

Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

MONDAY, 05 DECEMBER 2005
9.44 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Ms Samantha Davies
For the Registry:	Mr Geoff Walker Ms Susan Gunstone
For the Prosecution:	Mr Peter Harrison Mr Mohamed Bangura Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	Ms Haddijatou Kah-Jallow
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Charles Taku
For the accused Augustine Gbao:	NO APPEARANCE

1 [RUF05DEC05A-SGH]
2 Monday, 05 December 2005
3 [Open Session]
4 [The accused Sesay and Kallon present]
09:33:54 5 [The accused Gbao not present]
6 [Upon commencing at 9.44 a.m.]
7 JUGE THOMPSON: Is the Prosecution ready to proceed?
8 MR BANGURA: Yes, Your Honour.
9 JUGE THOMPSON: Let the witness be sworn and then we can
09:44:24 10 begin after that.
11 PRESIDING JUDGE: What is the language of the witness?
12 MR BANGURA: Krio, Your Honour.
13 PRESIDING JUDGE: Krio, thank you. On the Koran or the
14 Bible?
09:44:43 15 MR BANGURA: Koran. He is a Muslim. Koran.
16 WITNESS: TF1-184 [Sworn]
17 MR BANGURA: May it please Your Honours, this witness is
18 TF1-184. He is the 56th witness in this trial; The 55th for the
19 Prosecution. He is a Category C witness and I ask that all
09:46:01 20 protective measures regarding witnesses of his category be
21 applied specifically. I think the procedure here is that he
22 should testify with voice distortion.
23 PRESIDING JUDGE: You had indicated that before we
24 proceeded this morning or just making this application now?
09:46:25 25 MR BANGURA: I believe that indication had been given. I
26 just wish to --
27 PRESIDING JUDGE: I am just talking to the court
28 administration. I don't know if we have the system in place as
29 we speak.

1 MS GUNSTONE: Yes, Your Honour, the system is in place.
2 PRESIDING JUDGE: Okay, thank you.
3 MR BANGURA: Thank you.
4 EXAMINED BY MR BANGURA:
09:46:37 5 Q. Good morning, Mr Witness.
6 A. Good morning, sir.
7 Q. I am going to ask you some questions to which I expect you
8 to give your answers; okay?
9 A. Yes, sir.
09:47:10 10 Q. I ask you to try not to speak too fast when you answer the
11 questions that I ask. All right?
12 A. Yes.
13 Q. I will start by asking you questions about yourself. How
14 old are you?
09:47:29 15 A. Forty-two.
16 Q. What do you do for a living, Mr Witness?
17 A. I am a soldier.
18 PRESIDING JUDGE: You mean you are still a soldier now?
19 THE WITNESS: Yes, because we are the ones that are
09:47:56 20 supposed to stop work next year, but at the moment I am still
21 working with the ministry.
22 MR BANGURA: Thank you.
23 Q. How long have you been a soldier?
24 A. I joined the military from '88; '88, '89.
09:48:25 25 Q. You mean 1988?
26 A. 1988.
27 Q. What is your rank at present, Mr Witness?
28 A. Staff sergeant.
29 PRESIDING JUDGE: Mr Prosecutor, you have indicated that he

1 is a Category C witness as such. The more you are going to be
2 moving in that direction it may lead to some inferences as to who
3 it is or who it is not giving evidence at this moment. So I'm
4 just cautioning you. I don't know; I'm not familiar enough with
09:49:01 5 the systems here to know if there is 1,000 staff sergeant or only
6 10 of them. People that joined in '88, '89 that may be staff
7 sergeant, there may be only two of them. I am just giving an
8 example; I don't know. I am just cautioning you.

9 MR BANGURA: I take the point, Your Honour. But at this
09:49:20 10 stage I believe we are still in pretty safe waters.

11 PRESIDING JUDGE: All right; he is your witness.

12 MR BANGURA: Thank you, Your Honour.

13 Q. Mr Witness, do you have a family?

14 A. Yes, sir, Mr Lawyer. I want to talk to you about
09:49:50 15 something: My identity. Because my identity, if only you -- if
16 only you ask me questions that the audience will not be able to
17 know, okay. You see I'm talking about security.

18 PRESIDING JUDGE: Mr Witness, we are concerned about that.
19 That is why I raised the issue. I can just ask the Prosecution
09:50:08 20 to be careful, and that is what I have done, so that your
21 identity is not revealed. We will make sure that we do
22 everything possible not to reveal your identity.

23 MR BANGURA: Let me just add, Mr Witness, we are mindful
24 very much -- we are the first people that should be protecting
09:50:24 25 your identity and we are very mindful of that.

26 JUDGE THOMPSON: We didn't want to take away that
27 prerogative at all.

28 MR BANGURA: Thank you.

29 Q. I asked about your family, Mr Witness.

1 A. Yes, I have a family. A boy and a girl. And my wife.
2 Yes.
3 Q. Are you able to read and write English, Mr Witness?
4 A. I can try a little.
09:51:06 5 Q. Can you tell this Court the level of your education then?
6 A. Well, I stopped at Form 3.
7 Q. In a secondary school?
8 A. Yes.
9 Q. Mr Witness, I want to take your mind to events that
09:51:35 10 occurred in this country not so long ago. Mr Witness, do you
11 recall that there was junta rule in Sierra Leone recently?
12 A. Yes.
13 Q. Do you remember the name of the military administration
14 that ruled this country?
09:52:10 15 A. AFRC.
16 Q. Do you recall in what period the AFRC ruled?
17 A. Within '97, '98.
18 Q. You mean 1997 to 1998?
19 A. Yes. Yes.
09:52:40 20 Q. Thank you. Mr Witness, do you recall February of 1998?
21 A. Yes.
22 Q. How do you recall this period?
23 A. ECOMOG repelled us from town.
24 Q. When you say "us", who are you referring to?
09:53:11 25 A. The AFRC.
26 Q. Mr Witness, did you have cause to leave town at this time;
27 Freetown, I mean?
28 A. It's not that all. There were other sort of things that
29 happened. The civilians had been burning soldiers and killing

1 soldiers. That was what made us to pull out from town.

2 Q. All right. Mr Witness, the question was did you have cause
3 to leave town?

4 A. Yes.

09:53:53 5 Q. And the reason for leaving town was?

6 A. ECOMOG. They were the ones who repelled us from town.
7 They repelled the AFRC.

8 Q. And you just mentioned earlier something about civilians
9 doing certain things to -- what exactly were you saying?

09:54:22 10 A. They used to burn soldiers. They used to attack soldiers
11 and they used to kill them. Those are all the things that made
12 me to be scared and the other authorities tried to pull out. I
13 myself joined them in pulling out.

14 Q. Did you join any particular person in pulling out of

09:54:40 15 Freetown?

16 A. Yes.

17 Q. Now, Mr Witness, before I ask you who that person is, I
18 know that the name might in some way reveal your identity.

19 PRESIDING JUDGE: Ask him to write it down on a piece of
09:55:09 20 paper.

21 MR BANGURA: Yes, Your Honour, I was just going to.

22 Q. We are going to pass you a piece of paper and we would ask
23 you to write the name of that person on the piece of paper, so
24 that Their Lordships will read the name and will know exactly who
09:55:24 25 you are talking about. Okay?

26 A. Okay.

27 Q. Mr Witness, before you write, the question was did you
28 leave town with any particular person and you said yes. Would
29 you like to write down the name of the person whom you left town

1 with?

2 A. Yes.

3 Q. Okay, let's do it.

4 A. Yes. [Witness complies]

09:56:44 5 PRESIDING JUDGE: Mr Jordash, you have seen the name?

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: Mr Touray?

8 MR TOURAY: So have we, Your Honour.

9 PRESIDING JUDGE: So 60 something. I think we are 67 now,

09:57:07 10 exhibit.

11 MS GUNSTONE: Sixty seven, Your Honour.

12 PRESIDING JUDGE: Thank you. I will write down on a piece

13 of paper that this is provided by TF1-184 and this is the name

14 on -- this piece of paper is the name of the person that the

09:57:57 15 witness joined with when he left Freetown.

16 MR BANGURA: Yes, Your Honour.

17 PRESIDING JUDGE: So this is marked as Exhibit 67.

18 [Exhibit No. 67 was admitted]

19 MR BANGURA:

09:58:26 20 Q. Mr Witness, you will recall testifying in another trial

21 within the Special Court before; is that so?

22 A. Yes.

23 Q. What trial was that?

24 A. AFRC.

09:58:49 25 Q. In that trial you did have another name for this person who

26 you travelled out of Freetown with; is that correct?

27 A. Yes.

28 Q. Would you like to use that name for the purposes of this

29 trial as well?

1 A. Yes.

2 Q. What is that name, please?

3 A. Commander C.

4 MR BANGURA: Your Honours, it is just "Commander" and
09:59:42 5 letter "C".

6 Q. Who was Commander C, Mr Witness?

7 A. He was my -- he was the chief secretary of state.

8 Q. Who was Commander C, Mr Witness?

9 A. He was my -- he was the chief Secretary of State.

09:59:59 10 Q. Did you have any relationship to him?

11 A. I was his PS, personal security.

12 Q. Apart from Commander C, were there any other persons
13 fleeing Freetown with you?

14 A. Yes.

10:00:28 15 Q. Who do you remember?

16 A. I saw Commander C and Mr Thomas. I saw Superman, JP,
17 Johnny Paul Koroma. These were the ones that I can remember.

18 Q. Mr Witness, was it just the AFRC that fled Freetown? You
19 said the AFRC was removed from power.

10:01:18 20 A. No, no.

21 Q. Were there other groups with you?

22 A. Yes. You had RUF, and their commander was Superman.

23 Q. How did you travel out of Freetown?

24 A. We went to Tombo, from Tombo to Masiaka, from Masiaka to
10:01:54 25 Makeni, from Makeni to Kabala, from Kabala to Mongo, from Mongo
26 to Krubola.

27 Q. Thank you, Mr Witness. We will take it rather slowly
28 again.

29 THE INTERPRETER: Your Honours, will the witness be

1 instructed to come closer to the mic so I can hear what he is
2 saying?
3 PRESIDING JUDGE: [Microphone not activated] the chair
4 closer. Yes. Okay.
10:02:22 5 MR BANGURA:
6 Q. Mr Witness, you moved first thorough Tombo and came to
7 Masiaka; is that correct?
8 A. Yes.
9 Q. Now at Masiaka, did anything happen there?
10:02:36 10 JUDGE ITOE: [Microphone not activated] -- you come down
11 to -- Masiaka.
12 MR BANGURA: Thank you, Your Honour.
13 Q. Mr Witness, let's go again over the places that you went
14 through on your way out of Freetown. You have mentioned Tombo.
10:02:48 15 MR BANGURA: T-O-M-B-O, Your Honours.
16 Q. And Masiaka; is that correct?
17 A. Yes.
18 Q. Then you mention --
19 PRESIDING JUDGE: Let him go through it.
10:03:04 20 MR BANGURA:
21 Q. Go over it again please.
22 A. Tombo, Masiaka, Makeni, Kabala, Mongo.
23 MR BANGURA: Your Honours, Mongo is M-O-N-G-O. Is Mongo --
24 is there another name or complete name for Mongo?
10:03:27 25 A. I don't know I will be able to get it, but Mongo Bendugu.
26 MR BANGURA: Bendugu, Your Honours, B-E-N-D-U-G-U.
27 JUDGE ITOE: [Microphone not activated].
28 THE INTERPRETER: Your Honour's mic is not on.
29 MR BANGURA:

1 Q. After Mongo Bendugu where did you go next?
2 A. Kurubonla.
3 MR BANGURA: K-R-U-B-O-L-A [sic], Your Honours.
4 Q. Mr Witness, let me come back to Masiaka. When you got
10:04:20 5 Masiaka, did anything happen there?
6 A. Yes. When we arrived at Masiaka, we had to go where JP
7 was. So when they came out, so they said that we were to find
8 vehicles, because when we were ousted out we did not have any
9 vehicles. So they should send men to go and find vehicles at
10:04:46 10 Lunsar and Makeni.
11 Q. Did you get the vehicles?
12 A. Yes.
13 Q. And from Masiaka you got to Makeni; is that correct?
14 A. Yes.
10:05:26 15 Q. Did anything happen at Makeni?
16 A. Yes, one incident that I can recall is that one village,
17 which was called Kamabunaneh [phon], there they went and they
18 met --
19 Q. Mr Witness, you seem to have stopped. You said they went
10:06:02 20 to village Kamabunaneh?
21 A. Well, I don't know whether that is the correct
22 pronunciation, but it is something like that.
23 MR BANGURA: Your Honours, it has been spelled before as
24 K-A-M-A-B-U-N-A-N-E-H, although the pronunciation does not seem
10:06:36 25 to be phonetic. But it is spelled K-A-M-A-B-U-N-A-N-E-H.
26 Q. Yes, Mr Witness, you were talking about something at this
27 place called Kamabunaneh.
28 A. So my boss had to go and meet JP. Collins was there. I
29 saw Collins. But when he had left Commander C, he said, well he

1 said he wouldn't go because they said that he and JP should cross
2 to go --
3 Q. Now, to go where, Mr Witness?
4 A. They said they should go; he and JP should go to Kailahun
10:07:46 5 as the rest of the troops remained in Kono.
6 Q. Okay, Mr Witness, let's clarify a few issues here. You
7 first of all mentioned a number of people went to Kamabunaneh.
8 You mentioned Collins, who was Collins?
9 A. Yes, he was RUF.
10:08:11 10 Q. Do a remember his full names?
11 A. No.
12 Q. Apart from Collins, JP and Commander C, who you said also
13 attended, do you remember any other persons that were there at
14 the Kamabunaneh?
10:08:40 15 A. Superman himself is was there.
16 Q. Superman is from the --
17 A. He was RUF.
18 Q. Any other names that you do remember?
19 A. These were the ones that I saw. And these they are ones
10:08:54 20 that I can recall.
21 Q. Okay. You also mentioned, Mr Witness, that Commander C
22 came and told you that he was not going. That does not seem very
23 clear. What exactly was he talking about?
24 A. They said -- because I was in the meeting, when he came out
10:09:20 25 he said that they had said that two of them -- only two of them
26 should cross to go to Kailahun. He said -- and all the other men
27 should remain in Kono. He said but if that this only thing how
28 would he go. So he was asking if -- I can remember, he was
29 asking JP. He said, "Well, what will be the next thing to do?"

1 Q. Mr Witness, can you try not to speak too fast. You are
2 being recorded. I only point it out to you.

3 A. Okay, I will try. So Commander C did not agree. He said
4 that if only two of them should go, he said he would not go.

10:10:03 5 Q. What was the significance of Kailahun, where they said two
6 of them, himself and JPK, should go? What was at Kailahun as far
7 as you knew?

8 A. Well, because the only understanding I had, because my
9 boss-man asked JP, he said, "What was the next step? What was
10:10:28 10 the next idea?" He said, "Why should it just be the drawing?"
11 So JP was telling him that, he said he will not say anything
12 until they reached Kailahun. That Kailahun -- that Kailahun. My
13 own boss-man was Commander C, he did not want to go there. So
14 this is what brought the separation.

10:10:54 15 Q. Now, Mr Witness, who was at Kailahun that they were
16 supposed to go to? Who was there?

17 A. It was the RUF who were there.

18 Q. Thank you. You have said that your commander decided not
19 to go to Kailahun. Did he go anywhere else?

10:11:23 20 A. He had to go back to Kabala.

21 Q. When you said he had to go back to Kabala, had he been to
22 Kabala before already?

23 A. He was in Kabala. He would come, and he came down to come
24 and check on JP. So the last time he came to check on JP he
10:11:55 25 found out that JP had left from his village and he was heading
26 for Kono. So it was at that main highway that we met them. When
27 they fell into an ambush, there I had to see Superman. I saw
28 Issa while they were trying to distribute ammunition to go --

29 Q. Mr Witness, I have told you earlier, you must try to speak

1 not too fast. The lordships are recording what you are saying.

2 PRESIDING JUDGE: It is not necessarily that he speaks too
3 fast, but I am a bit confused as to what it is.

4 MR BANGURA: Yes, Your Honour. I will try to get it
10:12:39 5 clearer.

6 PRESIDING JUDGE: About Kabala, and you asked him if the
7 commander had been there before, and from there I am not sure I
8 understand what is happening here.

9 MR BANGURA:

10:12:54 10 Q. Mr Witness, we were moving from Freetown and going up
11 country. We had got to Makeni and you were talking of
12 Kamabunaneh; is that correct?

13 A. Yes.

14 Q. Then you said that Commander C went back to Kabala. There
10:13:16 15 is no evidence so far that he had been to Kabala before he came
16 to Kamabunaneh. I would like you to explain how he got to Kabala
17 in the first place.

18 A. When we arrived in Makeni, we were already in Makeni. If I
19 can recall we spent more than three days in Makeni. During that
10:13:44 20 time we would go to Kabala. He was there in Kabala, he would
21 leave Kabala and he would come down to come and meet JP at
22 Kamabunaneh. It was this encounter that he encountered JP at my
23 Kamabunaneh, he came out one day and said he would not go to
24 Kailahun. If JP said that he -- except if they reached in
10:14:15 25 Kailahun before he explained to him what the battle was, he said
26 he would not go. I hope that I am not going fast.

27 Q. Yes.

28 MR BANGURA: Your Honours, I believe that give us an idea
29 of how we got to Kabala.

1 Q. So Mr Witness, you then talked about an incident where you
2 met somebody distributing ammunition; is that correct?

3 A. Yes. When we had come, this was the second check. I had
4 told you about the first one when Commander C said he was not
10:15:07 5 going. When he had left, he came back. That was around six and
6 seven in the evening. He came; he did not meet him in the
7 village. So he chased the convoy after Makeni, that highway to
8 go to Kono. So we are trying to chase them so as to catch up
9 with JP when we fell into an ambush. While the soldiers had been
10:15:30 10 firing, that was the time that I saw Issa.

11 Q. Who is Issa?

12 A. He was the second man to Mosquito.

13 Q. Do you know his full names?

14 A. I cannot recall, you see.

10:15:53 15 Q. Mr Witness, did you join the convoy going to Kono?

16 A. No.

17 Q. Did you go anywhere else from there?

18 A. From there we had casualties, and Commander C had to take
19 these casualties and we withdrew to Kabala.

10:16:25 20 Q. Mr Witness, do you recall which groups were in Kabala? You
21 said when you came earlier you had gone to Kabala and you were
22 coming from Kabala to Makeni. Do you remember which groups were
23 in Kabala with you?

24 A. RUF was there. STF was there, as well as the SLA.

10:16:43 25 Q. Now, who were the STF? You said STF.

26 A. These were -- they were called Special Task Force and
27 mostly they were Liberians. They were Liberians.

28 Q. Now, where in Kabala did you settle when you got there?

29 When you talk about Kabala, are we talking about the town or the

1 district, Mr Witness?

2 A. It's the town.

3 Q. So you were based in town, Kabala Town?

4 A. Yes, yes. Kabala Town, yes.

10:17:28 5 Q. You have mentioned that there were three groups: The SLA

6 soldiers, the RUF and the STF. Did you have somebody who had

7 overall command over these groups?

8 A. No. Each group had a commander over its own men.

9 Q. Who was the commander for the soldiers?

10:17:59 10 A. It was Commander C.

11 Q. What about the STF?

12 A. I don't know whether I'll be able to pronounce it well. It

13 was Bropleh.

14 MR BANGURA: Your Honours, it has been spelt before. It is

10:18:29 15 B-R-O-P-L-E-H, Bropleh.

16 Q. What about the RUF?

17 A. Superman.

18 Q. And the other group which was heading towards Kono, do you

19 know where they ended up?

10:18:54 20 A. Well, they were heading for Kono. I did not know where

21 they stopped. They were heading for Kono and we returned.

22 Q. Mr Witness, when you got to Kabala were there any

23 activities that you engaged in at Kabala?

24 A. No.

10:19:27 25 Q. Did you remain in Kabala all the time?

26 A. We had to pull out. When we heard that ECOMOG -- at that

27 time ECOMOG had come to Makeni, and when they told us that ECOMOG

28 was coming to Kabala, that was the time we pulled out.

29 Q. When you pulled out of Kabala where did you go?

1 A. That was the time that we went and settled at Mongo.
2 Q. Were you at Mongo for long?
3 A. No. When we heard that ECOMOG was coming we went to
4 Kurubonla.
10:20:06 5 Q. So you moved again from Mongo to Kurubonla?
6 A. Yes.
7 Q. Did you undertake any activities while you were at
8 Kurubonla?
9 A. I did not partake in any activities, but activity went on.
10:20:35 10 Q. Were there any operations undertaken from Kurubonla?
11 A. Yes.
12 Q. What were those operations?
13 A. First, before ever the operations started, they had to call
14 all the troops, and the Commander C did that. And they had to
10:21:04 15 address them, saying that his main motive was to reinstate the
16 army. So from there, so they should not keep on withdrawing, you
17 know, because it was their own fellow soldiers. From that point
18 on -- from that point onwards they should start targeting the
19 military target. So that was the time they agreed and started to
10:21:28 20 attack.
21 Q. Mr Witness, can you clarify what you have said just now.
22 You said a meeting was called by Commander C and he said you
23 should not keep on withdrawing. Can you explain that again
24 please?
10:21:53 25 A. He summoned a muster parade, and when he summoned a muster
26 parade he said, "You should not keep on running away from
27 ECOMOG." He said, "This particular time we should fight against
28 ECOMOG." He said, "And our main motive was to reinstate the
29 army." He said 17 men should not only give cause for 100 people

1 to suffer. Based on this, that was the time that they decided to
2 attack Mongo.

3 Q. You said 17 men cannot cause 100 people to suffer. What
4 was the reference to 17 men about?

10:22:30 5 A. These were the AFRC. The coup makers, the coupists. He
6 said that -- he said these people had come with their own power;
7 they had overthrown them. And this was an elected government.
8 He said, but as a matter of fact, he would not say it was not the
9 army. And he said since the army was the oldest institution, he
10:22:58 10 said based on this, so we should strive to fight and reinstate
11 the army. He said -- it was at this point that he said we should
12 start to attack Mongo.

13 Q. So did you launch an attack on Mongo?

14 A. Yes.

10:23:19 15 Q. What was the result of that attack?

16 A. The attack was successful. They came with weapons.

17 Q. Who were involved in the attack?

18 A. It was SLA, then we had RUF who was called Gbundema, Komba
19 Gbundema.

10:23:29 20 MR BANGURA: Your Honours, G-B-U-D-E-M-A [sic], Gbundema.
21 Komba is K-O-M-B-A.

22 Q. After you had successfully attacked Mongo, did you
23 undertake any other operations?

24 A. Yes.

10:24:00 25 Q. Which other ones?

26 A. From there we moved to Kabala.

27 Q. When you say "we moved", did you just walk to Kabala or was
28 it an operation? What was it?

29 A. This was an operation.

1 Q. What happened in the operation at Kabala?

2 A. We attacked Kabala. We were able to get enough ammunition.

3 Later we are not able to defend Kabala, so we decided to
4 withdraw.

10:24:57 5 Q. Who was involved in the attack on Kabala?

6 A. RUF, STF and SLA.

7 Q. You say you were not able to hold Kabala and so you
8 withdrew. Where did you go to when you withdrew from Kabala?

9 A. We went to Koinadugu.

10:25:27 10 Q. Mr Witness, so as to avoid any confusion here, Koinadugu as
11 a district covers all of the areas you are talking about, and you
12 have just said Koinadugu. Are you talking about the district or
13 is it a particular place within the district?

14 A. It was a village.

10:25:52 15 Q. So the place you went to was a village called Koinadugu; is
16 that correct?

17 A. Yes.

18 Q. Mr Witness, you mentioned two operations you undertook, one
19 at Mongo and the other at Kabala. What would you say about
10:26:16 20 civilians in these operations?

21 A. The civilians -- the civilians had a lot of them. And it
22 was Komba Gbundema, he had a lot of women, as well as boys, who
23 had been carrying loads.

24 Q. Mr Witness, it is not so clear. Can you start again and
10:26:44 25 explain what you wanted to say. It is not so clear what you are
26 trying to say.

27 A. When we were withdrawing, these -- from Kabala, we had
28 attacked and we had collected some weapons, but we were not able
29 to defend Kabala. So when we were pulling out, that was the time

1 that I saw civilians. Those that were captured; those that had
2 bags; those that had ammunition, all of them are there. And
3 during that particular time the commander was Komba Gbundema.
4 And that was the time that I heard the word "G5". So all these
10:27:35 5 were taken to --

6 Q. You were just going to finish up on where they were taken
7 to.

8 A. We took them to Koinadugu.

9 Q. Do you know who had taken these civilians?

10:27:46 10 A. It was the RUF.

11 Q. And in what condition were they being held?

12 A. I did not know except when we reached at Koinadugu
13 Commander C had learned that the civilians were too many. He
14 said the civilians should be taken out, and that was a time that
10:28:28 15 they said, well, they were going to take them to G5 for
16 screening. So this resulted to their taking to the G5, where
17 they were not released any more.

18 Q. Did you get to understand what the G5 meant?

19 A. That was -- he was in charge of the family. So social
10:28:48 20 welfare.

21 Q. This was a unit within the RUF; is that correct?

22 A. Yes.

23 MR TOURAY: Your Honour, of course it is too late but that
24 was highly leading and controversial.

10:29:07 25 PRESIDING JUDGE: Indeed.

26 MR BANGURA: I am sorry, Your Honours, but --

27 JUDGE ITOE: [Overlapping microphones] So far the
28 allegation that two forces were operating.

29 MR BANGURA: I'm sorry, Your Honour --

1 JUDGE ITOE: That is so far the allegation, that two forces
2 were operating. Three, in fact.

3 MR BANGURA: Three, I get the point.

4 JUDGE ITOE: The STF, the SLA and the RUF. So the G5, why
10:29:31 5 should it not be the G5 of the STF or SLA?

6 MR BANGURA: Your Honour, I believe from what he had said
7 we were at this point talking about the RUF. I just needed him
8 to confirm. I don't believe I was actually leading him on the
9 point.

10:29:45 10 JUDGE THOMPSON: The objection is sustained.

11 MR BANGURA: Sorry, Your Honours.

12 Q. Mr Witness, so did these civilians get released?

13 A. They were not released.

14 Q. Mr Witness, in effect you are saying the orders of
10:30:17 15 Commander C were not carried out; is that correct?

16 A. Yes.

17 PRESIDING JUDGE: I don't understand what you mean by this.

18 MR BANGURA: Your Honours, there is evidence before the
19 Court already that Commander C had told the --

10:30:35 20 PRESIDING JUDGE: There were too many civilians.

21 MR BANGURA: Yes, that is right.

22 PRESIDING JUDGE: That there should be screening.

23 MR BANGURA: He had not asked that they be screened. He
24 asked that they be let go. I don't know whether that is the
10:30:44 25 correct --

26 PRESIDING JUDGE: That is not my understanding of the
27 evidence but -- yes, Mr Jordash.

28 MR JORDASH: That they should be taken out, full stop, but
29 then my learned friend summarised according to the case he wants

1 to put.

2 JUDGE THOMPSON: Yes, I thought it was an improper process
3 to summarise it because he gave his evidence. Except if you want
4 to put a specific question to him.

10:31:10 5 MR BANGURA: I will, Your Honour.

6 Q. Mr Witness, I believe you talked about screening. You said
7 the G5 took them for screening; is that correct?

8 A. Yes. After Commander C said that the civilians were too
9 many, that they should be released, then they said that the RUF
10:31:43 10 should take them to the G5 for screening. They were taken there.

11 JUDGE ITOE: [Microphone not activated]

12 THE WITNESS: Well, commander --

13 JUDGE ITOE: Who said that they should be there for --

14 THE WITNESS: It was -- they had. It was Titus. Titus.
10:31:56 15 He was -- he was the liaison between the RUF, STF and the SLA.
16 He was the liaison. He, the Titus, and Titus himself was an RUF.

17 MR BANGURA:

18 Q. Mr Witness, you have mentioned earlier that the suggestion
19 was for Commander C and JPK to go to Kailahun?

10:32:34 20 A. Yes.

21 Q. Do you know, in fact, whether JPK went to Kailahun at some
22 point?

23 A. Yes.

24 Q. How were you able to know this?

10:33:04 25 A. During the time when we were at Kurubonla, Mosquito spoke
26 to Commander C saying he will send some items for Commander C;
27 that is, paste, soap, cigarette. Then Commander C asked for JP.
28 It was from Commander C that I made to understand that JP was in
29 Kailahun. This was the way I came to know that JP was in

1 Kailahun.

2 Q. Who was Mosquito, Mr Witness?

3 A. He was -- after Sankoh, I think was the second in command.

4 RUF. RUF.

10:34:11 5 Q. Apart from this instance that you have mentioned where
6 there was some form of contact between the RUF and your group in
7 Kurubonla, is there any other evidence of some contact between
8 the two groups?

9 A. Later on Superman came with the items that were sent. The
10:34:45 10 items that were sent by Mosquito, it was Superman that came with
11 them. Then after when we are in Koinadugu -- okay, yes, I can
12 recall. When we are in Koinadugu, after we had attacked,
13 Mosquito told Superman that all the ammunitions that we had
14 collected should be sent back to the rear. Then Commander C told
10:35:13 15 him that if the man is at the rear, how would he say we should
16 collect ammunitions here and take them back to him? So this was
17 all the things that involved the communication between them.
18 From there, there was an in-fight.

19 Q. I told you before, please do not speak too fast. I do
10:35:38 20 appreciate that you want to say things as they come out as you
21 remember them, but please try not to speak too fast. Yes,
22 continue, please.

23 A. I have forgotten in which area I was.

24 Q. You just talked about an order for ammunition which had
10:36:03 25 been captured that is to be sent back to the rear.

26 A. Yes. Yes. When Mosquito ordered Superman, then
27 Commander C had to tell him, "How would we be at the front with
28 the enemies and man is at the rear there and he is telling us to
29 take weapons back to him there?" He said the weapons should be

1 here with us. Then Superman had become an SLA. That was another
2 one.

3 Q. It's not so clear what you are saying, Mr Witness, you said
4 then that Superman had become an SLA. What you are saying?

10:36:46 5 A. That it was Mosquito. When he ordered Superman to take the
6 ammunition to the rear, Commander C had to tell him that he
7 should inform Mosquito that the weapons will not be taken at the
8 rear because they who were at the front line had use for the
9 weapons. So they should not take those weapons back to Kailahun.

10:37:12 10 This reply which Superman gave Mosquito, then Mosquito said he
11 had not come to join Commander C, that Superman came from the SLA
12 which was the RUF. Is that area understandable?

13 Q. It's still not so clear to me, Mr Witness, the latter part
14 of it, what you said Mosquito said after he got this message that
10:37:44 15 the ammunition was not going to. Can you go over that again,
16 please.

17 A. He said Superman had joined Commander C.

18 Q. Did you have cause to leave Koinadugu at some point,
19 Mr Witness?

10:38:01 20 A. Yes.

21 Q. Why did you leave Koinadugu?

22 A. It was because of the training. The RUF had not wanted to
23 go by the orders. There was an incident that happened in which
24 one RUF commander called Colonel Senegalese, one of his boys, he
10:38:45 25 killed a civilian. This civilian he killed. Then the
26 information reached Commander C. Commander C asked the man that
27 did this thing as to why he did that. There was no good reason
28 given by the man. Because he gave no good reason, then Commander
29 C took his weapon and gunned down the man that did that act and

1 he too died. This was observed by the RUF and then they said
2 Superman had joined Commander C in order to kill them all. And
3 they will not accept that. So Superman he himself joined his men
4 and seized the ammunitions that were for the three groups. In
10:40:08 5 this situation, the two groups, the STF and the RUF ganged
6 against Commander C. This made Commander C deserted them at
7 Koinadugu.

8 Q. Mr Witness, you earlier mentioned training as you were
9 explaining the reason why you left Koinadugu. What were you
10:40:32 10 referring to?

11 A. They were not disciplined. There was no discipline. I'm
12 referring about the discipline. So Commander C was trying to
13 reinforce discipline. This discipline that he was trying to
14 strengthen, it never went down with the RUF and the STF too, so
10:40:58 15 that created the in-fighting.

16 Q. Where did you go to when you left Koinadugu?

17 A. We went to Tumania.

18 MR BANGURA: Honours, it is T-U-M-A-N-I-A.

19 Q. How long were you at Tumania?

10:41:27 20 A. Well, about one to two weeks.

21 Q. If I may ask you, Mr Witness, which group went to Tumania?

22 A. This time it was only the SLA.

23 Q. From Tumania did you head for any other place?

24 A. It was there we decided to go to Camp Rosos.

10:41:54 25 MR BANGURA: Rosos is R-O-S-O-S.

26 A. Sorry.

27 JUDGE ITOE: R-O?

28 MR BANGURA: S-O-S, Your Honour.

29 Q. Where was this Camp Rosos?

1 A. I don't know if I can recall. It is around Batkanu.

2 MR BANGURA: Batkanu, Your Honours, is B-A-T-K-A-N-U.

3 Q. Would you say it is in the north, south or east of Sierra
4 Leone?

10:42:57 5 A. Well, I am not good at showing directions. But it is
6 adjacent one Little Scarcies River.

7 Q. Okay, thank you, Mr Witness. How did you get to know about
8 this Camp Rosos, Mr Witness?

9 A. If you can make me recall, the time that we were at
10:43:34 10 Kurubonla a group which consisted of Gullit, Bazzy, Bomb Blast,
11 all the AFRC. The only person that was an RUF was man called
12 Alfred Brown. He was the signaller. So they came from Kono.
13 They met us at Kurubonla. So Gullit had to say, he said the way
14 he was treated at Kailahun they took all his money and all the
10:44:13 15 sorts and he was molested there. So he said he would not be able
16 to stand those people but before that -- before the arrival of
17 the troop --

18 [RUF05DEC05B - SV]

19 Q. Mr Witness, I think we will have to take this step by step.
10:44:31 20 You want to go back to what happened. You said that sometime,
21 once while you were at Kurubonla a group came, is that correct?
22 A group came and joined you there, is that correct? And met you
23 there?

24 A. That is it. But I want to correct it first. Before the
10:44:54 25 arrival of the troop there was a message sent from Kono that
26 there was a troop that had abandoned a location. So if that
27 troop was to arrive where Commander C was, that Commander C
28 should ensure that they were put under control.

29 Q. This was a message that your unit had from Kono, you say;

1 is that correct?

2 A. Yes, yes.

3 Q. After you got this message did a group arrive at Kurubonla?

4 A. Yes.

10:45:26 5 Q. And who were the members of this group?

6 A. Gullit and Bazy.

7 Q. Just take it slowly, please. Yes, go on.

8 A. Gullit, Bazy, Woyoh, Bomb Blast.

9 MR BANGURA: Your Honours, if you would like me to spell

10:46:05 10 Gullit, it is G-U-L-L-I-T.

11 PRESIDING JUDGE: We know, Mr Bangura.

12 MR BANGURA:

13 Q. Yes, continue, Mr Witness?

14 A. You had Bomb Blast; you had Bio; you had Coachy Borno, you

10:46:20 15 had Junior Sheriff.

16 Q. Which group did these people belong to?

17 A. AFRC.

18 Q. So when they came to Kurubonla did anything happen?

19 A. So Commander C told them that -- he told them about the

10:46:44 20 message but he told them that they should find a location. He

21 said when they had discovered this -- a location, they should

22 turn to him. So they had to leave while we were still staying at

23 Kurubonla, so they headed for Camp Rosos, the camp that I'm

24 trying to explain to you. So that was the way through which we

10:47:22 25 came to know about Camp Rosos.

26 Q. So when you left Tumania you then headed for Camp Rosos; is

27 that correct?

28 A. Yes.

29 Q. Who did you find at Camp Rosos when you arrived there?

1 A. All the names that I had mentioned to you, those are the
2 people we met there.

3 Q. These were names of members of the AFRC; is that correct?

4 A. Yes, including Alfred Brown, who was an RUF, a radio
10:48:06 5 operator.

6 Q. Apart from Alfred Brown was there any other RUF person
7 present at Camp Rosos?

8 A. Yes, yes.

9 Q. Who were they?

10:48:24 10 A. It was -- the number was over 20.

11 Q. Do you know how these RUF men came to be with the AFRC
12 group?

13 A. I only saw them -- I only saw them, but I don't know how
14 they came to join. I only saw them.

10:48:57 15 Q. Now at Camp Rosos, Mr Witness, did anything happen there
16 when Commander C got there?

17 A. Yes, he had to call them again and endeavour to brief them
18 again concerning the mission to attack Freetown, and he made it
19 clear, and at that time Father Mario was with us. So --

10:49:29 20 Q. Mr Witness, you said Father Mario was with you. Who was
21 he?

22 A. He was a father.

23 Q. How did he get to be with you?

24 A. Well, we met him on the way. They went for him. They went
10:49:53 25 for him to his village.

26 Q. It's not so clear, Mr Witness. Who went for him?

27 A. They sent men from the SLA to search for Father Mario
28 himself.

29 Q. Mr Witness, help the Court by being more specific. When

1 you say "they, they", it's not so clear who were "they". If you
2 try to be very specific as to who gave what orders or what
3 instructions. So who -- you said they went to look for --
4 A. Commander C gave an order to his men, that's the SLAs, so
10:50:36 5 that they could go for Father Mario. When they went, they
6 captured Father Mario and came with him.

7 Q. And this was before you got to Camp Rosos; is that correct?

8 A. Yes, yes.

9 Q. So you were now at Camp Rosos and you're telling this Court
10:50:51 10 about what happened there. Commander C was talking about his
11 plans; is that correct?

12 A. Yes.

13 Q. [Microphone not activated]

14 A. He had to tell them that the capture -- he had captured
10:51:11 15 Father Mario, that it was a threat, that he wanted medicines, he
16 wanted a satellite phone, then the reinstatement of the military.

17 Q. You also were explaining to this Court what Commander C
18 said about his -- what he had in mind about his plan to reinstate
19 the army. He was explaining to the other men there; what was he
10:51:49 20 saying?

21 A. So after he had told them about the medicines, he called
22 them again and said, "Now" -- he said, "We are going to town to
23 reinstate." He said what happened, that they were not talking
24 about the AFRC. They toppled an elected government. So if this
10:52:24 25 elected government had overthrown them again --

26 THE INTERPRETER: The interpreter is sorry, the witness is
27 moving so fast that he can't --

28 MR BANGURA:

29 Q. Mr Witness, you have to take all of this again and try to

1 be a little slower, please. Commander C was explaining his plans
2 for reinstating the army. Can you just take that again, please?
3 A. He told them that it was for the reinstatement of the army.
4 He said the reason was that the army -- it was the oldest
10:53:09 5 institution. If somebody said no to it, he said they have used
6 the word flush. If somebody had defecated in a flush toilet, he
7 had observed that when it is emptied, everything will be thrown
8 into the pit. So that is the way they expressed about the army.
9 That was what he told them, that they should forget about the
10:53:46 10 RUF, they had no business with the RUF. The stride that they
11 were taking was an SLA stride. After he had addressed them on
12 that issue --
13 Q. Mr Witness, please take it slowly.
14 JUDGE THOMPSON: Pause after that, yes. You can begin that
10:54:02 15 other part of it.
16 MR BANGURA:
17 Q. Yes, Mr Witness, you were going to go on. It's just that
18 you had finished one episode and we need to prepare for the next
19 one you were going into. Yes. You said after he had informed
10:54:18 20 them about his plans. What happened?
21 A. After that I went and met one soldier called Colonel 0-Five
22 who talked to Superman that Commander C had told them to go to
23 town. I said, "You, Commander C had not told you to forget about
24 the RUF." I said, "Well, I'll go and tell him."
10:54:51 25 Q. Mr Witness, was it the same day? The day that Commander C
26 explained his plan about reinstating the army, was it that same
27 day that you found this person speaking to somebody else?
28 A. Yes, the same day, the same day.
29 Q. How was he communicating?

1 A. Through the set, through the radio set. I'm sorry.
2 Q. You say he was informing somebody else on the other side
3 about the plans that Commander C had. Who was this person that
4 he was telling about these plans?
10:55:34 5 A. It was Superman.
6 Q. How did you know it was Superman that he was talking to?
7 A. He had a call sign number called Timing Bomb. It was
8 through that Timing Bomb that I knew that he was speaking to
9 Superman.
10:56:03 10 MR BANGURA: Your Honours, it's not so clear.
11 Q. What's the call sign again, please?
12 A. Timing Bomb.
13 PRESIDING JUDGE: That's Superman's call sign?
14 MR BANGURA: Yes, Your Honour.
10:56:14 15 THE WITNESS: Yes, sir.
16 MR BANGURA:
17 Q. Did you report this incident to Commander C?
18 A. I had to tell Commander C.
19 Q. How long were you at Camp Rosos?
10:56:43 20 A. Nearly a week.
21 Q. At the end of that week where did you go to when you left
22 Camp Rosos?
23 A. We decided to come to town. We crossed the Little
24 Scarcies.
10:57:08 25 MR BANGURA: Your Honours, Scarcies is S-C-A-R-C-I-E-S.
26 Q. Yes, you came across the Scarcies.
27 A. From there we arrived at a place near Lunsar.
28 Q. Did anything happen when you got to --
29 A. Yes.

1 Q. What happened?

2 A. Yes, an argument ensued between Commander C and Gullit. So
3 he had to -- so Gullit was talking through the set to the RUF
4 that he, the Commander C. Then Commander C said, "I have told
10:58:11 5 you not to talk to these men. Haven't I told you before?" So
6 that argument ensued and it was a bitter one. So we had to leave
7 where we were and cross over to Lunsar. From Lunsar we arrived
8 at Masiaka.

9 Q. Mr Witness, just before we move on to Masiaka, you have
10:58:36 10 just explained an incident that happened between Commander C and
11 Gullit. Did you know who Gullit was communicating with?

12 A. He was communicating with Mosquito.

13 Q. How did you know this?

14 A. Well, it was through my boss.

10:59:01 15 Q. Thank you. So you moved on to Masiaka. If I'm correct --
16 I abandon that. You moved on to Masiaka. Did anything happen at
17 Masiaka?

18 A. Yes, after we had attacked Masiaka --

19 Q. Did you attack Masiaka?

10:59:27 20 A. Yes, yes.

21 Q. Who were there at Masiaka that you attacked?

22 A. The Guineans.

23 Q. Were they part of any particular group?

24 A. The Guineans?

10:59:51 25 Q. Were the Guineans part of a particular group?

26 A. They were part of the ECOMOG.

27 Q. So, continue, please. You attacked the Guineans at
28 Masiaka?

29 A. So when we attacked the Guineans at Masiaka, so Mosquito

1 came on during the evening saying that his men had crossed --
2 Q. Mr Witness, you said "came on". Came on where? On how?
3 It's not clear.
4 A. Through BBC. He spoke through the BBC saying that his men
11:00:39 5 had attacked Masiaka, they had collected some arms and all that
6 we collected, based on this, when Commander C had this --
7 Q. Witness, can you slow down, please. You're being recorded.
8 Please try not to speak too fast. I keep reminding you.
9 Continue, please, but just be a bit cautious. Thank you. Go on.
11:01:09 10 A. Commander C, when he heard this news from the BBC he had to
11 call --
12 THE INTERPRETER: The interpreter is sorry, the name
13 Alfred, the last part of it is not heard clearly.
14 MR BANGURA:
11:01:29 15 Q. Mr Witness, let's take it from the announcement on BBC, the
16 broadcast on BBC. Did you yourself hear that broadcast?
17 A. Yes.
18 Q. And you said it was Mosquito who spoke on BBC; is that
19 correct?
11:01:47 20 A. Yes.
21 Q. Did you hear him speak?
22 A. Yes.
23 Q. And what did he say?
24 A. He said his men had attacked Masiaka, they had collected
11:02:04 25 weapons and ammunition and all other assorted items. So this
26 made Commander C to call Alfred.
27 Q. Now who is this Alfred? What's his full name?
28 A. Alfred Brown.
29 Q. And who is Alfred Brown?

1 A. He was the radio operator.

2 Q. From what group?

3 A. RUF.

4 Q. Did Commander C say anything to him when he called him?

11:02:41 5 A. Yes.

6 Q. What did he say?

7 A. Then he said -- he said, "Yeah, Alfred, well done. It is

8 you that relayed this information to Mosquito," and then he

9 responded by saying yes. Then when he answered that, Commander C

11:03:08 10 slapped him. Then after he had slapped him, he warned him that

11 the next time, if such a thing happened again, that they who were

12 at the front had to talk together, but somebody at the rear talk,

13 and that anybody at that point should not say anything to

14 anybody, even the RUF. It was from there where --

11:03:39 15 Q. Mr Witness, just before you move on. Commander C slapped

16 Alfred Brown and gave him a warning; is that what you're saying?

17 A. Yes.

18 Q. What was that warning?

19 A. That he should not inform the RUF about anything we were

11:04:01 20 doing at the time.

21 Q. Thank you. And after Masiaka did you go anywhere else?

22 A. Yes, we went and arrived at Newton.

23 Q. And did anything happen at Newton?

24 A. We arrived at Newton, yes. We had to summon a meeting

11:04:37 25 again. Commander C had to produce kola nuts and water. Then he

26 said we should take an oath. He said this oath that we are

27 coming to take, that when we are to enter Freetown and we are

28 ask -- we would have nothing to tell them except to tell them

29 that we were going for the barracks. That is, we should be

1 reinstated in the army. This kola nut will be divided into small
2 portions. They took the water and poured it into a small cup.
3 You would be summoned, you would be given the portion of the kola
4 nut and water. You will say these words, "We are going to
11:05:49 5 Freetown not for any other thing, except for reinstating the
6 army." You chew the kola nut, you drink the water, which when it
7 went round -- the process went round --
8 Q. Thank you, Mr Witness. After this stage in your move
9 towards Freetown, where did you go?
11:06:23 10 A. We headed for Waterloo.
11 Q. Then at Waterloo did anything happen?
12 A. When we arrived we decided to enter Benguema. They
13 attacked Benguema, captured everything.
14 Q. Mr Witness, you said "we" initially. Who are "they"? Were
11:07:00 15 you not part of the [microphone not activated]?
16 A. The SLA attack.
17 Q. Thank you.
18 A. The SLA attacked Benguema. We captured Benguema.
19 Q. Who was occupying Benguema at that time? Who was in
11:07:20 20 control of Benguema?
21 A. Well, it was the ECOMOG, the Nigerian ECOMOG. And other
22 troops consisted of the Sierra Leone soldiers.
23 Q. And what was the result of this attack?
24 A. Commander C died there. They killed him.
11:07:52 25 Q. Were you successful in the attack itself?
26 A. Yes, yes.
27 Q. Mr Witness, after Commander C died -- and he was the head
28 of the group; is that correct?
29 A. Yes.

1 Q. So after he died, did you have another leader?
2 A. Yes.
3 Q. Who was this new leader?
4 A. Gullit was he.
11:08:27 5 Q. When did Commander C die?
6 A. It was round about December 21, 22, 21. December 21.
7 Q. Of what year?
8 A. It was '98. No, '97. '98, '98, '98.
9 Q. Mr Witness, Commander C died and you had another leader.
11:09:20 10 Did this change in leadership affect your move towards Freetown
11 at all?
12 A. Yes.
13 Q. How did it affect your move towards Freetown?
14 A. It slowed down the movement. Gullit had to say that we
11:09:45 15 needed reinforcement from our brothers. He said he has spoken to
16 Mosquito and Mosquito said he would send reinforcement. He said
17 reinforcement that he was going to send would be headed by Akim,
18 that he would send --
19 THE INTERPRETER: Sorry, the interpreter cannot get the
11:10:13 20 witness at the tail end, "which was called".
21 MR BANGURA:
22 Q. Witness, you were talking about what Gullit told you about
23 reinforcements from your brothers; is that correct?
24 A. Yes.
11:10:31 25 Q. When he said "your brothers", "our brothers", who was he
26 referring to?
27 A. RUF.
28 Q. And he said specifically that he had spoken to Mosquito; is
29 that correct?

1 A. Yes.

2 PRESIDING JUDGE: [Microphone not activated]

3 MR BANGURA: Sorry, Your Honour?

4 PRESIDING JUDGE: We're talking here of Gullit when you say

11:10:54 5 "he"?

6 MR BANGURA: Yes, Your Honour, Gullit.

7 Q. And what had Mosquito told him? Can you just go over that

8 again, please?

9 A. He said he would send a reinforcement called Tank, that's

11:11:09 10 Akim. He was the one that was going to lead the reinforcement at

11 the area where we were so that we would go to town. So we were

12 going to fight a suicide mission. So we wouldn't leave any enemy

13 behind. So he said we should have to wait.

14 Q. Mr Witness, you mentioned two names or you said "Tank" and

11:11:38 15 "Akim". I don't understand. Are you talking of two people? Are

16 you referring to two people or one person?

17 A. No, it is one person, Akim alias Tank.

18 Q. He was supposed to be the person heading the

19 reinforcements; is that what you're saying?

11:12:01 20 A. Yes, yes.

21 Q. Thank you. Where were you at this time when --

22 A. We were up at the mountain.

23 Q. Which mountain?

24 A. This Lion Mountain.

11:12:16 25 Q. And where is that mountain situated?

26 A. It's a graduate from Goba Water.

27 Q. Could you please call the name again?

28 A. Goba Water.

29 MR BANGURA: Your Honours, G-O-B-A W-A-T-E-R.

1 Q. This mountain would be whereabouts?
2 A. Around Benguema.
3 Q. How long did you have to wait for the reinforcement?
4 A. We waited nearly for about a day, then the Kamajors
11:13:08 5 attacked us.
6 Q. Did you do anything as a result of this attack?
7 A. We decided that the troop should move to come to town.
8 Q. At this time, Mr Witness, can you describe the composition
9 of this troop that was moving towards Freetown?
11:13:43 10 A. It was only AFRC and Alfred Brown and the remaining RUF.
11 As I have told you, if there were -- the number was a little bit
12 above 20.
13 Q. So, Mr Witness, can you recall on what day you attacked
14 Freetown?
11:14:12 15 A. January 6th.
16 Q. What year?
17 A. 1999.
18 Q. When you attacked Freetown, when your group attacked
19 Freetown, were there any particular targets that you went for in
11:14:41 20 Freetown?
21 A. We went for the Water Quay.
22 Q. Water quay is, where is water quay, if you would let the
23 Court know?
24 A. Where the ships do anchor.
11:15:09 25 Q. Is it the same place as the seaport?
26 A. Yes, yes.
27 Q. Where else did you target?
28 A. From there, the State House -- the State House and New
29 England, the Pademba prisons and FBC.

1 Q. Can you say how much control your troops had of Freetown
2 during this attack on January 6th?

3 MR JORDASH: Objection. That is a call for opinion. It's
4 a call for opinion from the Prosecution. Give us your opinion as
11:16:03 5 to how much of Freetown was under your control. That's something
6 which might lend itself to expert evidence, but unless this
7 witness was in a position to know where everybody was, the battle
8 plan and the success of the battle plan in maintaining or taking
9 Freetown and he can't just simply proffer an opinion. It's akin
11:16:36 10 to what I objected to last week; how many people had their
11 hands -- I just pause because the witness is present. How many
12 people were injured in a particular way in Freetown during the
13 invasion? How much of Freetown was under your control? I mean,
14 the questions are so broad they invite opinion rather than
11:16:57 15 focusing a witness's mind on what he saw and what he heard. It's
16 an issue ultimately which is for Your Honours to decide in any
17 event, how much of Freetown was under control.

18 PRESIDING JUDGE: Yes, but I'm not sure it was really an
19 opinion that was being sought rather than his own description of
11:17:14 20 what was or was not under their control. I took it more in that
21 way than in the sense of being an opinion that was being sought
22 from the witness.

23 MR JORDASH: I certainly wouldn't object to questions such
24 as where were the men in Freetown on a given day on a given week.
11:17:31 25 From that we can infer how much of Freetown had been taken over.
26 But to leap straight into how much of Freetown was under your
27 control misses out all of those necessary facts which allow the
28 witness to come to that conclusion.

29 PRESIDING JUDGE: Well, the witness had testified just

1 before that they went for water quay, the seaport and then from
2 there to the State House to Pademba, to New England, to FBC and
3 so on. So it's a description of various sites and locations in
4 town. Whether or not they had control, his evidence was we went
11:18:04 5 forward. I assume from that he meant that they took those
6 places.

7 MR JORDASH: It could mean that, but it could also mean
8 that they took them and then moved on. It's unclear whether this
9 is just an ongoing attack.

11:18:17 10 JUDGE THOMPSON: In other words, your question is that the
11 term "control" here does not lend itself to just a single kind of
12 interpretation. It is not just factual, but we can move just
13 beyond the factual realm and draw some kind of interpretation as
14 to control in a non-factual sense. Is that what you're saying?
11:18:50 15 There's some vagueness about the question itself.

16 MR JORDASH: Yes, because it presupposes facts.

17 JUDGE THOMPSON: In other words, what is "control" here?
18 Are we just saying control as a factual matter of what he
19 actually saw or control beyond that, which can take it just
11:19:09 20 beyond a factual matter; in other words, which can indeed step
21 into the realm of opinion? In other words, the line is very
22 difficult to draw whether he is confining himself by answering
23 that question to just the actuality of what he saw as against
24 drawing an inference as to control.

11:19:38 25 MR JORDASH: Yes, where did the troops, the AFRC troops and
26 20 or so RUF, attack? Where did they occupy? Where did they
27 remain? I would have no objections to that. But to simply miss
28 out those two steps, where did they remain, where did they
29 occupy, is simply to say to the witness what's your opinion of --

1 JUDGE THOMPSON: My difficulty is the question of the
2 vagueness as to whether there is a fixed meaning here of
3 "control".

4 MR JORDASH: That's a second vagueness, I suggest.

11:20:12 5 JUDGE THOMPSON: That's my own difficulty with the
6 question. In fact, I think the question should have been more
7 specific.

8 JUDGE ITOE: Was the witness being asked to give his
9 opinion?

11:20:20 10 MR JORDASH: He could have been.

11 JUDGE ITOE: He didn't clearly seek his opinion. It was
12 soliciting some factual testimony on what the situation was on
13 the ground. It wasn't put in the sense that it needed his
14 opinion as to what -- this is -- these are people who are moving,
11:20:47 15 like the Presiding Judge has pointed out. They had moved and
16 they had targeted certain areas, and then it was just a question
17 of asking him how much of the area they controlled. Would you
18 suggest that that is an opinion?

19 MR JORDASH: Are the AFRC in control of Freetown if they
11:21:03 20 occupy the State House? Are they in control of Freetown if they
21 occupy the main roads and control the main roads? Are they in
22 control of Freetown --

23 JUDGE ITOE: Not necessarily.

24 MR JORDASH: -- if they force all the inhabitants to
11:21:17 25 abandon the city? That's the problem.

26 JUDGE ITOE: But it could be how much of Freetown did they
27 control, not that they controlled Freetown.

28 PRESIDING JUDGE: Mr Jordash, before we move on, given that
29 the witness does understand English and given that this exchange

1 is now probably communicated to the witness, it may be that all
2 these discussions are useless unless we ask the witness to be
3 excluded.

4 MR JORDASH: Certainly.

11:21:43 5 MR BANGURA: May it please Your Honours, in order to save
6 time, I might be willing -- although I do not succumb to the view
7 that the question is not based on a factual assessment of the
8 situation, my view is strongly that is based on facts but
9 [overlapping speakers]

11:22:04 10 JUDGE THOMPSON: [Overlapping speakers] It is necessary
11 that we resolve it because it might keep coming up again. Why
12 not ask -- just for a brief period, just to have clear guidance
13 from the bench. [Overlapping speakers] Counsel has said that he
14 did raise a similar objection last week. Perhaps we need some --

11:22:15 15 JUDGE ITOE: It was different.

16 JUDGE THOMPSON: I said counsel said that; I didn't say
17 counsel raised a similar objection. Counsel said he did raise a
18 similar objection. There's a clear difference there.

19 PRESIDING JUDGE: Can we ask the --

11:22:41 20 MR BANGURA: I'm guided by what Your Lordships decide. I
21 was going to say that I would have avoided the question and still
22 get to the same point.

23 PRESIDING JUDGE: One at a time, please. We will ask the
24 witness to be excused. It is 11.25, it is the time to take the
11:22:57 25 break anyhow. So we will break and when we come back we will
26 hear the full argument and then ask the witness to come back. So
27 that is what we are going to do.

28 [Break taken at 11.24 a.m.]

29 [Upon resuming at 11.55 a.m.]

1 PRESIDING JUDGE: Yes.

2 MS KAH-JALLOW: Your Honour, if I may, I should have
3 announced my representation this morning. In the absence of
4 Mr Cammegh and Professor O'Shea I will be standing in for
11:53:57 5 Mr Gbao. Thank you.

6 PRESIDING JUDGE: For the record, we know you, but could
7 you identify you for the record so the record knows who you are?

8 MS KAH-JALLOW: My name is Haddijatou Kah-Jallow.

9 PRESIDING JUDGE: And you are from the Principal Defender's
11:54:10 10 Office?

11 MS KAH-JALLOW: Yes, Your Honour.

12 PRESIDING JUDGE: We should have asked you. I assumed that
13 you might have been working this morning with the Defence
14 assisting Mr Touray, but you're not; you are for the third
11:54:23 15 accused.

16 JUDGE ITOE: Because you're so close to Mr Touray. You
17 don't look independent of Mr Touray this morning.

18 PRESIDING JUDGE: So we thank you very much and we didn't
19 ask for representation, as I say, simply because we have assumed
11:54:36 20 wrongly that you might have been working with the second accused
21 this morning. But this is fine. The record will so reflect that
22 the third accused is represented by the Principal Defender's
23 Office by your presence here. To come back to the scenario we
24 were dealing with when we broke, Mr Prosecutor, you were about to
11:55:00 25 move not necessarily in a different direction, but with different
26 wording of your question. The objection was essentially about
27 the word you used, "control". We will accede to your submission
28 that you will change the wording and try to be more precise with
29 your question. So if we can move that way that will solve the

1 issue.

2 MR BANGURA: Thank you.

3 Q. Mr Witness, you have given this Court an idea of the areas
4 that you targeted when you entered Freetown on 6th January; is
11:55:34 5 that correct?

6 A. Yes.

7 Q. Can you tell this Court what role you yourself played
8 during this attack on 6th January?

9 A. Well, when we came January 6th, Gullit ordered me. He said
11:56:10 10 I should remain at the rear. I was at the rear when I saw
11 ex-president Momoh, Chief Dura, Hilton Fyle.

12 PRESIDING JUDGE: Just give the names slowly, please. So
13 you saw ex-president Momoh and what's the other one?

14 MR BANGURA: Chief Dura. D-U-R-A, Your Honour.

11:56:51 15 THE WITNESS: Chief Dura.

16 MR BANGURA: Hilton Fyle. F-Y-L-E.

17 THE WITNESS: These are the ones that I can recall. So I
18 did not see Commander C's wife.

19 MR BANGURA:

11:57:14 20 Q. Mr Witness, these people that you just mentioned, to your
21 knowledge where were they before January 6th?

22 A. They were in prison, Pademba prison.

23 Q. And so what did you do when you saw them?

24 A. So when I saw them I did not see Commander C's wife. So I
11:57:40 25 decided that well, let me go and check for myself.

26 Q. And where did you go to check?

27 A. I went forward. At that time --

28 JUDGE ITOE: You said you went to check, for what? You
29 said you went to check for what?

1 THE WITNESS: For Commander C's wife, sir.

2 PRESIDING JUDGE: And where is it you did go?

3 THE WITNESS: From there I went to State House.

4 PRESIDING JUDGE: When you say from there, what is there?

11:58:14 5 MR BANGURA:

6 Q. Witness, you said you were at the rear. Whereabouts were

7 you when you said the rear? Where was this rear?

8 A. I was at Kissy. I was at Kissy Dockyard.

9 Q. So you decided to move -- and that is where you were when

11:58:30 10 you saw these people that you mentioned?

11 A. When I saw these people, these people about whom I had

12 spoken.

13 PRESIDING JUDGE: When you say you were at Kissy Dockyard,

14 is it the same as Water Quay and seaport or it's a different

11:58:46 15 place?

16 THE WITNESS: No, sir.

17 MR BANGURA: That's the answer, Your Honour.

18 PRESIDING JUDGE: It's a different place?

19 MR BANGURA: A different place, yeah.

11:58:55 20 THE WITNESS: Different place.

21 MR BANGURA:

22 Q. Mr Witness, you said you moved from the rear, around Kissy

23 where you were, and came forward?

24 A. Yes, sir.

11:59:10 25 Q. Where did you come to?

26 A. I came to State House.

27 Q. Did you stop at State House only?

28 A. I did not only stop at State House.

29 Q. Where else did you go?

1 A. I went as far as this light, Congo Cross, Congo Cross
2 bridge. That light, where the light is, from there coming up to
3 King Harman Road.

4 Q. All these areas where you went to, what was the situation
11:59:51 5 that you found on the ground?

6 A. I went and I saw the men were at that particular side from
7 King Harman Road, coming right up here to New England. I went
8 down. I glided down to Pademba prison.

9 JUDGE ITOE: Which men?

12:00:15 10 MR BANGURA:

11 Q. Mr Witness, which men?

12 A. AFRC. AFRC.

13 Q. Continue, please.

14 A. From there I went to State House.

12:00:44 15 Q. Mr Witness, you were talking about moving from Kissy right
16 into the -- you said forward, and you've talked about all these
17 places that you went to, State House and to the bridge where the
18 light was and around other parts of town. Now, is it the case,
19 as you have said, that you had AFRC people in these places? Is
12:01:07 20 it the case that they were there in all the places that you went
21 to from Kissy?

22 A. It was not all of them but I saw some. Then the main body
23 was at State House.

24 PRESIDING JUDGE: The main body of AFRC?

12:01:30 25 THE WITNESS: AFRC as well as RUF.

26 PRESIDING JUDGE: The main body was at State House; that's
27 what you're saying?

28 THE WITNESS: Yes. Yes, sir.

29 MR BANGURA:

1 Q. Can you describe what happened when you got to State House?
2 A. When I arrived at State House I was still in search of
3 Commander C. That was why I met --
4 Q. Mr Witness, who did you say you were in search of?
12:02:06 5 A. I was still in search of Commander C's wife.
6 Q. And so what did you --
7 A. So when I reached at State House, I met Bazzy with a radio
8 set right before State House.
9 Q. Do you recall him doing anything?
12:02:37 10 A. Yes. I met him talking through the set.
11 Q. And did you know who he was talking to?
12 A. He was talking to Mosquito.
13 Q. How did you know that it was Mosquito he was talking to?
14 A. He had one call sign that was called a "Log".
12:03:09 15 Q. What's the call sign again, please?
16 JUDGE ITOE: Who had the call sign?
17 THE WITNESS: Log. Mosquito.
18 MR BANGURA:
19 Q. So what did you hear him say?
12:03:31 20 A. He was asking Log so that he could permit him to talk to
21 JP.
22 Q. Did you get to know what response he had?
23 A. He had to say that he wanted to talk to JP. That was the
24 time that he said that at that particular moment JP was not with
12:03:58 25 him, JP was somewhere. But he would make a connection that we
26 would -- he and JP would talk. And that was the time that I left
27 him. I came into the State House.
28 Q. Mr Witness, you spoke earlier about people who had been
29 released from the prison that you saw at Kissy. Do you remember

1 any particular -- apart from the ones you've mentioned, did you
2 remember any particular ones that you again saw later on?
3 A. Yes. When I had come to State House, that was when I saw
4 Gibril Massaquoi, I saw Steve Bio.

12:04:46 5 Q. Now these two people you've mentioned, who were they?
6 A. They were RUF.
7 Q. You say you saw them at State House. What was their -- did
8 you observe anything about them at State House?
9 A. That was the first time that I came to this place when I
12:05:23 10 was searching for Commander C's wife. When I was standing, I saw
11 them holding one individual. They said that he stole the 4,000
12 and they held him so as to kill him. So I told them that what,
13 why -- they said this particular individual, he had stolen and he
14 had stolen such and such amount of money. And I said before
12:05:46 15 killing him --
16 JUDGE ITOE: "They"; who are these "they"?
17 MR BANGURA:
18 Q. You said "they" were holding?
19 A. It was SLA. SLA. The man that was called Junior Sheriff.
12:05:59 20 SLA.
21 Q. Who was holding who?
22 A. SLA Junior Sheriff; he was an SLA. He was the one that I
23 saw with a weapon in his hand, a GPMG, pointing it to this man.
24 Q. Did you know who this man was?
12:06:21 25 A. No, but they said that he stole money, and I feel that it
26 was one of the individuals that was taken from prison. They said
27 he stole money. And I said, "Eh". Then I said, "Is that the
28 reason why you are trying to kill him without investigation?" I
29 said, "I plead with you, please give him to me." Based on this,

1 it was only God that helped me to turn. When I turned I saw one
2 of my SLA soldiers with 56 hand grenade, of which he had taken
3 the cord. So when I turned, that was the time that he took the
4 grenade and he threw it into Paramount Hotel, which is now
12:07:06 5 defence headquarters. That big gutter on the side, he threw it
6 there, the 56 hand grenade, and it exploded. And I said, "What a
7 fellow. Why?" Then he said it was that individual that was
8 captured. I said, "Fellow, is that the reason why you should
9 hold 56 hand grenade, for one single individual?"

12:07:34 10 Q. Mr Witness, you are trying to tell the Court about an
11 incident at State House; is that correct?

12 A. Yes.

13 Q. Who was the person who threw the grenade?

14 A. It was Foday. He was called Foday.

12:08:01 15 Q. For what reason did he say he threw the grenade?

16 A. When I asked him, I said, "What was the reason?" When he
17 had sent the grenade and it exploded. So I turned to him.

18 Q. What reason did he give?

19 A. I'm coming to that.

12:08:19 20 Q. I just want you to go straight to the reason, Mr Witness,
21 so we can move fast with this, your evidence.

22 A. He said it was because of the same individual who was
23 accused. I said, "But why should you hold one grenade for just
24 one single individual?" So immediately when I turned to the
12:08:35 25 other side I saw Gullit, Five-Five, then with Commander C's wife.

26 Q. So you eventually saw her?

27 A. Yes.

28 Q. Mr Witness, in answer to an earlier question you mentioned
29 that on this occasion which was your first visit to State House

1 you witnessed these events. Did you get to visit State House on
2 other occasions?

3 A. I had come to that. That's why I want you to allow me to
4 talk. Because that is what will make you to understand.

12:09:18 5 Q. So you saw Gullit and --

6 A. Five-Five and Commander C. So straightaway --

7 JUDGE ITOE: Commander C or Commander C's wife?

8 THE WITNESS: Commander C's wife, sorry, sir.

9 Commander C's wife. So when I saw her, something came into my
12:09:38 10 mind. I said, "This man, why did they say that I should stay at
11 the rear? So is the reason why this individual wanted me --
12 wanted to" --

13 MR BANGURA:

14 Q. Mr Witness, I would like you to not so much tell us what
12:09:56 15 went through your mind at that time but to tell us what happened.

16 A. This is what I'm trying to explain to you, because they had
17 told me that --

18 Q. When you saw Commander C's wife and Gullit and another
19 person, a third person --

12:10:16 20 PRESIDING JUDGE: Five-Five.

21 THE WITNESS: Five-Five.

22 MR BANGURA:

23 Q. -- did anything happen?

24 A. I pulled out. I did not talk to them.

12:10:23 25 Q. Where did you go?

26 A. I came to Kissy. From Kissy, the other day I came back.

27 Q. Thank you, Mr Witness. So you came back the other day?

28 A. Yes.

29 Q. Did anything happen at State House during the day?

1 A. When I came now I found out that -- I met them distributing
2 petrol, who was Five-Five, saying that the city should be burnt
3 down. It was something that they had discussed together before I
4 arrived at State House.

12:10:57 5 Q. Mr Witness, before you continue, you said you came back to
6 State House the other day. The other day --

7 A. Yes.

8 Q. What would "the other day" mean, Mr Witness? Is it the
9 next day, the very next day?

12:11:12 10 A. The next day. The next day.

11 Q. It was the next day.

12 A. The first day when they met me, this was the second day.

13 Q. And so this were distributing --

14 A. This second time I had met them distributing petrol, when
12:11:29 15 they had given directions that they should burn parliament, CID,
16 immigration. So I met them distributing this thing and they said
17 that whosoever did not have a weapon, they should come for
18 petrol. This distribution was going on when the soldiers had
19 already come down. It was going on until we reached at -- ECOMOG
12:11:59 20 repelled us from State House. We left State House.

21 Q. Mr Witness, while you were at State House on this occasion
22 did you notice anything else going on apart from the distribution
23 of petrol to burn houses?

24 A. From the distribution of the petrol, straightaway they
12:12:21 25 started burning houses. Then --

26 THE INTERPRETER: Your Honours, would the witness go over
27 the last bit of his testimony?

28 PRESIDING JUDGE: Mr Witness, please, slowly. We need to
29 have the interpretation of what you say. Could you go back over

1 your last answer as to what happened after the distribution of
2 gas?

3 JUDGE THOMPSON: And remember, counsel, he said to burn the
4 city of Freetown.

12:12:47 5 MR BANGURA: Yes, Your Honour.

6 JUDGE THOMPSON: That was his evidence, not just houses.

7 MR BANGURA: Thank you, Your Honour.

8 Q. Yes, Mr Witness?

9 A. So when they had distributed, they started burning. Before
12:13:06 10 they started burning, Gullit --

11 PRESIDING JUDGE: Slowly. Okay.

12 MR BANGURA:

13 Q. Yes, please.

14 A. When they had distributed the petrol, the men had to move
12:13:20 15 to start to burn. But before that they came with three men and
16 one woman, whom they alleged that they were from Paramount Hotel,
17 which was defence headquarter now.

18 Q. Mr Witness, before you got to this three men and one woman
19 you were going to say something about Gullit. You said, "Before
12:13:46 20 they started burning, Gullit..." and then you just stopped. What
21 were you going to say?

22 A. This was the first time that I met the woman and Five-Five
23 when they met me with that 56 hand grenade. That was why I
24 mentioned Gullit. This other one, the second one, they had a
12:14:17 25 meeting which they said they held including Gibril Massaquoi, he
26 was there, Steve Bio was there. It was from that meeting that
27 they came with the word that they should burn Freetown.

28 Q. So are you saying, Mr Witness, that on the second time you
29 went to State House there was a meeting? Is that what you're

1 saying?

2 A. Yes.

3 Q. And you just mentioned the names of those people who were
4 at that meeting?

12:14:46 5 A. Yes.

6 Q. Who were they? Can you go over that again, please.

7 A. Bazzy, Gullit, Five-Five, Gibril Massaquoi, Steve Bio, then
8 even you had Alfred Brown.

9 Q. Mr Witness, just take it step by step. And you say that it
12:15:12 10 was at this meeting that a decision was taken to burn Freetown?

11 A. Yes.

12 Q. And then after that you said petrol was distributed; is
13 that correct?

14 A. Then, yes. When they had distributed the petrol, the
12:15:36 15 burning had to start. Gullit, Five-Five, they glided down up to

16 CID. So this burning had been going on. Later on in the
17 afternoon, that was the time that ECOMOG repelled us from State
18 House. We glided down by Kissy Road. When we were there at
19 Kissy Road, Gullit had to come and say that he wanted to go and

12:16:04 20 talk to Mosquito. That was what he told me. Then I said, "You
21 should not go and talk to those people. I thought you had told
22 us that we should forget about those people." He said he was
23 going to talk through the radio set. It was there that Gullit
24 went and told Mosquito that --

12:15:16 25 [RUF05DEC05C-RK]

26 Q. What did he tell Mosquito?

27 A. That I have been telling you that I will do something --
28 that you would do something that none of you would able to do.
29 They were having this discussion --

1 Q. [Overlapping speakers] Mr Witness?

2 A. He told me that he was going to talk to Mosquito and I told
3 him that he should not go and talk to him. I was there when he
4 went to the set. That particular set, it was Alfred Brown's set
12:17:04 5 which he had been controlling.

6 Q. What else did he say?

7 A. So he asked for reinforcement, and they told him there was
8 going to be reinforcement. It was that particular day --

9 MR JORDASH: Sorry to interrupt. There was something which
12:17:15 10 the witness said which I wasn't clear about, about what Gullit
11 said to Mosquito, something to do with Gullit having done
12 something which I didn't pick up what it was.

13 JUDGE THOMPSON: Yes.

14 MR BANGURA: I think the witness started that and I
12:17:36 15 interjected.

16 JUDGE THOMPSON: [Overlapping speakers] "none of them",
17 something like that.

18 MR BANGURA:

19 Q. Mr Witness, you were telling this Court what Gullit said to
12:17:43 20 Mosquito when he called Mosquito and you started by saying, "I
21 told you I would do something" -- I don't know exactly what you
22 said. Can you go over that again and then continue with what
23 Gullit said to Mosquito?

24 A. The only thing that I heard he said, he, that he had told
12:18:11 25 them that he would do something that none of them would be able
26 to do. What made him to say this, I cannot tell. But within me,
27 if he wanted to know my own personal view, if that's what you
28 want me to tell you, that I will do, because they knew where they
29 had this fracas.

1 Q. I was inviting you to tell us your personal view --

2 JUDGE ITOE: [Overlapping speakers] speculation.

3 JUDGE THOMPSON: Yes, quite, so he would do something that
4 none of them would be able to do.

12:18:39 5 THE WITNESS: Yes, sir.

6 MR BANGURA:

7 Q. Mr Witness, did you also mention something about
8 reinforcement?

9 A. Yes. And when they talk about reinforcement, they said
12:18:53 10 reinforcement was coming but rather unfortunately the enforcement
11 that came, it was just about 17 men.

12 Q. Mr Witness, I'm just asking you specifically about this
13 conversation. Did you earlier say that Gullit called for
14 reinforcement from Mosquito? That is what I just wanted you to
12:19:16 15 confirm, whether you said that.

16 A. Yes.

17 Q. Now talking about reinforcement generally, Mr Witness,
18 before you entered Freetown, you did say that Gullit had informed
19 you that there was going to be reinforcements from the RUF; is
12:19:36 20 that correct?

21 A. Yes.

22 Q. Did you get any reinforcements as had been promised?

23 A. They told us to wait. That after Benguema we had waited
24 for sometime. There was no reinforcement and that was the time
12:19:56 25 we were attacked by Kamajors. Based on this attack, that was why
26 we decided to come into town.

27 Q. While you were in Freetown did any reinforcements arrive?

28 A. He still went to the set and asked for the reinforcement
29 and the reinforcement arrived, but what we had expected, the

1 number that we had expected was so small, the one that came.
2 JUDGE ITOE: Is it the 17? You said about 17 came?
3 THE WITNESS: Yes, sir.
4 JUDGE ITOE: Reinforcement came from -- following the
12:20:31 5 conversation between Gullit and Mosquito?
6 THE WITNESS: Yes, sir.
7 MR BANGURA:
8 Q. Mr Witness, these 17 men came from which group?
9 A. It was a joint operation both SLA and RUF.
12:21:01 10 Q. You say joint operation, SLA and RUF. What component was
11 SLA and what component was RUF?
12 A. The SLA had their own command, who was Rambo, and the
13 overall, who was for the RUF was Superman, with one other Rambo,
14 RUF, who was short. But they said this reinforcement, Superman
12:21:35 15 and Rambo, their own reinforcement, remained at Waterloo. They
16 said we were fighting leaving the enemies. Even when we asked
17 for the reinforcement to come, that was where the reinforcement
18 took us, that the men said they would not be able to come,
19 because we left the enemies behind.
12:21:55 20 Q. I'm talking about the 17 men that came to Freetown. What
21 was the composition of this 17?
22 A. I said SLA and RUF. You have some soldiers, you have some
23 civilians.
24 Q. Thank you. Apart from Gullit, who called for reinforcement
12:22:19 25 from Mosquito, do you know of any other instance in which calls
26 were made for reinforcement from Mosquito by anyone?
27 A. The first call, that was the time that we were at -- after
28 Benguema. The second one was after when Gullit had told Mosquito
29 that he would do -- "I would do something that you people would

1 not expect". After that, that was why he asked for the
2 reinforcement. He gave the assurance that the reinforcement was
3 coming. The reinforcement that we saw in town was these 17 men.

4 Q. Mr Witness, can you describe what particular acts that you
12:23:12 5 carried out in Freetown during this period of attack?

6 PRESIDING JUDGE: I'm not sure what you mean about "this
7 period of attack". What period of attack are we talking about?

8 MR BANGURA: From January 6th, Your Honour.

9 PRESIDING JUDGE: So you're going back to 6 January.

12:23:29 10 MR BANGURA:

11 Q. Going back to January 6th, can you tell the Court what
12 particular acts you undertook?

13 A. Yes, I would like to tell you, but the thing is that we did
14 not just do these acts without being given order or without
12:23:47 15 sitting together and discussing that. So when we had lost State
16 House, we came as far as Kissy Road.

17 Q. Okay. Mr Witness, after you had lost State House, but
18 please take your time in explaining what you want to say. His
19 Lordships are recording what you are saying and it doesn't help
12:24:07 20 when you speak too fast. After you lost State House and you were
21 now out of State House, was any decision taken about anything?

22 A. When we had lost --

23 JUDGE THOMPSON: [Microphone not activated] in the context
24 of his own alleged role in what happened in Freetown, that
12:24:28 25 question? Because that was the first question you asked.

26 MR BANGURA: Yes, it is.

27 JUDGE THOMPSON: [Overlapping speakers] the context of
28 that?

29 MR BANGURA: It is, yes, Your Honour.

1 JUDGE THOMPSON: Because I just thought --

2 MR BANGURA: He was going to --

3 JUDGE THOMPSON: -- just on the time frame in terms of his
4 own alleged participation in alleged activities in Freetown.

12:24:44 5 MR BANGURA: Yes, Your Honour.

6 JUDGE THOMPSON: Yes.

7 MR BANGURA:

8 Q. Yes, Mr Witness. You said you had lost State House and was
9 any decision taken about anything after that?

12:24:55 10 A. Yes, something happened before the decision came. While we
11 were at Kissy Road, somewhere at Kissy Dockyard, we were there
12 and we heard information that they had chopped one soldier who
13 went on a stroll at Ross Road. This information led Gullit to
14 order one soldier that was called Mines [phon] to go to SLRA to
12:25:26 15 collect cutlasses.

16 Q. After that?

17 A. After these cutlasses, he moved us to Uppun Turntable
18 between Kissy Road, Ross Road coming to the new road, Blackhall
19 Road.

12:25:52 20 Q. Yes, go on.

21 A. It was then that when they held the meeting, he said,
22 "Well" --

23 Q. Was there a meeting there?

24 A. Yes. So he, Gullit, he was the head. He said --

12:26:07 25 Q. [Overlapping speakers] that meeting, Mr Witness?

26 A. Including Gibril Massaquoi -- Gibril Massaquoi only, and
27 Gullit, Bazzy, Five-Five and all the AFRC members. So after
28 that, they gave an order that the Ross Road, it should be
29 ransacked, it should be burnt. Any civilian that was captured

1 there should be chopped. It was from that particular incident
2 that Five-Five made an example when one man -- when one
3 individual was passing.

4 Q. You have to go slower. I keep reminding you. Please try
12:26:55 5 to speak not too fast. Everything you say is important and if
6 you want it recorded, you've got to be a bit slower. So the
7 order was given to ransack, as you say, Ross Road?

8 A. Yes.

9 Q. And what happened.

12:27:08 10 A. Not only Ross Road. As far as Kissy Road, to burn the
11 whole of the city. There they said I should be there to make
12 sure that the men -- to ensure that the men completely burnt
13 Freetown. So we took Kissy Road where you had Bazzy as head and
14 Five-Five and the other troops, they took Ross Road. So my own
12:27:36 15 role was to ensure that the assignment that was given to me that
16 the boys should burn and I should ensure that they did so. I was
17 only there to say that: "Advance. Do this." I was at the back
18 and I was pushing them. That is what happened. So if you are to
19 ask me what happened of my own role, this, my own role.

12:27:52 20 Q. Mr Witness, can you now describe some of the things that
21 you did as you were performing your task, or things that some of
22 your men did under you?

23 A. I did not have any people that were under my control. I
24 was just --

12:28:19 25 JUDGE ITOE: If you didn't have any people under your
26 control, who were you then ordering to burn as you were moving
27 alone?

28 THE WITNESS: Okay. I thought that it was like having a
29 battalion and you had a CO. See, we were there to ensure that

1 the battalion commander who was in charge of burning Kissy Road,
2 we were at the back to ensure that it was done. We were only
3 there to watch, to see that what the authorities had done and
4 that if those that were on the ground had done that.

12:28:53 5 JUDGE THOMPSON: Why not listen to counsel's questions so
6 that he can redirect you? What are you looking for, counsel?
7 What do you want?

8 MR BANGURA: What other acts specifically were [overlapping
9 speakers] that's all.

12:29:08 10 JUDGE THOMPSON: [Overlapping speakers] yes, the way you
11 should put it. He wants --

12 THE WITNESS: What it is?

13 MR BANGURA:

14 Q. Witness, the question is what things did you do, what you
12:29:17 15 yourself, the men that you were looking over, what did you do?

16 JUDGE THOMPSON: We're looking for facts; not so?

17 A. Burn. They amputated, killed. They even gave an order so
18 that Brewery could be burned. To burn oil refinery.

19 JUDGE THOMPSON: Is he giving us the orders now that were
12:29:51 20 given or the orders as were carried out? Can you help us,
21 counsel?

22 MR BANGURA:

23 Q. Mr Witness, you had general orders to burn Freetown
24 originally; is that not so?

12:30:04 25 A. Yes. Yes, sir.

26 Q. Did you carry out these orders?

27 A. Yes, sir.

28 Q. You don't have to name every place that you burnt but which
29 particular places did you burn?

1 A. Kissy Road.

2 Q. When you say Kissy Road, is it the whole of Kissy Road that
3 you burned?

4 A. It was not all Kissy Road.

12:30:32 5 Q. What did you burn at Kissy Road?

6 A. Burnt houses.

7 Q. And then you have also mentioned killings.

8 A. Yes, they killed. Yes.

9 JUDGE THOMPSON: Sorry for interjecting, but you asked for
12:30:53 10 alleged activities that he participated in.

11 MR BANGURA: Yes.

12 JUDGE THOMPSON: Are very shifting from "we" to "they"?
13 But it's entirely your case. I just want to follow you, that's
14 all.

12:31:05 15 MR BANGURA: Your Honour, I will get him to be more
16 specific, but I think he is --

17 JUDGE THOMPSON: I promise to restrain myself.

18 MR JORDASH: Sorry to jump up. Can I just myself express
19 some worries about a question which simply says, "Can you
12:31:28 20 describe what you", but it is unclear what "you" means. Is the
21 witness who is doing this burning, is it his men, is it other
22 men? This is the problem with a question which doesn't
23 specifically ask a witness --

24 PRESIDING JUDGE: He had testified before, Mr Jordash, and
12:31:48 25 I have in my notes, that he had said, "My assignment was to
26 ensure that it was done by pushing all the soldiers ahead of me.
27 I was at the rear." That's the way he has described his role at
28 that time of burning and so on. I took it to be in that
29 sequence, as such. But I have to agree that it lacks some logic

1 at some points because we're not sure, as Justice Thompson just
2 said, if it is him or they. There is a bit of confusion, let's
3 put it this way.

4 MR BANGURA: I will try to make things clearer, Your
12:32:21 5 Honour.

6 PRESIDING JUDGE: Try to assist us to understand better
7 what is going on.

8 MR BANGURA: It is just his manner of speaking. I will
9 endeavour to make things more specific.

12:32:32 10 Q. Mr Witness, talking about burning again at Kissy Road, are
11 you talking about -- did you yourself take part in any of these
12 activities, in any of the burning?

13 A. No.

14 Q. Who carried out these acts?

12:32:53 15 A. It was the men.

16 Q. Which men?

17 A. AFRC.

18 Q. Are you talking about the men you are supposed to be
19 looking over?

12:33:01 20 A. No. You see, the operation, we had mission commander, we
21 had operation commander. Then we had the ones to whom the
22 mission was given to who were there at the rear. Those who had
23 been controlling the men, they were with the men. They were
24 ahead while they were doing the burning. We were at the back.
12:33:35 25 We were there. If the operation commander wanted to plunder, he
26 would tell the -- Gullit and the others that such and such a
27 thing, the commander had not allowed the people to do this. We
28 were there as their eyes.

29 MR BANGURA: Your Honours, I hope this explains the role.

1 PRESIDING JUDGE: It does and doesn't. I heard the witness
2 say, "I burned Kissy Road." So if he says "I", to me it's not
3 somebody else but I.

4 JUDGE ITOE: Is he suggesting that he only stood behind and
12:34:14 5 was ordering people or watching them doing and then spying and
6 reporting to Gullit and the rest on the activities of those who
7 were in the front lines in the burning, or what did the witness
8 do himself in this operation? It is a point that should be
9 explained.

12:34:34 10 MR BANGURA: Your Honours, as far as I understand, his
11 testimony is --

12 JUDGE ITOE: No, let him explain it.

13 MR BANGURA: I will get him to say again.

14 Q. Mr Witness, you have explained the role you were supposed
12:34:44 15 to be playing between your superiors and the men who were
16 actually doing the things we're asking about. Did you yourself
17 take part in any of these activities? I mean you, personally.
18 Did you -- for instance, let's talk about Kissy Road. Did you
19 take part in the burning of any house along Kissy Road yourself?

12:35:13 20 A. I held petrol and I used matches to light, no.

21 Q. You did not?

22 A. Yes, yes.

23 Q. Who then carried out the burning along Kissy Road?

24 JUDGE ITOE: Let us get it clear. It means that he is
12:35:32 25 saying that did he not personally burn.

26 MR BANGURA: Personally, he did not.

27 Q. Who then carried out the burning along Kissy Road?

28 A. When we were --

29 Q. Mr Witness, if you just go on to saying who did. You would

1 help this Court a lot if you try not to go into too much detail
2 and background.

3 A. When we were at Blackhall Road, the troops in front, they
4 killed. They divided the troop into two. One at Kissy Road, one
12:36:12 5 at Blackhall Road. The one at Blackhall Road -- at Ross Road was
6 heading with Five-Five. This one, the one at Kissy Road, it was
7 heading with Bazzy who was at the head. So the mission
8 commander, he was within. This particular case, they said we
9 should be at the rear so that while the commanders were at ahead
12:36:44 10 we should be at the rear because the fellows, the little boys,
11 might escape. So our own duty was to make sure that nobody
12 escaped that one particular troop, that hundred-man troop who
13 were to go. If anybody wanted to go away, we would say, "Don't
14 go there. Go right in." We had people that had been pushing and
12:36:59 15 we had men that had been doing the act. And those who had been
16 asked to burn, they had the petrol, they had the kerosene and
17 they had been spilling it. As they spilled it, that is how we
18 had been telling them said, "Push, Let us go ahead." While the
19 others were ahead we would make sure that we pushed them from the
12:37:18 20 back.

21 Q. Okay. Mr Witness, you mentioned earlier that people were
22 killed as well; is that correct?

23 A. Yes.

24 Q. Can you say how they were killed?

12:37:35 25 A. I met some in whom we did not see blood, but you would see
26 them lying on the ground and some were hacked.

27 Q. Did you yourself take part in any killing?

28 A. Not at all.

29 Q. Apart from burning and killing what other acts did your

1 men --

2 A. They chop off people's hands. They chop off people's
3 hands.

4 Q. Did you take part in any of that activity? Did you
12:38:11 5 yourself cut anybody's hand?

6 A. No.

7 Q. Do you recall anything else that your men did in Freetown
8 apart from amputating hands, apart from killing and apart from
9 burning houses?

12:38:34 10 A. These were the ones that I can recall. I saw a lot of
11 women when we were returning, because the number of people when
12 we were withdrawing, there was an increase in the number while we
13 were withdrawing, so I saw civilians.

14 Q. Mr Witness, how long were you in Freetown for during this
12:38:57 15 attack?

16 A. It is nearly about 18 to 19 days, nearly three weeks.

17 Q. Did you eventually leave?

18 A. Yes.

19 Q. Why did you leave Freetown?

12:39:20 20 A. We had a problem because we asked for reinforcement and
21 there was no reinforcement. And the ECOMOG that came from
22 Guinea, the Guinean ECOMOG, they came from our back and when we
23 thought that these people are our reinforcement, there were the
24 people who mixed us up. So from the hill, when we went up the
12:39:52 25 hills, so straightaway we just glided and we went and we left
26 Freetown.

27 Q. Mr Witness, it's not particularly clear why you left
28 Freetown. Would you like to go over the reason for you moving
29 out of Freetown again.

1 A. Yes. We left Freetown because, one -- because there was no
2 manpower, no ammunition. That was what made us to leave
3 Freetown.

4 Q. What was the second part?

12:40:26 5 A. Ammunition, manpower.

6 Q. But you mentioned also earlier something about Guinean
7 ECOMOG?

8 A. Later on, when we went by Kissy, when we felt that it was
9 the reinforcement that had been coming, we did not know that it
12:40:45 10 was the Guineans that had come. This was what made us to be
11 confused. So we ran up and went up to the hills. When the
12 ECOMOG had passed, so we came down and we went up.

13 Q. When you moved out of Freetown, where did you go?

14 A. We went to Benguema.

12:41:04 15 Q. Did anything happen at Benguema?

16 A. Yes. I was there and I saw Morris Kallon. I saw Superman,
17 Gibril Massaquoi. They came to Benguema Barracks.

18 Q. Now, let me ask you, did you meet anybody at Benguema when
19 you pulled out of Freetown? Did you meet anybody there?

12:41:51 20 A. No, but the men were at Waterloo. So when we arrived at
21 Waterloo --

22 Q. Which men were at Waterloo?

23 A. RUF. RUF.

24 Q. For purposes of clarity, Mr Witness, can you tell this
12:42:15 25 Court what's the distance between Benguema and Waterloo?

26 A. No, but it's a little bit far. It's nearly about up to 4
27 to 5 miles.

28 Q. It is a distance you could cover in, say, how long if you
29 were walking?

1 A. Let me say perhaps it is nearly about 45 to one hour. If
2 you make a normal walk, 45 minutes to one hour.

3 Q. So when you came to Benguema you learned that the RUF were
4 in Waterloo; is that what you're saying?

12:43:04 5 A. Yes.

6 Q. You were talking about seeing a number of people at
7 Benguema. You just mentioned a number of names. What happened
8 at Benguema? Why did they come there?

9 A. When they came there, I saw them all sitting down and
12:43:31 10 discussing because we were security. After that they said we
11 were to attack Tombo.

12 Q. Who were they sitting at this, I presume -- are you talking
13 about a meeting? Was it a meeting?

14 A. Yes.

12:43:45 15 Q. Who was there at this meeting?

16 A. Gibril Massaquoi, Kallon, Gullit, Five-Five, yes.

17 Q. You said at the end of this meeting you were ordered to
18 attack Tombo; is that correct?

19 A. Yes.

12:44:11 20 Q. Did you go on the attack on Tombo?

21 A. Yes.

22 Q. Which forces went on this attack on Tombo?

23 A. It was a combined force, RUF and AFRC.

24 Q. What was the result of this attack?

12:44:32 25 A. The attack was very poor. We were not able to achieve our
26 goals and we withdrew and came back to Benguema. From Benguema
27 we heard that ECOMOG was coming so as not to be caught up we
28 avoided Benguema and went to Waterloo. So we went there and
29 started again discussing, Superman including the AFRC and the

1 RUF. They said so we should attack the Guineans so that they
2 would leave some ammunition for us in Newton. So we were
3 discussing this when we attacked them.

4 Q. Slower, please. You moved from Benguema and moved to
12:45:22 5 Waterloo; is that correct?

6 A. Yes.

7 Q. Please take it from there. When you got to Waterloo, what
8 happened?

9 A. Superman had to summon another meeting. Superman was the
12:45:35 10 only one that was there as an RUF. And he congratulated the men
11 for the good work that was done in town and they called all of us
12 commandos. From there we attacked the Guineans who had wanted to
13 pass. He said if these ones were to pass --

14 Q. Slowly, please, Mr Witness. You said you were to attack
12:46:05 15 the Guineans who were about to pass, pass where? Where were they
16 coming from? Where were they going to?

17 A. At this time round, they were coming from Freetown. They
18 were going up to Masiaka while we were at Newton. So they said
19 we should attack them. So we should attack them, both the SLA
12:46:22 20 and RUF. So we the commanders that were there were Bazzy,
21 Gullit, Superman, Senegalese, who was an RUF. These are the
22 names that I can recall.

23 Q. Did you carry out the attack on the Guinean convoy?

24 A. Yes, we carried the attack. We got the ammunition from
12:46:48 25 them. RUF Rambo collected all the weapons and sent them at the
26 rear.

27 Q. When you say "at the rear," where? Where, where was your
28 rear position?

29 A. At Makeni, Makeni.

1 Q. Do you know whether --
2 MR BANGURA: Your Honours, that will be all for this
3 witness. Thank you, Mr Witness.
4 PRESIDING JUDGE: That concludes your examination-in-chief?
12:47:25 5 MR BANGURA: Yes, Your Honour.
6 MR JORDASH: May I start after lunch, Your Honours?
7 PRESIDING JUDGE: At 2.30?
8 MR JORDASH: Yes.
9 PRESIDING JUDGE: Very well. Court is adjourned until
12:48:00 10 2.30.
11 [Luncheon recess taken at 12.50 p.m.]
12 [RUF05DEC05D - EKD]
13 [Upon resuming at 3.33 p.m.]
14 PRESIDING JUDGE: Mr Jordash, you're ready to proceed.
15:33:41 15 MR JORDASH: Yes, I am.
16 PRESIDING JUDGE: You have had a longer than expected
17 adjournment for reasons beyond our control or your control. We
18 have had visitors from the -- justices from Sierra Leone and
19 there will probably be a visit later this afternoon to our court.
15:34:01 20 That's why we're late.
21 So we will proceed, Mr Bangura.
22 MR BANGURA: Yes, Your Honour. It has got to do with the
23 exhibit which was tendered by the witness. I know it is the
24 practice of this Court to have such documents under seal, but I
15:34:21 25 believe I have to make that application for that. May I
26 respectfully ask that is kept under seal.
27 PRESIDING JUDGE: Yes, normally when we go through this
28 extraordinary procedure of having names written down, it is to
29 protect the identity of the witness. But it is better to ask for

1 it. This is for more certainty. Yes, indeed, that exhibit will
2 be classified confidential.

3 MR BANGURA: Thank you.

4 PRESIDING JUDGE: Mr Jordash.

15:34:49 5 MR JORDASH: Thank you.

6 CROSS-EXAMINED BY MR JORDASH:

7 Q. Good afternoon, Mr Witness.

8 A. Good afternoon, sir.

9 Q. You were in Freetown during the junta period; am I correct?

15:35:04 10 A. Yes.

11 Q. And I would like to ask you a few questions about that
12 period. If you can help us that would be that would be good. If
13 you can't, just say so. The Honourables were the 17 coup
14 members; am I right?

15:35:43 15 A. Yes.

16 Q. They were also, by virtue of being the coup members, close
17 to Johnny Paul Koroma?

18 A. Yes, yes.

19 Q. From the coup members, were taken three people to be the
15:36:08 20 PLOs; is that right?

21 A. Well, I only know about those three people. I do not know
22 about the rest of the PLOs.

23 Q. Do you know about the first three PLOs: The PLO 1, PLO 2
24 and PLO 3?

15:36:35 25 A. Yes.

26 Q. Were they the three closest coup members to
27 Johnny Paul Koroma?

28 A. No.

29 Q. Were all the coup members, from what you saw, dealing

1 directly with Johnny Paul Koroma?

2 A. Well, I can't tell. But the only people whom I know and
3 whom I can say that this is PLO 1, PLO 2 and PLO 3, those are the
4 ones I have shown to you.

15:37:21 5 Q. Were the PLO 1, PLO 2 and PLO 3 in control of the
6 ministers?

7 A. Well, I don't know.

8 Q. Now, the PLOs were able to interfere with the military
9 command by virtue of their closeness to Johnny Paul Koroma; is
15:38:02 10 that right?

11 A. Well, I do not know that one.

12 Q. Think carefully, Mr Witness. FS Koroma was the head of the
13 military during the junta period, was he not?

14 A. Yes.

15:38:19 15 Q. FS Koroma was the brother of Johnny Paul Koroma?

16 A. I -- people were saying that he was Johnny Paul Koroma's
17 brother, but I actually did not know whether he was
18 Johnny Paul Koroma's brother. But that is what they were saying.
19 That he was his brother.

15:38:45 20 Q. And FS Koroma was dealing with and in charge of weapons
21 supplies for the AFRC government; is that correct?

22 A. I don't know that.

23 Q. Well, again, Mr Witness, just take your time --

24 JUDGE THOMPSON: Counsel, moderate your pace a bit.

15:39:12 25 MR JORDASH: Sorry.

26 JUDGE THOMPSON: Yes, quite.

27 PRESIDING JUDGE: You did say weapons supplies for the
28 junta or --

29 MR JORDASH: The AFRC.

1 PRESIDING JUDGE: For the AFRC.

2 MR JORDASH:

3 Q. I will just ask the question again and just think whether
4 you are aware whether FS Koroma was dealing with the weapons
15:39:47 5 supplies for the junta?

6 A. I did not know that one. I was just a security so I didn't
7 know.

8 Q. Were you aware of a ship that came to the port in Freetown
9 in 1997; a ship which was said to have arms and ammunition on
15:40:45 10 board?

11 A. Yes.

12 Q. Was it FS Koroma who was in charge of dealing with that
13 supply, do you know?

14 A. I don't know.

15:41:07 15 Q. Okay, let's refer you, if we can, to meetings you've had
16 with the Prosecution in the past. Do you recall meeting the
17 Prosecution on 30th June 2003?

18 MR JORDASH: Your Honours, page 13577.

19 THE WITNESS: I can recall that I met with the Prosecution,
15:41:37 20 but I wouldn't know the date and the time.

21 MR JORDASH:

22 Q. Would it have been, though, in the middle of June 2003, two
23 and a half years ago?

24 A. I cannot recall, but I did know that I came in contact with
15:42:01 25 them, with the Prosecution.

26 Q. Do you remember --

27 MR JORDASH: I'm afraid my statement has none of the
28 identifying material filled in, including language during
29 interview, name of investigator and so on and so forth, the

1 interview relating to 30th June. What I'm going to do with
2 Your Honours' leave is just move past that for a moment.
3 PRESIDING JUDGE: Yes.
4 MR JORDASH: And ask the witness about -- but if the
15:42:46 5 Prosecution could, if they do have that information, provide it,
6 that would be useful.
7 Q. Do you remember meeting the Prosecution in August --
8 MR BANGURA: May it please, My Lord.
9 PRESIDING JUDGE: Yes.
15:43:02 10 MR BANGURA: May I seek clarification on the information
11 counsel is referring to. I'm not so sure.
12 MR JORDASH: Well, I don't know about my learned friends
13 for the Defence, but I've got a statement in which the usual data
14 from date of interview, location of interview, language during
15:43:22 15 interview --
16 JUDGE ITOE: It's the same here.
17 PRESIDING JUDGE: It is all blank.
18 JUDGE ITOE: Yes, it is all blank.
19 PRESIDING JUDGE: The normal scenario at least there is
15:43:32 20 some data, if not all.
21 JUDGE THOMPSON: There are no details at all.
22 MR JORDASH: No details at all except for the witness's
23 name.
24 PRESIDING JUDGE: Although looking at the very first
15:43:42 25 sentence on that page, Mr Jordash, you have some indication.
26 MR JORDASH: Yes, I beg your pardon. Let me try to trigger
27 the witness's memory from this. It looks as though that is all
28 the information the Prosecution have to --
29 Q. Mr Witness, let me ask you this. Do you remember meeting

1 the Prosecution in June 2003 at the CID headquarters Government
2 Wharf, Freetown?
3 A. Yes.
4 Q. Right.
15:44:28 5 A. Yes.
6 Q. Do you recall the person or persons you met?
7 A. I wouldn't recall that word. He was a man. They were men.
8 Q. What language were you speaking?
9 A. Krio.
15:44:53 10 Q. Was there an interpreter present?
11 A. I was speaking Krio and the man was writing in English.
12 Q. Thank you. Do you remember meeting the Prosecution or
13 someone from the Prosecution about a month after that, the
14 beginning of August 2003?
15:45:20 15 JUDGE ITOE: Mr Jordash, I thought you were going to raise
16 the issue of interpretation, of an interpreter. Because he said
17 he was speaking in Krio and the man was recording his statement
18 in English.
19 MR JORDASH: Well, I took from that that there had been an
15:45:34 20 interpreter but I can clarify it.
21 JUDGE ITOE: I think so. It's good to clarify it.
22 PRESIDING JUDGE: To add to what my brother Justice Itoe
23 just said, he said the man so I have a feeling that there was
24 more than one person with him. From the sound of it, it seemed
15:45:53 25 to be two or more.
26 MR JORDASH:
27 Q. Going back to the first meeting, this at the headquarters,
28 Government Wharf, was there a man asking you questions and he
29 asked those questions in English?

1 A. It was in Krio.

2 Q. Was there somebody interpreting from Krio to English?

3 A. No.

4 Q. Did the man who took the notes speak English and Krio?

15:46:37 5 A. Yes.

6 PRESIDING JUDGE: There was only one person interviewing

7 you -- during that interview there was only one person with you?

8 THE WITNESS: Yes, sir.

9 MR JORDASH:

15:46:55 10 Q. Were you asked to sign the statement which had been written

11 during the interview?

12 A. I can't recall, because there were some which they didn't

13 ask me to sign.

14 Q. Okay, I appreciate it is a long time ago, Mr Witness, and

15:47:29 15 there is no criticism of you.

16 PRESIDING JUDGE: Mr Jordash, if I can give you assistance,

17 just looking at the very last page at 13597, last two lines.

18 MR JORDASH: I see that; thank you, Your Honour.

19 Q. At the end of the time when you had -- let me start that

15:47:57 20 again. When the statement had been written down, was it read

21 over to you in Krio?

22 A. Yes, I can recall, yes.

23 Q. And you were asked whether you admitted it to be correct

24 and truthful?

15:48:19 25 A. Yes.

26 Q. Thank you. You then saw, is this right, Prosecution one

27 month later on 7 August 2003 at the Seaview Lodge, Scan Drive,

28 Freetown?

29 A. Yes.

1 Q. And you were interviewed by Tamba Gbekie and Alfred Sesay?
2 A. Yeah, Alfred Sesay.
3 Q. Was one of them interpreting, or was Alfred Sesay
4 interpreting?
15:49:18 5 A. They asked me in Krio and I'll speak Krio, and they wrote
6 in English.
7 Q. Okay.
8 JUDGE ITOE: What is the date again, Mr Jordash?
9 MR JORDASH: There is a date at the top saying "Date of
15:49:33 10 Statement 7th of August". This is, Your Honours, page 13598, and
11 then there is a date a bit further down, which is 8 August. So
12 it is a little unclear, but it might not matter too much.
13 Q. Was the statement read to you at the end in Krio?
14 A. Yes.
15:50:11 15 Q. And were you asked whether you admitted it to be accurate
16 and true?
17 A. Yes.
18 Q. Okay. I want to ask you about that particular statement
19 and some of its contents.
15:50:34 20 PRESIDING JUDGE: Which one are we talking about? The
21 August 2003?
22 MR JORDASH: The August 2003, and, Your Honours, page
23 13609.
24 PRESIDING JUDGE: 609?
15:51:10 25 MR JORDASH: 13609.
26 PRESIDING JUDGE: That seems to be -- is it the same?
27 MR JORDASH: Which I hope is page 2 of 17, continuation of
28 statement.
29 PRESIDING JUDGE: Although this -- I see, this one seems to

1 be 8 August. In fact, it says later on this day 16 September
2 2003 and 22 September. If you look at the first paragraph.

3 MR JORDASH: So it does. I'm with you, Your Honour.

4 Q. Let me just ask you this: Was the next time you saw the
15:52:07 5 Prosecution, after 7 or 8 August 2003, in September of 2003 when
6 they did a follow-up interview? So did they do a follow-up
7 interview with you on 16 September 2003?

8 A. I don't know about the date, the number and the month, but
9 I really had contact with them.

15:52:35 10 Q. Okay. You saw Alfred Sesay a second time, though; do you
11 remember that? About a month after the August --

12 A. Yes, yes, yes.

13 Q. And a woman called Corinne Dufka was with him. Do you
14 remember that?

15:52:49 15 A. I can't recall. Was she a woman?

16 Q. Yes.

17 A. I can recall that.

18 Q. A white woman?

19 A. Yes.

15:53:19 20 Q. And did you speak in Krio?

21 A. Yes.

22 Q. Was Mr Sesay translating from Krio to English?

23 A. Yes.

24 MR BANGURA: May it please Your Honours, I just wish to
15:53:40 25 have clarification here. My learned friend referred first to the
26 statement taken on 7 August and he then asked questions about
27 another statement, a follow-up. I don't know which of the two at
28 this point he is asking questions about.

29 PRESIDING JUDGE: I can answer that, because Mr Jordash

1 referred to 13609 and asked a question. It did not appear to me
2 to be the same statement he has been talking about. So now he is
3 clarifying that portion because, indeed, if we are talking about
4 13609, it is a statement that seems to be different from the one
15:54:11 5 of 8 August. I guess that's where we are.

6 MR BANGURA: So we are on 7 August?

7 PRESIDING JUDGE: No, 8 August and August.

8 MR JORDASH: 13608 for my learned friend if he has missed
9 the page, which deals with the continuation statement.

15:54:32 10 Q. Mr Witness, is it right that at the end of this interview,
11 the interview where you'd met Mr Sesay for a second time, did
12 they ask you whether you admitted the statement to be true and
13 accurate?

14 A. Yes.

15:55:01 15 Q. And they read it to you in Krio?

16 A. Yes.

17 Q. I want to just read something it says on --

18 MR JORDASH: Your Honours, page 13609.

19 Q. We have jumped backwards and forwards from statement. Just
15:55:20 20 so you understand, this statement I am reading from is September
21 2003, second visit with Mr Sesay, the white woman also present at
22 this meeting. I am reading from third paragraph, page 13609,
23 "knowledge about arms supplies". Do you remember being asked
24 about what you knew about arms supplies?

15:55:54 25 A. [No audible response]

26 Q. Okay, let me read the paragraph and see if it reminds
27 you:

28 "Witness had little concrete information about arms
29 supplies to the AFRC. He knew of one time in 1997 when a

1 ship had come into the port with weapons but that JPK
2 Koroma had complained about how much money the sellers
3 wanted for them. Witness went to the Freetown port to see
4 the ship."
15:56:45 5 A. Yes, yes.
6 Q. Does this remind you of what happened?
7 A. Yeah, I can recall a little and --
8 Q. [Overlapping speakers] questions. Was this ship loaded
9 with weapons and was owned by some kind of trader from your
15:57:12 10 understanding?
11 A. I didn't know the trader.
12 Q. It was somebody who was selling the weapons or wanted to
13 sell the weapons?
14 THE INTERPRETER: Your Honours, that answer is not clear to
15:57:40 15 the interpreter. Can he take it again? He is mumbling it.
16 MR JORDASH:
17 Q. Was it somebody -- can you try to be clear in your answer,
18 Mr Witness? Was it somebody trying to sell the weapons to
19 Johnny Paul Koroma?
15:57:59 20 A. Let me help you a little. They came and they said the ship
21 had brought arms. At the end they said the money that they asked
22 for was too much, so they were unable to do any business.
23 Q. So your understanding was then that the ship sailed away
24 with the weapons still on board?
15:58:22 25 A. Yes.
26 Q. Okay, thank you. Just reading a bit further down the
27 paragraph to the third line from the bottom:
28 "Witness said the ones dealing with arms supplies during
29 the 9 months of AFRC rule were FSY Koroma, who was executed

1 by the GOSL in October 1998 and RSLAF Colonel SO Williams,
2 now based in Kenema."

3 Does that remind you of what you told Mr Sesay and the
4 white woman in September 2003?

15:59:19 5 A. I want you to repeat it.

6 Q. Mr Witness, just so you know, I am not trying to trick you.
7 I am simply reading from a statement which came about from you
8 meeting Mr Sesay. Okay?

9 "Witness said the ones dealing with arms supplies during
15:59:46 10 the 9 months of AFRC rule were FSY Koroma, who was executed
11 by the Government of Sierra Leone in October 1998 and RSLAF
12 Colonel SO Williams, now based in Kenema."

13 A. No, no, no, no. AFS, I didn't say anything that he was
14 dealing with arms. They later moved -- when the fighting was
16:00:25 15 going on they moved the headquarters to Eastern Police, where the
16 authorities sat. It was from there that the ammunition box that
17 came had rusty ammunition. It was based on this -- at that time
18 there was no ammunition when we left Freetown. That was the only
19 place that I spoke about. I didn't even mention AFS.

16:01:00 20 Q. Well, can I suggest, Mr Witness, that you did mention FS
21 Koroma and Colonel SO Williams and you did say that they were in
22 charge of weapons supplied.

23 A. No, no, no, no.

24 Q. I'll move on.

16:01:27 25 JUDGE THOMPSON: The witness repudiates that part of the
26 statement. Is that your understanding?

27 MR JORDASH: Yes.

28 Q. Was Johnny Paul Koroma in charge of weapons supplies,
29 Mr Witness, from what you understood?

1 A. I don't know.

2 Q. Let me ask you about something else then.

3 MR JORDASH: This is, Your Honours, page 16576, which is

4 the transcript I hope I have given to your legal officers. It

16:02:05 5 relates to 29 September 2005.

6 PRESIDING JUDGE: What's the page again?

7 MR JORDASH: It's 16576.

8 PRESIDING JUDGE: So this is page 51?

9 MR JORDASH: 51.

16:02:31 10 PRESIDING JUDGE: Of 29 September?

11 MR JORDASH: Yes.

12 Q. Do you remember, Mr Witness, giving evidence in the AFRC

13 trial?

14 A. I recall that I gave evidence at the AFRC trial.

16:03:29 15 MR JORDASH: Sorry, if you could just give me a moment,

16 please.

17 Q. I'm sorry to take you there. I thought there was something

18 there, but isn't. But I can instead refer you to page --

19 MR JORDASH: I beg your pardon, Your Honours. I'm going to

16:04:10 20 have to come back to this.

21 PRESIDING JUDGE: So we don't go to the transcript for now.

22 MR JORDASH: No. I will find that reference later.

23 Q. Can you help us with this instead, Mr Witness. Do you know

24 anything about Johnny Paul Koroma deciding what allowances should

16:04:25 25 go to the RUF?

26 A. That was a risk allowance.

27 Q. Was that decided by Johnny Paul Koroma and the coup

28 members?

29 A. Well, I did not know exactly, because I was not a council

1 member. I was outside.

2 Q. Did [By direction of the Court, this name has been
3 redacted] report directly Johnny Paul Koroma? A simple yes or no
4 will do at this stage, Mr Witness.

16:05:15 5 A. Yes, sir. They had a name for that particular --
6 [Overlapping speakers].

7 MR BANGURA: May it please Your Honours, I believe --

8 PRESIDING JUDGE: I think it is safe at this time. It
9 depends on what comes after.

16:05:27 10 MR JORDASH: I deliberately said to the witness only yes or
11 no because I didn't want any further answer.

12 PRESIDING JUDGE: Yes, Mr Bangura.

13 MR BANGURA: I think when the witness testified in-chief
14 this morning we had adopted a certain procedure particularly so
16:05:48 15 to protect his identity.

16 JUDGE ITOE: As Commander C.

17 MR BANGURA: That's right, yes.

18 JUDGE THOMPSON: But is there a nexus here from the
19 question? Is there a nexus been established?

16:06:01 20 MR BANGURA: Your Honours, at this stage --

21 JUDGE THOMPSON: I know it is good to be preemptive but I
22 am not yet getting a nexus from the question.

23 MR BANGURA: It is basically the mention of, that's all --

24 JUDGE THOMPSON: I see.

16:06:15 25 MR JORDASH: I will avoid it but I was aware that the nexus
26 lacked, but I will avoid anything which would alarm my learned
27 friends and I understand the reason for their alarm, of course.

28 JUDGE ITOE: I think we are safer remaining with Commander
29 C. It is a good [indiscernible] circumstances. A good anonymous

1 neighbour.

2 MR JORDASH:

3 Q. Are you able to assist with any evidence as to who
4 Johnny Paul Koroma made decisions with; decisions about the
16:07:11 5 administration of the AFRC?

6 A. What do you mean?

7 Q. Well, for example, did Commander C report directly to
8 Johnny Paul Koroma?

9 A. Yes.

16:07:35 10 Q. Did the various PLOs report directly to Johnny Paul Koroma,
11 from what you saw?

12 A. Yes, because JP was the number one.

13 Q. And the PLO 1, PLO 2, PLO 3 were number two, number three,
14 number four in the administration?

16:08:04 15 A. Well, I do not exactly know how their administration was.
16 The vehicles that were passing through that I saw, that I knew
17 of, they're the ones I've mentioned to you. So if you are asking
18 me those who were in, I was not in there.

19 Q. Okay. Did [By direction of the Court, this name has been
16:08:29 20 redacted] have to -- well, I will come back to that.

21 PRESIDING JUDGE: By trying to be careful we may have
22 caused a greater problem now, because there may be now on the
23 record a clear connection between one name and another name that
24 was not there before. But anyhow, let's be careful about it. We
16:08:53 25 will see how we can make sure that the record will not disclose
26 any additional information.

27 MR JORDASH:

28 Q. Am I right that Commander C couldn't make decisions without
29 reference to Johnny Paul Koroma's final decision?

1 A. You mean in town?

2 Q. In town.

3 A. Yes.

4 Q. And Commander C was one of the most important people in the
16:09:38 5 AFRC administration in terms of decision-making authority?

6 A. Well, I knew that he was somebody, but I did not know
7 within -- I knew that he was an important person.

8 Q. Okay. I'm going to move on from the junta period because
9 of the answers you have given so far. When the intervention took
16:10:17 10 place, did you see Johnny Paul Koroma leaving -- making his way
11 to Makeni?

12 A. I saw him from -- yes.

13 Q. And am I correct that he was leaving with Five-Five?

14 A. To go where?

16:10:57 15 Q. Well, did you see Johnny Paul Koroma arriving at Masiaka
16 with his wife and children? Is that correct?

17 A. Yes.

18 Q. Five-Five, was he there?

19 A. I didn't see him.

16:11:19 20 Q. Bomb Blast, was he there?

21 A. I didn't see him.

22 Q. Cobra?

23 A. I didn't see him.

24 Q. Mr Witness, are you trying to help us here? Are you really
16:11:41 25 saying you don't remember seeing them or didn't see them?

26 A. Yeah, the evidence that I want to give to you, Mr Lawyer,
27 is the one that I witnessed. It could be that they were in
28 Masiaka, but I didn't see them in person and I couldn't call the
29 person whom I didn't see in person that he was there.

1 Q. Well, let's see if you called those names any time before,
2 shall we?
3 MR JORDASH: Your Honours, page 13601.
4 Q. Because I suggest, Mr Witness, that you did call those
16:12:17 5 names once upon a time when you were trying to assist, and that
6 was on 7th or 8th August 2003.
7 A. Maybe that was a different place.
8 Q. Well, you don't tell a different story just because you
9 were in a different place, do you?
16:12:35 10 PRESIDING JUDGE: No, I think the witness means
11 [Overlapping speakers].
12 JUDGE ITOE: [Overlapping speakers]
13 PRESIDING JUDGE: Location.
14 MR JORDASH: Not here.
16:12:43 15 PRESIDING JUDGE: No, no. It is not that he was here or in
16 or in another place. In other words, he may have seen these
17 people at a different location at the time.
18 JUDGE ITOE: And not in Masiaka, which is what you are
19 suggesting to him.
16:12:56 20 MR JORDASH: I can follow on from that.
21 JUDGE ITOE: Please go ahead.
22 MR JORDASH:
23 Q. Did you see Johnny Paul Koroma with the people I have just
24 mentioned at any stage between Freetown and you leaving to go to
16:13:06 25 Kurubonla?
26 A. Yes, but not at the same time that I saw all of them. I
27 saw them at different locations.
28 Q. Let's have a look what you said or what's been written down
29 about what you said?

1 MR JORDASH: Your Honours, page 13601, 7th August 2003.

2 Q. Second paragraph:

3 "Witness said that they used the Freetown peninsula [sic]

4 to Tombo village. When they arrived at Tombo, Commander C

16:13:55 5 made arrangement for two boats to ferry them across to a

6 village within the Koya Chiefdom. Witness cannot remember

7 the name of the village, but according to witness it was 5

8 miles away to Masiaka. The vehicles they used to get to

9 Tombo were left at the Tombo wharf. They walked their way

16:14:23 10 to Masiaka. Arriving at Masiaka, witness saw JPK with his

11 wife and children, Five-Five, Bomb Blast, Cobra and Colonel

12 AK Sesay with their securities all well armed."

13 A. No. I told them that I saw JP Koroma. I didn't talk about

14 his wife and child. I told them that AK Sesay, I saw Superman,

16:15:12 15 the one with whom all of us crossed was Thomas, who was the

16 deputy for minerals, yes, these were the names I could recall

17 that I mentioned.

18 Q. Who did you see Johnny Paul Koroma with in Masiaka?

19 A. Superman, Superman.

16:15:37 20 Q. Superman was the commander in charge of

21 Johnny Paul Koroma's security at that stage in Masiaka?

22 A. Not at all. He had his CSO called Rambo.

23 Q. Who had his CSO called Rambo?

24 A. It was JP Koroma.

16:16:18 25 Q. You then travel - am I right? - to Makeni with the other

26 members of the AFRC from Masiaka?

27 A. No, they left me. I and Commander C later travelled.

28 Q. Had the majority of the troops that had gathered at

29 Makeni -- gathered at Masiaka travelled to Makeni at that time?

1 A. Yes.

2 Q. And when you arrived in Makeni, am I right that there were
3 two meetings that you were aware of, one at Makeni and one at
4 Magbonkineh?

16:17:24 5 A. Yes.

6 Q. Basically the same people were at both meetings; am I
7 right?

8 A. I saw Eldred Collin [sic]. I don't know if that is what he
9 is called, Collin [sic]. And I saw Superman. At the eleventh
16:17:52 10 hour, going towards Kono, I saw Issa.

11 Q. I want to stick with the meetings in Makeni and in JPK's
12 home town for a moment. The meetings at both places involved -
13 is this right - Eldred Collins, SAJ Musa, Superman,
14 Johnny Paul Koroma, FSJ Koroma? Do you recall those men being
16:18:22 15 present?

16 A. You're right.

17 Q. And at that meeting JPK maintained that all key commanders
18 must go to Kailahun and meet with Mosquito at those meetings?

19 A. I don't know that. The only thing that I know was when
16:18:55 20 Commander C came out and said he is not going to Kailahun, if
21 they say Kailahun is the only place. That is what I know.

22 Q. Sorry, who said that? I beg your pardon, my fault.

23 PRESIDING JUDGE: Commander C.

24 MR JORDASH: Commander C, okay. Thank you.

16:19:20 25 Q. That was when he came out of the meeting at
26 Johnny Paul Koroma's home village?

27 A. Yes.

28 Q. Thank you. Were you aware, Mr Witness, that around that
29 time there was an attempt by AFRC and RUF forces to reopen the

1 road through Bo to Kenema?

2 A. I only know the road to Kono.

3 Q. No. What I am asking is this: That around the time of the

4 meetings in Makeni and JPK's village, are you aware that there

16:20:14 5 was a movement of AFRC/RUF troops attacking CDF in Bo?

6 A. No.

7 Q. Okay. Now you see, before getting to Makeni, you see -- do

8 you see Issa Sesay in Makeni? In Masiaka, sorry. Do you see him

9 in Masiaka?

16:20:51 10 A. I didn't see him Masiaka, I didn't see him Makeni. On the

11 way to Kono.

12 Q. Okay. So he wasn't, as far as you could see, in Makeni

13 when you were there, nor in the meetings with JPK?

14 A. Well, I didn't see him. I didn't know whether he was

16:21:15 15 there. Those whom I saw were the ones I was calling out to you.

16 Q. Now, you talked of Superman being in control. You said

17 that before lunch. What did you mean by that?

18 A. Where did I say that? Where did I mention that he was in

19 power?

16:21:46 20 Q. Well, I will try and give it to you word for word. "RUF

21 was also leaving" - Freetown this is - "and their commander was

22 Superman." That is what you said. "RUF was also leaving and

23 their commander was Superman." What did you mean by that?

24 A. RUF commander --

16:22:11 25 Q. Listen carefully, Mr Witness. Before lunch you said, "RUF

26 was also leaving and their commander was Superman. We went to

27 Tombo, then to Masiaka." What I'm asking you is --

28 A. Sorry, sorry, sorry. I did not tell you that Superman went

29 to Tombo.

1 Q. No. What you said was, "RUF was also leaving and their
2 commander was Superman." I'm asking you what you meant by "their
3 commander was Superman"?
4 A. We -- that section, that group that we met, he was -- his
16:23:03 5 own section, he was the commander. That is what I'm trying to
6 tell you.
7 Q. Thank you, Mr Witness. Commander C refuses to go to
8 Kailahun and he does so because he objects to being under the
9 control of civilians?
16:23:51 10 A. Yes.
11 Q. For Commander C, he regarded himself as a professional
12 soldier?
13 A. Yes.
14 Q. Who would only take orders from other professional
16:24:13 15 soldiers?
16 A. Yes.
17 Q. And to Commander C the RUF were a group of bush rebels,
18 nothing more and nothing less?
19 A. What do you mean?
16:24:41 20 Q. What I mean is that he did not have any real respect for
21 RUF because they, in the end of the day, were civilians, not
22 soldiers?
23 A. No, no, I don't want you to put it that way. He became
24 angry with them, you know, if you are speaking you're making
16:25:04 25 me -- you're refreshing my memory. When JP sent at the time we
26 were in Kurubonla, he said that all SLAs should be answerable to
27 RUF. It was based on this that he said he would not be
28 answerable, that that was a great mistake for him to answer to
29 the RUF. This was what made [By direction of the Court, this

1 name has been redacted] disagree, and that Commander C, and this
2 was the controversy that was between them. That RUF were taking
3 it that even when they spelt it out to them that we took command
4 from them in Freetown, that if we went into the jungle they were
16:25:38 5 supposed to control us. They had other soldiers whom they sent
6 called Korpomeh who brought the message that JP said that all
7 SLAs should be answerable to the RUF.

8 Q. Mr Witness, just try to speak a bit more slowly so that
9 what you say can be interpreted. Okay?

16:26:01 10 A. If I'm going too fast, I believe that you should guide me
11 to slow down.

12 PRESIDING JUDGE: Well, Mr Witness, you should slow down
13 because we need to be able to follow you.

14 THE WITNESS: Yes, sir.

16:26:15 15 MR JORDASH:

16 Q. So Commander C refused to be under the command of the RUF,
17 and he maintained that no SLA should be under the command of RUF
18 civilians?

19 A. Yes.

16:26:52 20 Q. He left with men loyal to him to go to Kurubonla; yes?

21 A. Yes. And at that time, to refresh your memory again, as
22 you are asking your question, he had Komba Gbundema with him.

23 Q. So you are suggesting Gbundema went with Commander C from
24 Makeni. Is that what you're suggesting?

16:27:44 25 A. Who?

26 Q. Gbundema. Are you suggesting he went --

27 A. I said --

28 Q. -- with Commander C from Makeni?

29 A. No.

1 Q. What are you suggesting then?

2 A. The place where I saw him is what I'm trying to tell you
3 about. I said Komba Gbundema, I saw him at Mongo. From Mongo,
4 we went to Kurubonla.

16:28:12 5 Q. I will come to that in a minute. Did Bropleh have men who
6 were loyal to him in Makeni after the fall of the junta?

7 MR TOURAY: Your Honours, may I please ask for the second
8 accused to be excused just for some few minutes.

9 PRESIDING JUDGE: For a few minutes, yes.

16:28:38 10 MR TOURAY: Yes, to ease himself.

11 MR JORDASH:

12 Q. You've told us, Mr Witness, that there was a
13 General Bropleh. Did he have his own men in Makeni following the
14 intervention?

16:29:06 15 A. I only know about -- I only knew about Bropleh when we were
16 in Kurubonla and he was the one who was in charge of the STF.

17 Q. Were you not aware of him in Freetown during the junta?

18 A. I saw him, yes, yes. I saw him.

19 Q. Did he have his own troops there?

16:29:37 20 A. I said he was the commander for STF.

21 Q. Did he have his own troops, STF, in Freetown during the
22 junta period?

23 A. STF was the Liberian soldiers who fought during the crisis,
24 but crossed over our border and assisted us. They had the name

16:29:59 25 STF. The commander who was their leader was Bropleh.

26 Q. So they had a separate command structure in Freetown during
27 the junta period?

28 A. STF had their own leader. At present, in town here, the
29 STF had their own command. I do not know whether they've joined

1 them, but they were operating under their own very command,
2 although they were answerable to the same place. Just like the
3 SLA had their own boss, RUF had their -- had Mosquito, that was
4 how Bropleh had his. But they were working in unison. But he
16:30:39 5 was the head of that particular group. This is what I am trying
6 to make clear to you.

7 Q. Thank you. Upon arrival in Kurubonla Commander C still
8 continued to refuse to work with RUF; is that right? Upon
9 arrival at Kurubonla?

16:31:09 10 A. Yes. No. They were there. As you are saying, I still
11 recall. They were there and they were fighting, saying
12 Commander C should go at the back. They hadn't wanted
13 Commander C there. Because he insisted that he will not leave,
14 leaving the men behind. How will he go and leave the men behind?

16:30:50 15 [RUF05DEC05CR-CR]

16 Q. Mr Witness, let's take it step by step. Commander C
17 arrives in Kurubonla from Makeni?

18 A. Yes.

19 Q. Is that right?

16:31:48 20 A. Yes.

21 Q. He's left the RUF, because he doesn't want to be
22 subordinated to them; am I right?

23 A. No, that's a lie.

24 Q. Why did he leave, then? Why did he leave to go to
16:32:02 25 Kurubonla?

26 A. It was because ECOMOG, even when we were in Makeni, they
27 said ECOMOG had left Masiaka and so it happened in Makeni. When
28 we went to Kabala, they said ECOMOG had left Makeni to go to
29 Kabala. When we left Kabala to go to Kurubonla, when we went to

1 Kurubonla, they said ECOMOG had left Kurubonla to go. So we
2 moved. When ECOMOG was coming closer, so we are moving.
3 Q. Okay. Commander C goes from Makeni to Kabala, then to
4 Kurubonla; am I right?

16:32:44 5 A. Mongo. You've jumped Mongo and now you are calling
6 Kurubonla.
7 Q. I see. Thank you. So it's Kabala then to Mongo to
8 Kurubonla? Sorry, my fault.
9 A. Yes.

16:33:03 10 Q. Okay. Now, when Commander C gets to Kabala he's still
11 refusing to work with RUF?
12 A. Not at all. That one, it was when somebody is a bit
13 torment, when there is no proper plan. I can still recall the
14 guy called Hindolo, who was an RUF, he was once a Minister of
16:33:40 15 Trade, he was there. So everything was ups and down. RUF was
16 there. STF was there. So it has happened since they left and
17 returned. So to say they were divided, no. So, they were
18 retreating, going.
19 Q. Isn't it right, Mr Witness, that when Commander C was in
16:34:06 20 Kurubonla in April of 1998, Mosquito tried to convince him to
21 fight with the RUF, Commander C refused?
22 A. He didn't tell him to fight. He told him to go behind,
23 because they'd said for him to stay in the front, he would incite
24 the boys not to take orders. That was what they were saying,
16:34:45 25 that Mosquito would send some properties for him like paste and
26 cigarette.
27 Q. Is the answer to the question: "Did Commander C refuse to
28 work together with the RUF despite several attempts by Mosquito
29 to persuade him to do so?" Is the answer that Commander C

1 refused to work together?

2 A. Let me make this clear to you once more, Mr Lawyer.

3 Commander C can't refuse the order that came from JP in Kono when
4 we were at Kurubonla. Before we arrived at Kurubonla, there was

16:35:39 5 no argument about taking orders. It was after when we arrived in
6 Kurubonla, it was then that the messenger came from Kono that JP
7 said all SLA should be answerable to the RUF. That if RUF was
8 the commander, SLA was to be the deputy, which didn't go down
9 well with Commander C. He said he would not accept it and that

16:36:11 10 he would not work under a civilian as a trained soldier.

11 Q. Let me just try to understand this, Mr Witness. When
12 Commander C goes to Kabala, is he the top commander in Kabala?

13 A. You had, in Kabala, you had Kis Kamara --

14 Q. [Microphone not activated]

16:36:40 15 A. Yes.

16 Q. Was he refusing to take orders from a civilian, Mosquito?

17 A. It was not there. They were together. There was no
18 command. Kabala was in a mixed up situation. Nothing was going
19 on.

16:36:58 20 Q. Was he taking orders from the civilian, Mosquito?

21 A. No, they were trying to put things in place. It's just
22 like somebody would say, "I've come" and somebody would say, "I'm
23 going there". So you could not say we were taking command. So
24 you see. Because nothing was planned. It was when --

16:37:21 25 Q. Stop. Commander C is not taking orders from Mosquito in
26 Kabala. When Commander C goes to Mongo, is he taking orders
27 from --

28 PRESIDING JUDGE: That's not his evidence, Mr Jordash. His
29 evidence, at least my understanding of his evidence is that it

1 only happened later when they were in Kurubonla and the order
2 came that they should, from that moment on, respond to orders
3 from what they called civilians, that was Mosquito, up to that
4 time.

16:37:55 5 MR JORDASH: That's not my understanding of the evidence.
6 I will go over it again. I was hoping to --

7 PRESIDING JUDGE: My understanding was that JPK gave them
8 the order, gave Commander C the order, and he complied with that
9 order up and until the time JPK told him, "Commander C, that from
16:38:13 10 now on you should take orders from the RUF". It was at that
11 moment it broke apart and they were in Kurubonla. That is my
12 understanding of his evidence. It gets to be a bit confusing.

13 MR JORDASH: Well, I am going to --

14 PRESIDING JUDGE: Because you are talking of Kurubonla,
16:38:33 15 Kabala and what's the other place? At that time, according to
16 the witness's evidence, he was still taking orders, whatever it
17 meant.

18 MR JORDASH: I will try to clarify.

19 Q. Mr Witness --

16:38:44 20 PRESIDING JUDGE: Yes.

21 MR HARRISON: The Prosecution is asking the Court for the
22 opportunity to make an application in closed session.

23 PRESIDING JUDGE: Well, we have no option but to go into
24 closed session if you are to make an application for closed
16:39:06 25 session. It's an application for a closed session?

26 MR HARRISON: Yes.

27 PRESIDING JUDGE: Yes. Mr Court Officer --

28 THE WITNESS: Yes, sir. I want to ease myself.

29 PRESIDING JUDGE: Just a few minutes, Mr Witness, and we

1 will allow you to do that. Can you wait for a few minutes
2 because we need to close the curtains to allow you to move
3 outside. The Court will adjourn for five minutes to allow the
4 witness to go to the restroom.

16:40:34 5 [Break taken at 4.40 p.m.]

6 [At this point in the proceedings, a portion of the
7 transcript, pages 96 to 107, was extracted and sealed under
8 separate cover, as the session was heard in camera.]

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EXHIBITS:

Exhibit No. 67	7
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-184	2
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EXAMINED BY MR BANGURA	3
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CROSS-EXAMINED BY MR JORDASH	69
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