



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

TUESDAY, 24 MAY 2005
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Teresa Doherty, Presiding
Julia Sebutinde
Richard Lussick

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Ms Lesley Taylor
Ms Melissa Pack
Ms Karen Abugaber (intern)
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba
Brima:

Ms Glenna Thompson

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah
Mr Ibrahim Mansaray

For the accused Santigie Borbor
Kanau:

Mr Geert-Jan Alexander Knoops

1 [TB240505A - CR]

2 Tuesday, 24 May 2005

3 [Open session]

4 [The accused not present]

09:19:43 5 [Upon commencing at 9.20 a.m.]

6 PRESIDING JUDGE: Good morning. I will remind the witness
7 of his oath and we will proceed.

8 Mr Witness, you recall you promised to tell the truth. As
9 I've reminded you before, that promise is still binding on you
09:24:42 10 and you must tell the truth in the Court. You understand?

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: Thank you. Ms Pack, please proceed.

13 WITNESS: TF1-334 [Continued]

14 EXAMINED BY MS PACK: [Continued]

09:24:57 15 Q. Good morning, witness.

16 A. Good morning, My Lord.

17 Q. Witness, yesterday you were telling the Chamber about
18 Rosos. You explained that you had been deployed to another
19 village and you wrote that village down on a sheet of paper. I'm
09:25:20 20 not going to say the name in public. Your Honours, it's Exhibit
21 P15. Did anything happen in that village that you wrote down
22 yesterday?

23 A. Yes.

24 Q. What happened there? And if you are concerned about naming
09:25:46 25 names, just remember that you wrote one other name down yesterday
26 and you can always refer to that if you want to. Go on.

27 A. While I was at that village with the commander, whose name
28 I wrote down yesterday, the same village that leads to Mateboi,
29 which is the point the troops came from. At one time, some

1 civilians, who were six in number, four men and two women,
2 appeared in this village.

3 Q. Pause, please, witness. I'm going to spell Mateboi.
4 You've had that before, Your Honours, M-A-T-E-B-O-I. Witness,
09:26:51 5 did anything happen to these four men and two women?

6 A. Yes.

7 Q. What happened?

8 A. Well, these people fell in an ambush in which I was also in
9 that ambush. Myself and the other soldiers arrested these people
09:27:20 10 and brought them to the commander, whose name I have already
11 written down.

12 Q. After you brought them to the commander, did anything
13 happen to these people?

14 A. Yes.

09:27:34 15 Q. What happened?

16 A. In fact, the commander said that these people should be
17 executed, because there was no need to take them to the camp, as
18 Gullit had already ordered that the entire area should be a local
19 area for civilians and he would not take the civilians back to
09:27:59 20 the headquarters at Rosos. Rather, these people should be
21 executed.

22 Q. Did anything else happen after he said that?

23 A. Yes.

24 Q. What happened?

09:28:17 25 A. Yes. He, the commander himself, executed these six people.

26 Q. How did he execute them?

27 A. He shot them with the AK which he held in his hand.

28 Q. Pause a moment. Just explain again an AK, the full name of
29 that, please?

1 A. AK rifle, AK-47 rifle.

2 Q. Witness, how do you know that these people were shot with
3 an AK by the commander?

4 A. He did that in front of me while we and the other soldiers
09:29:17 5 brought them who fell in the ambush where I was. The commander
6 did shoot them in my presence.

7 Q. Did anything else happen in this village?

8 MR FOFANAH: Sorry, Your Honours. At this stage I didn't
9 want to interrupt my colleague, but I think there was a ruling
09:29:38 10 yesterday before we left off that the Prosecutor should lay a
11 foundation for the statement made by the witness that he came to
12 the knowledge that Bazzy had set up Company D to protect him and
13 that Commander A had set up Company A to protect him in the case
14 of any eventuality. That foundation was not laid. That was
09:30:06 15 where we broke off yesterday.

16 MS PACK: I thought my learned friend had raised an
17 objection to a question and, therefore, Your Honours had ruled
18 that I couldn't ask the question. I'm just not asking the
19 question now. I've chosen not to pursue that line of
09:30:23 20 questioning, having heard Your Honours ruling on that issue.

21 JUDGE LUSSICK: Yes, Mr Fofanah, your objection yesterday
22 was upheld by this Trial Chamber. The Prosecution has chosen
23 today not to pursue that line of questioning. They're entitled
24 to do that. They're not obliged to go back to that question once
09:30:43 25 it has been refused by the Court.

26 MR FOFANAH: As Your Honour pleases. Thank you.

27 MS PACK:

28 Q. Witness, did anything else happen in the village where you
29 were?

1 A. Yes.

2 Q. What else happened there?

3 A. After the commander has executed these people, he ordered
4 that the people should be burnt, and they placed mattress on
09:31:35 5 grass and leaves and lit the mattress while the people were
6 covered.

7 Q. How do you know this happened?

8 A. They did that in my presence, in my face.

9 Q. Witness, did anything else happen in this village on any
09:31:57 10 other occasion?

11 A. Well, as far as I can remember, this was the only incident
12 that I could remember that happened in that village.

13 Q. Witness, I'm going to ask you about Rosos. Was anything
14 going on in Rosos at the time that the headquarters was based
09:32:41 15 there?

16 A. Yes.

17 Q. What was going on in Rosos?

18 A. Well, at one time after I had left in that village, the
19 village where I was, I went back to Operation Commander A.

09:33:11 20 Q. This was where?

21 A. Rosos.

22 Q. When you got to Rosos, was anything going on there?

23 A. Yes.

24 Q. What?

09:33:26 25 A. At one time, Gullit, he called the deputy brigade commander
26 Bazzy; he called the chief of staff Five-Five; Operation
27 Commander A while whom I escorted to the place and they called
28 the military supervisors; and they also called the company
29 commanders and addressed them, saying it would be better for the

1 troops to attack a position within the north which will make
2 people know that the troops are not just there to eat or to do
3 any other thing, but that the troops could attack military
4 positions, so he said he would like the troops to go to
09:34:27 5 Gbomsamba.

6 Q. Pause, please. I'm going to spell Gbomsamba, Your Honours.
7 It's G-B-O-M-S-A-M-B-A. After Gullit called this meeting and
8 said these things, did anything happen?

9 A. Yes.

09:35:09 10 MR KNOOPS: Your Honours, I object, in this sense: in my
11 view, there's still no foundation for continuation of this line
12 of questioning because the witness just testified that he went
13 back to the Operation Commander A in Rosos and then moves on "at
14 one time Gullit called" and he numbers several individuals or
09:35:36 15 people with functions. I think it is still too vague to qualify
16 such as a foundation to move on and establish that this meeting
17 took place and these alleged orders were given.

18 MS PACK: Well, the witness was asked if anything happened
19 at Rosos. He replied, describing what he's just described, and
09:36:12 20 indicated one of the individuals who was present and whom Gullit
21 called was Operation Commander A. In his words -- I think what
22 he said was, "Whom I escorted". My learned friend has that note,
23 and I will obviously be corrected if that's wrong. That's the
24 record I have.

09:36:34 25 JUDGE SEBUTINDE: I have that note, except I'm not sure who
26 "that" is. I just wrote it as he said it, "the commander whom I
27 escorted". I don't know. Escorted where? I don't know if
28 that's Commander A or some other commander.

29 I think the point Mr Knoops is trying to make is what he

1 made yesterday in that before you go into the content of a
2 meeting, you must lay the foundation for this witness's
3 knowledge. You don't lay that foundation after you've led the
4 evidence. You lay that foundation before he goes into the
09:37:06 5 content of an alleged meeting. I think that's the point the
6 Defence is trying to make.

7 MS PACK: Thank you, Your Honour. I'll ask the witness.

8 Q. How do you know - and we'll deal with what was said in the
9 meeting in a moment - how do you know that Gullit called these
09:37:28 10 individuals you've identified?

11 A. Just as I said earlier, as I had left the camp where I was
12 and went back to Operation Commander A, while I was with him in
13 his place, myself and Commander A moved to Gullit as he had
14 called other commanders whom I and Commander A met.

09:38:01 15 Q. Pause a moment. Now, Operation Commander A is that the
16 same commander who you've described as A on earlier occasions
17 giving your testimony?

18 A. Yes.

19 Q. And it is a different commander to the commander you've
09:38:18 20 written down on a piece of paper that you wrote down yesterday?

21 A. Yes, I only went there for reinforcement. Later on, I was
22 withdrawn by Commander A back to his base.

23 Q. Now, after you were called and you went with Operation
24 Commander A, you've identified others whom you went with. Just
09:38:46 25 repeat again for the Chamber, what it was that subsequently
26 happened?

27 A. On the arrival of Commander A and myself, myself and
28 Commander A met Bazzy, met Five-Five and the military
29 supervisors. Whilst the company commanders later came and Gullit

1 addressed the whole team that was present as I earlier said.

2 Q. Thank you, witness. Before you say what he said, how do
3 you know that Gullit addressed these individuals?

4 A. I and Commander A went and we were there when Gullit
09:39:47 5 addressed the people whom I've just called.

6 Q. Go on, please, to say again what it was that Gullit said.

7 A. Gullit said now that the whole troops have gathered in
8 Rosos, it would be better for the troops heed military position
9 for them to know that we're not idle, the troop was not an idle
09:40:23 10 venture and by then we had totally lost communication with the
11 others.

12 Q. Pause a moment. Take it slowly, please, witness. Go on,
13 what else did he say?

14 A. That it would be better for the troops strategic position
09:40:46 15 which is Gbomsamba.

16 Q. Pause a moment. I've spelt it already, but it is
17 G-B-O-M-S-A-M-B-A. Go on, witness.

18 A. So that they would know that there was a troop closer to
19 Lunsar area.

09:41:15 20 Q. Do you know where Gbomsamba in fact is?

21 A. Yes.

22 Q. Where is it?

23 A. Gbomsamba is in the north, northern part of Sierra Leone.

24 Q. Witness, following on from what Gullit said on this
09:41:53 25 occasion, did anything happen?

26 A. Yes.

27 Q. What then happened?

28 A. After Gullit had said this, all the commanders, including
29 Commander A, agreed and, indeed, at that moment, he said that all

1 the battalion -- sorry all the company commanders send men to the
2 headquarters for the operation.

3 Q. Did that happen?

4 A. Yes.

09:42:35 5 Q. Did anything then happen?

6 A. Yes.

7 Q. What then happened?

8 A. Later the men came from various companies and, towards the
9 evening, everybody had reported. The various commanders and the

09:43:01 10 men from various companies had reported to the headquarters.

11 Q. Did anything happen after that?

12 A. Yes.

13 Q. Go on.

14 A. In fact, Gullit, together with the deputy, Bazzy, the

09:43:24 15 military supervisors, the company commanders, including myself
16 and Operation Commander A, we led the troop which had come to the
17 headquarter. Gullit informed them that now --

18 Q. Pause. How do you know that Gullit then went on to inform
19 these men of anything at all?

09:44:00 20 A. As I said, myself and Operation Commander A moved together
21 with Gullit and the deputy operation with this military
22 supervisors to a location within Rosos. There's a field there.
23 That was a field where Gullit normally addressed the troops.

24 Q. Go on then to say what happened, if anything.

09:44:30 25 A. In fact, Gullit addressed everybody who had come at that
26 moment and told them that now he was ordering that this troop was
27 to attack the military position at Gbomsamba and as the troop
28 goes along, let them make sure that they complete the operation
29 and that, in fact, they shall make sure that they should return

1 with no civilian and they should make sure that they shall come
2 with military wares that we prove that the troop really attacked
3 Gbomsamba.

09:45:24 4 Q. Pause. Did he say anything else about the attack on
5 Gbomsamba?

6 A. Yes.

7 Q. What else did he say?

8 A. He said the troop should demonstrate wherein there should
9 be amputation and the town should be burned for them to know that
09:45:38 10 the troop reached Gbomsamba.

11 Q. Witness, did an operation then take place to Gbomsamba?

12 A. Yes.

13 Q. Who went on that operation? Just give the names that you
14 recall slowly?

09:46:09 15 A. Ibrahim Bazy Kamara, he was the commander of the
16 operation. We heard Operation Commander A, he also went.

17 Q. How do you know that these men went on this operation?

18 A. I myself was with Operation Commander A to go on that
19 operation. We heard Ibrahim Gbao Sesay also; he also went on
09:46:51 20 operation. D Company Commander also went on that operation; the
21 task force commander.

22 Q. Pause, witness. D Company Commander, is that Captain
23 George Johnson, also known as Junior Lion?

24 A. Yes.

09:47:12 25 Q. And a the task force commander you've named before as
26 Captain Osman Sesay, also known as Changabulanga?

27 A. Yes.

28 MS PACK: Your Honours, I can respell those. George
29 Johnson you have heard a few times now. The surname is

1 J-A-H-N-S-O-N [sic], also known as Junior Lion as in the animal.

2 And Osman O-S-M-A-N. Sesay, S-E-S-A-Y. Changabulanga,

3 C-H-A-N-G-A-B-U-L-A-N-G-A.

4 Q. Anyone else on that operation whose name you now recall?

09:48:11 5 A. Company commander for C Company Captain Arthur also went on
6 that operation.

7 Q. That was spelt by the witness yesterday, A-R-T-H-U-R. What
8 happened on this operation, witness?

9 A. Myself and the commanders whom I've named with the other
09:48:39 10 soldiers moved towards Gbomsamba.

11 Q. Did anything happen when you got there?

12 A. Yes.

13 Q. What happened?

14 A. The ECOMOG forces, mostly Nigerians who were based at
09:49:02 15 Gbomsamba, they noticed our movement within the area.

16 MR KNOOPS: Objection, the witness is not in a position to
17 speak for the Nigerian forces, if existing at all. He cannot say
18 that they observed, they noticed. He cannot go into the mind of
19 the position of other troops than himself.

09:49:27 20 MS PACK: Your Honour, I can just ask him how he perceived
21 that to have been the position.

22 PRESIDING JUDGE: Yes, I think Mr Knoops' objection is a
23 valid one. You could, as you say, re-ask.

24 MS PACK:

09:49:44 25 Q. Witness, you said something about ECOMOG and Nigerian
26 forces. What did you see or hear when you got to Gbomsamba that
27 makes you say that ECOMOG Nigerian forces were present there?

28 A. In fact, mostly the attacks they participated in, it was
29 always at dawn when the enemies don't notice at all, but at this

1 time, Nigerians were quite a lot. They were quite a lot when we
2 arrived at Gbomsamba. As soon as myself and the other soldiers
3 appeared at Gbomsamba, immediately they opened fire. They opened
4 fire on us.

09:50:32 5 Q. Pause. How did you know that these were Nigerians from
6 ECOMOG?

7 A. Myself and the other soldiers, we repelled the troops and
8 while repelling these troops, we were able to kill some of the
9 Nigerian soldiers who were on the ground and captured some arms
09:51:04 10 and ammunition and even burned down the town.

11 Q. Pause. Apart from these Nigerians, did you see anyone else
12 in Gbomsamba?

13 MR KNOOPS: Your Honour, I object. It is still not
14 established these were Nigerians. The witness, based on the
09:51:45 15 refined question of the Prosecution referred to we were able to
16 kill and to capture and we got ammunition and arms. That does
17 not lay the foundation for the qualification we're dealing with,
18 Nigerian ECOMOG troops.

19 PRESIDING JUDGE: I agree with that, Ms Pack. The
09:52:10 20 inferences are not enough.

21 MS PACK:

22 Q. Witness, how do you know that the men you were fighting,
23 some of whom were killed, were Nigerians and how do you know they
24 were from ECOMOG?

09:52:26 25 A. In fact, as myself and the soldiers entered and killed, one
26 unlucky Nigerian soldier was there, whom I and the other men
27 captured.

28 Q. What happened?

29 A. Well, this particular soldier, this Nigerian soldier, he

1 explained to us the strength and how they noticed our movement in
2 the area. The other Nigerian vehicles they used were around. We
3 said we could put fire to them.

4 Q. Apart from these Nigerians --

09:53:22 5 JUDGE LUSSICK: You still haven't answered the objection,
6 Ms Pack. There is no evidence coming from this witness as to how
7 he knew they were Nigerians.

8 MS PACK:

9 Q. Apart from the Nigerian vehicles in the area, was there
09:53:36 10 anything that allows you to say that these men were Nigerians?
11 How do you know that?

12 A. In fact, the one Nigerian whom I and these other soldiers
13 captured, he was in full uniform and he spoke the Nigerian
14 language. It was he who explained to us about the deployment,
09:54:02 15 the commanders on the ground. He explained everything concerning
16 how -- concerning their deployment there.

17 Q. Now, you said he was speaking the Nigerian language and he
18 was wearing a full uniform. Do you know what uniform that was?

19 A. Combat. It was a combat uniform. He was in combat
09:54:30 20 uniform.

21 Q. You also said these Nigerians were ECOMOG troops. How did
22 you know specifically they were ECOMOG troops?

23 A. They had their badge on their hand -- their band on their
24 arms, written there ECOMOG Sierra Leone, Nigerian ECOMOG Sierra
09:54:48 25 Leone. That band clearly showed, and the crown also. The beret
26 they used had their Nigerian crown, the small crown on the head
27 on the beret, that declared they were Nigerian; they were
28 Nigerian forces.

29 Q. Witness, apart from the Nigerians from ECOMOG, did you see

1 anyone else in Gbomsamba?

2 A. No.

3 MR KNOOPS: Your Honour, I hesitate, but I still observe

4 that the witness refers to one person which he allegedly

09:55:58 5 identifies as a Nigerian ECOMOG soldier, yet he is still

6 referring to the Nigerians; Nigerian ECOMOG forces. The question

7 is whether the witness is capable of deducing from this one

8 individual he allegedly captured and allegedly would have

9 informed him about the strength, whether he can deduce that

09:56:25 10 Nigerian ECOMOG forces were on the spot, apart from this one

11 individual. I didn't hear the witness say that apart from this

12 individual he saw these identification labels or berets from

13 other individuals with the signatures as he just described. In

14 my humble opinion, there is still no foundation that apart from

09:56:51 15 this individual he actually captured that Nigerian ECOMOG forces

16 in the multiplicity of the word were actually present there.

17 JUDGE LUSSICK: Yes, I think the evidence as it stands is

18 that one troop that was captured was identified as a Nigerian;

19 one only.

09:57:21 20 MS PACK:

21 Q. Witness, you have explained that you killed some Nigerians

22 in plural and you captured one. You've told us that one Nigerian

23 whom you captured told you about the strength of the Nigerians

24 who were there. Witness, you've heard the objection. I'd like

09:57:45 25 you to explain, please, how it is that you know that the other

26 men you fought and the other men that were killed were Nigerians

27 from ECOMOG.

28 A. In fact, through this soldier, he clearly told us that even

29 the captain, the captain had pulled out. That he and his

1 companions were defending the ground, and as I and the other
2 soldiers came with heavy force in the town. So when they
3 discovered that there were firepowers above them, he thought that
4 his company would be able to repel us and it was he who told us
09:58:34 5 that the civilians, they had ordered the civilians to pull out of
6 the town as they noticed that we were moving around, and it was a
7 civilian that informed them that they saw us around, and so they
8 had told the civilians to leave the town.

9 Q. Pause.

09:59:01 10 MS PACK: Your Honour, I think that answers my learned
11 friend's concerns.

12 PRESIDING JUDGE: I'm not convinced that it does, Ms Pack.

13 JUDGE SEBUTINDE: Nor am I.

14 JUDGE LUSSICK: I may as well add my voice to that as well.

09:59:14 15 I'm not convinced either.

16 MS PACK:

17 Q. Now, witness, did you see any of the other men you were
18 fighting with in Gbomsamba?

19 A. The only Nigerian soldier I saw was the one that we killed
09:59:31 20 and the one that we captured on the ground. It was this man that
21 explained to us the strength and about the pull-out of the
22 others.

23 Q. Did he say how many Nigerian ECOMOG forces were in
24 Gbomsamba?

09:59:51 25 A. He said that they were a battalion, it was a battalion that
26 was there.

27 Q. Pause. How many of these men were killed?

28 A. We killed five of them.

29 Q. Did you see the men who were killed?

1 A. I saw them with my own eyes.

2 Q. Did you see what they looked like; what they were wearing?

3 A. They were in full ECOMOG combat uniform.

4 Q. Witness, I'm going to ask you about something you said
10:01:08 5 earlier on in your evidence when you were talking about Karina.

6 MR KNOOPS: Your Honour, if the Prosecution is leaving this
7 subject, I object to the last answer, because if the Prosecution
8 is of the opinion that the witness has answered the question and
9 therefore addressed the objection, I don't believe that is the

10:01:29 10 case, because the witness clearly -- let me put it differently.
11 The evidence given by this witness at this crucial point amounts
12 to a form of multiplicity of hearsay.

13 As I understand the evidence as it is given to the Trial
14 Chamber is that this witness heard from one alleged ECOMOG
10:01:59 15 Nigerian soldier that that person acknowledged that a battalion
16 was on spot, and that this ECOMOG soldier informed this witness
17 that his "captain" of the alleged ECOMOG forces has pulled out.
18 So, actually, this witness is producing information from a third
19 person, hearsay, which person also relies on an indirect source.

10:02:30 20 In addition to that, we don't know whether this alleged
21 Nigerian ECOMOG soldier on which this witness relies in his
22 testimony has direct knowledge of the existence of the battalion
23 on the spot, or that that information came to that Nigerian
24 soldier also through other sources. We have no clue. We have no
10:02:56 25 idea whether it was a private or an officer who could have
26 reasonably had knowledge on the strength of the alleged Nigerian
27 ECOMOG forces on the spot. We have no clue. The evidence as it
28 stands now before the honourable Trial Chamber is clearly a form
29 of double hearsay evidence given by this witness. I think that

1 should be excluded from the record.

2 Last but not least, the objection is still not answered and
3 we don't have any foundation from this witness that ECOMOG forces
4 were on the spot. I also observed that this witness is coming

10:03:45 5 every time, when refined questions are put by the Prosecution
6 based on objection, with totally different answers, which he
7 clearly didn't give in his first evidence. The witness is coming
8 with allegedly detailed information in his second or third term
9 when questions are repeatedly put to him based on objections and
10:04:13 10 then new information has been given by this witness which clearly
11 does not make part of his first answer. That's just my
12 observation.

13 My primary objection is that this evidence given by this
14 witness on this particular point is clearly information evidence
10:04:39 15 which is not, which should not be admissible before the
16 honourable Trial Chamber, because it is tantamount to a double
17 form of hearsay and, secondly, there is still not any foundation
18 laid for the qualification of the term "ECOMOG forces" in the
19 plural. Thank you.

10:05:04 20 PRESIDING JUDGE: Ms Pack?

21 MS PACK: Thank you, Your Honour. Just a first
22 observation. In my submission, my friend is being a little
23 unfair to the witness to say he is giving different answers when
24 I ask different questions. If I'm asking him to clarify
10:05:18 25 something, I'm clearly not asking him to repeat a previous
26 answer. Clearly the nature of clarification is it is not going
27 to be repetition, it is going to be new information.

28 My learned friend is objecting to what the evidence is to
29 what the witness has said. The evidence is what it is and the

1 Prosecution doesn't consider that it is worth continuing to
2 pursue the line of questioning any further. My learned friend is
3 suggesting that this is "information evidence" and, therefore,
4 not admissible. Your Honours are well aware, as is my learned
10:05:49 5 friend, of the Rules of Procedure and Evidence in this Court
6 which allows the admission of hearsay evidence, and if what the
7 witness has said is in part hearsay evidence, he has given
8 evidence in part as to what he saw, uniforms, and as to what he
9 heard, what the Nigerian who was captured told him.

10:06:13 10 Now, Your Honours, it may be that the reliability of that
11 evidence is a matter for Your Honours to consider as a matter of
12 weight when Your Honours come to consider the evidence at the end
13 of the day. It may be that my learned friend may wish to
14 challenge the reliability of that evidence in cross-examination.

10:06:28 15 That path is open to my learned friend and it is of course for
16 Your Honours to weigh the evidence at the end of the day. I
17 can't alter a witness's answer to a question. My learned friends
18 can't alter a witness's answer to a question if he's unhappy with
19 it, but he can challenge it in cross-examination. He's provided
10:06:48 20 what information, what evidence he can give. There's absolutely
21 no grounds, in my submission, for excluding evidence on the
22 grounds suggested by my learned friend.

23 JUDGE LUSSICK: There is just one other thing. Perhaps
24 everybody else understands this and I'm the one out. The witness
10:07:13 25 is speaking about the one Nigerian soldier that they captured and
26 the one that they killed.

27 MS PACK: Five.

28 JUDGE LUSSICK: He said, "And the one that we killed" and
29 suddenly, almost out of the blue, it seems, he mentions that they

1 killed five. But when he started off giving testimony he said
2 that they killed one. I don't know where the death toll
3 amounting to five comes from.

10:07:47 4 MS PACK: Your Honours, I don't think it was a jump from
5 one to five, Your Honour. Perhaps that's a matter for the
6 transcript. The witness was asked to clarify what he said in the
7 first instance. He said there was a capture of one, death of
8 some. Then he went on to provide a specific figure. I hadn't
9 asked him about specific figures in the first instance and, in
10:08:04 10 seeking to clarify, I then gave him the opportunity to be
11 specific and then to explain how he knew what he knew and then
12 he's gone on to enlarge upon, expand upon his answer, not repeat
13 the earlier answer but expand upon it. Of course, if my learned
14 friend is concerned as to the reliability of what the witness is
10:08:21 15 saying, then he can cross-examine on this and no doubt will.

16 JUDGE LUSSICK: I notice Mr Knoops didn't mention that. I
17 was just clearing it up for my own notes here. I think you have
18 cleared that up.

19 MR KNOOPS: If Your Honours would be so kind to give me one
10:08:43 20 opportunity to reply shortly to comments of my learned colleague
21 from the Prosecution. It's just an observation. Your Honour, we
22 clearly have taken note of the fact that in the first instance
23 this witness said, "we were able to kill one"; he captured one.
24 So coming with a figure of five that's, I think, an essential --

10:09:12 25 MS PACK: I apologise. I do not like to interrupt my
26 learned friend but if he's going to make a submission as to fact,
27 I would urge Your Honours to invite that he seeks clarification
28 from the transcript as opposed to putting contrary notes of
29 evidence. It may be inaccurate and it may undermine the

1 submission.

2 MR KNOOPS: I'm not going to make a statement of facts.

3 What I would like to emphasise, Your Honours, is that we are
4 clearly aware of the rules of hearsay evidence within

10:09:44 5 international criminal tribunals. What I actually said in my
6 primary objection is that this is a specific form of hearsay.
7 It's not the ordinary form of hearsay where you have the original
8 source, which is brought by a third party to the other party.

9 The Prosecutor did not contest our observation that the
10:10:09 10 information on which this witness relies, namely the information
11 given by this one alleged Nigerian ECOMOG soldier is as such also
12 deriving from another source, namely, either the captain you
13 refer to, the captain pulled out, or sources other than this
14 Nigerian soldier which justified a conclusion that the strength
10:10:37 15 of the ECOMOG forces on the spot was a battalion. We don't know.
16 The evidence as it stands now clearly justifies a conclusion that
17 that information was probably also not within the personal
18 knowledge of this Nigerian soldier. We don't know it yet.

19 It's my point that it's not a matter of cross-examination
10:11:04 20 or the weighing of the evidence in future, but this is clearly a
21 matter of admissibility of evidence given by a witness in
22 examination-in-chief. I don't believe it is in the interests of
23 justice to admit evidence of the kind as this witness is giving,
24 this form of hearsay evidence, as such, which clearly deviates
10:11:37 25 from the normal form of hearsay evidence. That is my point.

26 Of course, we acknowledge the possibility for
27 cross-examination of this witness on this point, but we believe
28 that these forms of evidence-in-chief should not be admitted
29 before the Court. Above all, it's also prejudicial to the

1 accused persons and it's rather a question -- the question is
2 whether the Defence is able to countervail such in
3 cross-examination and, therefore, it's justified to raise this
4 issue by way of objection to a question. Thank you.

10:12:21 5 JUDGE LUSSICK: Just one thing, Mr Knoops. I don't
6 understand how it would be prejudicial to the accused. There is
7 already evidence that one or perhaps five Nigerian troops were
8 killed. Really, from the point of view of the accused, what does
9 it matter whether there were five Nigerians or a battalion there?

10:12:47 10 MR KNOOPS: Your Honour, that's not my point. My point is
11 that the Defence is not able to cross-examine this alleged
12 Nigerian ECOMOG soldier. The point is not the discrepancy
13 between one or five, the point is that --

14 JUDGE LUSSICK: I understand.

10:13:12 15 MR KNOOPS: -- we are not able to clarify the strength of
16 the alleged forces and the question whether there was indeed the
17 battalion of Nigerian ECOMOG forces. This is the crucial element
18 this witness is presenting to Court through a special form of
19 hearsay. I think this is prejudicial, because we are in no way
10:13:26 20 able to verify that statement, even through cross-examination,
21 because that original source is not available, which source, as
22 such could also be a hearsay source.

23 JUDGE LUSSICK: I take that point, Mr Knoops. Also, the
24 captured Nigerian could have been lying. In fact, you wouldn't
10:13:49 25 expect an enemy to be telling the truth about their strength.

26 MR KNOOPS: Indeed, Your Honour, he could have all reasons
27 to falsify the alleged strength of the alleged Nigerian soldiers,
28 or he could have been one person who defected to another unit.
29 We don't know that. All these questions cannot be solved through

1 cross-examination, or even the credibility of the evidence cannot
2 be challenged through cross-examination because we don't have
3 access to this, say, third source, which source, as such, would
4 also rely on indirect sources or be not reliable.

10:14:28 5 MS PACK: Your Honour, may I just make two points,
6 addressing additional points made by my learned friend. I can
7 identify what those points are so Your Honours might grant me
8 permission. First is Justice Lussick's point about the relevance
9 of this information. The second is my learned friend's
10:14:50 10 observation that he is unable to cross-examine the Nigerian who
11 gave this information to the witness, if I might just address
12 those two issues.

13 PRESIDING JUDGE: Yes.

14 MS PACK: I'm grateful, Your Honour. The first point is
10:15:02 15 this is not a huge point in the trial as Justice Lussick has
16 asked my learned friend to identify the relevance of this
17 information. It isn't a hugely relevant point. Second, the
18 strength of the information given by the Nigerian soldier to the
19 witness and my learned friend's inability to cross-examine him.
10:15:29 20 It is not now the time, Your Honours, to evaluate the probative
21 value of evidence. That comes later, and it's open for my
22 learned friends to make submissions on the probative value of
23 evidence taken as a whole later. It may be that there will be
24 other evidence in this trial which may or may not corroborate or
10:15:53 25 shed light on what the witness today is talking about on this
26 occasion. There are no grounds for excluding that evidence
27 because weighing its probative value at the end of the day is
28 something Your Honours may do once you've heard all the evidence
29 from all the witnesses the Prosecution will be calling.

1 [Trial Chamber confers]

2 [TB240505B - 10.20 a.m. - AD]

3 [Ruling]

4 PRESIDING JUDGE: The unanimous decision of the Trial

10:20:01 5 Chamber is to overrule the objection and to uphold the
6 Prosecution reply. Whilst we agree the evidence was hearsay,
7 however, this goes to weight and not admissibility. We consider
8 it is relevant. The probative value is to be assessed in due
9 course. Ms Pack, you have heard the ruling of the Court.

10:20:25 10 MS PACK: Thank you, Your Honour.

11 Q. Witness, moving away from Gbomsamba, I asked you yesterday
12 about what happened at Karina and you told the Chamber about the
13 abductions of some children who were later trained. Where were
14 these children trained?

10:21:13 15 A. At Camp Rosos.

16 Q. How do you know they were trained at Camp Rosos?

17 A. I was one of the training instructors.

18 Q. Witness, was anyone else, apart from children, trained at
19 Rosos?

10:21:46 20 A. Yes.

21 Q. Who?

22 A. The women went for basic training.

23 Q. Do you know how many people were trained in total at Rosos?

24 A. It was 77 people -- 77.

10:22:12 25 Q. How are you able to say that?

26 A. Well, since I was one of the training instructors, whenever
27 the training was to start we mustered them. In mustering them, I
28 myself counted the number before telling the commander the
29 strength of the people who came for training.

1 Q. Pause. You mentioned a commander; who was the commander in
2 charge of the training?

3 A. Five-Five was in charge.

4 Q. Just remind us who you mean by that.

10:22:57 5 A. Santi gie Borbor Kanu.

6 Q. Did he have a deputy?

7 A. Yes.

8 Q. Who was that?

9 A. The deputy operation commander, Junior Sheri ff.

10:23:16 10 Q. Where did the boys, the children and the women who were
11 trained at Rosos -- where had they come from, was it just Karina
12 or what?

13 A. Well, these are some of the people whom I and the other
14 soldiers, as we were moving from Mansofinia towards Camp Rosos,
10:23:54 15 captured on the way. These are the people that we trained.

16 Q. Were the children boys or were they girls?

17 A. They were boys.

18 Q. Do you know what their ages were?

19 A. Well, most of them were around 10, 12 -- they were small
10:24:25 20 boys.

21 Q. And the women, how old were they; do you know?

22 A. They were above 15, about 15 years.

23 PRESIDING JUDGE: A point of clari fication: Above or
24 about? I di dn't qui te hear clearly.

10:24:57 25 MS PACK: I di dn't hear ei ther. I wi ll clari fy.

26 Q. Was that "above" or "about"?

27 A. About 15 years -- very young gi rls.

28 PRESIDING JUDGE: Thank you.

29 MS PACK:

1 Q. Apart from you, witness, were there other training
2 instructors?

3 MR KNOOPS: I object. There is still no foundation for
4 these ages.

10:25:24 5 PRESIDING JUDGE: That is true; there is not.

6 MS PACK:

7 Q. How do you know that the boys were mostly 10 to 12 years
8 and the women about 15 years? How are you able to say that?

9 A. In fact, I and the training instructors were taking records
10:25:45 10 from these boys. We asked them their ages and they themselves
11 were telling us their ages, which we were writing down.

12 Q. Apart from you, Witness, were there other training
13 instructors?

14 A. Yes.

10:26:08 15 Q. Do you know about how many?

16 A. Well, the team that was training was about 12. We are
17 training these children.

18 Q. How many did you train; do you recall?

19 A. Yes.

10:26:38 20 Q. How many?

21 A. All the 77 I called. I did my part in training them.

22 Q. How old was the youngest that you trained?

23 A. It was 10 years.

24 Q. Boy or girl?

10:27:02 25 A. Boy.

26 Q. What did you teach these boys and these young girls?

27 A. I taught them tactics and FIBUA.

28 Q. Just repeat, tactics and what?

29 A. FIBUA -- fighting in a built-up area, F-I-B-U-A. Fighting

1 in a built-up area.

2 Q. Did you teach them anything else apart from tactics and
3 FIBUA?

4 A. These were the only two things I was teaching them.

10:28:02 5 Q. Did you observe what else these children and young women
6 were taught?

7 A. Yes.

8 Q. What else were they taught?

9 A. Parade, weaponry.

10:28:27 10 Q. What would that be, parade?

11 A. This is the way -- how they should be mustered, how they
12 should be able to pay a compliment to commanders and how to march
13 properly.

14 Q. What about weaponry?

10:29:01 15 JUDGE SEBUTINDE: I am sorry counsel, there is a word he
16 keeps using, but I am not sure what it is -- "mustered".

17 MS PACK: It is a word he has used before, muster --

18 M-U-S-T-E-R. Your Honour may recall, it was used in a context in
19 Kono first by this witness. I will just ask him to re-explain
10:29:15 20 what that means.

21 Q. Witness, explain please what you mean by "muster".

22 A. Well, the military term "muster" means to gather the men
23 together. As in this muster, there the commander gives address
24 or the adjutant addresses the troops.

10:29:42 25 Q. Thank you. Witness, weaponry -- did you see what training
26 the children and young women received in weaponry?

27 MR KNOOPS: I object. There is still no answer to the
28 objection as to how the witness knows that the women were about
29 15 years. My first objection and the refined question referred

1 to the "boys", that apparently ages were written down.

2 PRESIDING JUDGE: Mr Knoops, I will just read you my record
3 and you can inform me if it accords with what you have. The
4 question was:

10:30:23 5 "Q. How do you know the boys were 10 and 12 and the women
6 were 15?

7 "A. In fact, I and the training instructor were taking the
8 records from them. They were telling us their ages, which we
9 were writing down."

10:30:32 10 And that is an answer to, in fact, what is really two
11 questions.

12 MS PACK: My fault, Your Honour. I will actually break
13 that down to two questions and then my learned friend will be
14 clear.

10:30:42 15 PRESIDING JUDGE: I think it should be.

16 MS PACK: And the record will be clearer.

17 Q. Witness, how do you know that the boys were mostly 10 to 12
18 years? I am breaking down the question. The boys, how do you
19 know they were 10 to 12 years?

10:31:01 20 A. Well, I was one of those taking records of these people who
21 are being trained, these people who come to training. So it
22 was through the questions -- I usually ask about their ages and
23 the areas they come from. They told us.

24 Q. Witness, how do you know that the young women were about 15
10:31:26 25 years old?

26 A. As I was moving around, I would take down their ages. The
27 girls were giving us exactly their age, as I just explained.

28 Q. Witness, I was asking you about weaponry training. Did you
29 see any weaponry training?

1 A. Yes.

2 Q. What did you see that training involved?

3 A. Well, in weapon training they were taught how to "strup"
4 [sic] and assemble the weapon -- "struping" [sic] and assembling.

10:32:20 5 Q. Witness, just repeat the two descriptions you have used for
6 assembling a weapon.

7 PRESIDING JUDGE: It wasn't just assemble.

8 MS PACK: It was something and "assembling". Perhaps you
9 can just repeat that.

10:32:35 10 A. Struping -- it is a military term. Struping and assembly;
11 to scatter the weapon.

12 JUDGE SEBUTINDE: I am sorry, is that "stripping" or
13 "struping".

14 THE INTERPRETER: Struping and assembling.

10:32:52 15 MR FOFANAH: Your Honours, can the witness spell it so we
16 can write it?

17 PRESIDING JUDGE: I think that would be a good idea,
18 because they are two different words with two different meanings
19 in the English language.

10:33:02 20 MS PACK:

21 Q. "Struping", would you spell that please, Witness?

22 A. It is supposed to be "struping" -- S-T-R-U-P-I-N-G.

23 Q. Just explain again what you mean by struping a weapon.

24 A. Well, like AK or earlier or HMB weapon -- it has some parts
10:33:37 25 which you can remove -- you dismantle them. That is struping if
26 you want to do cleaning.

27 Q. Thank you, Witness. How long did the training go on for at
28 Rosos?

29 A. This was a three-weeks training.

1 Q. After the training, do you know what happened to the boys
2 who were trained?

3 A. Yes.

4 Q. What happened to the boys who were trained?

10:34:26 5 A. I and, as I named, the other training instructors, we take
6 these boys to the field together with the women, wherein the
7 chief of staff -- who was Five-Five -- would address them and
8 wait for the arrival --

9 Q. Pause. How do you know that Five-Five addressed the boys
10:34:55 10 and the women after the training?

11 A. I and the other training instructors, including the deputy
12 operation commander Captain Junior Sheriff, and Five-Five, who
13 was the chief of staff, moved with these trainees to the field.
14 While Five-Five was addressing them --

10:35:24 15 Q. Pause. What do you mean when you say "the field"?

16 A. The what?

17 Q. The field. What do you mean when you talk about "the
18 field"?

19 A. This was a playing field that was within that area at
10:35:42 20 Rosos. That is a field that is usually, whatever, in operation
21 in addressing -- that is the place Gullit addresses people.

22 Q. Witness, go on, please, to tell us what happened there on
23 this occasion.

24 A. After the arrival and then after the address of Five-Five,
10:36:08 25 we wait for the arrival of the brigade commander, the deputy
26 brigade commander and also the military supervisors and battalion
27 commanders. They all come as Five-Five handed over the parade to
28 the brigade commander.

29 Q. Witness, you just said "battalion commanders"; were there

1 battalions?

2 A. Sorry, company commanders.

3 Q. Tell us then what happened, please.

4 A. In fact, after Five-Five had handed over the parade

10:37:04 5 Commander Gullit -- Gullit appreciated the efforts of the
6 training instructors and he told the trainees that they should be
7 strong, brave and intelligent, and they should be ready to face
8 the challenges that are ahead. He ordered that these people
9 should be distributed to the various companies, where they would
10:37:41 10 work with the company commanders.

11 Q. Witness, after Gullit said this, do you know what then
12 happened?

13 A. Yes.

14 Q. What then happened?

10:38:01 15 A. Gullit ordered the operation commander that he should call
16 the company commanders and distribute these people to the various
17 companies.

18 Q. And by the "operation commander", you are talking about A,
19 are you?

10:38:26 20 A. Yes, Operation Commander A.

21 Q. Did Operation Commander A then do anything?

22 A. Yes; he distributed these people to the various company
23 commanders.

24 Q. Witness, you have said he distributed these people. Did he
10:38:51 25 distribute both the boys and the girls, the young women?

26 A. He only distributed the young boys. The women, most of
27 them were with some commanders and soldiers. So he sent them
28 back. They should go back to their various husbands with whom
29 they were living.

1 Q. How do you know that the women were ordered to go back to
2 their various husbands?

3 A. This was done before me when Operation Commander A told the
4 women they should just return, because they were mostly taught
10:40:04 5 the basics of weaponry.

6 Q. Witness, when did the operation on Gbomsamba take place,
7 was it before, or after, or while the training was going on?
8 Just put it in a time frame, please.

9 A. Well, the operation, it was after, when we had left
10:40:55 10 Gbomsamba, before the training took place.

11 Q. Explain, I didn't get that answer. Was the training after
12 Gbomsamba or before?

13 A. After Gbomsamba operation.

14 Q. Witness, after the training was over and this meeting that
10:41:33 15 you have described took place, this parade, did anything else
16 happen?

17 A. Yes.

18 Q. What happened?

19 A. After which, the troops -- Captain Arthur, he and his
10:42:02 20 soldiers came to headquarters and said they came from Batkanu.

21 Q. Pause. Firstly, Arthur, A-R-T-H-U-R; Batkanu,
22 B-A-T-K-A-N-U. Captain Arthur, is that C Company commander?

23 A. Yes.

24 Q. How do you know that he came to headquarters?

10:42:45 25 A. He came directly to Operation Commander A. He met me; I
26 was with Operation Commander A.

27 Q. What happened after he came?

28 A. In fact, Arthur came with a mic, which he said he
29 discovered at Batkanu.

1 Q. A mic for what?

2 A. For the communication set.

3 Q. After Arthur brought this mic for the radio set, did
4 anything happen?

10:43:56 5 A. Yes.

6 Q. What happened?

7 A. Operation Commander A and me and Captain Arthur moved to
8 the brigade commander, Gullit, and showed him this mic. He was
9 so happy when he saw this mic, because we had been out of

10:44:22 10 communication for the past time. Since the communication set --
11 the man was manning it had run away at Mandaha.

12 MS PACK: That is Mandaha, we have had it before,
13 M-A-N-D-A-H-A.

14 Q. So after you showed Gullit the microphone, did anything
10:44:47 15 happen?

16 A. Yes.

17 Q. What happened?

18 A. I, Operation Commander A, Gullit, Bazzy, Five-Five moved to
19 the set and the electrician, who was called Jalloh --

10:45:07 20 Q. Pause. Would you please spell "Jalloh" for the Chamber?

21 A. J-A-L-L-O-H.

22 Q. Go on, what happened?

23 A. Gullit handed over this mic to Jalloh to test it in the
24 set.

10:45:40 25 Q. What happened after that?

26 A. Well, Jalloh continued to work on the set whilst Gullit
27 returned, and I and Operation Commander A went back to his
28 residence where he was.

29 Q. Did you find out subsequently what happened to the radio

1 set that Jalloh was testing and working on?

2 A. Yes.

3 Q. What happened?

4 A. Later Jalloh said to Operation Commander A that the mic had
10:46:25 5 worked and that he had started calling with the mic.

6 Q. Did anything happen after that?

7 A. Yes. I and Operation Commander A moved to Gullit and
8 Gullit called on Bazzy, Five-Five and the military supervisors.
9 I and them went directly to the set. Gullit himself tested what
10:47:05 10 the operator Jalloh had said -- that the mic was working.

11 Q. Pause. How do you know these individuals all went to the
12 set?

13 A. As I have told you earlier, myself and Commander A went to
14 Gullit, and Commander A, Five-Five and other supervisors joined
10:47:34 15 us at the place where the set was installed.

16 Q. What happened after that?

17 A. After that, Gullit tried to call on the other areas.

18 Q. Do you know where he tried to call?

19 A. Yes.

10:47:56 20 Q. Where did he try to call?

21 A. In fact, he called on SAJ Musa.

22 MS PACK: Your Honours know SAJ Musa, S-A-J M-U-S-A.

23 Q. I will just ask you to go through this and then I will ask
24 you for further detail. Did he call on anyone else whilst you
10:48:25 25 were there?

26 A. Yes.

27 Q. Who else?

28 A. That particular day he talked to Issa and he talked to
29 Morris Kallon, and Brigadier Mani.

1 Q. By "Issa", who do you mean?

2 A. Issa Sesay of the RUF.

3 MS PACK: Your Honours have had those names: Issa,
4 I-S-S-A; Sesay, S-E-S-A-Y; Morris, M-O-R-R-I-S; Kallon,
10:48:45 5 K-A-L-L-O-N; and Brigadier Mani, M-A-N-I.

6 Q. On that particular day, did he speak to anyone else -- call
7 on anyone else?

8 A. These were the only people whom he talked to on that day.

9 Q. Did you hear on this occasion what he spoke to these
10:49:21 10 individuals about?

11 A. Yes.

12 Q. What did he speak to them about?

13 A. In fact, to SAJ Musa, he told that him that because he
14 said, "Pa, I hope that as we are now monitoring the set. I,
10:49:46 15 Gullit, have surrendered with the soldiers that you have given
16 me." But he explained that the set -- the radio man ran away
17 with the set at Mandaha. But now he had just got this mic, and
18 that was why he was talking to him; that the troops were under
19 control and, in fact, SAJ Musa -- he told SAJ Musa about the
10:50:18 20 various areas the troops had attacked. He told him about the
21 ammunition the troops had recovered from Gbomsamba.

22 MS PACK: I will just remind Your Honours of that:

23 G-B-O-M-S-A-M-B-A.

24 Q. Did you hear the conversation with Issa Sesay on this
10:50:56 25 occasion?

26 A. Yes.

27 MR FOFANAH: May it please Your Honours, I think the
28 witness's answer to the question as to whether Gullit spoke to
29 any of the other people was that he spoke to them. He didn't say

1 he spoke "with" them. So, there was no conversation as far as
2 that answer is concerned. He said Gullit spoke to them, he
3 didn't say "with". My learned colleague is now inferring a
4 conversation. Unless she establishes a foundation for that, I
10:51:41 5 object.

6 PRESIDING JUDGE: I have on record, he called on that day
7 and then the names. If you need the transcript read, perhaps the
8 transcript can be read.

9 MS PACK: Perhaps I will just clarify, just to save time.

10 PRESIDING JUDGE: Very well, Ms Pack. Incidentally,
11 Ms Pack, just before you start. I note it is about the time we
12 normally have a break. Are there many questions in this line of
13 evidence, or would it would be convenient to break at this time?

14 MS PACK: It might be five or ten minutes around these
10:52:12 15 communications. So, it may be that now is a convenient time. It
16 is going on to the next individual, so it is a good time to
17 break.

18 PRESIDING JUDGE: We will take a 15-minute adjournment.
19 Madam Court Attendant, please adjourn the Court for 15 minutes.

10:53:03 20 [Break taken at 10.50 a.m.]

21 [On resuming at 11.10 a.m.]

22 PRESIDING JUDGE: Yes, Ms Pack, you were in the course of
23 evidence concerning radios.

24 MS PACK: Thank you, Your Honour.

11:13:08 25 Q. Witness, you said that Gullit called Issa Sesay. Do you
26 know what happened after he called Issa Sesay?

27 A. Yes.

28 Q. What happened?

29 A. Gullit also explained --

1 Q. Pause. Did he then speak to Issa Sesay?

2 A. Yes.

3 Q. Gullit explained to Issa Sesay and told him about our
4 present location, and that the rumour that was on that he had
11:13:53 5 surrendered with the soldiers, it was baseless. It was just that
6 because his communication officer ran away from Mandaha. He
7 tried and told his brother that let them have confidence in him
8 as he still stood firm with his troops and he needed their
9 co-operation.

11:14:23 10 MS PACK: Again, Your Honour, the witness said the
11 communication man ran away from Mandaha, which we have had
12 before -- M-A-N-D-A-H-A.

13 Q. How do you know that Gullit in fact spoke to Issa Sesay?

14 A. It was through the call sign of Issa Sesay.

11:14:47 15 Q. Do you remember what that was?

16 A. I have forgotten the call sign, but it was through that.

17 Q. What about SAJ Musa; how do you know that Gullit spoke to
18 SAJ Musa?

19 A. It was through the call sign.

11:15:13 20 Q. Do you remember what that call sign is now?

21 A. Yes.

22 Q. Remind us.

23 A. Eagle.

24 MS PACK: "Eagle", you have had before, Your Honours, as in
11:15:31 25 the bird.

26 Q. Witness, was anything else said during the conversation
27 between Gullit and Issa Sesay?

28 A. What I have just said is what I heard him say to Issa
29 Sesay. He only briefed him about the present location and the

1 reason why he never communicated with them before.

2 Q. Did you hear a response to that communication from Gullit?

3 A. Yes.

4 Q. What was the response?

11:16:10 5 A. Issa Sesay said he was happy because that really tormented
6 him -- it tormented him to know about the whereabouts of Gullit
7 and his troops.

8 MR KNOOPS: Your Honour, I object. The witness may have
9 been standing nearby the radio as he alleges, but how can he
11:16:42 10 speak for Issa Sesay that he was happy? The witness is giving us
11 impressions and subjective qualifications of what went on during
12 a communication between two persons. We have not heard any
13 foundation for the ability of this witness to either intercept
14 directly that communication or be able to go into the minds of
11:17:12 15 other people who participated in that communication. In summary,
16 I don't think there is a foundation laid for this witness as to
17 the exact nature of the communication between two persons, let
18 alone the subjective qualifications he attached to it.

19 PRESIDING JUDGE: Ms Pack?

11:17:46 20 MS PACK: The witness does not need to intercept the
21 communication because he has given evidence that he was present
22 at one end of the radio set listening to it. I have not asked
23 him about Issa Sesay's mood and how he gauged that. I have asked
24 him to tell the Chamber what he heard, and he has said that he
11:18:14 25 heard that Issa said he was happy. It is evidence.

26 JUDGE SEBUTINDE: Ms Pack, you are presuming that we all
27 know how a radio set works. Normally when someone is
28 communicating with another person via the airwaves -- the things
29 that we are familiar with are a telephone. These other sets on,

1 on the other hand, I think counsel would be right to say that no
2 foundation has been laid as to how they come through the
3 communication and how therefore this witness would be in a
4 position to say, "I was present and I heard this." That
11:18:54 5 foundation, I think, has not been made. We are all moving on the
6 presumption of how we imagine these radio sets to work. I think
7 it is a pertinent observation and objection.

8 MS PACK: Your Honour, I will deal with that then.

9 Q. Witness, I would like you to explain how these radio
11:19:18 10 communications work. You have said you were present at the radio
11 set. How were you able to hear what was said during the radio
12 communications? Explain that please.

13 A. This radio communication, it has a speaker and a mic. The
14 speaker -- when somebody calls, you respond through the mic and
11:19:53 15 you listen from the speaker. Everybody is standing by; myself
16 and the other people are standing by. We listen clearly to the
17 response from the speaker.

18 Q. Pause. So, is there any need to intercept these
19 communications, or are you all able to hear what is being said
11:20:21 20 from the other end?

21 A. Yes, clearly. If a set is here, one could bring it, and if
22 somebody is talking and everybody is sitting here, we will hear
23 what the other person is saying at the other end.

24 MS PACK: Is that sufficient explanation for Your Honour's
11:21:08 25 purpose?

26 JUDGE SEBUTINDE: Mr Knoops, will that be sufficient
27 foundation?

28 MR KNOOPS: Well, Your Honour, to be honest, I don't think
29 it is, but that would be a matter of cross-examination, because

1 the way the witness describes this radio set is clearly not the
2 way a military radio set works. But that is something for
3 cross-examination.

4 PRESIDING JUDGE: You appear to have more military
11:21:36 5 information than I have, Mr Knoops.

6 MR KNOOPS: At least I know that it doesn't work with a
7 speaker.

8 MS PACK: Thank you, Your Honour. I have heard Mr Knoops'
9 evidence.

11:21:51 10 Q. Witness, if I can just continue asking about this
11 communication. The communication between Gullit and
12 Issa Sesay -- you were telling us about the response of Issa
13 Sesay. Just remind us, what were you telling us Issa Sesay said
14 in response?

11:22:20 15 A. Issa Sesay said, "Brother, I was very happy now that I
16 could hear you." He said, "Even I myself went with the idea that
17 you have surrendered with your troops." He said, "But now that
18 this communication has resumed from the two ends --" It was a
19 very short conversation he had with Gullit. He appreciated
11:23:00 20 Gullit for the call he made, and now that they have known about
21 his position.

22 Q. Witness, you have also said that Gullit called on Morris
23 Kallon. Did you hear whether he spoke to Morris Kallon?

24 A. Yes.

11:23:20 25 Q. Did he speak to him?

26 A. Yes; Issa spoke to Morris Kallon.

27 Q. How do you know he spoke to Morris Kallon?

28 A. In fact, Issa said to Morris Kallon, "Your brother is by me
29 here; talk to him."

1 Q. Did he use the name "Morris Kallon"?

2 A. Yes, he used the call sign and the name.

3 Q. Do you remember the call sign for Morris Kallon?

4 A. No.

11:24:02 5 Q. What was said during the communication with Morris Kallon?

6 A. Well, Gullit also informed him that the reason why he moved
7 from Kono was not for any other reason but only to make it not
8 strong and the information that was going round that he had
9 surrendered, that it was baseless. The set -- it was the

11:24:48 10 operator that disappeared with the set and that was the reason
11 why he never communicated. He let the brothers believe he was
12 with the troops and that he would continue to pursue the cause.

13 Q. Witness, you also said -- Let me first ask you: Was there
14 a response that you heard to this communication from Gullit to

11:25:20 15 Morris Kallon?

16 A. Yes.

17 Q. What was the response?

18 A. Morris Kallon responded shortly that he was happy that this
19 communication was resumed. That was the only response that he
11:25:35 20 gave.

21 Q. You have also said, Witness, that Gullit called Brigadier
22 Mani. Did you hear a subsequent communication with Brigadier
23 Mani?

24 A. Yes.

11:25:50 25 Q. How did you know it was Brigadier Mani?

26 A. Well, it was through his call sign.

27 Q. Do you remember what that was?

28 A. "Father".

29 Q. "Father"?

1 A. Yes, "Father".

2 Q. Do you recall what was said during that communication?

3 A. Yes.

4 Q. What was said?

11:26:26 5 A. Well, Gullit informed Brigadier Mani that he was trying to
6 make a trace of him in the north, so that they could form a
7 strong brigade, that he was making the effort, but was not able
8 to get Brigadier Mani.

9 Q. Did you hear a response to that communication?

11:26:58 10 A. Gullit continued that the communication -- the reason why
11 he never communicated is because the communication man had
12 disappeared. That was the reason why he did not call Father.
13 Now that he had got a mic, he was just making a test to call on
14 him.

11:27:20 15 Q. Did you hear a response to that communication?

16 A. Yes.

17 Q. What was the response?

18 A. Well, Father, he to said that he heard information that
19 Gullit had moved with his troops to join him, but he too was
11:27:44 20 making efforts to meet with Gullit but he was not able. But that
21 right now he had gone to the north and that he was close to SAJ.
22 And he was happy for the communication that has resumed.

23 MS PACK: SAJ, Your Honours have heard: S-A-J.

24 Q. Witness, after these first communications that you heard on
11:28:14 25 this occasion, did you hear any subsequent communications between
26 any --

27 A. Yes.

28 Q. Whom were they between?

29 A. Well, this time it was SAJ, with SAJ.

1 Q. Is that a later occasion?

2 A. Well, this was on another time, on another occasion.

3 Q. I will ask you about that later. On this occasion did
4 anyone else at your end of the set speak to any of the persons
11:29:02 5 whom Gullit contacted?

6 JUDGE SEBUTINDE: Ms Pack, I am not sure what occasion we
7 are talking about --

8 THE WITNESS: This was the only --

9 MS PACK: I will put my question more clearly.

11:29:19 10 Q. On the occasion when Gullit spoke to Sesay, Kallon, Mani,
11 SAJ Musa, did anyone at your end of the set speak to anyone?

12 A. No.

13 Q. On a later occasion did anyone else at your end speak to
14 anyone on the radio set?

11:29:45 15 A. Yes.

16 Q. Who spoke to whom?

17 A. At that time, while I was at the base with Operation
18 Commander A, the radio communication man Jalloh called on
19 Operation Commander A. I moved with him to meet Gullit and

11:30:12 20 Gullit took Five-Five and Bazzy and called the military
21 supervisors and they all came back to the set.

22 Q. Were you with them on this occasion?

23 A. Yes.

24 Q. What happened on this occasion?

11:30:42 25 A. This time SAJ Musa, he himself called.

26 Q. What did he say on this occasion?

27 A. SAJ Musa said that now he had recaptured Mongo Bendugu
28 where the Guinea people had made their stronghold.

29 MS PACK: Mongor Bendugu, you have had, Your Honours:

1 M-O-N-G-O-R, Bendugu B-E-N-D-U-G-U.

2 Q. What else did he say?

3 A. SAJ said that in fact he had captured heavy arms and
4 ammunitions from Mongor Bendugu and that they had burnt down the
11:31:45 5 40 barrel .

6 Q. Pause. Burnt down what?

7 A. The 40 barrel .

8 Q. What do you mean by "40 barrel"?

9 A. This is a gun that is carried on a truck, which carries 40
11:32:07 10 barrels and shoots missiles. It was owned by the Guineans.

11 Q. Did SAJ Musa say anything else on this occasion?

12 MR KNOOPS: I object. There is not a foundation that this
13 40 barrel was owned by the Guineans.

14 MS PACK: Your Honour, the witness is explaining what it is
11:32:33 15 that SAJ Musa said. Of course the witness does not know
16 personally, having not seen the 40 barrel with the Guineans. But
17 he is giving evidence as to what SAJ Musa said. I will ask him
18 to clarify.

19 JUDGE LUSSICK: Actually, he is not quite giving evidence
11:32:47 20 of what SAJ Musa said. What this witness is saying could be
21 taken as an interpretation of what SAJ Musa said. If he really
22 wants to give evidence of what SAJ Musa said, he should give
23 evidence of what he heard; that is, SAJ Musa speaking in the
24 first person.

11:32:26 25 [TB240505C-JM]

26 PRESIDING JUDGE: I agree with that, Ms Pack, because this
27 came from your question as to what is a 40-barrel, and we don't
28 know if that was ever mentioned on the radio.

29 MS PACK:

1 Q. Witness, I'm going to ask you to explain, please, what it
2 is that SAJ Musa said, and nothing else, on this communication.
3 If you would just start again with what it was that you heard.

4 A. Yes. I said SAJ Musa said that he had recaptured Mongor
11:33:47 5 Bendugu, and that he had captured a large amount of arms and
6 ammunition and had burnt down the 40-barrel formerly owned by the
7 Guineans.

8 Q. Did he say anything else from this communication?

9 A. Yes.

11:34:06 10 Q. What did he say?

11 A. He said now he was planning an operation for Kabala, to
12 attack Kabala.

13 MS PACK: K-a-b-a-l-a.

14 Q. Which district - and I'm not asking you here what SAJ Musa
11:34:27 15 said, I'm asking you from your own knowledge - which district in
16 Sierra Leone is Kabala?

17 A. Koinadugu District.

18 Q. Witness, do you recall anything else that SAJ Musa said on
19 this communication?

11:34:50 20 A. Yes.

21 Q. What else did he say?

22 A. SAJ Musa said he will use the tactics to enter Kabala.

23 Q. Did he say what tactics?

24 A. He said now he and the other soldiers will pretend as if
11:35:16 25 they were going to surrender in Kabala.

26 Q. Did he say anything else?

27 A. This was the only thing he said, that that is the tactics
28 they were going to use in Kabala. They are going to go as if
29 they are going to surrender. So he only wanted to inform Gullit

1 about the latest development of the new plan that he had.

2 Q. Do you recall any other communications with anyone else
3 that you heard whilst the headquarters was in Rosos?

4 A. After this communication, there was only one which was very
11:36:18 5 important that I listened to. That was after SAJ had spoken and
6 the operation took place.

7 Q. Tell us, please, what happened on that communication.

8 A. Which of the communications?

9 Q. This last communication that you're talking about. Was
11:36:50 10 that the communication at Rosos, whilst you were based at Rosos?

11 A. After SAJ had responded, that is what I am trying to say.
12 I'm talking about the communication which SAJ told Gullit about
13 the latest developments, after which there was an operation
14 planned.

11:37:16 15 Q. Okay, Witness. Pause there. I'm going to move on from
16 communications and ask you about anything else that happened
17 whilst you were based at Rosos. Now, Witness, you've talked
18 about an attack on Gbomsamba. Did anything else happen whilst
19 you were based at Rosos?

11:37:50 20 A. Yes. After SAJ had had that communication with Gullit,
21 another operation took place.

22 Q. Where was that operation?

23 A. As Gullit had had that communication with SAJ, he moved
24 together to the field with the Operation Commander A.

11:38:28 25 Q. Pause. I asked you where was this operation?

26 A. Gbinti.

27 MS PACK: I'll spell that, Your Honour. It's G-b-i-n-t-i.

28 Q. How do you know that there was an operation on Gbinti?

29 A. Just after the communication with SAJ, Gullit ordered the

1 operation commander to call on the company commanders to report
2 at the headquarters.

3 Q. How do you know he did this?

4 A. It was in my presence, just after the communication. Then
11:39:16 5 he told the Operation Commander A to call on the company
6 commanders to report.

7 Q. Do you know that subsequently happened? Do you know they
8 subsequently reported?

9 A. Yes, the company commanders reported to Operation Commander
11:39:39 10 A in my presence.

11 Q. Did anything then happen?

12 A. Yes.

13 Q. What then happened?

14 A. Operation Commander A took them to Gullit.

11:39:52 15 Q. How do you know that?

16 A. It was I, Operation Commander A, with the company
17 commanders went to Gullit as Gullit had called Bazzy, Five-Five,
18 and their military supervisors.

19 Q. What then happened?

11:40:24 20 A. Well, Gullit had -- Gullit told the military supervisors
21 and the company commanders that as SAJ had informed him that that
22 was a big morale as SAJ had captured large amounts
23 of -- according to what SAJ told him, that he had captured large
24 amounts of arms and ammunition in Mongor and that he was planning
11:40:58 25 to go to Kabala. And now, he too want troops to move to Gbinti
26 and use the tactics as if the troops were going to surrender.

27 Q. Pause. Did he say anything else?

28 A. Yes.

29 Q. What did he say?

1 A. He said now the troops should use the tactics as if they
2 were going to surrender and that they should capture Gbinti Town.

3 Q. Did he say anything else about Gbinti Town?

4 A. Yes. He said in capturing Gbinti Town, Gbinti Town should
11:41:59 5 be burnt down as a sign that the troops reached Gbinti.

6 Q. Did he say anything else about Gbinti Town?

7 A. He said no civilian. The troops going there should not
8 return with any civilian to the camp.

9 Q. Did you understand him to mean anything by that?

11:42:34 10 A. That is apart from the civilians who are in the camp, no
11 other civilians should come. And if there is any military
12 equipment at Gbinti, they should make sure that the troops return
13 with them. And whatever good, whether rice or -- the troops
14 should loot everything and return with them.

11:43:03 15 Q. Do you know if that operation then took place?

16 A. Yes.

17 Q. How do you know that?

18 A. After we got there, Gullit had discussed with the battalion
19 commanders and the military supervisors, including the deputy
11:43:23 20 Bazzy, and the chief Five-Five, he ordered the operation
21 commander that the various companies should report with their men
22 to move on the operation.

23 Q. Pause. I think you've used the word "battalion" and
24 "company."

11:43:52 25 A. Sorry, company. Company commanders.

26 Q. Now, did anything happen after that?

27 A. After which, later in the evening, the men returned. The
28 company commanders came with their men and prepared for the
29 operation to Gbinti.

1 Q. Did they then go on the operation?

2 A. Gullit called on the deputy, the military supervisors, the
3 company commanders, and the soldiers that had reported in the
4 field and addressed them about what SAJ had told him and about
11:44:39 5 the planned operation to Gbinti and the formula the troops should
6 use to enter Gbinti wherein Gullit came with white shirting or
7 cotton and said every member should tie that on their heads so
8 that that will show that they were going to surrender.

9 Q. Did the operation then take place?

11:45:22 10 A. Yes.

11 Q. How do you know that it took place?

12 A. In fact, Operation Commander A didn't go. He said I should
13 go on the operation, so I was closely there with the commander
14 who was the commander for the Gbinti operation.

11:45:38 15 Q. Who was the commander for the Gbinti operation?

16 A. Santiage Borbor Kanu.

17 Q. What happened on the Gbinti operation?

18 A. Well, myself, Santiage Borbor Kanu, the C Company
19 Commander, and the A Company Commander with other soldiers who
11:46:16 20 were chosen moved to Gbinti. And on our way -- and on the way to
21 Gbinti, myself and those in front, we captured one civilian.

22 Q. What happened?

23 A. And this civilian, we took him together with the other
24 soldiers to Five-Five, and Five-Five questioned him about the
11:46:49 25 position of the enemy forces in Gbinti.

26 Q. Did you do anything after that?

27 A. Five-Five asked him if it was a Nigerian ECOMOG force that
28 was in Gbinti, and the civilian answered yes, that it was the
29 Nigerian forces that were there. And Five-Five asked him whether

1 he knew their number, but then the civilian said -- in Temne
2 said -- in Gbinti, there were many; there were many in the place.

3 Q. Pause. I didn't get that. Who did he say there were many
4 of?

11:47:40 5 A. According to the civilian whom I and the other soldiers
6 captured, he said -- when Five-Five asked him if the soldiers who
7 were -- the ECOMOG he was talking at about Gbinti were many, the
8 civilian replied that there were many in Gbinti Town.

9 Q. Witness, did the operation take place on Gbinti?

11:48:13 10 A. Yes.

11 Q. What happened in the operation for Gbinti?

12 A. Yes. In fact, the tactics which the troop had wanted to
13 use to surrender, that tactic did not work any longer. Five-Five
14 ordered that I and the other men, we should go and attack

11:48:30 15 immediately the town. We should attack the town immediately.

16 Q. What happened on the attack?

17 A. Well, in the attack, we only had little resistance from the
18 ECOMOG forces as they were not able to challenge us.

19 Q. So what happened?

11:48:54 20 A. Well, the ECOMOG forces withdrew. They were just firing
21 whilst withdrawing.

22 Q. Did anything else happen?

23 A. Yes.

24 Q. What?

11:49:12 25 A. Gbinti Town was completely looted, as Five-Five had said,
26 because there was no enemy. They had all run away. So we looted
27 and we burnt some part of Gbinti.

28 Q. How do you know Five-Five had said there was no enemy, they
29 all ran away?

1 A. After I and the soldiers and the company commanders who
2 captured the ground came back and told Five-Five that we had
3 captured the ground and that we have recovered some few
4 ammunitions, he said, "What are we to do?" He said, "Let us burn
11:49:55 5 part of the town. Let us burn some houses so they know that I,
6 Five-Five, had reached Gbinti." And --

7 Q. Pause, Witness.

8 Go on. What happened after that?

9 A. And some of the houses I and the other soldiers wrote there
11:50:23 10 that "NPFL in town," "Five-Five in town." "We are moving forward
11 to Freetown." This is what we wrote on some of the walls. We
12 wrote them all about.

13 Q. Pause. You wrote "Five-Five in town" and was it NPFL?

14 A. Yes. Yes. "Moving to Freetown."

11:50:49 15 Q. Do you know what NPFL means? If you don't, don't --

16 A. This was a Liberian fighter's name that we were using.

17 Q. The name of the fighter?

18 A. The Liberian's National Patriotic Liberation Force.

19 Q. Why did you use NPFL to write in Gbinti?

11:51:31 20 A. This was to create fear among the people that NPFL fighters
21 were with the squad who came to attack Gbinti.

22 Q. After the operation on Gbinti, did anything else happen
23 whilst you were based at Rosos?

24 A. The only thing that happened after this operation, we
11:52:15 25 returned, and Five-Five gave the report to Gullit in my presence
26 and told him about the operation after which Gullit called. And
27 this time it was Mosquito he called directly.

28 Q. Pause. Was anyone else present when Five-Five returned and
29 told Gullit about the operation in your presence?

1 A. Yes.

2 Q. Who else was present?

3 A. In fact, the area in which we were, as they got the
4 information from the brigade commander, deputy brigade commander,
11:53:07 5 operation commander, and a few other soldiers that were in the
6 headquarters welcomed Five-Five, and we - me and Five-Five - with
7 those who came with us.

8 Q. Now, you said that Gullit called Mosquito. How do you know
9 he called Mosquito?

11:53:32 10 A. Well, just after this operation, later, whilst I was in my
11 residence with the Operation Commander A.

12 Q. Go on.

13 A. Gullit sent for Operation Commander A that he should meet
14 him at the set as he wanted to call Mosquito.

11:54:04 15 Q. What then happened?

16 A. I and Operation Commander A went to the set and met Gullit,
17 Five-Five, with other military supervisors. Whilst we were
18 waiting --

19 Q. Pause. After you met them there, did anything happen?

11:54:35 20 A. Yes. Gullit said we should wait for Bazzy.

21 Q. Did Bazzy arrive or not?

22 A. Yes, Bazzy came.

23 Q. After Bazzy came, did anything happen?

24 A. Yes.

11:54:56 25 Q. What happened?

26 A. Gullit called on Mosquito.

27 Q. How do you know he called on Mosquito?

28 A. They used the channel and the call sign.

29 Q. What was the call sign for Mosquito? Do you remember it

1 now?

2 A. This I still don't remember it, but it was his call sign
3 they used to call him.

4 Q. You say Gullit used "the channel." What do you mean by
11:55:34 5 "the channel"?

6 A. Well, the type of radio communication the troop was using,
7 they have numbers which are channels which when you press it, it
8 goes into those numbers. So every deployment had its own channel
9 unless you get to that number, then you call through the call
11:56:02 10 sign, and then the response will come.

11 MR KNOOPS: Your Honour, I object. Is this part of the
12 personal knowledge of the witness or is it based on evidence he
13 got from other individuals? It's not clear from the wording of
14 the answer that -- whether the witness knows that himself or
11:56:27 15 deduces that from other situations or persons.

16 PRESIDING JUDGE: We agree with that objection by
17 Mr Knoops, Ms Pack.

18 MS PACK: I'll ask the witness what he means.

19 Q. Witness, I asked you what you meant by "channel," and
11:57:04 20 you've given an answer. Do you know yourself, from your own
21 experience, what these channels were, or is that something you
22 learned, heard from others?

23 A. Yesterday I spoke about channel. Today, again I'm
24 repeating on channel. This is something I myself know, as long
11:57:31 25 as there's a number. The type of radio set that is there which
26 the troop was using, it has a tuning. If they brought this
27 number, 0222, this is Kailahun, he will tune it, 0222. Then the
28 radio man would call, and they say Dark Angel or Black Jah, Log.

29 MS PACK: I'm just going to break that down, Your Honours,

1 if I may. There are a few things the witness has said.

2 Q. You've used the call signs that you've mentioned before,
3 Black Jah, Dark Angel, and Log. Just remind us, Black Jah was
4 whose call sign?

11:58:19 5 A. Black Jah was Gullit's call sign.

6 Q. Dark Angel was whose call sign?

7 A. Dark Angel was Ibrahim Bazzy Kamara.

8 Q. Log was whose call sign?

9 A. Log was just an example I gave as I was talking. I just
11:58:42 10 give an example.

11 Q. Now, is it a --

12 JUDGE SEBUTINDE: Counsel, how do you spell Black Jah?

13 MS PACK: Black, as in the colour, B-L-A-C-K; Jah as in
14 J-A-H. And Dark Angel, another one referred to earlier: Dark,
11:59:07 15 D-A-R-K; Angel, A-N-G-E-L.

16 Q. Now, you've also described how these communications worked.
17 Is this something you know from having seen this occur or is that
18 something that others told you?

19 A. This, I myself saw and I know it.

11:59:32 20 Q. Did you ever use a radio set yourself?

21 A. Well, even later I was using radio sets.

22 Q. By later, just give a location as to where you were and
23 we'll come back to that later, when you used radio sets.

24 A. Westside.

12:00:06 25 MS PACK: That's "West" as in the direction; side, s-i-d-e.
26 We'll be coming back to that later, Your Honours, so I shan't go
27 into that now.

28 MR KNOOPS: Your Honour, I think the objection still lies
29 before the Chamber as to the way the witness knows how the

1 channelling went. That's a different story as opposed to the
2 call signs. He explained quite a rather detailed procedure on
3 the channelling of the radio set, and the objection is how the
4 witness knows that. It's not relating to the call signs. We are
12:00:43 5 aware that the witness answered already earlier questions about
6 the call signs and how they were used. But this is a different
7 form of radio technique he describes.

8 PRESIDING JUDGE: Ms Pack.

9 MS PACK: I'll ask the question again.

12:01:08 10 Q. Witness, perhaps you've explained this already or tried to.
11 The channel that you referred to earlier, how do you know about
12 numbers which were channels and what a channel was?

13 PRESIDING JUDGE: You've actually got two questions in
14 there, Ms Pack. We'll take them one at a time, please.

12:01:35 15 MS PACK: Thank you, Your Honour.

16 Q. Witness, how do you know about numbers that were channels?

17 A. Well, in the radio set, you have the communication man who
18 is always responsible for monitoring. This man monitors and gets
19 the numbers. These numbers are just given, an example of the
12:02:00 20 various deployments, according to how they are.

21 Q. Pause. How do you know that this is what a radio
22 communication man did?

23 A. In fact, most times I usually go there to work with this
24 radio communication man. At times, he sent me to carry
12:02:25 25 information if anything happens to Operation Commander A because
26 I am a man who likes to learn something. And it was through that
27 I knew. I asked him; he tells me, and he explains to me.

28 JUDGE SEBUTINDE: Ms Pack, I think the Defence objection
29 was -- went to the foundation as to how this witness knew on this

1 particular occasion that Gullit and Mosquito were communicating
2 by tuning the channels. I think this witness needs to address
3 this particular occasion, and you need to lay the foundation with
4 regard to this particular occasion.

12:03:10 5 MS PACK: Thank you, Your Honour.

6 Q. Witness, on this particular occasion, how do you know that
7 Gullit used a channel to communicate with Mosquito?

8 A. Well, in my presence, when he and Operation Commander A
9 came, Gullit told the operator to channel Kailahun. And he
10 called the call sign that he wanted to speak to Mosquito, whilst
11 the operator channelled and called. And later, a response came
12 as Gullit and Mosquito started discussing.

13 Q. Pause.

14 MS PACK: I wasn't proposing to ask any more questions
12:04:12 15 about the channel, Your Honour. If that is satisfactory for my
16 learned friend, that's as far as I was going to go on that line
17 of questioning.

18 PRESIDING JUDGE: Mr Knoops.

19 MR KNOOPS: We believe there's still no foundation, but we
12:04:29 20 will address the matter in cross-examination, Your Honour. Thank
21 you.

22 MS PACK:

23 Q. Now, Witness, you've said that Gullit called on Mosquito.
24 Did he have, in fact, a communication with Mosquito?

12:04:51 25 A. Yes.

26 Q. Did you hear that communication?

27 A. Yes.

28 Q. What was said on that communication?

29 A. In fact, Gullit in the first place greeted the commander,

1 Mosquito, and he explained about why he was not communicating.
2 And he gave details about the various areas which the troop he
3 was leading had attacked, and he briefed Mosquito about the
4 presence -- the present development which he had in his area.

12:05:52 5 Q. Was anything else said on this communication by Gullit?

6 A. Well, this was just a briefing that he gave to Mosquito
7 because since the communication opened, he never talked to him.
8 This was the first time -- that was the first time he gave him
9 the first briefing why he was not communicating and what brought
10 about the calls.

12:06:20

11 Q. Did you hear a response to this communication from Gullit?

12 A. Yes.

13 Q. What was the response that you heard?

14 A. Mosquito said he was very happy and that the two sides,
12:06:39 15 both the RUF and the SLA, were brothers. And in fact, he,
16 Mosquito himself, even Johnny Paul was with him safely, and his
17 family, no problems, and that he would like the brother to
18 communicate with him so that the brother could inform him about
19 how things are developing because Johnny Paul wanted to know much
12:07:07 20 about the development of the troops which I heard.

21 Q. On this communication, did you hear anything else said?

22 A. No.

23 Q. Witness, after the Gbinti operation, did anything else
24 happen when you were based at Rosos?

12:07:45 25 A. Well, the only thing that happened was the surrounding
26 villages where patrol was taking place. That was the only thing
27 that happened, patrolling.

28 Q. I'm going to ask you, please, to identify, if you remember,
29 any of the surrounding villages, not the one you've written down

1 but any others, where patrols took place.

2 MR KNOOPS: Your Honour, I object. If it's the intention
3 of the Prosecution to enumerate a list of names or names of
4 villages, I object because that would be a form of leading the
12:08:33 5 witness. And it's not coming from his own direct knowledge, if
6 that's the intention. I understand from my learned colleague
7 that she wants to address the witness by presenting a list of
8 names.

9 MS PACK: I didn't do that. I asked a question in broad
12:08:51 10 terms, and I had finished the question and I was waiting for an
11 answer. If my learned friend is objecting to that question, so
12 be it. But I haven't asked anything else.

13 MR KNOOPS: But --

14 PRESIDING JUDGE: The record I have, Mr Knoops, is, "I ask
12:09:07 15 you to identify any surrounding village where the patrol took
16 place," and I haven't heard any answer. In fact, I haven't even
17 heard -- excuse me, I'm just looking at the previous question.
18 It led from the answer: "The only thing was patrolling of
19 villages."

12:09:32 20 [Trial Chamber confers]

21 JUDGE SEBUTINDE: Mr Knoops, is the gist of your objection,
22 is it that you think this witness cannot attest to what generally
23 happened in the patrols? Is that the gist of your objection?

24 MR KNOOPS: Your Honour, I was under the assumption that
12:09:53 25 the Prosecution was to present some names of villages and ask the
26 witness to remember them.

27 PRESIDING JUDGE: It would appear that is not what is
28 happening.

29 MR KNOOPS: Okay. In that event, I withdraw my objection.

1 PRESIDING JUDGE: Thank you, Mr Knoops.

2 The question I have on record is addressed to the witness
3 to identify any surrounding village where patrol took place.

4 MS PACK: Thank you, Your Honour.

12:10:22 5 Q. Witness, I'll repeat the question. Would you identify so
6 far as you remember any of the surrounding villages where patrols
7 took place?

8 A. I can only remember two villages where I myself went on
9 patrol around that Rosos area whilst I was there.

12:10:51 10 Q. Please identify the first.

11 A. One town was Rokulan.

12 Q. Would you be in a position to spell that?

13 A. Yes.

14 Q. Go on.

12:11:10 15 A. R-O-K-U-L-A-N.

16 Q. Who did you patrol that village with?

17 A. Well, it was I and some other men who were taken from the
18 brigade and organised patrol.

19 Q. Did anything happen on that patrol?

12:11:44 20 A. Well, it was a food-finding patrol. We only went to get
21 food from Rokulan village.

22 Q. You've identified that you only know of two villages where
23 patrols took place. There's a second village that you patrolled.
24 Can you remember its name?

12:12:20 25 A. Yes.

26 Q. What was its name?

27 A. Madina.

28 Q. Would you spell that, please, for the Chamber.

29 A. M-A-D-I-N-A.

1 Q. Who did you go with on this patrol?

2 A. This was with the task force commander. And it was an
3 organised patrol for food finding.

12:13:36 4 Q. Witness, you've spoken -- new topic, moving on from the
5 villages, still at Rosos. You spoke earlier about young women
6 who were captured at Karina and then were handed out to soldiers
7 in an area of jungle where you formed a temporal base after that?

8 MR KNOOPS: Your Honour, I have on record that the witness
9 also spoke about handing women to their husbands.

12:14:16 10 PRESIDING JUDGE: Yes.

11 MR KNOOPS: So I think the question should be clarified
12 whether we're speaking about that occasion or a different
13 occasion the witness earlier referred to.

14 MS PACK: Yes.

12:14:28 15 Q. There were women, Witness, who were handed over - 35 of
16 them - to soldiers and became their wives. Do you recall that
17 evidence?

18 A. Yes.

19 Q. At Rosos, did anything happen to these women that you
12:14:56 20 recall?

21 A. Just as I said, those that were sent back to their wives,
22 they became wives for their husbands, and it was only one -- it
23 was only a few of them that would go out for operations.

24 MS PACK: You've just used the word --

12:15:18 25 MS THOMPSON: [Microphone not activated]

26 PRESIDING JUDGE: Ms Thompson, I can't hear you very well.
27 Could you please start again.

28 MS THOMPSON: Sorry. Your Honour, my learned friend hasn't
29 established whether we're talking about the same bunch of women

1 from Karina who were given to soldiers, and the witness is now
2 talking about women sent back to their husbands. We don't know
3 whether we're talking about the same bunch of women or whether
4 there were another set of women. That's my objection, if she
12:15:51 5 could just make that clear.

6 MS PACK: Yes, I was just about to clarify that.

7 MR FOFANAH: In addition to that, Your Honours, I also want
8 to point out that foundation has not been laid. Clearly counsel
9 has not indicated through the witness as to whether these women,
12:16:09 10 in fact, arrived at Rosos, all 35 of them. There was no
11 foundation. Thank you.

12 MR KNOOPS: And thirdly, Your Honour, I believe that
13 there's no foundation for the conclusion that these women were
14 sent on operations, in these broad words.

12:16:24 15 MS PACK: I didn't say they were. I never asked they were
16 sent on operations, and I don't think the witness said they were.

17 I'll ask the witness to clarify, if I may, Your Honours,
18 who he's talking about.

19 Q. Now, Witness, you just said that some women went back to
12:16:45 20 their husbands. I just want to clarify that. You've spoken
21 about young women who were trained at Rosos. Are you able to say
22 how many young women were trained at Rosos?

23 A. Well, the women that were trained at Rosos were about 15.
24 They were trained, 15 women.

12:17:07 25 Q. Do you know where these women, these 15, came from?

26 A. Yes.

27 Q. Where did they come from?

28 A. Well, some of them came from Karina where we captured them,
29 and the others were from Kono.

1 Q. How do you know this?

2 A. Well, those that came from Kono, I knew them because they
3 were there with us in the troop. And the new ones that the troop
4 captured in Karina, I knew them because -- since I was one of the
12:17:51 5 training instructors.

6 Q. The 35 women who were captured in Karina and were then
7 handed out to soldiers after Karina --

8 PRESIDING JUDGE: Ms Pack, are you saying there was 35 from
9 Karina?

12:18:11 10 MS PACK: Yes, but --

11 PRESIDING JUDGE: I thought it was 15.

12 MS PACK: What the witness has said, 15 women were trained
13 at Rosos. Some of those were from Karina and others were from
14 Kono.

12:18:24 15 PRESIDING JUDGE: Thank you for clarifying.

16 MS PACK: That's what the witness has said. And I was just
17 then going to ask him about the 35 in particular.

18 Q. The 35 in particular that were captured in Karina and
19 handed out to soldiers after that, did they remain the 35 at the
12:18:38 20 temporal base, or did they move on with you after that?

21 A. All the commanders to whom they were distributed continued
22 to be with them until the troop entered Freetown.

23 Q. So were they with you, these 35 women, at Rosos?

24 A. Yes.

12:19:02 25 Q. Was there anyone in Rosos who had responsibility for the
26 women who were there?

27 MR KNOOPS: Your Honour, I object against this question.
28 It's not within the witness's competence to use the term
29 "responsibility" without any proper foundation.

1 PRESIDING JUDGE: Yes. I think we have been through this
2 responsibility wording before, Ms Pack.

3 MS PACK:

4 Q. Did you see anyone deal with these women in Rosos? I'm
12:19:49 5 asking you what you saw.

6 A. As I said earlier, these women, Five-Five was in total
7 control of them.

8 Q. Pause. How do you know that Five-Five was in total control
9 of them?

12:20:08 10 A. After the Karina operation, Five-Five called the commanders
11 and that everyone should sign for these women.

12 Q. Pause. How do you know that Five-Five was in total control
13 of these women at Rosos?

14 A. Well, in my presence, anyone that had a problem with her
12:20:38 15 husband or the husband a problem with the wife, he goes direct to
16 Five-Five to report. From there, Five-Five would send to call
17 the woman to call the mammy queen because we had a mammy queen in
18 the camp.

19 Q. Pause. Explain what you mean by "mammy queen"?

12:20:59 20 A. Well, in the jungle, this mammy queen, she deals with the
21 affairs of women in case a women becomes pregnant, wants to give
22 birth, or if a woman has any bad sick like stomach ache and other
23 things, this woman had vast knowledge on these women affairs.
24 And so she was appointed as mammy queen. She takes care of those
12:21:28 25 women in the camp.

26 Q. Pause. I'm not asking you about the jungle generally. But
27 in particular, was there a mammy queen in particular with your
28 troop?

29 A. Yes. This was appointed by Gullit.

1 Q. You were describing about what it was that happened when
2 anyone had a problem with their husband or whether one of the
3 women -- the husbands had a problem with his wife. Go on,
4 please.

12:22:12 5 A. If the husband had a problem with the wife, she [as
6 interpreted] would report to Five-Five. Five-Five in return
7 would call the wife and say, "This is the complaint I heard from
8 this man concerning you." If the woman is found guilty, the
9 mammy queen had a box for indisciplined women. In this box, if
12:22:47 10 you, the woman, is not beaten, you go inside this box and they
11 lock you there for some time.

12 Q. Pause. Just a couple of points I want to clarify with you.
13 Firstly, how do you know about this, that Five-Five would call a
14 wife, tell her the complaint; and if she was found guilty, there
12:23:12 15 was a box that was used? How do you know this?

16 A. In fact, when I was in the brigade, I saw it with my own
17 eyes. I am a man who walks about the brigade. I observed a lot
18 of things. I also saw it myself.

19 Q. Now, you've spoken about a box for indisciplined women.
12:23:36 20 Describe the box.

21 A. This box, the people who were in that village went upline,
22 they would put some rice when they harvested the rice from the
23 farm. It is a big box. It has a cover. It can contain about
24 20 bags because it is big. So if you -- if you do any
12:24:06 25 indiscipline, they will put you in that box and lock you there.
26 That is if they are not ordered to beat you. But at times,
27 beating is part of the discipline.

28 Q. What --

29 MS THOMPSON: Your Honour, before my learned friend goes,

1 may I ask that the witness repeats the answer and that we have an
2 English translation for the record for the word "upline."

3 PRESIDING JUDGE: Can we have that interpreted, please.

4 THE INTERPRETER: Upcountry.

12:24:46 5 MS PACK: Upcountry, Your Honour.

6 Q. What sort of -- do you know what sort of things an
7 indisciplined woman would be disciplined for?

8 A. Yes.

9 Q. How do you know that?

12:25:20 10 A. Well, just as I say, when there is a problem and you took
11 your wife to Five-Five, Five-Five would tell you clearly that if
12 you misbehave on your husband, they had an action to take. If
13 you are suspected --

14 Q. Pause. I'm asking you how you knew what was the sort of
12:25:51 15 thing that women would be disciplined for. How did you know
16 this?

17 A. This is a discipline order which was clearly spelled out,
18 and in fact the mammy queen had it in its place -- in our place
19 that for various indiscipline which women normally do, which if
12:26:17 20 it falls short, action would be taken.

21 Q. Now, Witness, what were the examples of the things --

22 MS THOMPSON: Your Honour, the question wasn't answered.
23 The witness hasn't said how he knew how he followed the process
24 from complaint to punishment. We don't know that. What he has
12:26:36 25 given is a generalisation of what happens in a camp where - I
26 don't know - mammy queen and something, a complaint is made. He
27 hasn't said or given an example of what happened when a complaint
28 was made and he's followed it to punishment. He has given an
29 answer as an observer, an independent observer or an expert on

1 these sort of things.

2 MS PACK: He's not giving an answer as an expert,

3 Your Honour. And I asked him how he knew what sort of things

4 women were disciplined for, and he said, and I don't want to

12:27:13 5 paraphrase, but something about a discipline order being clearly

6 spelled out, and that the mammy queen had it in her place. I was

7 just asking him examples of the things that women were

8 disciplined for. I'm not asking him about anything else other

9 than that.

12:27:33 10 PRESIDING JUDGE: But that answer must come from his own

11 knowledge.

12 MS PACK: Yes.

13 PRESIDING JUDGE: He has said that he went around, he was a

14 man who saw things. But he has given a more general answer, and

12:27:50 15 we need something from his own knowledge, observation, or

16 hearing.

17 MS PACK: Yes, Your Honour.

18 JUDGE SEBUTINDE: In addition, Ms Pack, I think the

19 objection related to the evidence that the mammy queen had this

12:28:01 20 disciplinary order in her. You have not laid the foundation for

21 this witness's knowledge of that fact.

22 MS PACK:

23 Q. Witness, you've talked about a discipline order that the

24 mammy queen had in her place. How do you know that the mammy

12:28:17 25 queen had a discipline order in her place?

26 A. This disciplinary order, myself, the operations commander

27 had met Five-Five with the other supervisors, the military

28 supervisors, wherein Five-Five made this disciplinary order and

29 then signed it and sent it to the mammy queen. He had one. The

1 mammy queen had one. And they made a copy for the brigade
2 commander, a copy to the brigade commander. And they sent other
3 copies to the various companies.

4 Q. Did you ever read --

12:29:08 5 MR KNOOPS: Before we can move on, I think there's no
6 foundation that there was a possibility to make copies there in
7 the jungle. So I would like to hear foundation for the fact that
8 copies were made of that alleged order.

9 MS PACK: It's not foundation, Your Honour. I can simply
12:29:25 10 ask the witness just to expand on how it was the copies were
11 made. I'm sure there probably wasn't a photocopier in this
12 location.

13 Q. Witness, would you explain, please, what do you mean by
14 "copies"? How were copies made of this order?

12:29:47 15 A. This, as I said, myself and the operation commander went,
16 who wrote it in pen, in ink. Five-Five, he wrote these
17 discipline orders.

18 Q. Who wrote the copies?

19 A. Five-Five. Five-Five himself.

12:30:08 20 Q. Did you read any copies of the order?

21 A. He read it. He read it in my presence. And as I said, my
22 commander, he gave one to my commander, and I read it for him.
23 And he had a clear understanding of the disciplinary action
24 against women.

12:30:29 25 Q. Now, please, tell us what the disciplinary order said so
26 far as you remember.

27 A. As far as I could remember, one of the disciplinary orders
28 which Five-Five put in place was that a woman that misbehaves, if
29 they discover that a woman misbehaves to her husband, that woman

1 will be disciplined. And she is investigated. And if it is
2 found out that she really misbehaved, then --

3 Q. Did the order really use the word "misbehave"?

4 A. Yes, for misbehaviour.

12:31:19 5 Q. Do you remember anything else that this order said?

6 A. The most important one which they talk about is if a woman
7 are caught with somebody's husband, in that case, you'd be beaten
8 and you be locked up in the box.

9 Q. Did you ever see anyone locked up in the box?

12:32:04 10 A. Yes.

11 Q. Man or woman?

12 A. A woman.

13 Q. How many -- did you see more than one woman locked up in
14 the box?

12:32:19 15 A. Well, I could refer to the one that I saw with my own eyes
16 that happened.

17 Q. Tell us about the one specific occasion that you saw?

18 A. This was one time when one commander called Junior --

19 Q. Which Junior? Is this a Junior that you've talked about
12:32:35 20 before?

21 A. No, no, no. He was a staff sergeant, but he was a support
22 firer.

23 Q. So he's another Junior?

24 A. Yes.

12:32:51 25 Q. Does he have a real name that you know?

26 A. We called him General Bagehgeh.

27 Q. Can you spell Bagehgeh for us, please.

28 A. B-a-g-e-h-g-e-h.

29 Q. Is that a real name or is it an alias, Bagehgeh?

1 A. It's an alias name because -- since he was a support firer.

2 Q. Explain. Does Bagehgeh mean something?

3 A. Yes. HNG [as interpreted] weapon.

4 Q. In which language?

12:33:44 5 A. Well, this is a jungle language which the RUF had as a
6 support weapon.

7 Q. Okay. Witness, go on to explain briefly this specific
8 occasion that you recall.

9 A. In my presence, Junior made a report to Five-Five
12:34:07 10 concerning his wife, the wife he had, that he suspected her of
11 one of the commanders [as interpreted]. And he was not pleased
12 that before something happened, that was why he came to report to
13 Five-Five.

14 Q. How do you know he made a report to Five-Five?

12:34:31 15 A. He did it in my presence. I went to Five-Five when this
16 man come to make the report.

17 Q. Go on. Just explain briefly what happened.

18 A. And later, Five-Five called the woman and investigated and
19 found out that the woman was guilty. So she was sent to the
12:34:51 20 mammy queen, and she was given five dozen lashes, and then she
21 was locked up in the box.

22 Q. How do you know all this, that she was then sent to the
23 mammy queen, received five dozen lashes, and then was sent into
24 the box?

12:35:11 25 A. In fact, I was one of the people that escorted her because
26 I was there when Five-Five asked me to take that woman to the
27 mammy queen. And the order he gave, that was what I gave to
28 the -- to the mammy queen. The order he gave was what I told the
29 mammy queen, that she should be given 12 lashes and then she

1 should be sent to the box.

2 Q. I just want to clarify that. I misheard you the first time
3 around. Was she given 12 lashes or was she given more than 12?

4 A. Twelve lashes.

12:35:49 5 Q. Thank you. Now, Witness, I'm going to ask you, when did
6 you move on from Rosos?

7 MR KNOOPS: Your Honour, I object. If it's the intention
8 of the Prosecution to leave this subject, I object because the
9 first answer of the witness on this topic was that Five-Five was
12:36:08 10 in total control of the women at Rosos, and there's still no
11 foundation laid for that accusation. It cannot merely, in my
12 humble submission, be deducted from the evidence the witness just
13 gave and merely on the alleged witnessing of one incident. Yet,
14 the evidence of this witness is that Five-Five was in total
12:36:38 15 control of these 35 women at Rosos. Thank you.

16 MS PACK: It's not 35 women at Rosos. It was -- the
17 witness didn't give a specific number, in fact. There's 35 from
18 Karina, but there were others as well.

19 MR KNOOPS: Yes. I referred to the 35, I'm sorry, from
12:37:02 20 Karina.

21 MS PACK: Your Honour, the witness has given evidence about
22 Five-Five writing orders in relation to disciplining women. He
23 has given evidence about their distribution by Five-Five prior to
24 the arrival at Rosos. Now, if my learned friend wants to clarify
12:37:18 25 or wants to challenge the witness's statement that Five-Five was
26 in total control of the women at Rosos, he may do so because he
27 may cross-examine the witness as to that statement.

28 The witness has answered questions in clarification
29 following questions put by me. There is the evidence. That is

1 the state of it. I don't intend to pursue this line of
2 questioning any further. And if my learned friend wants to
3 challenge it, which of course he may do, he can in
4 cross-examination.

12:37:55 5 MR KNOOPS: Your Honour, we still lack any information on
6 questions which were put to this witness as to the number of
7 alleged disciplinary orders. He started by saying one. Later
8 on, he mentioned "orders." And the way these orders were copied,
9 were distributed.

12:38:19 10 So also in light of several questions which are still not
11 answered by this witness, I believe that it's justified to object
12 against the answer of this witness at the beginning of this part
13 of the examination-in-chief, that a person called Five-Five was
14 in total control of that group of women. Thank you.

12:38:45 15 MS PACK: Your Honour, my learned friend has raised an
16 additional point, and perhaps I can just respond to that. It
17 seems to me that my learned friend is suggesting that he should
18 tell the Prosecution what line of questioning to pursue. I don't
19 propose to continue questioning the witness on this issue. I
12:39:03 20 don't propose to continue to ask him further detail on the
21 disciplinary orders. This is not an inquisitorial process,
22 Your Honour, and that is the extent of the evidence which the
23 Prosecution proposes to lead on this issue.

24 Should my learned friend wish to lead further evidence,
12:39:19 25 then, of course, he might ask further evidence [sic] should he
26 wish to in cross-examination. But that is the limit of the
27 evidence on this issue which the Prosecution proposes to lead.

28 [Trial Chamber deliberates]

29 PRESIDING JUDGE: We dismiss this objection and uphold the

1 reply of the Prosecution. There is some evidence that Five-Five
2 was in control of at least one woman. Whether he had control
3 over others is a matter for cross-examination. The witness has
4 answered the questions. The answers are now on record. And it's
12:41:43 5 for the Defence to cross-examine that evidence on record.

6 Ms Pack, I note the time is almost up to the time that we
7 normally adjourn for lunch. You did indicate that you were
8 starting a new line of evidence. Is that correct?

9 MS PACK: That's absolutely correct, Your Honour, yes.

12:42:02 10 PRESIDING JUDGE: Perhaps this would be -- just pause.

11 [Trial Chamber confers]

12 PRESIDING JUDGE: We will adjourn now for the lunchtime
13 adjournment. Just before we rise -- I ask the court attendant to
14 rise, I again note the absence of the accused. And again, in the
12:42:27 15 absence of any submission or comment, we'll record that they are
16 absent voluntarily.

17 MS THOMPSON: Yes, Your Honour. That would be right.

18 PRESIDING JUDGE: Thank you, Ms Thompson.

19 Madam Court Attendant, please adjourn Court to a quarter
12:42:42 20 past 2.00.

21 [Luncheon recess taken at 12.43 p.m.]

22 [TB240505D-SGH]

23 [On resuming at 2.20 p.m.]

24 PRESIDING JUDGE: Yes, Ms Pack.

14:14:02 25 MS PACK: Thank you, Your Honour.

26 Q. Witness, when did you leave Rosos?

27 A. It was mid September 1998.

28 Q. Why did you leave?

29 A. Well, before we left Rosos, before I and the entire troop

1 I left Rosos, captain -- the C Company Commander, Captain Arthur ,
2 came with a report to the operation commander in my presence.
3 And he said that he suspected some movement of enemies around
4 Batkanu.

14:23:00 5 Q. When did you leave in relation to that?

6 A. Well, with regards that the forces that came and that area
7 started bombarding. That was artillery bombardment, that kind of
8 area after which we heard a jet raid. That was a serious jet
9 raid in which during that period the sets operator, Jalloh, died.

14:23:44 10 Q. Pause, you said Jalloh, J-A-L-L-O-H. Did you move after
11 the bombardment?

12 A. Well, we did not -- the troop did not leave at that moment
13 when the bombardment started. Gullit called on the operation
14 commander as he said so that he could send somebody to search for
15 a comfortable area.

14:24:23 16 Q. Pause. How do you know that Gullit called on the
17 operational commander?

18 A. Whilst I was in the place of the Operations Commander A,
19 one of the securities of Gullit came and told him that Gullit had
14:24:50 20 wanted to see him and I and Operation Commander A went to Gullit
21 and Gullit told him that he needed somebody that would go in
22 search of a suitable area wherein the camp could be located.

23 Q. Did anything then happen?

24 A. Yes.

14:25:15 25 Q. What happened?

26 A. Then the brigade major was called upon, Major Eddie, since
27 he came from Tonko Limba Chiefdom.

28 Q. Pause a moment. Your Honours have heard that before, the
29 Tonko Limba Chiefdom that it is T-O-N-K-O L-I-M-B-A. Go on,

1 Witness.

2 A. After which Gullit told him, told the brigade major, that
3 he should take some men, that was in my presence, that Operation
4 Commander A, that Operation Commander A shall take some men and
14:26:13 5 go in search of a suitable area wherein the camp could be
6 relocated.

7 Q. What then happened?

8 A. After this Major Eddie took some men and went to a location
9 whilst I, the operation commander and the brigade commander, the
14:26:51 10 company commanders, the military supervisors, with the remaining
11 soldiers still occupied Rosos and the other villages.

12 Q. We have heard evidence about this earlier from you; did
13 Major Eddie find a location?

14 A. Yes.

14:27:16 15 Q. Remind us, you have told us before, but remind us please?

16 A. This place it is located between the Tonko Limba Chiefdom
17 and the Sanda Magbolontor Chiefdom.

18 MS PACK: Your Honours, I spelt Sanda Magbolontor earlier
19 as well. It was S-A-N-D-A M-A-G-B-O-L-O-N-T-O-R. Sanda

14:27:41 20 Magbolontor.

21 Q. Did you then move to this location?

22 A. Later Colonel -- Major Eddie sent some security to remind
23 Operation Commander A that he had discovered a suitable place and
24 that he was waiting for the arrival of the brigade. After which
14:28:13 25 Operation Commander A moved to Gullit and informed him. After
26 Operation Commander A had informed Gullit, Gullit gave the go
27 ahead so that the brigade could move from Rosos.

28 Q. Pause.

29 A. And --

1 Q. Did you then move from Rosos?

2 A. The troops left, I, Operation Commander A and the D Company
3 Commander and the same company commander left Rosos to ensure
4 that all the troops moved towards the location that was founded
14:29:01 5 by Major Eddie.

6 Q. Did the whole troop subsequently move to this location?

7 A. Yes.

8 Q. When did you arrive there, please; the whole troop? The
9 date you arrived. Do you remember the month?

14:29:32 10 A. It was September. September.

11 Q. And the year?

12 A. 1998.

13 Q. Witness, I am going to ask you to look at a map. Your
14 Honours, I would ask permission to have a map passed up to the
14:29:53 15 witness. It is not the Kono map, it is the map, a new map, of
16 Bombali District.

17 PRESIDING JUDGE: Yes, please do.

18 MS PACK: I have copies for Your Honour. In fact Your
19 Honours have them. And also my learned friends have copies.

14:30:07 20 Again, Your Honours, it is a UNAMSIL Geographic Information
21 Section map of Bombali District.

22 Q. Witness, I would ask you just to take a moment to
23 familiarise yourself with this map of Bombali District and
24 then I am going to ask you to mark some locations on that map.

14:30:50 25 In fact, could I ask again for the assistance of the Court
26 Attendant just so that I could have a highlighter passed to
27 the witness.

28 MR KNOOPS: Your Honour, prior to -- sorry, prior to questioning
29 the witness on several locations, I think we should observe that there

1 is no foundation yet laid for the conclusion that the whole troop moved
2 from Rosos. It is merely stated by the witness, but we still do not
3 have any facts which merit that conclusion.

4 PRESIDING JUDGE: I think that is a valid point.

14:31:39 5 MS PACK:

6 Q. Witness, when you got to this location that was identified
7 by Mayor Eddie, were there any battalion commanders, other
8 commanders, soldiers, that were not with you that had been with
9 you before in Rosos?

14:32:24 10 A. The entire brigade moved from Rosos from -- including from
11 the brigade and the others that were in the various villages.
12 The B Company moved, C Company moved and also the A company moved
13 to this location that was discovered by Major Eddie.

14 Q. What about D Company, you have not mentioned D Company?

14:32:50 15 A. D company, as I said, it was at the brigade at Rosos. When
16 I said -- when I talked about the brigade, the entire brigade
17 moving, then I talked about -- I am referring to D Company
18 inclusive. And, as I said, I and the operation commander who
19 stayed back to ensure that all the troops had moved that I and
14:33:21 20 the operation commander were the last people to leave Rosos to
21 ensure that all the troops had left Rosos to Major Eddie Town.

22 Q. Thank you. Witness, you have described a location as Major
23 Eddie Town, is that the location - you have given evidence about
24 this before - is that the location that Major Eddie found?

14:33:54 25 A. Yes. This was the name that was given to the place. Since
26 he discovered the area, so we -- the name -- the village was
27 named after him as Major Eddie Town.

28 Q. Witness, I am going to ask you now to identify some
29 locations on the map. Would you please start by encircling

1 Karina with the highlighter and marking it number one? Have you
2 done that, Witness?

3 A. Yes, My Lord.

14:35:09 4 Q. I would like you then, please, to encircle with the
5 highlighter Rosos and mark that with two. Better to circle with
6 the highlighter, Witness, just because it will be easier then for
7 their Honours and everyone else to see.

8 A. What should this be?

14:36:12 9 Q. If you can call that, please, number two. Thank you,
10 Witness. And finally, I would like you to encircle with the
11 highlighter the area within which you say Major Eddie Town was
12 located. Once you have done that, Witness, I would ask you to
13 mark that, please, with a number three.

14 MS PACK: Your Honour, those were the locations I was going
14:37:12 15 to ask the witness to mark. If that map could be tendered, I
16 would like to tender that map as an exhibit, please.

17 PRESIDING JUDGE: It will be necessary for counsel for the Defence
18 to see it before.

19 MR KNOOPS: Your Honour, we would be obliged if we could
14:37:35 20 have a look at it. Thank you.

21 MS PACK: Your Honour, if I could have a look as well. I
22 am grateful.

23 PRESIDING JUDGE: Yes, of course. Mr Court Attendant, it
24 first goes to Prosecution and then it goes to Defence.

14:37:41 25 MS PACK: Thank you, Your Honour.

26 PRESIDING JUDGE: Counsel, you have seen this document, the
27 map, Mr Knoops and Mr Fofanah and Ms Thompson?

28 MR KNOOPS: Yes, we have.

29 MS THOMPSON: Yes, we have Your Honour.

1 MR KNOOPS: Your Honour, if the Defence is able to address
2 the request to tender this map as evidence. We have at this
3 moment certain reservations with respect to tendering this
4 document with respect to especially the locations under three,
14:42:54 5 because in the absence of any foundation as to the identification
6 of this circle which amounts to a diameter of 50 kilometres,
7 which was a quick reckoning of myself. You will see at the lower
8 of the map you see the overview of the scale and how the quick
9 estimation warrants that the location or the area within which
14:43:22 10 apparently the witness situates Eddie Town is tantamount to an
11 area of at least 15 square kilometres. So in the absence of any
12 foundation as to how the witness came to this area, I don't think
13 this map could be tendered as evidence. At least not as far as
14 number three is concerned. So, in that respect, without any
14:44:03 15 particularisation as to whether Eddie Town should be situated
16 somewhere in that area or at the outskirts of that area, we have
17 no indication what the witness means with that circle. And
18 moreover, the foundation as to how he came to the situation of
19 that town within that circle. So we object to the admittance of
14:44:29 20 this document with respect to number three.

21 I think with number one and two it is clear that these
22 particular villages are on the map, but there is no indication of
23 any city which the witness refers to within that circle of 15
24 kilometres. Thank you.

14:44:55 25 JUDGE SEBUTINDE: Mr Knoops, is that 5-0 kilometres or 1-5
26 kilometres?

27 MR KNOOPS: One-five, Your Honour, 1-5. I estimated that
28 based on the scale which you find -- yes, it is the bottom of the
29 map, Your Honour.

1 PRESIDING JUDGE: It is exactly a finger.

2 MS PACK: Your Honour, may I make some submissions on my
3 learned friend's observations?

4 PRESIDING JUDGE: Yes.

14:45:40 5 MS PACK: Firstly, the evidence is what it is. The witness
6 has encircled an area in which he says this town was located.

7 Clearly the town is not going to be located outside the circle
8 which my learned friend appeared to be suggesting was a
9 possibility. To clarify and seek further clarification from the

14:46:01 10 witness, I could ask him whether there are any particular towns
11 he recalls that were near to the camp. But he has done his best,
12 Your Honour, and I cannot seek to change the circle that he has
13 drawn to encircle the area in which he says this camp was

14 located. But I can try and just ask a specific town name if that
14:46:20 15 would assist.

16 JUDGE LUSSICK: Yes, Ms Pack, you are assuming he has done
17 his best, you have not really asked him any of this yet. He
18 might have done just a very rough mark on the map simply to
19 indicate the general area. You have not asked him any of this.

14:46:39 20 So perhaps you could find out from him on what basis does he mark
21 a circle that is approximately 15 kilometres across.

22 MS PACK: Your Honour, may the witness be handed back the
23 original that he marked so that he can then answer questions on
24 what he has drawn.

14:46:57 25 PRESIDING JUDGE: I do recall his previous descriptions in
26 evidence of this particular location as well.

27 MS PACK:

28 Q. Now, Witness, earlier you gave evidence that Major Eddie
29 Town was located in Tonko Limba and in Sanda Magbolontor

1 Chiefdoms. The circle you have drawn, is that circle -- does
2 that pass over both those areas or not? This particular area
3 I have circled. If you watch at the map and here which is the
4 headquarters, it is very close to Colonel Major Eddie camp.

14:48:13 5 Pause and listen to my question, please. Does the circle you
6 have drawn cover the areas Tonko Limba and Sanda Magbolontor
7 chiefdoms?

8 A. Yes.

9 Q. Now, Major Eddie Town, is that located within the circle
14:48:33 10 that you have drawn?

11 A. Yes, it is within the circle. It is only the name that I
12 missed, but it is within the circle.

13 Q. Are you able to recall any of the towns that were nearer or
14 near to Colonel or Major Eddie Town?

14:48:55 15 A. Yes.

16 Q. Name those towns that were near to Major Eddie Town.

17 MR KNOOPS: The witness has the map in front of him. So I think
18 this is a not a fair question to ask the witness now while he has the
19 map in front of him to name any cities. This identification process
14:49:31 20 should have been conducted before the Prosecution examines the witness
21 on this issue.

22 MS PACK:

23 Q. Witness, without looking at the map, if I could ask for
24 it to be taken away, it may be that the answer is no.

14:49:44 25 MR FOFANAH: Further to that, Your Honours, may it please Your
26 Honours also to have judicial notice of the fact that the witness had
27 earlier indicated in a question asked by the Prosecutor that a town
28 called Kantia, which is clearly outside the circle, was very close to
29 Colonel Eddie Town. Kantia, he said that. Thank you.

1 MS PACK:

2 Q. Witness, are you able to recall any of the towns that were
3 near to Major Eddie Town - and if you are not able then please
4 say so?

14:50:30 5 A. I have few towns that I can recall which are not far from
6 Major Eddie Town.

7 Q. Is Kantia one of the towns?

8 A. Yes, Kantia. It is not too far from Colonel Eddie Town.

9 Q. Anywhere else?

14:50:56 10 A. Timbo.

11 Q. Can you spell that?

12 A. Yes. T-I-M-B-O.

13 Q. Anywhere else that you specifically recall as not being not
14 far or near to Major Eddie Town?

14:51:27 15 A. You also had Madina.

16 Q. Madina, would you spell that, please?

17 A. M-A-D-I-N-A.

18 Q. Witness, you have just referred to as Colonel Eddie Town.
19 Is that the same place as Major Eddie Town?

14:52:00 20 A. Yes, because later when Colonel -- Major Eddie was promoted
21 to colonel, later we started calling it colonel Eddie Town. But
22 when he was Major we called it Major Eddie Town.

23 Q. Are you able to identify any other location, town, village,
24 that was near to Major Eddie Town?

14:52:33 25 A. Kansansan.

26 Q. Would you spell that, please?

27 A. It's K-A-N-S-A-N-S-A-N.

28 Q. Any other location that are you able to identify that was
29 near to Colonel Eddie Town -- Major Eddie town. My apologies.

1 A. Gbenr.

2 Q. Can you spell that, please?

3 A. G-B-E-N-R.

4 Q. Are there any other towns you are able to identify?

14:53:45 5 A. These are the only towns I could remember. Those I could
6 remember that were closer to Colonel Eddie Town.

7 Q. Now of these towns you have mentioned, Kantia, Madina,
8 Timbo, Kansansan and Gbenr, are you able to say which one of
9 those towns was nearest to Major Eddie Town?

14:54:18 10 A. Gbenr is nearer to Major Eddie Town. And even Kantia, but
11 I did not place towards the circle. It is very close to Colonel
12 Eddie Town, Kantia, because it was a strategic town that I would
13 always remember.

14 Q. When you drew the circle on the map, what were you
14:54:52 15 encircling?

16 A. I was encircling the villages that were around Colonel
17 Eddie Town. Those villages that I know.

18 Q. Do you know where in the circle or outside the circle
19 Colonel or Major Eddie Town is situated?

14:55:37 20 A. In the circle Colonel Eddie Town should be in the centre of
21 that circle.

22 Q. Those were all the questions I had to ask about further
23 questions on the map. Your Honours, the witness has had the map
24 closed but in front of him. If I could tender that map, please,
14:56:14 25 as an exhibit.

26 MR KNOOPS: I sustain my objection, Your Honour, based on the
27 following grounds, additional grounds. I think tendering this document
28 at this stage of the proceedings, without any proper foundation or
29 authentication of this alleged city, is prejudicial to the accused, but

1 above that the process of identification by this witness, in no way is
2 consistent with his additional answers. For instance, he referred to
3 only two cities which you can find at the -- almost the border of the
4 circle. Namely, Timbo and I think it was Gbane [phon] . But he

14:57:14 5 mentioned two cities which are not in the circle, namely Madina. My
6 learned friend corrects me, he says even the spelling is wrong. But if
7 you look at the city Timbo, that is right at the border of the circle
8 drawn by the witness.

9 The other two cities he mentioned, namely Madina and
14:57:52 10 Kansansan, I just mention it phonetical, are not to be found in
11 the circle. He said, "I draw the circle around those villages I
12 know". This is clearly not consistent with his earlier
13 mentioning of certain other villages which are clearly not even
14 in the circle or outside and the only two cities he refers to are
14:58:20 15 as repeated, as mentioned before at the border of the circle.

16 Well there is no prior knowledge of the area established on part
17 of this witness. It was not established that this witness has
18 specific geographical knowledge of this area. It is not
19 established that he previously when he went into that area was in
14:58:46 20 the presence of a map which he now could use as a point of

21 reference in order to come to this conclusion that a place called
22 Eddie Town is situated within that circle. So, it is a purely
23 speculative circle which is drawn by this witness without any --
24 still without any foundation even after the Prosecution has given
14:59:16 25 extensive time and opportunity to examine the witness about this

26 alleged position of Eddie Town. So it is my position that the
27 exhibit as such can only be admitted into evidence without
28 reference to point three, that should be stricken from the
29 exhibit in the event the Prosecution wishes to tender that

1 document into evidence.

2 So in sum, my objection is still based on the lack of
3 foundation as to this exhibit. Lack of any authentication as to
4 the location of it. And thirdly, it also amounts to a form of
14:59:55 5 prejudice to the accused person because we can in no way with
6 cross-examination indicate or let alone prove that this witness
7 is purely speculating about the location of Eddie Town. The
8 points of reference given by this witness clearly contradict his
9 own testimony that Eddie Town is within the circle. Thank you.

15:00:38 10 MS PACK: Your Honour, my learned friend is using the words
11 "lack of foundation". I cannot see the point that my learned
12 friend is making here. This witness has been asked a question,
13 he has been asked to circle an area within which he thinks a
14 location is and he has done so. He has not done it purporting to
15:00:58 15 be an expert cartographer or geographer. He has not been to the
16 area with the map and identified the various villages and crossed
17 them off and so forth. He has just been asked to do what he can
18 do, which is to circle an area within which he says the camp was.
19 He can do this. It is not prejudicial to the accused. If my

15:01:17 20 learned friend wishes at some point to put alternative evidence
21 as to the location at which the accused and others were based in
22 this period, he can do so. But this is this witness's evidence
23 as to where he thinks this location was, looking at this map now
24 in court and he has provided a circular area of 15 kilometres,
15:01:41 25 which is not that huge a distance and he has identified some of
26 the towns which are near. So, Your Honours, there it is. That
27 is the evidence. There is no reason not to admit it and there is
28 no basis for objecting to it, in my submission, on a lack of
29 foundation or authentication. As I have said, this witness has

1 not been put forward as a cartographer or geographer who should
2 be able to pinpoint to the nearest degree where a specific
3 location is. He is doing what he can in evidence in court today.
4 Those are my submissions.

15:02:20 5 MR KNOOPS: Your Honour, my learned friend just pointed me
6 that the cities I referred to, namely Madina and Kansansan are
7 several kilometres outside the circle on the left of the circle.
8 The place Madina is written in red, yes. So it is way outside
9 the circle. So it is purely speculative.

15:02:48 10 JUDGE LUSSICK: I don't know if anybody noticed it or not,
11 but there are also two Timbos on the map.

12 MR FOFANAH: May I, with your leave, also indicate
13 something to the Court? With your leave? Yes, just to add to
14 what my learned colleague has indicated, the witness clearly said
15:03:11 15 in his testimony that the circle was of the villages that were
16 around Colonel Eddie Town. And my learned colleague has just
17 pointed out that Madina and Kansansan, as well as the strategic
18 town of Kantia, which, to use his own words, he could vividly
19 recall as being very strategic are clearly outside the circle.

15:03:35 20 And my learned friend has indicated that --

21 MS PACK: Just to correct my learned friend, he did not say
22 vividly recall as very strategic. He said because it was a
23 strategic town he always remembers.

24 MR FOFANAH: Well exactly. I mean, I was not really using
15:03:49 25 his words as exactly as that. I was just saying that he
26 remembers the town as a strategic --

27 PRESIDING JUDGE: Mr Fofanah, if you are going to quote a
28 witness, quote him properly.

29 MR FOFANAH: I am sorry about the gender. The witness, the

1 witness clearly stated - I am sorry about that, Your Honour. So
2 I was going to add a bit that the witness was very clear that the
3 villages which he mentioned were within the circle.

4 MS PACK: No, he wasn't, he did not say that, Your Honour.

15:04:14 5 MR FOFANAH: I stand guided by the records because that is
6 what -- I am sorry if I got it wrong.

7 JUDGE SEBUTINDE: Mr Fofanah, what I have jotted down in my
8 notes, with regard to your objection, the witness was asked to
9 name some villages that were near that he recalls being near
15:04:34 10 Eddie Town. Now, he was not asked to say whether they were
11 inside the circle or outside the circle. He was simply asked,
12 "Do you remember any specific names of villages that were near
13 Colonel Eddie Town?" To which he replied, "I recall some towns
14 not far from Eddie Town." And then he goes to name them. So his
15:04:58 15 naming them is not related to the fact whether these villages are
16 inside or outside in my understanding of this record.

17 MR FOFANAH: I would be most certainly be obliged --

18 JUDGE SEBUTINDE: But we are going to confer and rule on
19 this.

15:05:09 20 MR FOFANAH: Thank you very much, Your Honour.

21 JUDGE LUSSICK: There still is, I didn't point out where
22 the second Timbo was, but that is also close to the marked area.
23 So I presume he is referring to the Timbo that is actually inside
24 the circle or he may not be.

15:07:24 25 MS PACK: Your Honour, I am not sure if the witness is in
26 discomfort.

27 PRESIDING JUDGE: Mr Witness, are you feeling all right? I
28 notice you have been rubbing your head once or twice.

29 THE WITNESS: My head and my sides are giving me some

1 trouble. My head and my sides.

2 PRESIDING JUDGE: We will give a ruling.

3 THE WITNESS: When I was talking a while ago I was
4 shivering and I said that.

15:08:00 5 PRESIDING JUDGE: This ruling will be very short and then
6 we will deal with --

7 [Ruling]

8 PRESIDING JUDGE: This is unanimous view of the Bench. We
9 dismiss the objection and uphold the Prosecution's view. The
15:08:11 10 evidence can be tested in cross-examination. The witness has
11 marked where, in his view, the area was. At this point we find
12 the map document with relevant links admissible and we accept it
13 and it is marked Exhibit P17. I think, Mr Court Attendant, P17
14 is the next exhibit in the list.

15:08:26 15 [Exhibit No. P17 was admitted]

16 MR WALKER: That is correct, Your Honour.

17 PRESIDING JUDGE: We will take a break now for 15 minutes
18 to allow the witness to see if he feels any better and also I
19 think, Mr Court Attendant, it might be a good idea to bring back
15:09:01 20 that big wrap around that you have because he says he is cold.
21 Could you please adjourn court for 15 minutes.

22 [Break taken at 3.08 p.m.]

23 [TB240505E - EKD]

24 [Upon resuming at 3.55 p.m.]

15:57:31 25 PRESIDING JUDGE: Please proceed, Ms Pack.

26 MS PACK: Thank you, Your Honour.

27 Q. Witness, we were at Major Eddie Town when we broke off.
28 When you were there at Major Eddie Town did anything happen after
29 you arrived there?

1 A. Yes.

2 Q. What happened?

3 A. As the troops together with the brigade commander reached

4 Major Eddie Town, Gullit summoned all the other commanders

15:58:31 5 including the military supervisors; the company commanders and

6 his deputy, Bazzy; the chief of staff, Five-Five; and they moved

7 together with the operation commander.

8 Q. Pause. Who moved together with the operation commander?

9 A. I myself moved with the Operation Commander A.

15:59:11 10 Q. Where did you move to?

11 A. To a field which was located in the town where the entire

12 troops went.

13 Q. What happened when you got there?

14 A. As I and the operation commander reached there on that

15:59:46 15 particular day, Gullit said some villages should be occupied by

16 companies and that he is ordering the operation commander to

17 distribute the battalion commanders into these various villages,

18 so that they would create defensive positions around those

19 villages.

16:00:30 20 Q. Was that then done, do you know?

21 A. Yes.

22 Q. Did anything else happen when you were at Major Eddie Town?

23 A. Yes.

24 Q. What else happened?

16:00:56 25 A. After these companies had gone to the various villages, A

26 Company -- D Company was assigned to the road leading to Sanda

27 Magbolontor. A Company --

28 Q. Pause. You started with D Company?

29 A. Yes, D Company.

1 Q. Continue what you were saying in relation to D Company.

2 A. D Company was assigned to the road leading to Sanda
3 Magbolontor.

4 Q. Pause while I just spell that. Your Honours have heard
16:02:03 5 Sanda Magbolontor, but S-A-N-D-A M-A-G-B-O-L-O-N-T-O-R. How do
6 you know that D Company was assigned to that location?

7 A. Like I said, in my presence, when Gullit called the
8 operation commander to assign the various companies to the
9 various villages, D Company was assigned to the road leading
16:02:40 10 towards Sanda Magbolontor. This order that was given by Gullit
11 to the operation commander, when they order the company commander
12 to report to that village, to Sanda Magbolontor, it happened in
13 my presence.

14 Q. Go on.

16:02:59 15 A. C Company, the company commander was summoned and he was
16 assigned to the road leading to Kantia.

17 Q. Pause a moment. Just spell Kantia, will you, please,
18 witness.

19 A. Yes. K-A-N-T-I-A.

16:03:37 20 Q. Is that the Kantia which was located near to Major Eddie
21 Town?

22 A. Yes.

23 Q. Go on, witness.

24 A. Then A Company was assigned to the road leading towards
16:04:01 25 Madina.

26 Q. Could you spell Madina, please, witness? You already have
27 but spell it again.

28 A. M-A-D-I-N-A, Madina.

29 Q. Is that the Madina you spoke about earlier that was around

1 Major Eddie Town?

2 A. Yes.

3 Q. Go on witness; D, C, A Companies you have dealt with. What
4 about B Company?

16:04:42 5 A. B Company was assigned to the brigade.

6 Q. And therefore where was B Company located?

7 A. In the town, Colonel Eddie Town. This time it was not
8 located. You know that Camp Rosos had D Company. So in Colonel
9 Eddie Town we had B Company.

16:05:18 10 Q. Where were you located?

11 A. I was still with the Operation Commander A.

12 Q. Whereabouts?

13 A. At the headquarters.

14 Q. Was that in Colonel Eddie -- Major Eddie Town?

16:05:49 15 A. Yes.

16 Q. After these assignments to the various locations, witness,
17 did anything happen in Major Eddie Town --

18 A. Yes.

19 Q. -- that you recall? What happened?

16:06:08 20 A. Whilst I was with Operation Commander A Gullit sent one of
21 his security to summon Operation Commander A. I and Operation
22 Commander A reported to Gullit.

23 Q. What happened when you reported to Gullit?

24 A. Gullit said that the radio man had called him, informing
16:06:45 25 him that he had received a call.

26 Q. Go on.

27 A. So while I and Operation Commander A had gone to Gullit, he
28 sent for Bazzy and later the other military supervisors. I,
29 together with all of them, marched to the area where the set was.

1 Q. Pause. What happened when you got to the area where the
2 set was?

3 MR FOFANAH: May it please Your Honours. I will seek
4 clarification on the statement made by the witness to the effect
16:07:34 5 that whilst they were being summoned Gullit had sent to call
6 Bazzy. How did he come by that information?

7 MS PACK:

8 Q. When you were with Gullit with Operation Commander A, did
9 anyone else arrive where Gullit and you were?

16:08:03 10 A. I spelt it out clearly that Gullit sent for Bazzy and Bazzy
11 came and joined us, myself and the brigade commander, and the
12 other military supervisors arrived as well at Gullit's place.
13 And I, together with them, moved to where the set was.

14 Q. What happened when you arrived at where the set was?

16:08:39 15 A. When I and the brigade commander, the deputy brigade
16 commander, the deputy -- the military supervisors and Operation
17 Commander A arrived, the operator channeled and called on SAJ
18 Musa, informing him that Gullit had arrived.

19 Q. How do you know that the operator channeled and called on
16:09:07 20 SAJ Musa?

21 A. He used the channel number and called, "Eagle Four, Black
22 Jah," that, "Black Jah ready now waiting." After which --

23 Q. Pause a moment. Just remind us, Eagle stands for what?

24 A. This is the call sign for SAJ Musa.

16:09:46 25 Q. And Black Jah stands for what?

26 A. The call sign for Gullit.

27 Q. Did anything happen after the operator said this?

28 A. Yes, there was a response that Eagle was in readiness to
29 talk to Gullit.

1 Q. And so what happened then?

2 A. Well, SAJ informed Gullit that he was sending some SLAs
3 towards the location.

4 Q. Did he say anything else apart from that?

16:10:38 5 A. He said that he was sending a commander who is called
6 O-Five, who will be coming with some SLAs towards our point; that
7 is Colonel Eddie Town.

8 Q. Pause. I want you to repeat the name, please, of the
9 commander he said he was sending.

16:11:00 10 A. This commander was Major O-Five.

11 Q. Did Major O-Five have a full name that you're able to
12 recall?

13 A. This was his popular name that he was known for in the
14 army, O-Five.

16:11:29 15 Q. After SAJ communicated this to Gullit did anything happen?

16 A. In SAJ's statement he said the troop that he was sending to
17 reinforce the brigade, just like he had said.

18 Q. Go on.

19 A. He said this should become an SLA defensive. So he was
16:12:15 20 sending them ahead and as he was preparing to join the troops at
21 Camp Eddie Town --

22 Q. Go on.

23 A. After this had happened Gullit said, "Standing by, sir, to
24 receive the men."

16:12:43 25 Q. Did these men subsequently arrive?

26 A. Yes.

27 Q. What happened?

28 A. Before these men arrived there was a promotion at the camp.
29 Gullit promoted various commanders in the camp.

1 Q. Now, after these -- how do you know this?

2 A. This, as Gullit had summoned the military supervisors, he
3 also called on the company commanders, the aide-de-camps, and let
4 me say the brigade administration, he summoned all the other
16:13:54 5 immediate commanders who were at the brigade and made this
6 disclosure that promotions --

7 Q. How do you know this disclosure was made to these
8 individuals?

9 A. I, myself, moved together with Operation Commander A and we
16:14:17 10 were together. Just as he had received the information that the
11 commander who was leading the troops to come to Colonel Eddie
12 Town was a major, so Gullit said he saw it necessary to promote
13 the other commanders in their various companies. And as Gullit
14 was giving his address he said now he was changing these
16:14:57 15 companies to battalions as reinforcement was about to arrive.

16 Q. Pause. Which commanders of which companies were promoted?

17 A. D Company commander, Captain Junior George Johnson alias
18 Junior Lion, was promoted to the rank of major. A Company
19 commander, Captain Tito, was promoted to the rank of major.

16:16:01 20 Q. Next?

21 A. C Company commander, Captain Arthur, was promoted to the
22 rank of major.

23 Q. Next?

24 A. B Company commander, Captain Foday Bah Marah, was promoted
16:16:28 25 to the rank of major. Task Force commander, Captain Osman Sesay
26 alias Changabulanga, he promoted him to the rank of major.

27 Q. Anyone else promoted?

28 A. The aide-de-camp, Captain Charles, he promoted him to the
29 rank of major.

1 Q. Anyone else you recall?

2 A. He also promoted the deputy operation commander to the rank
3 of major.

4 Q. Remind us of the name of the deputy operation commander,
16:17:41 5 please.

6 A. Captain Junior Sheriff. And Major Eddie he promoted to the
7 rank of lieutenant colonel and appointed him as the camp
8 commandant.

9 Q. Pause. Go on.

16:18:21 10 A. Captain Saidu Kambolai alias Basky --

11 Q. Pause a moment, I'm going to spell that. That's S-A-I-D-U,
12 Saidu, Your Honour; Kambolai, K-A-M-B-O-L-A-I, alias Basky,
13 B-A-S-K-Y. That is a new name recently, witness. Tell us who
14 that was?

16:19:06 15 A. This name I haven't called before. Like I said, it was one
16 of those names that I didn't want to call, but unfortunately I
17 have called it.

18 Q. Witness, please don't go on.

19 A. Captain Saidu Kambolai --

16:19:35 20 Q. Was he promoted?

21 A. He was promoted to the rank of major and was appointed as
22 the brigade major.

23 PRESIDING JUDGE: What was his rank again; I didn't hear?

24 MS PACK: He was promoted to lieutenant colonel and
16:20:03 25 appointed as brigade major.

26 THE WITNESS: No, no.

27 MS PACK: No, I got it wrong.

28 Q. Witness, will you please repeat your answer?

29 A. Captain Basky was promoted to the rank of major and was

1 appointed as brigade major.

2 JUDGE SEBUTINDE: Sorry, what was Major Eddie promoted to
3 and appointed to?

4 THE WITNESS: Major Eddie was promoted to the rank of
16:20:39 5 lieutenant colonel and appointed as camp commandant. RSM
6 Fasuluku remained the brigade RSM.

7 MS PACK:

8 Q. Pause a moment. You spelt Fasuluku already, but just
9 re-spell it, please, for the Chamber.

16:21:23 10 A. F-A-S-U-L-U-K-U.

11 Q. Was there anyone else at this point who was either promoted
12 or appointed to any position so far as you recall?

13 A. As far as I can remember these were the people who were
14 promoted and who were announced by Gullit. And he renamed
16:22:34 15 A Company as the 1st Battalion; B Company, he renamed it as the
16 2nd Battalion; C Company he renamed as the 3rd Battalion; and
17 D Company he renamed as the 4th Battalion. And also, as I could
18 recall, the promotion that was given to Captain Ibrahim alias
19 Roadblock, he too was at the brigade from -- he was promoted from
16:23:15 20 a captain to a major. He was a stand-by major -- stand by
21 officer, sorry, at the brigade.

22 Q. Pause, please, witness. You have identified new names and
23 I want you to spell those. Firstly, Ibrahim, can you spell that
24 name if you can?

16:23:45 25 A. I-B-R-A-H-I-M, Ibrahim; Roadblock, R-O-A-D-B-L-O-C-K,
26 Roadblock.

27 Q. Roadblock was the alias, was it, for Ibrahim?

28 A. Yes, My Lord.

29 Q. And remind us the rank of Ibrahim, please?

1 A. Ibrahim was the captain and he was promoted to the rank of
2 major.

3 Q. And you say he was appointed to a position; just remind us
4 what that was, please.

16:24:45 5 A. He was not appointed but he was a stand-by officer at the
6 brigade. A stand-by officer; in case there is any problem at any
7 of the battalions he would replace the commanders at those
8 battalions.

9 Q. And how do you know about this -- about Ibrahim known as
16:25:17 10 Roadblock; how do you know about him being a stand-by officer?

11 A. This was the disclosure which was made by Gullit to the
12 following people whom I have already called.

13 Q. Witness, after this all happened, did O-Five arrive at
14 Major Eddie Town; Colonel Eddie Town I'll call it from now on?

16:26:17 15 A. Yes.

16 Q. What happened?

17 A. During that discussion between SAJ and Gullit --

18 Q. This was the prior radio communication that you've talked
19 about; is that correct?

16:26:40 20 A. Yes.

21 Q. Go on.

22 A. Gullit told SAJ that a location which he has decided upon
23 should become the meeting point should be Gbendembu.

24 Q. Pause, please. Witness, you gave a spelling earlier for
16:27:07 25 this location. Repeat it, please, as best you can.

26 A. G-B-E-N-G-B-E-M-B-E-B-U [sic].

27 MS PACK: Just for Your Honours' information, this location
28 is spelt in three different ways at paragraph 48 of the
29 indictment. I am not going to go through this. I could read out

1 the spellings now; in fact, perhaps that would assist. It is
2 spelt in these three ways: Gbendembu, G-B-E-N-D-E-M-B-U. It is
3 also spelt --

16:28:12 4 MS THOMPSON: Your Honour, I object to this. My objection
5 is on the basis that we don't know which Gbendembu this man is
6 talking about. This is a word that is found in various areas of
7 this country, different spellings, which my learned friend has
8 not established where exactly this witness is talking about. She
9 is now spelling something from the indictment which may be a
16:28:31 10 location which this witness is not talking about. Unless she
11 establishes what the witness is talking about is the location and
12 the indictment is reflected, then she cannot now use the
13 spellings in the indictment to further bolster what the witness
14 has just said.

16:28:47 15 MR FOFANAH: Further to that, Your Honour --

16 PRESIDING JUDGE: Just --

17 MS PACK: I'm not seeking to bolster anything. I'm simply
18 seeking to assist the Court.

19 PRESIDING JUDGE: [Microphone not activated]

16:28:59 20 MS PACK: I do apologise, Your Honour.

21 PRESIDING JUDGE: Ms Thompson, when you say there are
22 different locations, are they all within the same immediate area
23 or are they quite different locations?

24 MS THOMPSON: No, but, if my memory serves me right,
16:29:09 25 throughout Sierra Leone I am sure there is a Gbendembu in
26 different locations. I know there is one in Freetown based on --
27 one in the north and certainly one in the south. We don't know
28 which one this witness is talking about, we don't know near which
29 location this witness is talking about, which district - Kono,

1 Sierra Leone - we don't know that. We don't know the area he is
2 talking about is the one that is reflected in the indictment.

3 MR FOFANAH: Further to that, Your Honours, I am objecting
4 on the grounds that counsel seems to be giving evidence before
16:29:38 5 the Court when the witness has clearly spelt the Gbendembu that
6 he was referring to. Any attempt to link up that Gbendembu with
7 the indictment by counsel would be an attempt to be giving
8 evidence. The witness was very categorical about the Gbendembu;
9 he spelt it out clearly and he had no confusion in his mind about
16:30:00 10 what he meant when he mentioned Gbendembu. Thank you.

11 MS PACK: It is not important. I won't ask the question,
12 Your Honour, and I won't make the point or make the spelling.

13 Q. The location identified by SAJ Musa, having been identified
14 by SAJ Musa what then happened?

16:30:27 15 A. It was Gullit who identified the area and he gave it a
16 password which should be given to the commander. A password
17 which should be clearly -- which should be "check back clear,"
18 which the troops were to use.

19 Q. Repeat the password, please.

16:31:00 20 A. "Check back clear."

21 Q. No, please repeat it again.

22 A. "Check back" and a response should be "back clear."

23 Q. Thank you. Now, what happened after this was said?

24 A. After this had happened and Gullit had assigned and had
16:31:37 25 promoted and had changed the various -- the names of the various
26 companies to battalions and sent them to the various villages,
27 Gullit called on the operation commander --

28 Q. Pause. How do you know he did that?

29 A. Whilst I was with the operation commander he sent all of

1 his securities to call the Operation Commander A.

2 Q. Go on, what happened?

3 A. As I and Operation Commander A reported to Gullit, Gullit
4 told Operation Commander A that he should choose men who would go
16:32:29 5 ahead of O-Five as they had left Koinadugu to come to our
6 location.

7 [TB240505F 4.30 p.m. - SV]

8 Q. Was that subsequently done?

9 A. Yes.

16:32:13 10 Q. Did men subsequently leave to meet O-Five?

11 A. As Operation Commander A had sent for some soldiers from
12 the various battalions and they had appointed the deputy
13 operation commander who was Major Junior Sheriff to lead the
14 operation. Whilst the soldiers reported at the brigade, Gullit
16:32:58 15 addressed as I and operation commander moved with him, together
16 with the military supervisors, and addressed the particular team
17 which was to depart to meet O-Five.

18 Q. What did he say?

19 A. Gullit told them that now there is a task ahead wherein the
16:33:28 20 location which was about to be used, they should remember that
21 there are enemies within that area and that they should be very
22 careful and they should ensure that to locate the position of
23 O-Five. He further told them that this was the password that he
24 had given for O-Five; "check back", "back clear".

16:33:57 25 Q. Did men subsequently --

26 MR KNOOPS: Your Honour, I'm sorry. I object against
27 further questions. I recall that the witness started by saying
28 that the battalions or the companies at that time were assigned
29 and distributed around the certain area. This witness is now

1 testifying about arriving soldiers from the various battalions.
2 Without any further foundation I don't believe this witness is in
3 a position to testify about soldiers who are apparently
4 distributed in a certain area. So this clearly amounts to
16:34:45 5 conclusions, opinions. And also his answer is, to a certain
6 extent, a narrative to certain events which were not asked by
7 him.

8 But my primary objection is that the evidence given by this
9 witness clearly does not fit within his previous assessment in
16:35:08 10 statements that the battalions were distributed, except for B
11 Company which was assigned to the brigade and the other companies
12 were dispersed in a certain area he mentioned. I leave apart
13 that there is no direct road to Madina, according to this map.
14 That's not my point. My point is clearly that without any
16:35:35 15 further foundation this witness is not able to testify about
16 arriving soldiers from various battalions. He cannot simply be
17 on the spot of all these battalions at the same time.

18 MS PACK: The witness can of course be at one location
19 where lots of people come from other locations and he's given
16:35:59 20 evidence that men came from various battalions. It's not about
21 foundation, Your Honour. It's not about the witness giving
22 conclusion evidence. I don't really understand my learned
23 friend's objection. The witness has given unobjectionable,
24 admissible evidence in answer to a question that was not objected
16:36:55 25 to. I'm afraid I can't think of anything else to add to my
26 submission because I really don't understand what my learned
27 friend is objecting about.

28 [Trial Chamber confers]

29 PRESIDING JUDGE: We uphold the objection. It is clear

1 that the witness heard what Gullit said and he has said how he
2 heard the order, but he does not say how he knows it was
3 implemented. There is no evidence on implementation of the
4 order.

16:41:25 5 MS PACK: Thank you, Your Honour.

6 Q. Now, Witness, before you told the Chamber what Gullit said
7 to you and others about men coming from the battalions, do you
8 know what happened after Gullit had said these things before any
9 group set off to meet O-Five?

16:42:03 10 A. Yes.

11 Q. What happened?

12 A. After Gullit has said these things and he ordered the
13 operation commander, he called the men from the various
14 battalions. The battalion commanders themselves reported with
15 their men to the brigade. They reported themselves to the
16 brigade under the command of Gullit.

17 Q. How do you know the battalion commanders reported as you've
18 described?

19 A. This was a process that was usual and it happened before
16:42:58 20 me. After operation --

21 THE INTERPRETER: My Lords, could the witness move a little
22 bit slower so that it can be interpreted precisely.

23 PRESIDING JUDGE: Did you hear that, Mr Witness? Would you
24 speak a little more slowly, please.

16:43:20 25 MS PACK:

26 Q. Witness, I'm going to just ask you to repeat your last
27 answer and take it slowly?

28 A. The question?

29 Q. I was asking you how you knew the battalion commanders and

1 others had reported to Gullit as you had described. How did you
2 know that to be the case?

3 A. As I have stated, Gullit ordered the Operation Commander A
4 to call all the commanders to report with their men at the
16:44:16 5 brigade. And when these men arrived with their commanders - that
6 is the commanders and their men - the commanders at the various
7 battalions came to the brigade, they reported to the various
8 commanders.

9 Q. Pause. How do you know that they arrived at the brigade,
16:44:37 10 these individuals; the battalion commanders and their men?

11 A. They reported to Operation Commander A.

12 Q. Were you with him at the time?

13 A. Yes.

14 Q. Now, after these men had reported to Operational Commander
16:45:07 15 A what happened?

16 A. Operation Commander A took them to the field and he and
17 myself went and called Gullit and Gullit moved with the chief of
18 staff and the other military supervisors, we pass through Bazy
19 and collected him and we went to the field.

16:45:35 20 Q. How do you know that Gullit moved with his chief of staff,
21 the military supervisors and Bazy to this field?

22 A. As I said, I and Operation Commander A left the men in the
23 field and moved to the house of Gullit and Gullit -- Five-Five
24 was very close to him at the camp. He had other two military
16:46:02 25 supervisors that were very close to him. Bazy was ahead.

26 Gullit and the other supervisors moved to Bazy's residence.

27 Q. And then where did they go?

28 A. Collected Bazy.

29 Q. And then where did they go?

1 A. And moved to the field.

2 Q. At the field did anything happen?

3 A. Yes.

4 Q. What happened?

16:46:46 5 A. In fact, Gullit addressed all the men that came.

6 Q. And said what?

7 A. He said now, as he has said earlier, that SAJ has said
8 troops were coming from Koinadugu to Camp Eddie Town, now these
9 troops that he had chosen to go ahead, Major O-Five and the other

16:47:16 10 men --

11 Q. Did a group then set off to get O-Five and his men?

12 A. Yes.

13 Q. Who was in the group? Who were the commanders in that
14 group?

16:47:40 15 A. The deputy operation commander was the commander of the
16 group that left.

17 Q. How do you know?

18 A. In fact, Operation Commander A ordered that I should join
19 the deputy operation commander to go on this operation.

16:48:07 20 Q. Did you get to Gbendembu?

21 A. The first movement, I and the deputy operation commander
22 with the other troops that moved to collect O-Five was unable to
23 read Gbendembu.

24 Q. So what happened after that?

16:48:44 25 A. On our way, moving towards Gbendembu as we used the other
26 road, that is Gbonkobana, we met --

27 MS PACK: Gbonkobana has been spelt earlier, Your Honours,
28 but I'll repeat it. G-B-O-N-K-O-B-A-N-A.

29 Q. Go on, Witness?

1 A. As I and the deputy operation commander with the other
2 soldiers that moved towards Gbonkobana, we met an enemy position
3 wherein they attacked us.

16:49:37 4 Q. I'm not going to ask you the details, Witness. I'm going
5 to ask you what happened next. Did a group eventually get to
6 Gbendembu?

7 A. As we moved at Gbonkobana and cleared them we moved to
8 another village. But, indeed, I and the other soldiers were
9 unable to be in touch with O-Five. Later the deputy operation
16:50:05 10 commander advised that we should go back to the camp and --

11 Q. When you got back to -- did you go back to the camp as
12 advised?

13 A. Yes, yes.

14 Q. Now when you got back to the camp did you remain there?

16:50:26 15 A. No.

16 Q. Where did you go?

17 A. This time Gullit said he would give the set because this
18 was the set the brigade had. Gullit said he would give the set
19 so that we would have direct communication with O-Five.

16:50:46 20 Q. Pause. How do you know that Gullit said that he would give
21 a radio set so that you could have direct communication with
22 O-Five?

23 A. When I and the deputy operation commander with the other
24 soldiers there -- soldiers reported, I and the deputy operation
16:51:09 25 commander went to commander A and explained to him that the
26 reason why the operation was not successful was because the troop
27 had no set. Commander A took him to Gullit and explained.

28 Q. Pause. Did anyone then set off to Gbendembu again?

29 A. Yes.

1 Q. Who led that group?

2 A. This time it was the military police commander.

3 Q. Name?

4 A. Major -- Lieutenant Colonel King. I forgot to have

16:51:52 5 mentioned his name. He was one of the commanders that was
6 promoted by Gullit.

7 Q. Thank you, Witness. You've mentioned him before when he
8 was a Captain King, K-I-N-G. Was he one of those who was
9 promoted by Gullit --

16:52:10 10 A. Yes.

11 Q. -- at Major Eddie Town?

12 A. Yes, yes.

13 Q. Now you've said a group led by Lieutenant Colonel King set
14 off. Who was in that group?

16:52:27 15 A. This time you had the Gunboot. He was a lieutenant. I
16 myself went with him. And the C Company Commander, Major Arthur,
17 he himself went on this operation towards Gbendembu.

18 Q. Pause. Can you spell Gunboot?

19 A. G-U-N-B-O-O-T. Gunboot.

16:53:08 20 Q. And the rank was, remind us?

21 A. He was a lieutenant.

22 Q. Witness, were there men with you as well as King, Gunboot
23 and C Company commander?

24 A. Yes.

16:53:25 25 Q. Now, C Company Commander, do you mean a company or was this
26 by then a battalion commander?

27 MR FOFANAH: Your Honours, I would object to that. I think
28 counsel has categorically asked a question to which the answer
29 was given that he was the head of C Company. So to come further

1 to that question again would be like reopening it and I'm
2 objecting on that. There has to be finality.

3 MS PACK: I'm asking him to clarify. He said earlier that
4 the companies changed to battalions.

16:54:13 5 THE WITNESS: Yes, that's a mistake.

6 [Trial Chamber confers]

7 PRESIDING JUDGE: We consider that the Prosecution is
8 entitled to put questions to the witness to clarify this issue
9 and therefore those questions are allowed.

16:55:11 10 MS PACK: Thank you, Your Honour.

11 Q. Witness, you have mentioned C Company Commander Arthur.
12 Was that a company commander or what?

13 A. The 3rd Battalion commander.

14 Q. Thank you. On your way to Gbendembu on this occasion did
16:55:39 15 anything happen?

16 A. Well, on our way with the troops towards Gbendembu, I and
17 the other soldiers, we heard an announcement over the
18 international media which is the BBC.

19 Q. What did you hear on this announcement?

16:56:07 20 A. In this announcement, as I and the other soldiers were
21 listening one spokesperson for the RUF during that time,
22 Lieutenant Eldred Collins, go on air and said they had declared
23 Operation Spare No Soul.

24 Q. On your way to Gbendembu did you hear any other
16:56:45 25 announcements?

26 A. Well, this was the announcement we heard over the
27 international media, BBC, wherein Collins declared Operation
28 Spare No Soul.

29 Q. Did you get to Gbendembu?

1 A. Yes.

2 MS THOMPSON: [Microphone not activated].

3 PRESIDING JUDGE: Ms Thompson, could you please speak into
4 your mic.

16:57:20 5 MS THOMPSON: Sorry. Could my learned friend just clarify
6 how the witness was able to establish who the speaker of those
7 words was.

8 PRESIDING JUDGE: Yes, Ms Pack.

9 MS PACK:

16:57:31 10 Q. How do you know that Eldred Collins made the announcement
11 on the international media for Spare No Soul?

12 A. The interviewer that was Robin White, it was he who
13 questioned him and asked him where he was calling from and who he
14 was. So Collins responded by saying that he was Eldred Collins,
16:58:05 15 the spokesperson for the RUF, and he had a direct order from his
16 high commander that the troops that were in the various areas in
17 Sierra Leone, he had declared Operation Spare No Soul wherein he
18 had given order that soldiers should destroy any village that
19 they captured and that they should spare no person.

16:58:48 20 PRESIDING JUDGE: Yes, Mr Knoops?

21 MR KNOOPS: Your Honour, I'm sorry. My objection would be
22 that it's not clear for the records whether the witness is
23 referring to hearing a public announcement over the radio by
24 which is he referring to the radio set which --

16:59:15 25 MS PACK: I can deal with this very quickly, Your Honour.
26 The witness has said that he heard an announcement over the
27 international media on the BBC.

28 PRESIDING JUDGE: And he named the interviewer.

29 MS PACK: As Robin White who I don't understand to be a

1 radio operator for any of these factions.

2 Q. Witness, did you arrive at Gbendembu?

3 A. Yes, My Lord.

4 Q. Who did you meet there?

16:59:45 5 A. In Gbendembu, as I and the other -- the commander that went
6 with the troops and the other soldiers arrived there, at first we
7 did not see the men.

8 Q. Did you see them after?

9 A. Yes, later. Later they appeared and we gave them the
17:00:07 10 password, "check back", and the men answered "back clear".

11 Q. Pause a moment. When you say you saw -- "they appeared",
12 the men, which men appeared?

13 A. O-Five and his entire troop that came.

14 Q. Now, Witness, you've said you were in Gbendembu. You
17:00:30 15 talked about Gbendembu. Is this the same Gbendembu you were
16 speaking about earlier when you gave evidence yesterday about a
17 location called Gbendembu and when you spelt it?

18 A. Yes.

19 Q. Do you know which district in Sierra Leone is this location
17:00:50 20 Gbendembu?

21 A. Yes.

22 Q. Which district is Gbendembu in in Sierra Leone?

23 A. Bombali District and it is in the Northern Province.

24 Q. Are you able to say - and if you can't just say, please -
17:01:17 25 any town that you know is near to this location Gbendembu?

26 A. Yes.

27 Q. Go on?

28 A. Foroh Loko is one town that is near Gbendembu.

29 MS PACK: Your Honours had that spelt, I think it was

1 either yesterday or Friday, F-O-R-O-H L-O-K-O.

2 PRESIDING JUDGE: Ms Pack, I notice that it's 5.00 p.m.

3 Are you finished that particular part of the evidence?

4 MS PACK: Yes, Your Honour. This would be an appropriate

17:02:11 5 time.

6 PRESIDING JUDGE: Yes. In that case we will adjourn until

7 tomorrow morning at 9.15 a.m. Before we do rise I will remind

8 the witness once again, as I have on other days. Mr Witness, to

9 remind you you're still under oath and you are not to discuss

17:02:33 10 your evidence with any other person until all your evidence is

11 finished. Do you understand this?

12 THE WITNESS: Yes, My Lord.

13 PRESIDING JUDGE: Thank you. Mr Court Attendant, please

14 adjourn court.

17:03:24 15 [Whereupon the hearing adjourned at 5.00 p.m.,

16 to be reconvened on Wednesday, the 25th day of

17 May 2005, at 9.15 a.m.]

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EXHIBITS:

| | |
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| Exhibit No. P17 | 86 |
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WITNESSES FOR THE PROSECUTION:

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| WITNESS: TF1-334 | 2 |
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| EXAMINED BY MS PACK | 2 |
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