of the soldiers died, although they did
17 a lot of things there. Even all the things they brought,
18 they were -- it was -- at that time it was on the New

19 Year's Eve, before the New Year's Eve when they raided
20 Tombo.
21 "Q. When they rated?
22 "A. Tombo. Because at that time we were trying to find an
23 access route to Freetown, but all of the regions we went
24 were blocked, they were blocked. So they decided to go to
25 Tombo so that they can get something to celebrate on New
26 Year's Eve. They went, got food and all the rest of it,
27 they brought it and they were trigger happy again."
28 Going down.
29 Q. Throughout, when you narrated that particular aspect to the

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1 investigators, you did not tell them that it was Five-Five who
2 led any operation?

3 PRESIDING JUDGE: This is what --

4 JUDGE LUSSICK: I agree with the Prosecution there,
5 Mr Koroma. That question was never asked. He never broached the
6 subject of the leader of that operation and nor was he asked. So
7 you cannot imply now that he was being dishonest in not telling
8 the investigators something that he was not asked.

9 MR KOROMA: As Your Honour pleases. I will move on.

10 Q. Now Mr Witness, apart from being -- you said you were
11 taking care of the diary of SAJ Musa. Apart from that you also
12 had very important responsibilities assigned to you?

13 A. Yes, I was a diarist.

14 Q. Apart from that, Mr Witness, I put it to you that you were
15 responsible for the welfare of the women and hostages?

16 A. Yes, I used to oversee, but I was not -- I was not the one
17 who was responsible for them. It was Coach Gibono who was in
18 charge of that. I was in charge of G5.

19 Q. You were in charge of G5. Is that a G5 position?

20 A. Colonel Coach Gibono was responsible for that. I went
21 there to see that everything -- that the administration was in
22 place. I used to check on them after every two or three hours,
23 but I was not really responsible for all of them. I used to
24 check to see that they were treated well according to how SAJ
25 wanted them. Even Father Mario, I used to check on who was
26 taking care of him.

27 Q. Is that a G5 position?

28 MR HODES: I am going to object to foundation. This
29 witness has never been in the military, although he has been

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1 around military people, and the term that is being used is one
2 that we have heard before in a military context. So unless there
3 is a foundation, I don't think this is a proper question.

4 JUDGE LUSSICK: Well, it is a proper question if it is
5 asked properly. If you ask him do you know if it is a G5
6 position he can say yes or no.

7 MR KOROMA: As Your Honour pleases.

8 Q. Do you know whether the person responsible for the welfare
9 of the abductees, the children, the position of that person is a
10 G5?

11 A. Yes.

12 MR KOROMA: Your Honour, I will respectfully refer you --

13 JUDGE SEBUTINDE: I am not sure I understand the meaning of
14 that "Yes". Yes, does he know, or was yes, it was a G5?

15 MR KOROMA: As Your Honour pleases.

16 Q. Yes, Mr Witness, what do mean when you say yes? Do you
17 mean it is correct that that person is the G5?

18 A. Ask the question again, because a person is not G5. It is

19 a position that is a G5.

20 Q. Well, you in your understanding what is the position of the

21 G5 or who is the G5?

22 A. The G5 commander --

23 PRESIDING JUDGE: That is two different questions,

24 Mr Koroma. You asked him two different questions in one. Ask

25 them one at a time.

26 MR KOROMA: As Your Honour pleases.

27 Q. Now, the Court would like to know when you say yes in

28 answer to a question that I pose to you, that the person

29 responsible for the welfare of abductees and children, whether

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1 that person is a G5. You said yes. What do you mean exactly?

2 A. They don't call him G5. They call him a G5 commander.

3 Q. Thank you. So for a better word he is a G5 commander?

4 A. Thank you. Yes.

5 Q. I refer you to page 10202. Starting from line 18:

6 "Q. Did you actually fire?

7 "A. I only heard. I did not allow anyone because I was
8 responsible for the welfare of the hostages and women.

9 "Q. Which women?

10 "A. All the women. Be you an abductee or be you a wife of
11 a soldier, that you should not harm your wife or even beat
12 her. If you flogged her, we'll give you jungle justice."

13 Mr Witness, do you recall making that statement to the
14 investigators?

15 A. Yes, I can recall.

16 Q. So, Mr Witness, do you now agree with me that in fact you
17 were responsible for the welfare of hostages and women?

18 A. I used to oversee. There was a G5 commander. It just like

19 when you have somebody's selling for you, but you don't trust the
20 person and you send somebody to watch over him. So that is my
21 position. Every two or three hours I will go round to see. That
22 is what SAJ wanted. So that I will see and report back to him.
23 But there was a commander who was in charge. That was his
24 responsibility.

25 MR KOROMA: I will move on, Your Honour.

26 Q. Mr Witness, you said you went to State House; not so?

27 A. Yes, I went there.

28 Q. And from State House you went back to Moyiba?

29 A. Yes, yes, yes.

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1 Q. That was when the ECOMOG troops were pushing back the
2 soldiers; not so?

3 A. I don't understand.

4 Q. When the soldiers were retreating, you said at one stage
5 you went to State House.

6 [AFRC23SEPT05-RK]

7 A. Yes, I really went to the State House, yes, yes.

8 Q. Then you came back to Moyiba?

9 A. Yes.

09:08:28 10 Q. At that point in time, the ECOMOG troops were pushing the
11 soldiers; not so?

12 A. At that time, the fight was very tense at the King Tom
13 area.

14 Q. Yes. Mr Witness, you will agree with me that when ECOMOG
09:08:56 15 troops were pushing the soldiers, there was a complete breakdown
16 of command. There was -- everything was not in control,
17 disorganised; not so?

18 A. Well, how did Gullit manage to pull his men out of

19 Freetown?

09:09:24 20 Q. I'm not asking about Gullit?

21 A. Well --

22 Q. My question to you is that when ECOMOG were pushing back

23 the SLAs, soldiers, there was a complete breakdown of a command.

24 Nobody was in control.

09:09:44 25 A. It was not possible.

26 Q. Not possible?

27 A. It was not possible that there was nobody in control,

28 because they would have slaughtered all of us.

29 Q. Mr Witness, you were never -- you were never at the front

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1 where the fighting was going on?

2 A. Really, you are saying the truth. I was not at the head of
3 the battle.

4 Q. Mr Witness, I put it to you that all that -- most of what
09:10:32 5 you have said to this Court was what was narrated to you?

6 A. I was told and I saw myself.

7 Q. Finally, Mr Witness, I put it to you that all that you've
8 said against Five-Five is not correct. It is a pack of lies.

9 A. Because you were not there.

09:11:10 10 Q. Equally so, you were not there.

11 A. Well, how did Tina Musa manage to come into my hands.

12 Q. You have not answered the question.

13 A. I was there.

14 MR KOROMA: That is all for this witness.

09:11:32 15 PRESIDING JUDGE: I thank you, Mr Koroma. Re-examination

16 Mr Hodes?

17 MR HODES: I have no further questions.

18 PRESIDING JUDGE: Thank you.

19 JUDGE SEBUTINDE: [Microphone not activated]

09:11:56 20 THE INTERPRETER: Your Honour, your mic is not on.

21 [QUESTIONED BY THE COURT]

22 JUDGE SEBUTINDE: You were asked whether you are fluent in

23 the English language and you gave an answer that I didn't

24 understand. I'm going to ask you that same question again. Are

09:12:12 25 you fluent in the English language?

26 THE WITNESS: Well, I know English language, but I'm not

27 that fluent because I studied in another language.

28 JUDGE SEBUTINDE: So when you were being interviewed by the

29 investigators initially when they took down your statement is it

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1 true, as you told court, that you were using the medium of the
2 English language and not Krio.

3 THE WITNESS: It was not Krio. There was no Krio. They
4 were all Europeans, one from Canada and the two from America.

09:13:08 5 PRESIDING JUDGE: Thank you, Mr Witness. That is the end
6 of your evidence. We thank you for coming to court and for
7 giving your evidence here today. You are now at liberty to leave
8 the Court but I want you to wait there for a few moments so that
9 the Witness Support Unit can assist you to leave the Court.

09:13:26 10 Madam Court Attendant, can you please arrange to have the
11 witness escorted from the Court.

12 [The witness withdrew]

13 THE INTERPRETER: Your Honours, I wish to apologise about
14 what happened at the start of this afternoon's session when I was
09:13:52 15 interpreting in Krio. I didn't know that I was on the English
16 channel.

17 JUDGE SEBUTINDE: Apology accepted, Mr Interpreter.

18 PRESIDING JUDGE: Yes, Mr Hodes.

19 MR HODES: Your Honours, I was going to ask for a recess
09:15:22 20 until Monday. We have witnesses coming in and they are Mandingo
21 speakers, based on some of the issues that occurred prior to the
22 break, and we were hoping to be able to take care of them on
23 Monday. They would be our next witnesses.

24 PRESIDING JUDGE: We've noted the situation and in the
09:16:40 25 circumstances, we will -- I haven't asked Defence. Any comments
26 on that application, Ms Thompson?

27 MS THOMPSON: No, Your Honour. We did get some
28 notification this morning that the Mandingo speakers will be
29 coming on Monday and I think the anticipation was that this

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1 witness will take all day.

2 PRESIDING JUDGE: Yes, we have the same document. We
3 obviously share it with you. In the circumstances, well adjourn
4 until Monday morning at 9.15.

09:17:10 5 Madam Court Attendant, please adjourn court to 9.10.

6 MS GUNSTONE: Court rise.

7 [Whereupon the hearing adjourned at 3.25 p.m.
8 to be reconvened on Monday, the 26th day of
9 September, 2005, at 9.15 a.m.]

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