



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

TUESDAY, 21 JUNE 2005  
9.18 A.M.  
TRIAL

TRIAL CHAMBER II

Before the Judges:

Teresa Doherty, Presiding  
Julia Sebutinde  
Richard Lussick

For Chambers:

Mr Simon Meisenberg  
Mr James Kamara

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Jim Hodes  
Ms Melissa Pack  
Ms Maja Dimitrova (Case Manager)

For the Principal Defender:

No appearances

For the accused Alex Tamba  
Brima:

Ms Glenna Thompson

For the accused Brima Bazzy  
Kamara:

Mr Mohamed Pa-Momo Fofanah  
Mr Ibrahim Foday Mansaray

For the accused Santigie Borbor  
Kanau:

Mr Ajibola E Manly-Spain  
Ms Viola Trebicka

1 [TB220605A - CR]

2 Tuesday, 21 June 2005

3 [Open session]

4 [The accused Kanu present]

09:23:00 5 [The accused Brima and Kamara not present]

6 [Upon commencing at 9.18 a.m.]

7 WITNESS: TF1-334 [Continued]

8 PRESIDING JUDGE: Good morning. I note Ms Thompson is not  
9 here? Any advice?

09:23:04 10 MR FOFANAH: Sorry, Your Honours, Ms Thompson actually  
11 called and indicated to me she would be a few minutes late. She  
12 had some urgent domestic problems that she must attend.

13 PRESIDING JUDGE: Very well, we'll note that. Thank you.  
14 I note that there is only one accused present in Court. The  
09:23:22 15 situation, I presume prevails as before.

16 MR FOFANAH: Like I indicated yesterday, Your Honour, the  
17 accused person that I represent said he was coming to Court, but  
18 I didn't see him. I assume that the situation prevails. Thank  
19 you.

09:23:39 20 PRESIDING JUDGE: Very well. Thank you. Unless there are  
21 some other matters, I will remind the witness of his oath.

22 Mr Witness, good morning.

23 THE WITNESS: Good morning, My Lord.

24 PRESIDING JUDGE: As I've reminded you every morning since  
09:23:53 25 you first took the oath, you are obliged to remember that you are  
26 under oath and that you have to tell the truth. Your oath is  
27 still binding on you; do you understand?

28 THE WITNESS: Yes, My Lord.

29 PRESIDING JUDGE: Thank you. Mr Fofanah, you were in the

1 course of cross-examination.

2 MR FOFANAH: Yes, Your Honour, thank you.

3 CROSS-EXAMINED BY MR FOFANAH: [Continued]

4 Q. Good morning, Mr Witness.

09:24:31 5 A. Good morning, My Lord.

6 Q. Mr Witness, yesterday we were discussing Kono and incidents  
7 relating to the Masingbi Road burning. I'm going to clarify one  
8 or two issues on that before I move to another line of  
9 questioning. Now, are you still telling the Court that when you

09:24:59 10 came back from Koindu Gi eya, from the attack on Koindu Gi eya, you  
11 actually met Mr Ibrahim Bazzy Kamara and all the soldiers burning  
12 houses along Masingbi Road?

13 A. Yes, My Lord.

14 Q. Mr Witness, I put it to you that when you testified in  
09:25:21 15 chief, that was not what you told the Court.

16 A. My Lord, all I know is that when I returned from Koindu  
17 Gi eya with Commander A -- this was Commander A, Bazzy and other  
18 soldiers -- Junior Lion and other soldiers burning places along  
19 Masingbi Road. Commander A asked him what the matter was. And  
09:25:52 20 he explained that --

21 THE INTERPRETER: My Lord, excuse me, let the witness take  
22 the last bit again.

23 MR FOFANAH: May it please Your Honours, I think I will  
24 have to repeat the question because the witness said a number of  
09:26:12 25 things that were not translated. If I can just repeat the  
26 question so that he goes over it. I was listening to his version  
27 of the story as well as the interpretation.

28 PRESIDING JUDGE: The interpreter has asked him to repeat  
29 the last part. Maybe it would be best if you start again from

1 the beginning, Mr Interpreter, and I will ask the witness to  
2 speak more slowly so you get a chance to hear everything.  
3 Mr Witness, would you please repeat your answer, but more slowly  
4 so the interpreter can keep up with you.

09:26:53 5 THE WITNESS: As I answered yesterday, that when myself and  
6 Operation A came from Koiindu Gi eya and returned to Koi du Town,  
7 myself, Operation A and Bazzy and himself, Junior Li on, burnt the  
8 Masingbi Road. So Operation A asked him, "What happened that  
9 this burning is going on?" And he said, "Well, it was the jets  
09:27:25 10 that were raiding," and that is why he decided that they should  
11 burn the Masingbi Road.

12 MR FOFANAH:

13 Q. I just put it to you that that is not what you told the  
14 Court when you testified here on the 19th of May 2005.

09:27:47 15 A. My Lord, all what I told the Court is this. It's maybe  
16 because when I was speaking Krio they were interpreting another  
17 way, but what I said is what I have said again.

18 Q. Mr Witness, I'm going to read out to you what you said on  
19 the 19th of May 2005.

09:28:08 20 MR FOFANAH: Your Honours, I'm referring to the transcript  
21 of 19th May 2005 at page 10, lines 21 to 27.

22 Q. It reads, question: "How come you had moved to Five-Five  
23 spot?" Answer: "Well, after the operation at Koiindu Gi eya and  
24 we returned together, I returned with my operations commander  
09:28:40 25 back to Koi du. And when I returned, my operation commander,  
26 myself and other soldiers we met Masingbi Road was completely  
27 burnt down and Bazzy monitored the burning of that place. So  
28 because the jets had started raiding and they were bombarding  
29 their positions and so we should move directly to Five-Five

1 spot."

2 Mr Witness, that is what you told the Court, that you met  
3 Masingbi Road was completely burned down.

4 A. My Lord, all what I said, except maybe, as I was speaking  
09:29:18 5 in Krio, the interpreter was saying it another way. I said when  
6 myself and Operation A came from Koindu Gi eya, we met Bazzy,  
7 Junior Lion and other soldiers were burning the Masingbi Road.  
8 Operation A asked Bazzy, "Why is it that this burning was going  
9 on?" He said, "Well, it's because the jet was raiding the  
09:29:43 10 Masingbi Road." So that gave cause for Operation A, myself and  
11 the other soldiers move to Five-Five spot.

12 Q. I am also putting it to you that under cross-examination on  
13 the 20th of May 2005 you repeated the same, that when you came,  
14 you met houses along Masingbi Road had been burnt down.

09:30:19 15 A. My Lord, all what I am saying -- I was in the scene and  
16 this is what I explained, what I have just explained.

17 Q. I know what you have explained.

18 PRESIDING JUDGE: Just a minute. Mr Fofanah, you said in  
19 cross-examination; I don't think cross-examination had started on  
09:30:34 20 the 20th of May.

21 MS PACK: It hadn't, Your Honour. It was still in chief at  
22 that point.

23 MR FOFANAH: I will clarify, Your Honours. I'm sorry if I  
24 misdirected on that, but I will clarify. Probably I was looking  
09:30:46 25 at the wrong --

26 PRESIDING JUDGE: I think it was evidence-in-chief still at  
27 that point.

28 MR FOFANAH: Yes, you're quite right.

29 Q. Sorry, Mr Witness, if I can repeat the question again, or

1 at least rephrase. During examination-in-chief, you went  
2 further -- after you've been asked by the Prosecutor on this same  
3 incident, you went further and indicated for the second time in  
4 examination-in-chief that when you came you met the houses along  
09:31:23 5 Masingbi Road had been burnt down.

6 A. My Lord, just as I have said, unless, as I was speaking in  
7 Krio, the interpreter was interpreting the other way. But what I  
8 said, as I and Operation A came from Koindu Gi eya operation and  
9 came to Koidu Town, we saw Bazzy, Junior Lion burning Masingbi  
09:31:49 10 Road. And Operation A asked him, "What happened?" He said,  
11 "Well, it is because of the jet raid." Unless, maybe, as I was  
12 speaking in Krio, they were interpreting the other way, but that  
13 was what I said, My Lord.

14 Q. Can I ask you a question?

09:32:09 15 MS PACK: Your Honour, in fairness to the witness, just as  
16 to what was said on the 20th of May, that should be put fully if  
17 my learned friend is suggesting there is an inconsistency. There  
18 is a longish passage of 10 to 15 lines that deals with that.  
19 Perhaps my friend is going to put it in any event.

09:32:26 20 MR FOFANAH: Certainly. I haven't moved from that  
21 position. I will definitely put it. That is why I put the 19th  
22 position to him as it was read.

23 Q. Can I ask you a question, Mr Witness? Were you personally  
24 involved in the burning of the Masingbi Road houses?

09:32:42 25 A. My Lord, I said myself and Operation A met Bazzy, Junior  
26 Lion burning the Masingbi Road. And Operation A asked him why  
27 the burning was going on.

28 Q. Were you involved in the burning of houses in the Masingbi  
29 Road area?

1 A. I was not involved. I found them burning. Bazy, himself,  
2 took part in the burning.

3 Q. Again, for the second time, because this was your testimony  
4 in chief under oath, I'll for the second time refer you to what  
09:33:20 5 you told this Court when you were testifying. At page 7, Your  
6 Honours. Page 7, starting from line 11 on to page 8, line 6.  
7 It's very long. With your leave, I will read it out so that he  
8 understands fully what he told the Court consistently. The  
9 question was:

09:33:50 10 "Q. You have referred to the order that Johnny Paul Koroma  
11 gave about civilians, about Kono being a no-go area for  
12 civilians. Do you recall any other orders being given after  
13 Johnny Paul left by any of the commanders?

14 "A. Well, the order that he gave, the order -- the other  
09:34:11 15 order that he gave was that we should start burning houses in  
16 Kono.

17 "Q. Just before I get to the burning of houses, my  
18 question was whether you had any other commander give any other  
19 order when you were in Kono after Johnny Paul left?

09:34:28 20 "A. Well, the only order was that we should attack the  
21 ECOMOG forces and to continue burning the other houses which we  
22 were in, especially in our own surrounding at Masingbi Road.

23 "Q. Who gave this order?

24 "A. At one time when Bazy came to Koidu, he saw that the  
09:34:52 25 surrounding area where we are at Masingbi Road, that there were  
26 many houses, so Bazy said that enemies could use those houses to  
27 attack us and that those houses should be completely burned down.

28 "Q. How do you know that Bazy gave this order.

29 "A. Well, he called myself, the operation commander and

1 the other soldiers and told me in their presence that, 'Look at  
2 the surrounding houses and this could be dangerous to our lives  
3 and it is a risk for security. So it could be better for us to  
4 burn down those houses.' I myself participated in the burning  
09:35:30 5 down of those houses."

6 Mr Witness, that is what you told the Court.

7 A. Yes, My Lord.

8 Q. Are you now moving from that position?

9 A. The question you asked me that at Masingbi Road at that  
09:35:47 10 moment, whether I took part in it, but this line of questions you  
11 have repeated, it was about the surrounding of the Masingbi, that  
12 is what you are referring to, whether I took part in that  
13 burning.

14 Q. So you're now saying because I said the Masingbi Road area,  
09:36:06 15 you are now saying that you actually took part in the burning of  
16 houses in the Masingbi Road area; is that what you are saying?

17 A. These were two different things you brought to me, two  
18 different things. The burning of Masingbi Road when I and  
19 Operation A met them burning is different from this other  
09:36:30 20 operation about the surrounding of Masingbi Road.

21 Q. So why didn't you tell the Court when you were testifying  
22 that there were two incidents along the Masingbi Road area?

23 A. The question you put to me is the burning of Masingbi Road,  
24 Masingbi Road, and the surrounding is different from Masingbi  
09:37:05 25 Road. Masingbi Road is there and then the surroundings. The  
26 first you asked me -- the first question you asked me that if the  
27 Masingbi Road, whether I partook in it. Then I said when I and  
28 Operation A came, we found Bazy burning, but I did not take part  
29 in the burning. But the order that was given to burn the



1 surrounding there, I took part in the burning.

2 Q. So what do you mean by "surrounding," surrounding Masingbi  
3 Road area?

4 A. Well, there are other streets around the Masingbi Road.

09:37:44 5 Masingbi Road is a road of its own. There were other streets  
6 around it. There were houses around the street covering the  
7 Masingbi Road.

8 Q. So are you saying that when you came back from Koi ndu  
9 Gieya, you actually just met Ibrahim Bazzy Kamara and soldiers

09:38:04 10 burning the road itself, the road, the Masingbi Road itself?

11 A. The houses at Masingbi Road. They were burning the houses  
12 at Masingbi Road.

13 Q. Mr Witness, I put it to you that you are not telling the  
14 truth and that when you first had the opportunity of making your  
09:38:20 15 statement to the Prosecutor, you consistently indicated that you  
16 were not present when the burning of houses along Masingbi Road  
17 took place, that you were not present.

18 A. My Lord, you are saying I'm not saying the truth, but I was  
19 at the scene. I've explained the truth. In this case, I

09:38:44 20 explained about the burning of the Masingbi Road wherein I and  
21 Operation A found Bazzy and others burning. In case of the other  
22 case, I spoke of the surrounding when Bazzy came. And there were  
23 houses around Masingbi Road, and at that time Masingbi Road, the  
24 houses surrounding the Masingbi Road.

09:39:08 25 MR FOFANAH: Your Honours, in any case, I'll move forward.

26 I think I amply exhausted the bit on the statement yesterday at  
27 paragraph 34, the additional statement disclosed to us.

28 Paragraph 34 of that statement where, again, he said when he came  
29 he met houses along that road had been burnt down. I will leave

1 that to Your Honours' judgment. I will move forward.

2 Q. So, Mr Witness, on Johnny Paul Koroma's second coming to  
3 Kono, you said he made further statements, not so, relating to  
4 Kono?

09:40:05 5 A. He made a statement in Kono before he left.

6 Q. Before he left for where?

7 A. To go to Gandor.

8 Q. One of the statements which he made during that period was  
9 that Kono should be a defensive position; not so?

09:40:21 10 A. Yes. It was a defensive base for the junta forces.

11 Q. The junta stronghold?

12 A. Yes, My Lord.

13 Q. He also said that Kono should be a no-go area for  
14 civilians; not so?

09:40:37 15 A. Yes, My Lord.

16 Q. And he said you should execute any civilian who does not  
17 support the AFRC in Kono; not so?

18 A. Yes, My Lord.

19 Q. And that you should burn down all houses completely in  
09:40:53 20 Kono; not so?

21 A. Yes, My Lord.

22 Q. These instructions were given in your presence?

23 A. Yes, My Lord.

24 Q. You've also told the Court that Superman was the overall  
09:41:11 25 commander of Kono when Johnny Paul was away.

26 A. Yes, My Lord.

27 Q. Now, from your testimony, you agree with me that the  
28 relationship between the RUF and the SLAs at Kono was pretty  
29 unpleasant.

1 A. My Lord, all I know, at first, the relationship was good.  
2 As I have explained. It was later that the relationship changed  
3 within the RUF -- between the RUF and the SLA in Kono.

09:42:00 4 Q. Okay, let me remind you about a few things, just to  
5 emphasise if the RUF had full control of Kono. Now, you have  
6 agreed with me that Superman was the overly commander; not so?

7 A. Yes.

8 Q. Of both the SLAs and the RUF in Kono?

9 A. Yes.

09:42:23 10 Q. And you've also testified before this Court that when SLAs  
11 were in Kono, the RUF told them, under the authority of Superman,  
12 Rambo and others that they should not consider themselves SLAs  
13 any more in Kono, that they should consider themselves as RUF?

14 A. Yes, I said that. It was later that that happened.

09:42:54 15 Q. You also said that the RUF under the authority of Superman  
16 and other RUF commanders indicated that SLAs should have nothing  
17 to do with communications in Kono.

18 A. Yes, My Lord.

19 Q. And that you had no access to radio communications in Kono?

09:43:19 20 A. Yes.

21 Q. You also said that RUF was involved in digging diamonds in  
22 Kono and that the SLA dug diamonds undercover. I mean, they were  
23 hiding from the RUF when they were digging.

24 A. Yes.

09:43:59 25 Q. You went further having said that the RUF were digging  
26 diamonds undercover and in hiding from the RUF. You indicated  
27 that sometimes, in fact, very often, the RUF was ransacking  
28 soldiers. I mean, they were actually, to quote you, "razing  
29 them", which means they were kind of looting SLA soldiers. Am I

1 right.

2 MS PACK: There should be a location for that, Your Honour.  
3 If my learned friend could provide a location for that it might  
4 make it easier to answer the question.

09:45:05 5 PRESIDING JUDGE: I think somewhere, time and place a  
6 little more precisely, Mr Fofanah.

7 MR FOFANAH:

8 Q. Whilst in Kono under the commandship of Superman, did the  
9 RUF ransack SLA soldiers? By ransack, I mean to, like, come in,  
09:45:05 10 take their belongings away from them, harass them.

11 A. The only thing I said, I talked of Bazzy who had a squad.  
12 He used to raze, when I said razing. Bazzy had a squad headed by  
13 Junior Lion called the Wild Dogs. These were the people who  
14 razed soldiers, but later the RUF started the razing -- Bazzy  
09:45:55 15 himself was razing.

16 Q. What did the RUF start?

17 A. I said that the RUF were coming around and said that --

18 THE INTERPRETER: Excuse me, could you please go back to  
19 the last bit, please.

09:45:55 20 PRESIDING JUDGE: Pause for a moment, Mr Witness, please.  
21 Mr Interpreter, what last bit are you referring to?

22 THE INTERPRETER: The last few sentences he said about the  
23 later RUF and so on and so on.

24 PRESIDING JUDGE: Mr Witness, did you hear the interpreter  
09:45:58 25 there? He asks if you can go back in your evidence to the part  
26 relating to the RUF and repeat that so he can interpret it.  
27 Please repeat that part.

28 THE WITNESS: I said at one time the RUFs went around  
29 saying that the SLAs should not call themselves as SLAs, because

1 there was no other faction to be two factions. No SLAs should be  
2 in Kono. Everybody should be under the one command and that was  
3 what the RUF went about saying.

4 MR FOFANAH:

09:46:46 5 Q. My question was did the RUF ransack SLA soldiers at any  
6 time whilst you were at Kono?

7 A. The only thing I know is that there was confusion between  
8 the SLAs and the RUFs when I last spoke of concerning one  
9 communication. I said something on that. And the razing, which  
09:47:25 10 I spoke of, I said Bazzy had a squad who went about razing  
11 soldiers.

12 Q. Do you recall one time when Morris Kallon came to Kono? He  
13 requested a parade and the SLAs refused to send men to that  
14 parade. Do you recall that?

09:48:06 15 A. My Lord, all I know, I said when Morris Kallon came, he  
16 called for a parade and during this parade in the Masingbi Road,  
17 sent a squad that went. And wherein Morris Kallon shot one of  
18 the soldiers who was called Four-Four. He shot one, he said,  
19 because he was late for the parade. And later he shot another  
09:48:06 20 called Prostrate [sic], Bos Throat.

21 Q. How do you spell that? How do you spell Prostrate [sic] ?

22 A. Bos Throat. Well, it's a Krio word because he shot him  
23 through his gullet. But he survived and so everybody called him  
24 Bos Throat, because the bullet passed through the throat. And so  
09:48:45 25 it's a Krio word which we use to call him, Bos Throat.

26 Q. You mean Burst Throat?

27 A. Well, the bullet pierced through the gullet.

28 JUDGE SEBUTINDE: Mr Witness, we're just interested in the  
29 word that you used. How do you spell that? Because we can't get

1 the interpretation or the translation or the pronunciation. We  
2 want to write it.

3 THE WITNESS: It's a Krio word, ma'am. Krio word, My Lord.  
4 Burst Throat, it's called Bos Throat.

09:49:35 5 JUDGE SEBUTINDE: Does Krio not have spelling?

6 THE WITNESS: Okay. B-0-S T-H-R-0-A-T, Bos Throat.

7 MR FOFANAH:

8 Q. Thank you, Mr Witness. So as a result of that, there was  
9 confusion and problems between the RUF and the SLAs, not so, as a  
09:49:35 10 result of this shooting?

11 A. Well, yes, the relationship was not good, but there was no  
12 fighting. Was not good, but there was no fighting. But the  
13 relationship was no longer cordial.

14 Q. You're saying that to the best of your knowledge, members  
09:49:52 15 of the RUF never took properties from the SLAs at Kono?

16 A. As far as I could remember, I only said that Honourable  
17 Momoh, one of his vehicles was burnt down. But they never went  
18 to our own area to take any property from us.

19 Q. Okay, Mr Witness. Having recited all that I've told you -  
09:50:24 20 1, that Superman was the overall commander in the absence of  
21 Johnny Paul Koroma at Kono; 2, that they were in control of radio  
22 communications in Kono; 3, that the RUF said that the SLAs should  
23 consider themselves as RUF and not SLAs any more at Kono; and as  
24 well as the fact that Morris Kallon of the RUF exercised  
09:50:55 25 authority when two SLAs failed or at least turned up late on a  
26 parade - will you agree with me in the circumstance if I say that  
27 the SLAs were powerless at Kono at that material time?

28 MS PACK: What time, Your Honour? No specific time has  
29 been put to the witness.

1 PRESIDING JUDGE: Yes, you need to be more specific,  
2 Mr Fofanah.

3 MR FOFANAH: With respect, Your Honours, I think this point  
4 has been gone over. I mean, you can rightly recall that when my  
09:51:25 5 I learned --

6 PRESIDING JUDGE: Mr Fofanah, I said you have to be more  
7 precise with the time for the witness.

8 MR FOFANAH:

9 Q. Mr Witness, you know the time that we are talking about.

09:51:34 10 I've just told you that during the time when Superman was overall  
11 commander of Kono, it is that continuum that we are talking  
12 about; do you understand?

13 A. Yes, My Lord, I understand for the overall commander, but  
14 it was later that Morris Kallon came.

09:51:55 15 MS PACK: Your Honour, the witness has given evidence about  
16 a set of circumstances in an earlier period and a different set  
17 of circumstances in a later period. Therefore, I would ask that  
18 my learned friend is specific about the time frame that he is  
19 asking the witness about.

09:52:09 20 MR FOFANAH:

21 Q. When Morris Kallon came, was Superman still at Kono?

22 A. Yes, My Lord.

23 Q. And he was still commanding the RUF; not so?

24 A. Yes, My Lord.

09:52:25 25 Q. He was still overall commander of the SLAs as well; not so?

26 A. Yes, he was overall commander.

27 Q. That is the exact period that we are talking about. I  
28 haven't moved any position. We are still talking about Kono  
29 under the authority of Superman as overall commander.

1 MS PACK: Is that after the arrival of Morris Kallon?  
2 Perhaps if that was made clear, the witness would be able to deal  
3 with the question.

4 JUDGE SEBUTINDE: I really think that the Defence lawyer  
09:52:58 5 has clearly asked when Morris Kallon came, did Superman remain in  
6 control, to which the witness said yes. So this includes before  
7 and after Morris Kallon's arrival, in my view. Am I wrong?

8 MR FOFANAH: The witness is absolutely clear on that. I  
9 was just saying that this was the same point that my learned  
09:53:19 10 colleague Ms Thompson was on when she was referring to incidents  
11 in the time frame. The witness always understands our line of  
12 questioning and it is along that line that he gives answers. If  
13 Your Honours can at least indulge me to continue from that point,  
14 then I will put my final set of questions on that issue.

09:53:44 15 JUDGE LUSSICK: Yes, I think you should go ahead,  
16 Mr Fofanah. I haven't heard anything from the witness to  
17 indicate that he hasn't understood your question.

18 MR FOFANAH: Thank you very much, Your Honour.

19 Q. Having recounted all these incidents which you have agreed  
09:54:03 20 with: one, that Superman was overall commander in Kono at a  
21 period under review, to wit, before Morris Kallon came and after  
22 Morris Kallon came; secondly, that the RUF had full control of  
23 communications in Kono; thirdly, that the RUF told SLAs to  
24 consider themselves as RUF and not SLAs any more; fourthly, that  
09:54:29 25 when Morris Kallon came, he exercised authority by shooting two  
26 soldiers who came late to a parade. Having said all of that,  
27 would you agree with me, Mr Witness, if I say that in those  
28 circumstances the SLAs were powerless under the RUF in Kono?

29 A. My Lord, as far as I know, the SLA structure continued to



1 stand. The SLA still had the SLA command. There was an  
2 operation commander and the various areas that the SLAs commanded  
3 were still there.

4 Q. I haven't said that the structures were missing, I'm  
09:55:17 5 basically saying that those structures were weak in the  
6 circumstances?

7 A. As far as I know, those little hiccups were there, but the  
8 SLA still maintained their command. The SLA were still strong.

9 Q. Mr Witness, let me refer you to what you told this Court  
09:55:44 10 about the overall authority which Superman exercised. As well as  
11 the fact that Bazzy and Commander A, at all times, deferred to  
12 Superman when operations were to take place, Superman called them  
13 and then, in your presence, all of you went and took command from  
14 Superman. As well as even when the arms and ammunition came from  
09:56:12 15 Mosquito from Kailahun for the Koindu Giya attack, again, you  
16 were summonsed by Superman and there was a distribution of arms;  
17 you agree with all of that, not so?

18 A. Yes, My Lord.

19 Q. Let me re-echo one or two points on that which you made in  
09:56:34 20 your testimony.

21 MR FOFANAH: Your Honours, I'm referring to page 22 of the  
22 transcript of May 18th. It's actually page 24. I will come to  
23 page 22 later. Sorry about that. Page 24, starting from line 4.

24 Q. The question was: "Who was superior to Bazzy in Kono?"  
09:58:21 25 Answer: "Superman was superior to him in Kono." Question: "How  
26 do you know that?" Answer: "Well, whenever an operation was to  
27 be taking place in Koidu, I and the operation commander and the  
28 other soldiers under him with Bazzy with other soldiers under his  
29 command, Superman used to call us together and I moved together

1 with these commanders to Superman's residence at Dabundeh  
2 Street." Then from line 16 or at least line 14: "What would  
3 happen when you were called to Dabundeh Street?" Your answer:  
4 "Well, if any operation was to take place, it will be directly I  
09:59:03 5 and the operation commander. The commander of the SLA and Bazzy  
6 will go directly to Superman and we listened from whatever he  
7 communicated to us, because Superman was in complete control of  
8 the set. We, the SLA, had no control over the set." Did you say  
9 that?

09:59:23 10 A. Yes, My Lord.

11 Q. In fact, when you said that "I and my operation commander,"  
12 the commander of the SLA and Bazzy, who were you referring to as  
13 my operation commander and the commander of the SLA?

14 A. Commander A was the operation commander and the commander  
09:59:52 15 for the SLA was Bazzy.

16 Q. So was this is a mistake when you said my operation  
17 commander, the commander of the SLA and Bazzy?

18 A. My Lord, this, like I said, I am speaking, and this was  
19 clear. As you put the questions to me, so I answered them. And  
10:00:19 20 the commander, like you said, the commander of the SLA was Bazzy.  
21 It is the interpretation that causes it. I said my commander was  
22 the operation commander and the commander of the SLA was Bazzy.  
23 That's the Krio that I spoke.

24 Q. Okay, in any case, we'll move on. Now, do you agree with  
10:00:37 25 me that in these set of circumstances the SLA was directly  
26 answerable in command responsibility to the RUF in Kono?

27 A. In terms of operations, the SLA commander and the operation  
28 commander would go to Superman to obtain orders.

29 Q. To obtain orders, and as a result of that, they were

1 directly answerable to him?

2 A. In terms of operations they were answerable to him, but I  
3 and the other SLA were under the SLA commander who operated with  
4 the SLA commander as SLAs.

10:01:30 5 Q. At some point these commanders, Commander A and Bazzy, when  
6 they were going to Superman, they took you along and other  
7 soldiers as well; not so, junior officers, not so?

8 A. Yes, My Lord.

9 Q. All of you went to answer to Superman; not so?

10:01:50 10 A. Well, as I was not a commander, I always went along with  
11 the commander. Whatever Superman told them, that's what they  
12 would tell the other soldiers, and especially during operations.

13 Q. So the other soldiers always complied to what Superman told  
14 them?

10:02:15 15 A. Whatever Superman informed Bazzy about, that is what Bazzy  
16 would inform the other soldiers that now operations should take  
17 place as SLA, that I would need so and so and so manpower, we  
18 should now and go join this operation.

19 Q. Witness, are you absolutely sure you were not a commander  
10:02:35 20 in Kono?

21 A. My Lord, all I said was that I was with a commander, that's  
22 clear, that I was a commander in Kono; the operation commander.

23 Q. You have just said you were not a commander. Were you not  
24 a junior commander in Kono?

10:02:57 25 A. I was under a command. I was under the operation commander  
26 and, during operations, I will go with him.

27 Q. I really need a yes or not answer to this, Mr Witness, it  
28 is very straight. Were you a junior commander in Kono?

29 A. This question that you keep asking me, My Lord, like I

1 said, that I was under a command and I was with a commander.

2 JUDGE SEBUTINDE: Mr Witness, could you answer the question  
3 directly? That would be a yes or no.

4 MR FOFANAH:

10:03:29 5 Q. Were you a junior commander in Kono during the period under  
6 review?

7 MS PACK: Perhaps if my learned friend would explain what  
8 he means by the word junior commander --

9 JUDGE SEBUTINDE: Ms Pack, please sit down. Let the  
10:03:50 10 witness answer the question I have asked him to answer directly.  
11 We don't need an explanation, we need an answer.

12 MR FOFANAH: Thank you, Your Honour.

13 THE WITNESS: My Lord, the position that I held as an RSM  
14 means that I was a junior commander.

10:04:15 15 MR FOFANAH:

16 Q. Why did you just say you were not a commander at Kono?

17 A. I was not commanding troops. I was not commanding troops.

18 Q. Are you absolutely sure about that? Were you not involved  
19 in some form of command when you went on the Koindu Giya attack?

10:04:37 20 Didn't you tell the court that yourself and Commander A, Rambo  
21 and others went with troops on that attack? Didn't you go as a  
22 junior commander?

23 A. My Lord, I am -- I was a PS to the operation commander and  
24 during that operation I went with him.

10:04:58 25 Q. You were also junior commander. What were your  
26 responsibilities as junior commander?

27 A. My responsibility was always to be with the operation  
28 commander. I would always be with him wherever he went. I had  
29 no particular soldier whom I would say was under my command. The

1 only thing is I was with the operation commander and the other  
2 soldiers who went with him; wherever he went, I went with him,  
3 with the operation commander.

4 Q. What did commanders normally do during this period at Kono?

10:05:39 5 A. Everybody had his own responsibility that he carried out.  
6 If it were you that would go for this commander - you, the  
7 commander, should go and just bypass him. You go there and  
8 bypass him. If you were to go there advanced him, then  
9 definitely you would go there advanced him.

10:05:58 10 Q. In fact, throughout the jungle period, Mr Witness, if you  
11 can recall what you told this Court, you went on many missions,  
12 many military projects, many attacks - operations. You  
13 personally went on those operations together with all the  
14 commanders; not so?

10:06:21 15 A. I clearly spelt that one out that I did go with commanders.  
16 I did go with commanders during operations, but I had no  
17 responsible operation, because in whatever operation, there was  
18 operation commander, there was a mission commander, there were  
19 different commanders who commanded the operations.

10:06:46 20 Q. In fact, when you said when the Prosecution were taking  
21 your statement and promised they will not prosecute you, because  
22 according to you you did not hold any responsible position, was  
23 this what you meant: As a junior officer, you were not  
24 responsible?

10:07:05 25 A. I had no commanding responsibility. That's it, I had no  
26 commanding responsibility that they should do this or that.

27 Q. Since you have used that word, can I ask you to explain  
28 what you mean by that, "command responsibility"?

29 A. Well, what I know is that you give orders that now you

1 should attack this town and in this town you're going to attack,  
2 this is and this is what you should do. I had that commanding  
3 responsibility.

10:07:46 4 Q. You were never told to go and attack towns and in that town  
5 this and this is what you should do; you were never told that  
6 throughout the jungle period? Are you saying you were never told  
7 to do that?

8 PRESIDING JUDGE: Mr Fofanah, he said he was told to do  
9 that.

10:07:55 10 MR FOFANAH: I'm sorry about that. Thank you very much for  
11 correcting me, Your Honour.

12 Q. Since I've got that, I think I will move on. You were  
13 actually giving command and you also executed command through  
14 other soldiers; not so?

10:08:09 15 A. Yes, commands were given and these commands were carried  
16 out as to the instruction that was given.

17 Q. Okay. We'll move on from there. Now, can you tell the  
18 Court how, within the SLAs, command responsibilities had changed?  
19 For example, if somebody you consider a senior commander comes to  
10:08:44 20 a location, how do you handle the command structure and  
21 responsibility?

22 A. As far as I know, for instance, in Kono, when the operation  
23 commander was in charge, immediately when Bazzy arrived, because  
24 he was a senior commander - he was a senior man in the AFRC -  
10:09:15 25 immediately he gave command. When operations were about to take  
26 place, he would go and meet Bazzy, but from there and together  
27 they would move together or take decisions together.

28 Q. What do you mean immediately? So the moment a senior  
29 commander steps foot on a military location, he's made superior

1 to all other commanders on that ground?

2 A. Well, in the case of the area where I operated, like in  
3 Kono when Bazzy came, immediately Operation A reported to him and  
4 told him about the troops and handed over command to him.

10:09:54 5 Q. Are there procedures that are followed in this kind of  
6 scenario?

7 A. Well, in the jungle I didn't see much procedure. As the  
8 commander came, he would lodge him, because he would have the  
9 operation, he would provide communication and other things for  
10:10:16 10 him, especially in the SLA.

11 Q. So how are junior officers and ordinary soldiers expected  
12 to know that the senior commander who has come is now in charge  
13 and the former commander is no longer in charge?

14 A. This was very clear, because as the commander hands over,  
10:10:46 15 he moves with him to the various locations where he was in  
16 command. For instance, in the SLA, he would move him to the  
17 other areas. I informed them that now commander so and so has  
18 arrived and he is in charge. This was clear.

19 Q. You surely agree with me it did not happen the very day  
10:11:10 20 that Bazzy arrived?

21 A. The very day that Bazzy arrived - in fact, the route that  
22 he used from Bumpe, all the other soldiers knew that Bazzy had  
23 arrived, because they were seeing him until he arrived, and many  
24 of them came to the headquarters.

10:11:24 25 Q. I have to cut in, you don't talk for the other soldiers.  
26 You have not laid any basis for what the other soldiers saw, so  
27 restrict yourself to what you saw. Now, around what time did you  
28 arrive in Koidu after the Koiindu Gieya attack?

29 A. That was almost in the evening hours when we reached Koidu.

1 It was in the evening hours.

2 Q. Was it around 7.00 p.m.?

3 A. Well, the place was getting dark, the place was getting  
4 dark, so I can't give the right time, but it was getting dark.

10:12:13 5 Q. Was it during the night that Commander A took Bazy around  
6 to introduce him to the other soldiers that he was now the SLA  
7 commander?

8 A. This that you're talking about, you've not specified - I  
9 thought when you asked me about the Koindu Giya operation, would  
10 I know the time of the burning. The burning was in the night. I  
11 want you to specify. Please repeat the question, please.

12 Q. Mr Witness, I know you clearly understand what I'm saying.  
13 You've told this Court that Bazy was away.

14 PRESIDING JUDGE: Mr Fofanah, he said he didn't.

10:12:49 15 MR FOFANAH: I will just lay the basis.

16 Q. You've told this Court that Bazy was away and, in fact, he  
17 left with Johnny Paul Koroma and other senior officers, then when  
18 Superman went to look after them he did not see them, but he came  
19 and said they went to Makeni. After that, he did not see him  
10:13:09 20 until you came from the Koindu Giya attack, so the first time  
21 you saw him after that was when you came and saw him, according  
22 to you, burning houses along Masingbi Road. So I take it that -  
23 I mean, that was the time, according to you, that he  
24 automatically took over as the SLA commander; not so?

10:13:29 25 A. No, My Lord. You've misunderstood me. The first time that  
26 I met Bazy was after the operation when we had taken Johnny Paul  
27 away, trying to capture Koindu Giya. After that, Johnny Paul  
28 used the bypass in Ngandor and went away. When I was returning  
29 together with Operation Commander A, we met Bazy in Koindu Town.



1 Q. Where did you take Johnny Paul to? You said you were  
2 taking Johnny Paul away?

3 A. I said Johnny Paul on his way to Koi ndu Gi eya because he  
4 was in Ngandor. Because he had said we should go and clear  
10:14:14 5 Koi ndu Gi eya, but he was not successful in that operation. In  
6 returning to Ngandor, Johnny Paul used the bypass. I didn't go  
7 with him. He used the bypass, together with his family members:  
8 himself, Issa and others who were with him, Johnny Paul Koroma.  
9 They used the bypass and went.

10:14:31 10 Q. Mr Witness, you would certainly agree with me you have told  
11 this Court on a number of occasions that when you brought Johnny  
12 Paul back from Makeni for the second time to Sewafe village and  
13 then subsequently to other parts of the Kono District, Bazzy was  
14 not with you.

10:15:00 15 A. I clearly spelt that out. During the second coming to  
16 Koi du, Bazzy didn't come when we brought Johnny Paul at Opera.  
17 But when the troops tried to capture Koi ndu Gi eya, they could not  
18 see and Johnny Paul used the bypass in Ngandor and on our return  
19 to Koi du, we met Bazzy in Koi du. That's what I said.

10:15:22 20 Q. As far as you are concerned, that was the first time you  
21 saw him on the second coming?

22 A. Yes, My Lord, because the first coming came on the attack  
23 on the convoy on our return. This was the second coming when we  
24 saw Bazzy. After that, Koi ndu Gi eya, rather, after Johnny Paul  
10:15:43 25 had gone.

26 Q. I think we have to get this straight. Bazzy was not under  
27 any command authority on the first coming since Johnny Paul  
28 himself was available; not so, the first coming to Koi du Town?

29 A. My Lord, I can't decide on that, because Johnny Paul was in

1 command. He was the commander who was moving with the troops.

2 Q. That is taken. So now, you said that was the first time  
3 you saw him when you came back from Koi ndu Gi eya. I also take it  
4 that that was the first time that Commander A saw him, because  
10:16:18 5 you were always with Commander A; not so?

6 A. Yes, that was after I and Commander A came to Koi du to  
7 Masingbi Road where we met Bazzy.

8 Q. At this material time, Commander A was the SLA commander;  
9 not so?

10:16:38 10 A. He was the operation commander for the SLA.

11 Q. Who was the SLA commander at this time?

12 A. At that moment, there was no SLA commander. He was  
13 operation commander for the SLA.

14 Q. Who was heading the SLA at that time?

10:17:00 15 A. The operation commander - when Superman called him as the  
16 operation commander of the SLA, he was operation commander of the  
17 SLA.

18 Q. Who was the he? Who was the operation commander of the  
19 SLA.

10:17:25 20 MS PACK: We are in public session, just so the witness is  
21 aware of that.

22 MR FOFANAH: Thank you for that.

23 Q. If you can call him by his pseudonym. I think he can still  
24 answer the question. Who was the he?

10:17:39 25 A. Operation Commander A.

26 Q. Are you saying that throughout the period that Johnny Paul  
27 and the other senior commanders were away at Makeni the SLA  
28 didn't have an SLA commander?

29 A. The SLA had operation commander until the time Johnny Paul

1 left Ngandor and went, it was operation commander, that's what I  
2 refer to.

10:18:20 3 Q. I will correct you on this. Let me just get this: was the  
4 operation commander the overall commander of the SLA at that  
5 time?

6 A. At that time when Johnny Paul was there, he was the  
7 operation commander. He was the most senior commander with the  
8 SLA.

10:18:40 9 JUDGE SEBUTINDE: Excuse me. Witness, you heard the  
10 question asked. The question was related to Commander A. It did  
11 not relate to Johnny Paul Koroma. So please answer the question  
12 with relationship to Commander A.

13 MR FOFANAH:

10:19:15 14 Q. Mr Witness, if I can help you - can you kindly answer Her  
15 Justice's question?

16 A. At that moment, he was the commander - operation commander  
17 for the SLA.

18 Q. Are you really saying that the operation commander was not  
19 the SLA commander at that time? Is there any difference?

10:19:37 20 A. The title he had was operation commander for the SLA. He  
21 was in charge of all the SLAs at that time.

22 Q. Well, can I ask you a question? I mean, I just put to you  
23 what you told this Court and you tell me what that means, because  
24 these were your words. You used the word "automatically".

10:20:05 25 That's page 21 of the transcript of 18th of May 2005. Your  
26 Honours, I'm referring to line 10.

27 JUDGE SEBUTINDE: Page number, please?

28 MR FOFANAH: Page 21.

29 Q. The question was: "Do you know if Bazzy, whom you saw when

1 you arrived at Masingbi Road, remained in Koi du Town?" Your  
2 answer was: "Well, immediately we met Bazy in Kono, I and my  
3 operation commander and the other soldier men. Automatically, he  
4 became the SLA commander. During that time he was our commander.

10:21:14 5 He continued to stay until." So why did you use the words

6 "automatically he became" if there was no SLA commander before  
7 him?

8 A. Since Operation A was an operation commander and there was  
9 no other person, the sooner Bazy came, he took over as the  
10 commander for the SLA.

10:21:39

11 [TB210605B 10.20 a.m. -SGH]

12 Q. So whom did he take over from?

13 A. Well, at that time, operation commander was just an  
14 operation commander and he was not acting as a commander of the  
15 SLA. He was an operation commander for the SLA. When Bazy came  
16 he assumed the position of commander for the SLA.

10:21:29

17 Q. So, as operations commander, Commander A was not in control  
18 of the SLAs; not so? He was not in charge of them as their  
19 commanding officer.

20 A. He was there to organise all operations at that moment. He  
21 was not the commander but he was the operation commander for the  
22 SLA.

10:21:54

23 Q. And the SLAs hadn't any commander at that time; they were  
24 not responsible to anyone for anything other than operations?

25 A. The only thing was that the SLA were answerable to the  
26 operation commander. That is what I said, the operation  
27 commander. We had a commander but there was an operation  
28 commander.

10:22:18

29 Q. I think that has been exhausted enough, Mr Witness. I will

1 I leave that to the judgment of the Court. Just one question, Mr  
2 Witness. Was Ibrahim Bazy Kamara ever an RUF member? Was he  
3 ever a member of the RUF?

4 A. My Lord, I can't decide on that. All that I knew is that  
10:22:55 5 he was an SLA. I do not know whether he had any loyalty to them,  
6 but he was an SLA.

7 Q. Are you sure you have not told this Court before that he  
8 was a senior member of the RUF?

9 A. My Lord, I have never said that Bazy was a senior member  
10:23:17 10 of the RUF.

11 Q. Your Honours, I would just refer you to the line on the  
12 same page 21, line 18. It starts from 16. There was a question  
13 put to the witness: "Now, you said he immediately became the SLA  
14 commander. What do you mean by that?" And your answer was:

10:23:42 15 "Well, Bazy was the most senior SLA commander and he was one of  
16 the senior RUF members that was in Kono during that time. He was  
17 above the operation commander with whom I leave. So,  
18 automatically he became the commander." Did you say that he was  
19 one of the senior RUF members in Kono?

10:24:06 20 A. The word that I said was that he was the most senior  
21 member. He was one of the senior Supreme Council members. That  
22 was the word, the expression, that I used. I didn't say Bazy  
23 was a senior RUF commander. I said senior council member; one of  
24 the most senior council members who arrived in Kono. Those are  
10:24:28 25 my exact words that I used.

26 Q. Okay, we will take it from there again and move on. Now,  
27 do you know the membership of the Supreme Council? Do you know  
28 how many members constituted that body when the AFRC was in  
29 power?

1 A. As far as I knew, was that the 17 members who made -- who  
2 organised the coup were members of the Supreme Council. Those  
3 who organised the coup, they were the members whom I knew. Until  
4 later when Johnny Paul himself came and added some other people  
10:25:06 5 to the Supreme Council.

6 Q. Mr Witness, I put to it you that the Supreme Council was a  
7 nucleus of the AFRC; it was a small but very powerful body in the  
8 AFRC. It was a small body; in fact it had only seven in  
9 membership. Its membership was seven.

10 MS PACK: Your Honour, I am not sure what the question is. There  
11 were few questions. Was it small body, a powerful body, or a body  
12 comprising seven members?

13 MR FOFANAH:

14 Q. Thank you very much. The first one: Are you aware that  
10:25:48 15 the Supreme Council was the most powerful but small body in the  
16 AFRC?

17 A. All that I know is that the honourables who were  
18 appointed -- that is, the 17 members -- were in the Supreme  
19 Council. That is what I knew, that they were members of the  
10:26:06 20 Supreme Council -- those 17 members whom I had named.

21 Q. Are you aware that there is a difference between the AFRC  
22 as a body and the Supreme Council as a body -- the Supreme  
23 Council of the AFRC?

24 A. My Lord, all I know is the what I have said about the  
10:26:33 25 Supreme Council, that these 17 members whom I knew were members.  
26 When they say there is a council meeting, when I go together with  
27 Operation A when, I drove him there, I would see all of those 17  
28 members arrive. Each would come with his vehicle to the council  
29 meeting.

1 Q. Mr Witness, is there a difference -- you see, if you can  
2 only answer questions, you are kind of moving into terrains that  
3 not called for. The question was: Are you aware there is a  
4 difference between the Armed Forces Revolutionary council and the  
10:27:13 5 Supreme Council of the Armed Forces Revolutionary council? That  
6 there is a difference?

7 A. Well, except that you are telling me now today. But all I  
8 knew is that those 17 members were members of the Supreme Council  
9 body. That is what I knew of.

10:27:31 10 Q. So what you in fact knew before now was that the AFRC and  
11 the Supreme Council were one and the same; not so?

12 A. The AFRC had the Supreme Council members. In the AFRC they  
13 had other ministers who were under the AFRC. But these Supreme  
14 Council members were responsible for taking the day-to-day  
10:28:00 15 decisions for the government. That is what I said.

16 Q. And they did that within the AFRC. They did that within  
17 the AFRC; not so? This was a body within the AFRC?

18 A. Yes.

19 Q. So you now agree there is a difference between the Supreme  
10:28:21 20 Council and the AFRC? There is a difference?

21 A. Well, the Supreme Council, as I said, they are responsible  
22 for taking the day-to-day decisions for the government. Also,  
23 the AFRC consisted of other bodies which were under it consisting  
24 of ministers, the secretary general; they were all under the  
10:28:44 25 AFRC.

26 Q. Now, I am putting it to you that the Supreme Council had  
27 only seven people in its membership. The Supreme Council as  
28 distinguished from the AFRC -- it had only seven people.

29 A. My Lord, what I knew was that whenever there was council

1 meeting, when Operation A says we should go at the council  
2 meeting, that there was a meeting today, when I drive him there I  
3 will see the 17 council members there. I didn't know how they  
4 dealt with -- because I have never been to their meeting, I  
10:29:31 5 didn't know how they dealt with these seven members. All I knew  
6 was that the 17 members were coup plotters and they were  
7 appointed as Supreme Council members and they read out their  
8 names as Supreme Council members.

9 Q. Firstly, how did you know that they were AFRC members --  
10:29:48 10 the 17 coup plotters and the others that you saw?

11 A. This was clear. They were named, they announced it over  
12 the radio that they are Supreme Council members. They made it  
13 clear for the entire country to know that they had appointed  
14 Supreme Council members.

10:30:08 15 Q. How did you also know that they were Supreme Council  
16 members? The first was AFRC.

17 A. My Lord, this was announced for the entire country to  
18 know -- that these people had been appointed as Supreme Council  
19 members.

10:30:32 20 Q. Okay, one last question on this point. I said I am putting  
21 it to you that the Supreme Council, as distinguished from the  
22 AFRC, had only seven members.

23 A. My Lord, I think you knew of their government. But what I  
24 know about that is what I have said to the Court -- that these 17  
10:30:56 25 members as they were announced that these were the members of the  
26 Supreme Council and I was with one of them who also was a member  
27 of the Supreme Council.

28 Q. At least you agree with me that not all of the 17 coup  
29 plotters had their names on the gazette that I showed to you



1 yesterday; not so? Not all of them were on that gazette.

2 A. All the names that I gave were in that gazette.

3 Q. Okay, I will leave that for address. Let's move forward.

4 Now, how long did you take in Kono altogether on your second  
10:32:04 5 trip?

6 A. We were in Kono until May. We spent some time, about four  
7 months, in Kono.

8 Q. How long did you say it took you to take Johnny Paul from  
9 Magbonki neh to Kono on the second trip?

10:32:42 10 A. That was a day's journey; it was a whole night's drive  
11 until we got to Kono.

12 Q. That was from Magbonki neh, his village,

13 A. Magbonki neh, yes.

14 Q. Sorry, Magbonki neh. You drove the whole night; not so?

10:32:55 15 A. Yes.

16 Q. You are absolutely sure about that?

17 A. My Lord, I was at the scene. When we collected Johnny Paul  
18 we drove for the whole night and in the morning we arrived in  
19 Kono.

10:33:20 20 Q. Mr Witness, was this what you told the statement takers  
21 when they took your statement in November 2003, that you drove  
22 throughout the night from my Magbonki neh and you spent a night,  
23 Magbonki neh to Kono?

24 A. That was what instance because the first taking of Johnny  
10:33:48 25 Paul I said we drove for the whole night and the convoy was  
26 attacked and we drove back.

27 Q. But you only took Johnny Paul from Koidu Town to -- you  
28 only -- you in fact never took Johnny Paul from -- you get me? I  
29 mean, correct me if I am wrong. I mean, did you ever take Johnny

1 Paul from Koi du town to Magbonki neh, hi s village?

2 A. From Magbonki neh to Koi du town, then we moved with hi m  
3 twice. The fi rst time was after Kabala we came to Magbonki neh  
4 and moved them when the troops were ambushed and Johnny Paul  
10:34:31 5 retreated. The second time, Operati on A, Superman moved wi th hi m  
6 to Kabala and from Kabala we moved to Magbonki neh and collected  
7 Johnny Paul Koroma and moved thi s time to Koi du.

8 Q. So in fact, I mean, you only brought Johnny Paul to Koi du  
9 Town once from hi s village. Only once, only once that you moved  
10:35:00 10 from hi s village to Koi du town?

11 A. The fi rst instance I said the troop was ambushed at around  
12 Five-Fi ve spot, closer to Koi du. And later, Johnny Paul and  
13 others retreated. That was the fi rst instance. The second time,  
14 after thi s retreat, Operati on A, Superman and mysel f together  
10:35:23 15 wi th other soldi ers moved back to Kabala. From Kabala to  
16 Magbonki neh and collected Johnny Paul and came and travelled back  
17 to Koi du Town.

18 Q. So on the fi rst time how long did it take you to move  
19 Johnny Paul from hi s village to Koi du Town on that fi rst  
10:35:43 20 occasi on?

21 A. My Lord I told you that it was a day' s journey. We  
22 travelled for the whole night and in the morni ng we reached  
23 Koi du. When that was the time they ambush the troops by  
24 Fi ve-Fi ve spot.

10:36:00 25 Q. On the second occasi on too how long did it take you?

26 A. It too it was also a day' s journey. We moved forward the  
27 whole night because we did not travel in the day in case of a jet  
28 raid. So we travelled for the whole night and got to Koi du in  
29 the morni ng. In the morni ng hours, we were in Koi du.

1 Q. Mr Witness, I put it to you that that is not what you told  
2 the statement takers when they took your statement in  
3 November 2003. That is not what you told the statement takers.

4 A. My Lord, all what I have said, what I told them is what I  
10:36:53 5 have just said. I don't know what they wrote, whether they wrote  
6 something else but all what I said is what I told them.

7 MR FOFANAH: I'm sorry, Your Honours. Okay, I am actually looking  
8 at page 6532, Of the witness' statement 6532. At lines 10 to 14, lines  
9 10 to 14. I wonder if Your Honours have seen it. Your Honours, if I  
10:38:31 10 can read what, I mean, the witness said and then I will put to it him.  
11 Line 10, the question was: " How many days did it take to take Johnny  
12 Paul Koroma from his village to Koi du town?" The answer: "It was a two  
13 day journey because the journey was mainly done at night since the jet  
14 was always in the air, bombarding operations." Isn't that what you told  
10:38:53 15 the statement takers?

16 A. All I say that we travelled for the whole night and in  
17 the morning we reached Koi du. It is what I said. So you see  
18 I don't know how they estimated it but we travelled for the  
19 whole night then in the morning we reached Koi du.

10:39:15 20 Q. So this was not what you told them; is that it?

21 A. My Lord, as I have said is all what I have said we  
22 travelled for the whole night. Early in the morning we reached  
23 Koi du. I don't know whether they estimated it as two days but I  
24 told them it was a night's journey and then in the morning we  
10:39:36 25 reached Koi du.

26 Q. Okay, at least the statement will speak for itself. So you  
27 said when JPK -- when you went to Kono for the second time you  
28 spent about three months there. Is that what you said?

29 A. Who spent three months?

1 Q. For the second time I asked you a question. How long did  
2 you spend? You said you spent about three months.

3 A. Yes. Three to four months.

4 MR FOFANAH: Your Honours, before I move on to my next location  
10:41:15 5 there is a question which I wanted to put to the witness. This is a  
6 question which part of it had been put before by my learned colleague  
7 Mr Manly-Spain in open session but then it actually touched and  
8 concerned the witness' rank. But it was put in open session,  
9 Your Honours, when he started cross-examining. It basically has to do  
10:41:48 10 with his ranking and I had earlier asked questions on that, but  
11 something very crucial was just brought to my knowledge by the accused  
12 and since it was actually dealt with in open court I don't know if I can  
13 just put the questions to him in that vein.

14 PRESIDING JUDGE: It is difficult to assess if we don't  
10:42:14 15 know what the question is, Mr Fofanah.

16 MR FOFANAH~

17 Q. Mr Witness, I am going to put questions to you --

18 PRESIDING JUDGE: You are not repeating questions that have all  
19 ready been put by other counsel.

10:42:26 20 MR FOFANAH: No, not so. It was actually brought to me by  
21 the accused himself so I think it is but proper that I put to it  
22 him. If he feels threatened then probably before I close, I will  
23 just ask for a very short session, closed session.

24 PRESIDING JUDGE: Very well, we will see how he reacts and  
10:42:39 25 deal with it in due course.

26 BY MR FOFANAH

27 Q. Mr Witness, when you were first testifying, when the  
28 Prosecutor first started asking you questions you gave your rank  
29 to the Court; not so? And that rank has been repeated over and

1 over. They asked you for your rank?

2 A. Yes, My Lord.

3 Q. An since that rank has been repeated over and over you  
4 don't mind me repeating it; not so?

10:43:29 5 A. Well, it depends on the area this ranking took place. How  
6 the rank came.

7 Q. No, the very first -- I mean, amongst several questions  
8 that were asked it was actually in closed session but then that  
9 rank has come out several times in public session. I mean, one  
10:43:43 10 of the several questions was "What is your rank" and then you  
11 gave your rank in the SLA. You said what is your current rank.  
12 Because those were like background questions and you gave your  
13 rank?

14 A. Well, that is why I said, My Lord, it depends on the area.  
10:44:04 15 Whether it was the time when I was in the army or when the AFRC  
16 came and where. Because the rank came at different stages.

17 Q. Okay, let me just put to it you, when you were speaking you  
18 introduced yourself as a corporal; correct? When you first  
19 started testifying.

10:44:29 20 A. Yes, those were the days before the coup. They asked me  
21 about the rank in the army before the coup.

22 Q. Are you sure about that? Was that the question?

23 MR FOFANAH: In any case, Your Honours, I think I will  
24 reserve this question for -- I will most respectfully before I  
10:44:51 25 close ask for a short closed session on that because the question  
26 was asked in closed session and the answer was given in that  
27 session.

28 JUDGE LUSSICK: Let us hear the question, Mr Fofanah. If  
29 it is something that must be answered in closed session then

1 perhaps we will consider the order but it is difficult to know  
2 unless we hear what you are going to ask.

3 MR FOFANAH: Because I have the transcript of that session  
4 and the question was -- it was a background question that is  
10:45:19 5 asked of every other witness. What is your name, I mean, I mean  
6 the question was what is your rank at the moment, then he went on  
7 and.

8 PRESIDING JUDGE: A point of clarification before we go any  
9 further both my learned brother and I have said we don't know  
10:45:42 10 what the question is. But are you going to repeat an answer that  
11 the witness gave in closed session and then take a question  
12 arising from that answer?

13 MR FOFANAH: In fact, that is what I was veering away from  
14 but then he is saying that the answer which he gave to that  
10:45:59 15 question was in respect of his position before the AFRC. And I  
16 am saying that that is not what was asked. It was asked in  
17 closed session but when Mr Manly-Spain was cross-examining, I  
18 mean, he asked him about that in public; what is your rank and --  
19 so if I'm going to put to it him then I can only put that  
10:46:23 20 particular question as it was put in closed session.

21 JUDGE LUSSICK: I don't understand what the question is.  
22 What is the question? He doesn't have to answer it if it is  
23 going to give his identity away, but at least let us know what  
24 the question is.

10:46:41 25 MS PACK: I am concerned that my learned friend is  
26 concerned that his question may give rise to the identity of the  
27 witness being revealed because it stems, as I understand it, from  
28 an answer given in closed session.

29 PRESIDING JUDGE: Mr Fofanah, let us try and short-circuit

1 this. Perhaps if you wrote the question down.

2 MR FOFANAH: Yes, probably that will serve it. In fact,  
3 can I just refer the witness to that transcript because the  
4 transcript speaks for itself? It is the transcript of  
10:47:10 5 16th May 2005. He can just look at it and then say yes or no  
6 without reading out what is contained in it.

7 PRESIDING JUDGE: Yes, that might get us round this  
8 problem. What is the -- 16th May, could you give us a line and  
9 page number, please, Mr Fofanah?

10:47:21 10 MR FOFANAH: Yes, Your Honour. Page 7, Your Honour. Page  
11 7, and my reference is to when he was recalling his number on  
12 lines 1 to 8. The numbers were actually repeated then in lines 8  
13 and 10, because my question is that the rank always go with the  
14 number.

10:48:36 15 PRESIDING JUDGE: I think the number is pretty  
16 identifiable.

17 MR FOFANAH: So I will just show it to him because the rank  
18 goes with the number.

19 MS PACK: Perhaps, Your Honour, this might be a matter that  
10:48:50 20 is dealt with in closed session if it is going to involve the  
21 witness reading out.

22 MR FOFANAH: Of course I will not ask him to read it out.  
23 You know that I will not.

24 MR FOFANAH:

10:49:12 25 Q. Just read from lines 10 to 13 to yourself.

26 PRESIDING JUDGE: Do not read them out, Mr Witness.

27 THE WITNESS: Lines 1 to what?

28 MR FOFANAH:

29 Q. I think it is 14 because it was repeated. I am basically

1 interested in the number and the rank where both of them went  
2 together. The number and the rank. Have you seen them?

3 A. Yes.

4 Q. So, a soldier's number and his rank always go together; not  
10:50:04 5 so?

6 PRESIDING JUDGE: Is that Sierra Leone army or is that a  
7 general question about armies world over?

8 MR FOFANAH: About the SLA.

9 Q. Your rank and number always go together; not so?

10:50:24 10 JUDGE SEBUTINDE: Mr Fofanah, are we talking about the SLA  
11 in the jungle or the SLA as a regular army?

12 Q. The SLA and the AFRC as well as before the AFRC. The rank  
13 and the number always go together; not so?

14 A. This question, the rank and the number, as an SLA, as I  
10:50:54 15 last said, I said SLA, so, so, so, and the number. SLA, you give  
16 your number. For example, SLA 18 so, so, so. Lance corporal, if  
17 you are a corporal or corporal, if you are Corporal Bangura, age  
18 and Corporal Bangura age, SLA so, so, so, number. Lance Corporal  
19 Bangura and so on.

10:51:22 20 Q. Okay. So I understand that. Basically it is saying that  
21 the number and the rank go together.

22 PRESIDING JUDGE: Mr Fofanah, I am afraid I am not  
23 altogether clear. Do you mean that the number changes as the  
24 rank changes?

10:51:38 25 MR FOFANAH: No, I am saying that the number always  
26 remains, but then when the rank changes, I mean, you change the  
27 rank and then kind of announce the number with it.

28 PRESIDING JUDGE: But the number remains static from the  
29 day and hour he arrives in the army until the day and hour he



1 Leaves?

2 MR FOFANAH: Certainly. Certainly.

3 A. Yes, the number remains the same even if you are promoted.

4 The promotion changes. If you are a corporal and you are

10:52:09 5 promoted to a sergeant it will change to sergeant.

6 JUDGE SEBUTINDE:

7 Q. Am I to understand, Mr Witness, that your answer relating

8 to jungle times. The times when the SLA was in the jungle. Is

9 your answer also relating to that?

10:52:30 10 A. No, this particular question he has put to me. That was

11 when I was in the army. What was my rank, what was my number and

12 my rank. That is what is here before me.

13 Q. You heard me ask Mr Fofanah what time he is referring to

14 and he said before and after the AFRC?

10:52:56 15 A. This was before the AFRC. This was the rank before the

16 AFRC.

17 MR FOFANAH:

18 Q. Can I have the transcript back?

19 PRESIDING JUDGE: Mr Fofanah, do you have many other

10:53:09 20 questions on this particular --

21 MR FOFANAH: On this point.

22 PRESIDING JUDGE: I am asking because we normally have a

23 break about this time. If you have completed this particular

24 part of your line of cross-examination --

10:53:18 25 MR FOFANAH: No, I just want to round it up with probably

26 two questions.

27 PRESIDING JUDGE: Very well.

28 MR FOFANAH:

29 Q. Mr Witness, when you were asked to tell your number,

1 naturally what they were expecting of you is to tell your number  
2 and your rank; not so?

3 PRESIDING JUDGE: Who is they?

4 MR FOFANAH:

10:53:46 5 Q. When the Prosecutor was asking you to tell your number.

6 MS PACK: I am afraid the witness cannot tell what was  
7 going on in the Prosecutor's head at the time of asking a  
8 question of him in chief.

9 PRESIDING JUDGE: Mr Fofanah didn't get a chance to  
10:54:01 10 complete his question before we can rule on that.

11 MR FOFANAH:

12 Q. So when they asked you what your army number was and you  
13 gave your answer by showing that number and your rank, your  
14 reference was to what?

10:54:20 15 A. To before the AFRC coup.

16 Q. Was that what you -- did you indicate that when that  
17 question was asked that it was before?

18 A. The question was whether I was a member of Sierra Leone  
19 Army, if I had number and rank that was the first stage and that  
10:54:49 20 is what I said. And I said that I was a member of the Sierra

21 Leone Army and they asked me to give my number. And I repeated  
22 my number and my rank in the Sierra Leone Army before the coup.

23 Q. Yes, but you did not say that that was before the coup,  
24 that is what I am saying?

10:55:05 25 MS PACK: Your Honour, in fairness to the witness there is  
26 on the previous page 6, at the beginning of the line of  
27 questioning - and Your Honours can see at page 6, line 27, I am  
28 not going to read it out - but it is the beginning of the line of  
29 questioning about what was your position at this particular time.

1           PRESIDING JUDGE: In fairness to Mr Fofanah the preceding  
2 question --

3           MR FOFANAH: Exactly.

4           PRESIDING JUDGE: -- also indicates time.

10:55:32 5           MR FOFANAH: Exactly. And it says in the Sierra Leone  
6 Army. It is very clear. What was your rank in the Sierra Leone  
7 Army? And that is what I am still referring to. I mean, the  
8 AFRC period was still recognised as a period within which the  
9 Sierra Leone Army operated. There was no qualifier, that is what  
10:55:57 10 I am saying, there was no qualifier. He was asked a very simple  
11 question, "What was your rank?" And then he gave his number and  
12 his rank. I mean, I want to juxtapose this with, I mean, what he  
13 earlier told the statement takers when he was very clear about  
14 his rank to -- that is why I am basically establishing this. If  
10:56:23 15 he says that it was before the AFRC period then I am saying that  
16 it was not reflected in that transcript.

17           PRESIDING JUDGE: If you are putting a prior inconsistent  
18 statement, then put it, please.

19           MR FOFANAH:

10:56:36 20 Q. So, Mr Witness, when you gave your rank on 16th May 2005,  
21 you merely gave that rank as your rank in the Sierra Leone Army;  
22 not so?

23 A. Yes, the question they asked me that what is your rank in  
24 the Sierra Leone Army and that was the rank I gave and what was  
10:56:58 25 your number. Then I gave my number.

26 Q. Thank you. Now, Mr Witness, when the statement takers  
27 asked you the same question in 2003, do you remember what you  
28 told them when they asked you about your rank in the Sierra Leone  
29 Army?

1 A. Well, it depend on the stage they asked me whether it was  
2 my present rank or time of the questioning. Because if they  
3 asked me what was your rank before the AFRC or what was your  
4 present rank, that was the question.

10:57:38 5 Q. Your Honours, I will refer you to page 6525 of the  
6 statement. Page 6525. Your Honours, I don't know if the  
7 Prosecutor will be of help because since it has to do with  
8 numbers and ranks probably I need to put a clean copy of that  
9 page to him. Mine is already marked.

10:58:39 10 MS PACK: I have a clean copy.

11 MR FOFANAH: Thank you very much.

12 Q. Mr Witness, can you read to yourself, from lines 12 to 17.  
13 Just read to yourself lines 12 to 17.

14 A. Yes.

10:59:42 15 Q. So were you asked those questions on Wednesday,  
16 5th November 2003?

17 A. Yes, My Lord.

18 Q. And you gave your answers on that day?

19 A. Yes, My Lord.

11:00:07 20 Q. And those were your answers?

21 A. Yes, it was clear and it didn't show any specific time. If  
22 you get it the question and what was your first number. And I  
23 gave my promotion at that time.

24 Q. Please, don't read anything. I am merely asking if that is  
11:00:28 25 what was asked of you and those were your answers?

26 A. That is what I said. The moment you word the question, you  
27 will see those who questioned me did not ask me, "What was your  
28 promotion at the time when you were in the army or the time when  
29 you entered the army or the time of the AFRC?" And this time

1 when I was questioned, you know the situation I was. So at that  
2 time that was the position I held. That sergeant position is  
3 what I gave them.

4 Q. Please don't interpret what is contained in that paper. I  
11:01:05 5 mean, I have not asked you to interpret. I am just saying were  
6 those the questions put to you? Were those the answers that you  
7 gave to them at that material time?

8 A. Yes, but the question is clear here. It did not state any  
9 time.

11:01:25 10 Q. I mean, these are very simple questions, I don't want you  
11 to read out anything or at least to --

12 PRESIDING JUDGE: Mr Fofanah, the witness has answered you.

13 MR FOFANAH: As Your Honour pleases.

14 Q. So, I mean, those are questions that were put to you and  
11:01:36 15 those are your answers; not so?

16 MS PACK: He has answered this question.

17 PRESIDING JUDGE: He has answered twice.

18 MR FOFANAH: In that case may I respectfully apply that  
19 that be tendered as an exhibit before the Court?

11:01:52 20 PRESIDING JUDGE: That one page?

21 MS PACK: Your Honour, I would like to know the basis on  
22 which it is sought to tender this. There has been no allegation  
23 that this is a prior inconsistent statement. There has been no  
24 material before the Court that could justify putting this in as

11:02:08 25 an exhibit. It has not been -- my learned friend hasn't  
26 challenged the witness to suggest that this different answer to  
27 different questions is different from any other answers.

28 MR FOFANAH: May it please Your Honours. I was basically  
29 trying to lay some foundation when I firstly told him about what

1 is contained in that document. And then I asked him if what is  
2 contained in the document, were the questions put to him at that  
3 material time and if those were the answers and he said yes. If  
4 I am to go into inconsistencies, Your Honour, the document has to  
11:02:42 5 at least form part of the records because I have earlier started  
6 by at least indicating to the Court what he told the Court on the  
7 very first day of his testimony in closed session.

8 JUDGE SEBUTINDE: Mr Fofanah, you are putting the cart  
9 before the horse. You first demonstrate the -- I am talking to  
11:03:05 10 Mr Fofanah. The two of us cannot catch his attention,  
11 Mr Manly-Spain. I am trying to explain to him that when counsel  
12 on either side is trying to put a prior inconsistent statement to  
13 the attention of the Court, you first lay the foundation and you  
14 lay the foundation by showing or illustrating the inconsistency  
11:03:27 15 by giving the witness an opportunity to explain that  
16 inconsistency and then if you still think that inconsistency  
17 holds you then tender in that statement for the attention. Not  
18 before. You are putting the cart before the horse. So, please  
19 take your time, lay your foundation for the prior inconsistency,  
11:03:44 20 if you think there is one, and if you still think after the  
21 witness's explanation to your questions that this inconsistency  
22 remains, then make your application to tender.

23 MR FOFANAH:

24 Q. Mr Witness, I am going to give you again the transcript of  
11:04:01 25 the 16th which you just read. And I will ask you a question just  
26 to see if the question contained on that slip of paper is almost  
27 not the same question that was again asked of you in closed  
28 session. So, you have the transcript before you?

29 A. Yes, My Lord.

1 Q. And you can see the question to which you gave the answer  
2 about your number and rank was a question on your number? Your  
3 number in the SLA; not so?

4 A. Yes.

11:05:06 5 Q. Now, also look at the statement of Wednesday, 5th of 2003.  
6 5th November 2003, line 14. That question and the question in  
7 the transcript is almost one and the same, because it talks about  
8 your first number; not so?

9 A. My Lord, the question here did not specify that what was  
11:05:44 10 your first number before this time or this time. They only said  
11 "What was your first number?" And it is in that situation that I  
12 found myself. And this number and the rank I carried is what I  
13 gave and this asked me, "What was your number? At that time what  
14 was your number in the army? Rank in the army?" And that is  
11:05:59 15 what I answered.

16 Q. Are there any words like "at that time" in the transcript?  
17 Look at it.

18 MS PACK: Your Honour, in fairness to the witness there are  
19 two pages that really should be shown to him. At page 6,  
11:06:17 20 starting from line 24, "Now before May 1997, who did you work  
21 for?" And then there is a line of questioning that follows on  
22 from that, quite clearly. I think in fairness to the witness if  
23 he is going to be shown three lines about one question, he should  
24 be shown what followed to set the time.

11:06:41 25 MR FOFANAH: I mean, Your Honour, the transcript is part of  
26 the Court records and you can see it. I am basically saying that  
27 if my learned colleague --

28 PRESIDING JUDGE: Mr Fofanah, I do not dispute that the  
29 transcript is part of the Court record, but in fairness to the

1 witness you must put the context. You must not pick things and  
2 cherry pick at random. Put the context of the question.

3 MR FOFANAH: Exactly Your Honour.

4 Q. Now, look at the first page of that transcript. The line  
11:07:10 5 that talks about your rank in the Sierra Leone Army. I think it  
6 is the last line.

7 MS PACK: Which transcript? Is it the interview or the  
8 trial transcript that my learned friend is talking about? And  
9 there are page numbers at the top which the witness could perhaps  
11:07:23 10 be guided by.

11 MR FOFANAH: I have actually not called the statement a  
12 transcript, I am merely referring to the Court transcript. The  
13 Court transcript there was a question on your rank in the Sierra  
14 Leone Army.

11:07:43 15 PRESIDING JUDGE: Mr Fofanah, I have already indicated you  
16 must put it in context and the context is important here, because  
17 if you look at the -- excuse me, Mr Fofanah, please stop putting  
18 your head all around the Court when I am addressing you.

19 MR FOFANAH: No, I wasn't doing that.

11:07:58 20 PRESIDING JUDGE: Yes, very good. If you look at the  
21 context - and I repeat it is important - questions, for example,  
22 29 are in the past tense, whereas the other statement of the  
23 5th November is in the present tense. Therefore, this context is  
24 important. Put the entire context.

11:08:13 25 MR FOFANAH: Certainly, Your Honour. Thank you. Can I  
26 have the transcript again?

27 JUDGE LUSSICK: I just wonder if there is any conflict in  
28 the evidence. You will see from page 6 of the transcript that  
29 the period that is being discussed with regard to the witness's



1 rank and number is before May 1997. If you look at page 6,  
2 question 24, "Now before May 1997, who did you work for?" And  
3 the questions flow on from there, from that period and they go on  
4 to ask, "Can you recall your army number?" But I take that from  
11:08:56 5 the transcript as referring to that particular period. Whereas  
6 if you go to the statement given on 5th November 2003, that is  
7 not qualified by any period. That is simply asking the witness's  
8 army rank as he introduces himself to the Court. So are we  
9 talking about a conflict situation at all?

11:09:23 10 MR FOFANAH: As Your Honour pleases. I unfortunately do  
11 not have the transcript before me, but I take it that Your Honour  
12 is on all fours on that. So I will just ask that the transcript  
13 be withdrawn and --

11:09:37 14 JUDGE LUSSICK: Well, if you want it, have a look at the  
15 transcript.

16 MR FOFANAH: Can I --

17 JUDGE SEBUTINDE: Mr Court Attendant, could you please  
18 facilitate the Defence counsel.

11:10:04 19 JUDGE LUSSICK: What I was referring you to, Mr Fofanah,  
20 was page 6 of that transcript of 16th May 2005 and it starts from  
21 question 24.

22 MR FOFANAH: Yes, My Lord. The point is taken. Thank you.  
23 The point is taken at. At this stage, Your Honours, since you  
24 are going to take a break I will defer my other questions until  
11:11:05 25 after the break.

26 PRESIDING JUDGE: Thank you, Mr Fofanah, for that  
27 indication. We will break for 15 minutes. Mr Court Attendant,  
28 please adjourn Court for 15 minutes.

29 MS THOMPSON: Your Honour, before that is done may I --

1 PRESIDING JUDGE: I am sorry.

2 MS THOMPSON: I am sorry, may I just apologise for this  
3 morning. I believe my colleague did indicate that I had an  
4 emergency to attend to this morning.

11:11:22 5 PRESIDING JUDGE: Yes, Mr Fofanah had explained the  
6 circumstances, Ms Thompson. Thank you for that.

7 [Break taken at 11.08 a.m.]

8 [TB210605C - SV]

9 [Upon resuming at 11.30 a.m.]

11:36:11 10 PRESIDING JUDGE: Please proceed, Mr Fofanah.

11 MR FOFANAH:

12 Q. Good morning once again, Mr Witness.

13 A. Good morning, My Lord.

14 MR FOFANAH: Your Honours, I was actually confused on one  
11:36:40 15 or two points which I still want clarified, notwithstanding what  
16 transpired. So I'm going to ask the witness at least two direct  
17 questions on what transpired before you rose. Because I need to  
18 clarify my notes; my notes are kind of confusing to me in the way  
19 they are. I want to ask the witness what his present rank is.

11:37:05 20 PRESIDING JUDGE: The witness is well aware of the need to  
21 protect his own identity and he will of course indicate to us if  
22 he has any problem answering any of those questions. So I will  
23 ask you to put it and the witness knows how to react.

24 MR FOFANAH:

11:37:21 25 Q. Mr Witness, you've answered this before in open session. I  
26 will ask you again. What is your present rank in the SLA?

27 A. A sergeant.

28 Q. Are you still a soldier in the SLA?

29 A. Yes, My Lord.

1 Q. So when did you say you were promoted to sergeant?

2 A. This was during the AFRC.

3 Q. Does this government recognise promotions by the AFRC?

4 A. Well, most of the promotions made by the AFRC were taken  
11:38:10 5 away, but I was rather fortunate that my promotion was retained.

6 Q. Were you the only one whose promotion was retained?

7 A. I can't speak for other people. My own promotion up until  
8 this time has been retained.

9 Q. Do you remember telling the Court that when you came back  
11:38:39 10 from the jungle the government announced that all AFRC positions  
11 which -- promotions which were made would not be recognised by  
12 this government?

13 A. The only thing I said was that when we went to Liberia it  
14 was from there that we heard this, that all SLA must report. In  
11:39:09 15 Liberia Johnny Paul openly told us that the jungle promotions  
16 were unacceptable to the government, those ranks which were  
17 given.

18 Q. Did this government not announce that they were not going  
19 to recognise any promotion under the AFRC regime?

11:39:29 20 A. As far as I knew, the ranks which were given by the AFRC in  
21 the jungle were not accepted. Even some of the ranks which were  
22 given during the Freetown reign was unaccepted. But mine was  
23 retained.

24 Q. Do you know of anyone whose rank was accepted apart from  
11:40:00 25 you?

26 PRESIDING JUDGE: What is the relevance of that question,  
27 Mr Fofanah?

28 MR FOFANAH: Your Honour, the witness has said that most  
29 ranks were rejected but he was fortunate, and I'm basically

1 confining myself to the "most".

2 MS PACK: Your Honour, the witness has already answered the  
3 question. He said he couldn't speak for others.

4 MR FOFANAH:

11:40:25 5 Q. So you were the only lucky one to the best of your  
6 knowledge?

7 JUDGE LUSSICK: I don't think that's a fair question. He  
8 hasn't said that at all.

9 MR FOFANAH: He said he was lucky.

11:40:37 10 PRESIDING JUDGE: He said he was fortunate.

11 JUDGE LUSSICK: He didn't say he was the only one.

12 MR FOFANAH: As Your Honour pleases.

13 Q. Mr Witness, I'm going to move on to Karina. I think that  
14 point has been taken. So around what time did you say you left  
11:41:01 15 Kono, the entire troops?

16 A. It was around mid May.

17 Q. Mid May. When you left Kono, where did you go to?

18 A. From Kono we went to Tombodu and from there we went to  
19 Mansofinia. After Mansofinia we went to Krubola and from Krubola  
11:41:36 20 we went to Mongor Bendugu and from Mongor Bendugu we went back to  
21 Mansofinia and from Mansofinia we moved on.

22 Q. Just hold it there. Did you not tell this Court, when you  
23 were being cross-examined by Mr Manly-Spain, that you've never  
24 heard about a place called Krubola?

11:41:56 25 A. I said Mongor Bendugu. It was a mistake that I made when I  
26 called Krubola. I said Mongor Bendugu.

27 Q. Please abstain from dangerous mistakes.

28 PRESIDING JUDGE: That's an improper comment, Mr Fofanah.

29 MR FOFANAH: I withdraw it. I'm sorry.

1 Q. Mr Witness, when did you finally arrive at Karina?

2 A. Just after the troops left Mansofinia, we had stages as we  
3 advanced, so we went till we reached Kamagbengbe. And at  
4 Kamagbengbe Gullit called the commanders, the supervisors and  
11:43:02 5 gave them instruction that Kamagbengbe should be attacked. But  
6 there was an advice that the troops should be divided and later  
7 Gullit said that Karina should be attacked because it was  
8 President Kabbah's home town and that it should be the first  
9 demonstration which would bring recognition internationally to  
11:43:23 10 the junta.

11 Q. You've told us all of that before. I basically want to  
12 know the precise time period when you arrived at Karina?

13 A. Well, it was around June. Early in June; that's when we  
14 reached Karina.

11:43:44 15 Q. And you said you left Kono around mid May; not so?

16 A. Yes, My Lord.

17 Q. Mid May seems like -- did you not tell the Court that it  
18 was around that same time that Gullit came to Kono, mid May?

19 A. Yes, My Lord. I told you that when Gullit came in mid May,  
11:44:16 20 he didn't last long. That's when the troops withdrew from Kono.

21 Q. So around what time of the day did you finally arrive at  
22 Karina? Was it in the morning, at night?

23 A. We reached Karina around 1.00 a.m. to 2.00 a.m.

24 Q. 1.00 a.m. to 2.00 a.m. And according to you did anything  
11:45:04 25 happen when you arrived?

26 A. From what I know is that I, Bazy and his CS0 -- rather,  
27 the PS0 who was there at the time with Bazy, and I've named him  
28 before in closed door, we moved. And what I saw in person was  
29 that one house, we went into that house together with Bazy and

1 there were young girls there. Whilst the girls were pleading  
2 that they should be let go, Bazzy said no, the house should be  
3 set on fire. He himself took part and these girls were locked up  
4 in the house and the house was burnt.

11:45:54 5 Q. So as soon as you entered Karina you just went to this  
6 house straightaway; is that it?

7 A. Well, this was one of the houses in which I, Bazzy and his  
8 PSO who later became the CSO went to that house.

9 Q. I'm saying that as soon as you arrived you went straight to  
11:46:20 10 the house.

11 A. This was the place where I, Bazzy and his CSO went.

12 Q. On your arrival?

13 A. Well, yes, as soon as we entered Karina.

14 Q. And since it was about 1.00 a.m. to 2.00 a.m. you will  
11:46:47 15 agree with me that the place was dark; not so? It was in the  
16 night.

17 A. Well, as far as I know, there was some light in the house.  
18 There was a lamp in the house by which you could see everybody in  
19 the house. By then every body was asleep.

11:47:11 20 Q. Did you say this was a family house?

21 A. Well, I said we met six young girls in the house.

22 Q. Do you remember saying that this was a family house?

23 A. Yes, because we met family people there and those women  
24 were part of the family.

11:47:36 25 Q. So apart from these six young girls, you met other people  
26 in the house?

27 A. What I saw, I saw those people with my own very eyes, and  
28 those girls who came out were the very girls who I saw. I didn't  
29 go about looking for some other people.

1 Q. How many rooms did this family house have?

2 A. My Lord, I didn't count the number of rooms, but as far as  
3 I know, the girls came out from some of the rooms in the house.

4 Q. So how did you know that they were asleep?

11:48:23 5 PRESIDING JUDGE: The witness didn't say they were asleep,  
6 did he? I apologise, he did. I'm sorry, I withdraw that, Mr  
7 Fofanah. Please ignore that comment.

8 MR FOFANAH:

9 Q. You say they came out when you went in. How did you know  
11:48:40 10 that they were asleep?

11 A. At the time that the troops entered and when we entered the  
12 house, we went to the doors and they came outside. You will see  
13 the type of dress they were wearing, the nightdress they were  
14 wearing; you know that they were sleeping.

11:49:03 15 Q. And the other family members, did you see them in the  
16 house?

17 A. I did not know how they were in the house, but I saw these  
18 six girls in the house that I spoke about.

19 Q. I mean, can you tell the Court how you -- why the reference  
11:49:23 20 to the other family members if you did not see them or at least  
21 know about their family arrangement? Because the words came from  
22 you that there were other family members. How did you know that  
23 there were family members?

24 MS PACK: Your Honour, that's not what the witness said.  
11:49:46 25 He said, "It was a family house because I met family people  
26 there. I saw those people," and then he says, "the girls with my  
27 eyes. Did not look about for others." Obviously that's a  
28 summary, but that's what I heard the witness say.

29 MR FOFANAH: I don't know what my learned friend wants to

1 infer from "family people", because people might be --

2 JUDGE SEBUTINDE: Mr Fofanah, why don't you relate the  
3 question to the words that the witness used. If the witness used  
4 the words "family people", ask him to explain.

11:50:18 5 MR FOFANAH: That is not what I heard. He did not use  
6 "people," but I will still use "people" if that is what Your  
7 Honours have. He said "family members".

8 PRESIDING JUDGE: I agree with my learned sister. I have  
9 recorded "family people" as well.

11:50:35 10 MR FOFANAH: No problem.

11 Q. So these other family people, did you see them in the  
12 house?

13 A. What I saw were the six girls, the six girls inside the  
14 house. They were the ones I saw. I was not fortunate to see any  
15 other family member in the house.

11:50:50

16 Q. Did you interview these girls, the ones that you saw? Did  
17 you talk with them?

18 A. There was no time to talk to them. They were just  
19 pleading, "Please take us along. If you're taking us along, take  
20 us along. We're young girls." We had no time to interview them.

11:51:11

21 Q. And as soon as you went in you just started locking and  
22 burning the house? Is that what happened?

23 A. When I, Bazy and his CSO came, entered the house,  
24 immediately when the girls came out they started pleading. Bazy  
25 said they should be locked up, they should enter into their rooms  
26 and be locked up and that the house should be set on fire. There  
27 was no way we could have denied that. Immediately we torched the  
28 house on fire. He was standing there and he took part.

11:51:41

29 Q. Did Bazy give any reason for this?



1 A. Well, Bazy was -- because this was a -- well, we had just  
2 come into Karina and there was no time to ask why and Gullit had  
3 said there should be a demonstration. We should make sure we  
4 burn houses in Karina because it was President Kabbah's home  
11:52:21 5 town.

6 Q. What language were these girls speaking?

7 A. They were speaking Krio. They were pleading in Krio.

8 Q. And you counted six of them?

9 A. Yes, there were six in number inside the house. I saw with  
11:52:49 10 my own eyes.

11 Q. You are absolutely sure about that?

12 A. Yes, My Lord, I am sure.

13 Q. Now who burnt the house, who burnt Karina? Who burnt the  
14 house at Karina?

11:53:14 15 A. This particular house where I stood, which Bazy gave the  
16 order, his CSO took part and I myself took part.

17 Q. Who was his CSO?

18 MS PACK: The witness has already given this name but in  
19 closed session or on a piece of paper. I can't remember which  
11:53:33 20 way around it was, but it's not something for public session,  
21 Your Honour.

22 MR FOFANAH: Okay. Sorry about that, Your Honour.

23 Q. Mr Witness, I'll put it to you categorically that, first of  
24 all, that is not what you told the Court, that you saw six girls  
11:53:51 25 in this house. In your own testimony in chief under oath you did  
26 not say you saw six girls in this house.

27 A. My Lord, as far as I could recall, that is what I said.

28 MR FOFANAH: Your Honours, in that case I will refer you to  
29 the transcript of the 23rd of May 2005 at page 65. It continues

1 to 67. Then I will choose the relevant portions. At page 65  
2 line 18 the question was:

3 "Q. As you were moving did anything happen?

4 A. Yes.

11:55:21 5 Q. What happened?

6 A. At that particular time I immediately moved with Bazzy,  
7 with Bazzy's CS0, the one that he appointed at that time.

8 Q. Pause. Remind us who the CS0 was.

9 A. I will call that name for certain reasons.

11:55:41 10 Q. Your Honours, again I'm focusing on application in due  
11 course. Go on witness. Tell us what you were going to happen --  
12 what happened?

13 A. I, Bazzy and Bazzy's CS0 moved into one of the houses  
14 in Karina when we entered Karina.

11:56:04 15 Q. Did anything happen?

16 A. Yes.

17 Q. What happened?

18 A. I and Bazzy entered this house. We met -- I and Bazzy  
19 and the CS0 met five young girls in this one flat, house.

11:56:25 20 Q. Are you able to recall how old these young girls were.

21 A. They were young girls."

22 I'll stop there for now. So did you say on the 23rd of May  
23 2005 that "I and Bazzy and the CS0 met five young girls in this  
24 one flat, house"?

11:56:50 25 A. My Lord, what I said was that we met six young girls in  
26 this house. That was my statement that I gave. I said six young  
27 girls, we met six young girls in the house.

28 Q. When you said that was your statement, you mean in this  
29 Court or the statement given to the Prosecution?

1 A. During the time when they were asking me questions  
2 concerning that particular incident, that was what I said.

3 Q. When who was asking you questions?

4 A. Well, to the particular question which I was asked at the  
11:57:36 5 time, that's what I answered.

6 Q. Remember two sets of people have asked you questions. I  
7 mean, the first one was your statement in 2003 and the second one  
8 was when the Prosecution asked you questions about this incident  
9 at Karina. So which statement are you referring to?

11:57:59 10 A. Well, from the time the Prosecution asked me here, that was  
11 what I said at the time.

12 Q. You said six, not five?

13 A. Yes, My Lord, I said six.

14 Q. I also put it to you that, I mean, you gave a different  
11:58:19 15 number when your statement was taken in 2003. You gave a  
16 different number of girls whom you said you counted in this house  
17 when your statement was taken.

18 A. My Lord, all that I said was about these six young girls  
19 whom I saw inside this house. That's what I said to the Court.

11:58:55 20 That's what I said. I do not know how it came about, but that's  
21 what I saw.

22 Q. Is this what you told the statement takers as well in 2003  
23 in November?

24 A. As long as I could recall, I said six young girls.

11:59:17 25 MR FOFANAH: In that case, Your Honours, I will refer you  
26 to pages 6556 to 7. In fact, I will restrict myself for now to  
27 page 6557, to lines 3 to 7. 6557 lines 3 to 7. Three to 6,  
28 sorry. Lines 3 to 6.

29 Q. Mr Witness, this was the question that was put to you by

1 those who took your statement in November 2003, 5th November  
2 2003. The question was: "Were you able to know how many people  
3 were in the house which Bazzy instructed to be burnt down?" Your  
4 answer was: "It was a family house. There were some young girls  
12:00:55 5 talking to me. There were about eight. It was a family house."

6 Did you say that to the statement takers?

7 A. My Lord, I stated that six and that's what I stand by.  
8 Six. If they write there "about eight," it is left to them, but  
9 I said six.

12:01:28 10 Q. And you are absolutely sure about that?

11 A. Yes, My Lord.

12 Q. Mr Witness, I also put it to you that you did not arrive at  
13 Karina around 1.00 a.m. in the morning.

14 A. I said clearly that it was around 1.00 to 2.00 a.m. That's  
12:02:01 15 what I said. Because it was a dawn attack, it was during the  
16 morning hours.

17 Q. Do you recall telling the statement takers that it was  
18 between 4.00 to 5.00 in the morning?

19 A. Well, that's what I clearly stated. That it was at dawn.  
12:02:26 20 In fact, I did say at dawn, around morning hours. That's why I  
21 said it was around 1.00 to 2.00 in the morning hours.

22 Q. You will certainly agree with me that between 1.00 to 2.00  
23 is certainly not the same as 4.00 to 5.00; not so?

24 A. Well, it was in the morning hours. That's why I clearly  
12:02:51 25 stated it, that it was in the morning hours. It was in the  
26 morning hours.

27 Q. Around 1.00 to 2.00 is not the same as around 4.00 to 5.00,  
28 is it?

29 A. Within that time there were troops there till the morning.

1 The troops around Karina and they were there till the morning.

2 Q. The time around 1.00 to 2.00 is not the same as around 4.00  
3 to 5.00 in the morning?

4 A. Well, that's what I'm trying to state, that the timing was  
12:03:30 5 during the morning hours, around 1.00 to 2.00, when we reached  
6 there.

7 Q. And that is not the same -- just tell me if it is the same  
8 or if it is not the same, we can move forward.

9 PRESIDING JUDGE: Mr Witness, do you understand the  
12:03:47 10 question?

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: Please answer it.

13 THE WITNESS: Yes, they are not the same, but it was in the  
14 morning hours.

12:03:59 15 MR FOFANAH:

16 Q. So I'm going to read out what you told the statement takers  
17 about your arrival at Karina. That's at page 6556 at lines 17 to  
18 20. "Did you do that?", was the question. And your answer was:  
19 "Yes. The troop moved into Karina and we were there early in the  
12:04:45 20 morning hours, around 4.00 to 5.00, and there was a very big  
21 demonstration at Karina."

22 Did you say that to the statement takers?

23 A. Yes, My Lord.

24 Q. Mr Witness, are you absolutely sure that Bazy himself was  
12:05:23 25 involved in this, in the burning of this house?

26 A. My Lord, all I know is that Bazy was standing there, I was  
27 standing there and his CS0 was standing there when Bazy gave the  
28 instruction, and he himself took part in the burning. He was  
29 standing there, he was inside the place before we came outside.

1 Q. Did you say he instructed you or what?

2 A. He instructed and he took part.

3 Q. Okay. I will refer you to an additional statement that you  
4 made and you tell us if it is the same as what you are now  
12:06:11 5 saying.

6 MR FOFANAH: Your Honours, I'm referring to additional  
7 statement of the 16th and 31st of March 2005, as well as the 1st,  
8 4th, 15th, 19th, 20th of April 2005. At paragraph -- sorry, Your  
9 Honours, I got the citation wrong. It should actually be the  
12:07:11 10 main statement of November 2003 at page 6557. It starts at 6556  
11 and I'm reading from line 21.

12 Q. 6556 line 21 the question was: "What did you do there?"  
13 And your answer was: "There was indiscriminate burning that was  
14 going on. Then I saw in one house, the house was locked and  
12:08:14 15 there were young girls there and the house was set on fire on the  
16 advice of Bazzy. He met me speaking to the girls, the young  
17 girls. Then he asked me out of the place and give direct  
18 instruction for the house to be burnt, to be locked while the  
19 people were still in the house and set ablaze. And that was  
12:08:39 20 exactly what happened." Question: "Were you able to know how  
21 many people were in the house?" And then you've answered that  
22 there were eight.

23 So, Mr Witness, when you first of all said that you saw --  
24 "I saw one house, the house was locked and there were young girls  
12:09:06 25 there and the house was set on fire on the advice of Bazzy," what  
26 did you mean by that?

27 A. I clarified this. That I, Bazzy and his CS0 entered this  
28 house. In this house we saw these girls, about six of them, and  
29 Bazzy gave the instruction that this house should be burnt whilst

1 the girls were pleading "Don't let them kill us. If you're  
2 taking us along, take us along." In fact, Bazzy shouted at me  
3 that we should carry out the order. We locked the house - he  
4 himself took part - and we set the house on fire. That is what I  
12:09:59 5 said in my statement. I don't know if when I was speaking in  
6 Krio it was misinterpreted, but that is what I said.

7 Q. At page 6557 you went further to say as follows, at lines 7  
8 to 8 -- lines 7 to 8 of 6557. The question was: "So did they  
9 burn them?" That's the girls. "Did they burn them?" Then your  
12:10:22 10 answer was: "Yes, they were burned." So who were you --

11 MS PACK: And perhaps the next bit:

12 "Q. And you said that was on the instruction of who?

13 A. Bazzy and he was there present."

14 I think in fairness if that next portion be put as well.

12:10:41 15 MR FOFANAH: I think that has been put in the earlier  
16 question when he said it was on the instruction. He said, "Then  
17 he asked us out of the place and gave direct instruction." I was  
18 just trying to clarify the issue of advice and instruction but I  
19 have moved from that now. My question is on they who burned the  
12:11:02 20 girls.

21 Q. The question was: "So did they burn them?" You said:  
22 "Yes, they were burned." So who were the "they" who burned them?

23 A. Bazzy, his CS0 and myself, under Bazzy's instruction.

24 Q. Now, just one last point. Do you recall making an  
12:11:46 25 additional statement that I earlier referred to on the 16th, 31st  
26 of March, as well as on the 1st, 4th, 15th, 19th and 20th of  
27 April 2005?

28 THE INTERPRETER: Learned counsel, the dates were very  
29 fast. Can you take them slowly so the interpreter can interpret

1 accurately.

2 THE WITNESS: I can remember.

3 MR FOFANAH:

4 Q. You've actually referred to these additional statements  
12:12:12 5 before. My reference is to paragraph 53. There is a bottom  
6 page, page 7, bottom page.

7 PRESIDING JUDGE: Mr Fofanah, could you give us the page  
8 numbers, please?

9 MR FOFANAH: What I have here is just the disclosed  
12:12:27 10 version, but then at the bottom page --

11 MS PACK: 7868, Your Honour.

12 MR FOFANAH: 7868. It's paragraph 53.

13 JUDGE SEBUTINDE: What paragraph did you say?

14 MR FOFANAH: 53, 53. Have Your Honours seen it?

12:13:08 15 PRESIDING JUDGE: I have it, thank you.

16 MR FOFANAH:

17 Q. So in that additional statement this is what you also said:  
18 "Bazzy ordered girls to be burned alive. There were about five  
19 girls in this house." Did you say that?

12:13:26 20 A. My Lord, I have said what I said before. I said six girls  
21 were in the house whom Bazzy ordered to be burnt.

22 Q. So why did you not mention the CS0 at the material time  
23 that you were giving your first statement in November 2003, since  
24 you vividly recall those who participated in this act? You just  
12:13:55 25 said they burnt the house. Why did you not mention the CS0 in  
26 that statement?

27 A. Well, it was how the questions were put to me and I was  
28 speaking Krio.

29 Q. But you recall mentioning Bazzy; not so?



1 A. I mentioned Bazy, the CSO. To me, I don't know how they  
2 went about it, but I called these three people: Myself, Bazy  
3 and the CSO. I talked about that. I stated it clearly to them.

12:14:40 4 Q. Mr Witness, I'm putting it to you that since you've given  
5 three conflicting numbers, three conflicting numbers - five, six  
6 and eight - of girls you said you counted in this house which was  
7 allegedly burnt down on the instructions of Bazy, since you've  
8 given those conflicting numbers I'm putting it to you that you  
9 are not saying the truth about what happened in that house at

12:15:06 10 Karina?

11 A. My Lord, you were not at the scene. Now, you can tell me  
12 that I'm not saying the truth but before God, I know that that  
13 particular number, that is the six, is what I said. That number.  
14 When Bazy gave the order to myself, the CSO and himself. So it  
12:15:33 15 is doubtful that I am saying a different number, but that's the  
16 number I talked about.

17 Q. Okay, we'll move on. Mr Witness, do you recall making a  
18 statement in November 2003. No, in fact, very recently. The  
19 statements that I referred to on the 16th and 31st of March, as  
12:16:12 20 well as on various dates in April 2005. Do you recall mentioning  
21 that some soldiers at Eddie Town, Colonel Eddie Town, arrested  
22 and detained certain senior officers at Colonel Eddie Town?

23 A. Yes, I remember that.

24 Q. So can you refresh us about what that incident was all  
12:16:43 25 about?

26 A. Yes, My Lord.

27 Q. Please go on.

28 A. As far as I could recall, this incident occurred when  
29 0-Five came to arrest supervisor Ibrahim Bazy Kamara, when

1 Operation A obstructed the arrest and told O-Five that he should  
2 have the direct command whether to arrest Ibrahim Bi oh Sesay.  
3 But in that O-Five moved.

12:17:49 4 Q. Sorry to interrupt you, Witness. Sorry, I just want to get  
5 this clear. Is it Ibrahim Bi oh Sesay or Ibrahim Bazy Kamara?

6 A. Ibrahim Bi oh Sesay was the one O-Five had come to arrest.

7 Q. Okay, go on.

8 A. When O-Five went to arrest Ibrahim Bi oh Sesay, Operati on  
9 Commander A obstructed the arrest. After which he told O-Five  
10 that he had the responsibility to carry out that kind of arrest.

11 Later, O-Five moved as troops were moving to go and attack. So  
12 he went and incited the men, whilst I and Operati on A were on the  
13 set and we heard some shooting in the camp. During this shooting  
14 the men advanced towards where Operati on A was, after which two

12:18:56 15 commanders, that is Bulldoze and Basky, met Commander A and asked  
16 him to hand himself up. Later Commander A handed himself up, and  
17 as he was coming up, he encountered Five-Five, Bazy, Woyoh,  
18 Ibrahim Bi oh and Gullit were all sitting down on the floor. They  
19 asked him to sit on the ground as well. So the men said --

12:19:28 20 because at that time there was an announcement over the air when  
21 President Kabbah said he does not need passengers but drivers.

22 Then O-Five said, "We are handing you over because you do not  
23 have unity amongst yourselves, so we'll hand you over to the  
24 government." Gullit, Bazy and the others started pleading that

12:20:01 25 please, let that not happen, there would be unity among them.

26 After which the matter was settled and it was ordered that  
27 Operati on Commander A and Ibrahim Bi oh Sesay should be under mess  
28 arrest.

29 Q. And you are absolutely sure that this was what happened?

1 A. Yes, because that was an accusation which was levied on  
2 Ibrahim Bi oh Sesay that he was a wizard. That's how it started,  
3 that he was a wizard.

4 Q. Who said he was a wizard?

12:20:47 5 A. Well, this was a rumour doing the rounds in the camp, that  
6 Ibrahim Bi oh Sesay was a wizard. And within that time something  
7 happened in the camp whereby they arrested some wizards and  
8 witches.

9 Q. And Bi oh was among them?

12:21:09 10 A. Well, Bi oh was under mess arrest at the time. The others  
11 who were arrested were there and those whom they had said were  
12 witches and wizards.

13 Q. Are you sure about the reason why Bi oh and Commander A were  
14 arrested and detained jointly?

12:21:51 15 A. Well, the most important reason was that they hadn't unity  
16 amongst themselves. And there was a meeting summoned by Gullit  
17 where the other commanders were present and I was present as  
18 well. He said now that SAJ Musa was coming SAJ should be  
19 subordinate, take command from him. And in this respect, Ibrahim

12:22:28 20 Bi oh Sesay and Operation Commander A said that would not be  
21 proper, that they would not support that idea for SAJ to be  
22 subordinate to Gullit, to take command from Gullit. After which  
23 there was this kind of indifference among them and the meeting  
24 ended. After which there was this accusation doing the rounds

12:22:48 25 about Bi oh, that he was a wizard, and 0-Five came along to arrest  
26 him. That was where all this started.

27 Q. Are you sure 0-Five, together with yourself, included in  
28 the troops -- I mean, 0-Five and the troops, the junior ranking  
29 officers as well as the ordinary soldiers at Camp Eddie Town at

1 that time. Are you sure 0-Five, together with those troops, did  
2 not effect an arrest of Gullit, Bazzy and Five-Five at Colonel  
3 Eddie Town?

12:23:37 4 A. I clearly stated that when 0-Five came, these troops  
5 arrested these people including Operation Commander A. They were  
6 all under arrest because they wanted unity among them. Otherwise  
7 they would be presented to President Kabbah.

8 Q. Yes, but when 0-Five came, did he meet any quarrel on the  
9 ground? When he was sent by SAJ Musa to come with men, do you  
12:24:07 10 remember testifying about 0-Five coming with men from Mongor  
11 Bendugu? Was there any quarrel at Colonel Eddie Town among at  
12 least senior officer?

13 A. The only thing I said is that when 0-Five came, it was not  
14 long when this operation wherein 0-Five incited men to come and  
12:24:41 15 arrest these commanders in Colonel Eddie Town. And I did not  
16 know of any dispute. The only dispute is what I have explained  
17 and that was what happened.

18 Q. Were you part of the troops that was based at Colonel Eddie  
19 Town?

12:24:57 20 A. I want to get that question clear.

21 Q. Were you part of the troops based at Colonel Eddie Town?

22 A. As far as I know, I was in Colonel Eddie Town with  
23 Operation Commander A in Colonel Eddie Town.

24 Q. Were you part of the troops? It's a yes or no answer.

12:25:18 25 A. Yes, I was part of the soldiers in Colonel Eddie Town.

26 Q. And do you know why 0-Five incited soldiers to arrest these  
27 senior officers, according to you?

28 A. My Lord, I have clearly stated that he came to arrest Bioh.  
29 When he came to make this arrest, Operation Commander A

1 obstructed him from this arrest, after which 0-Five got annoyed  
2 and moved. He met the men who had gone with the front. He  
3 called them.

12:26:07 4 Q. Was this not a very serious situation on the ground for  
5 people whom you've identified as the highest ranking officials at  
6 Colonel Eddie Town to be arrested and detained? Was that not  
7 something very serious?

8 A. Well, even myself, the commander with whom I was, he too  
9 was arrested. So it was a very serious affair.

12:26:32 10 Q. So how was the camp like when Gullit, Bazzy, Five-Five and  
11 Commander A were arrested?

12 A. Well, at that time the camp was very shaky. It was shaky.

13 Q. And you were still there?

14 A. Yes. Well, My Lord, the head captured my commander. The  
12:26:55 15 men, before they advanced to wherein my commander was -- and they  
16 said, "Man, come over". That was what thing they told me; that I  
17 should join them, that it was a plot, these people were going to  
18 arrest them.

19 Q. Did you join them?

12:27:12 20 A. In fact, at that moment I did not join but later I came --  
21 I escaped and joined and came to the camp and by then they were  
22 all arrested and sitting on the -- asked to sit on the ground.

23 Q. Who were all arrested?

24 A. I saw Gullit there, Five-Five, Bi oh, Abdul Sesay, Operation  
12:27:43 25 Commander A, including Bazzy. All of them were there.

26 Q. All of them sat on the floor or they were forced to sit on  
27 the floor?

28 A. I found them seated on the ground.

29 Q. Now, to the best of your knowledge was 0-Five or any of the

1 other soldiers punished for this later?

2 A. My Lord, as far as I know, the only thing that happened  
3 later is that Operation Commander A, one of the soldiers looted  
4 his wife. Those soldiers were captured. And not long SAJ came.  
12:28:32 5 The only thing that ended up we did not say anything about,  
6 Operation Commander A and Bi oh, they said they were to be at the  
7 mess.

8 Q. I'm talking about whether O-Five and the soldiers you were  
9 referring to, whether they were punished for what they did to  
12:28:58 10 Gullit, Bazzy, Five-Five and Commander A?

11 A. Well, as long as I was in the camp and how it happened and  
12 how it was said that -- it was Gullit that sent them to arrest  
13 Bi oh. So from there later he arrested the whole troop. Later  
14 information came that it was a plan work. So no punishment was  
12:29:31 15 given to them. So Junior Lion too was under arrest.

16 Q. Junior Lion, okay. So who in fact released them? Who in  
17 fact released these senior officers?

18 A. This particular operation involved the commanders of the  
19 various battalions. O-Five was the head of the operation. He  
12:30:00 20 too -- that all the commanders should be there and so they wanted  
21 unity. So the commanders should go back home and that Operation  
22 A and Bi oh should be at the mess.

23 Q. Did these commanders plead for their release; Gullit,  
24 Bazzy, Five-Five, A?

12:30:26 25 A. Well, in fact, while they were seated, the men -- everybody  
26 said -- were accusing that most of you are not united. You are  
27 not united, you are not united. And we are going to hand you  
28 over Pa Kabbah since Pa Kabbah said he doesn't want the  
29 passengers, he wanted the drivers and you don't want to become --

1 you don't want unity and all we want from you is unity. So after  
2 this the commanders were released. Only that Commander A and  
3 Ibrahim Bi oh Sesay were under mess arrest.

4 Q. You've still not told us why you said they were disunited.  
12:31:06 5 Why was there no unity in the camp among those commanders;  
6 Gullit, Five-Five, Bazzy and A?

7 A. As I have stated out, the whole trouble started after the  
8 meeting wherein Gullit said SAJ Musa should come and be  
9 subordinate to him and Ibrahim Bi oh and Commander A disagreed.

12:31:35 10 So that was the beginning of everything.

11 Q. And certainly 0-Five likes that, not so? He likes the  
12 position which Bi oh and A took since he was sent by SAJ Musa to  
13 Colonel Eddie Town?

14 A. I cannot decide for 0-Five whether he liked the idea or  
12:31:57 15 not, but only that when I sat down, when he said that they came  
16 to arrest Commander A, to arrest Bi oh Sesay, when Commander A  
17 intervened and stopped the arrest.

18 Q. So you clearly do not know why Bi oh and Commander A were  
19 arrested by 0-Five?

12:32:31 20 A. My Lord, I have clearly stated it that the thing started  
21 from that meeting wherein 0-Five -- I mean, Bi oh and Operation  
22 Commander A deliberately refused to agree with Gullit's idea that  
23 SAJ should become subordinate to him. That is the beginning of  
24 everything.

12:32:55 25 Q. Yes, but why, why? Because remember you really did not say  
26 this in your examination-in-chief, it only came out when  
27 Mr Manly-Spain was cross-examining you and you said for the first  
28 time that 0-Five arrested these men and you've not --

29 MS PACK: In fairness to the witness -- I do apologise,

1 Your Honour, I didn't see.

2 JUDGE SEBUTINDE: I just wanted to interject a little  
3 earlier and then when I saw the witness was going to respond I  
4 put a hold on myself. But, Mr Fofanah, the witness has explained  
12:33:26 5 on record that as far as he knows Ibrahim Bi oh Sesay was arrested  
6 on allegations of being a witch; am I correct? And that the  
7 reason A was arrested is because he intercepted the arrest of  
8 Ibrahim Bi oh Sesay. So those are two different arrests that  
9 you've asked.

12:33:47 10 MR FOFANAH: On a different ground, Your Honour.

11 JUDGE SEBUTINDE: You asked the witness so why was Ibrahim  
12 Bi oh Sesay arrested and A arrested, you have not told the Court  
13 why they were arrested. I'm saying to you it's not true, the  
14 witness has told the Court why each of those two people were  
12:34:04 15 arrested initially according to his knowledge.

16 MR FOFANAH: I agree with Your Honour, suffice it to say  
17 that in the case of A he said A was arrested because -- I mean, A  
18 was objecting to Gullit's indication that SAJ Musa should be  
19 subjected.

12:34:22 20 JUDGE SEBUTINDE: That is not what the witness said. The  
21 witness says it was after A refused or intercepted the arrest.  
22 You know, stopped the arrest of Bi oh Sesay. That is when then  
23 people came and picked him up and took him to appear before  
24 Gullit. That is what I have on my record. I may be wrong.

12:34:52 25 MR FOFANAH:

26 Q. Witness, can you tell why Commander A was arrested by --  
27 was Commander A arrested by 0-Five?

28 A. Yes. As I have stated it, that after he obstructed the  
29 arrest of Bi oh, 0-Five, he incited the men that he came with. So



1 that is one of the most important reason why they said both of  
2 them should be under arrest and to be placed in the mess.

3 Q. So where did this stuff on Gullit saying that SAJ Musa  
4 should be under him come from?

12:35:37 5 A. This came up when SAJ in fact was in Koinadugu, when he  
6 called that he was on his way coming to Camp Eddie Town. That  
7 was the time when Gullit called an immediate meeting with his men  
8 together with Bazzy, Five-Five, Abdul Sesay, Ibrahim Bi oh,  
9 Operation Commander A and in one of the jungle sides. They had  
12:36:11 10 this discussion while I was present and these other securities to  
11 the other commanders were there. I was present when he brought  
12 up this discussion. He said now that he has led the troop up to  
13 that point and that he has separated from SAJ Musa, and if SAJ  
14 should come he should take command from him, he should be  
12:36:42 15 subordinate under him. So therefore he wanted the approval of  
16 these people. And it was then that Ibrahim Bi oh Sesay and  
17 Operation Commander A denied or rejected the decision.

18 Q. So as far as you know O-Five arrested -- at least I'll  
19 restrict you to Gullit, Bazzy and Five-Five. O-Five arrested  
12:37:04 20 them because Gullit had wanted SAJ Musa to be under him when he  
21 comes to Colonel Eddie Town, not so?

22 A. My Lord, in fact maybe you want some explanation. Even  
23 while we were in Colonel Eddie Town, the reason why SAJ sent him  
24 with the troops, that he did something bad in Koinadugu. And  
12:37:32 25 that was why SAJ sent him to come to Colonel Eddie Town. So when  
26 Gullit gave the order it was he who -- it was he who -- Commander  
27 A who was supposed to -- who --

28 THE INTERPRETER: My Lord, the witness is going too fast.  
29 Please, let him --

1           PRESIDING JUDGE: Mr Witness, pause for a moment and let  
2 the interpreter catch up.

3           THE INTERPRETER: Please go over the last bit about the  
4 sending of -- somebody coming from SAJ Musa to Colonel Eddie  
12:38:11 5 Town. Take it from there.

6           PRESIDING JUDGE: Please repeat that part, Mr Witness. Did  
7 you understand which part the interpreter needs repeated?

8           THE WITNESS: No, My Lord.

9           PRESIDING JUDGE: The interpreter wants you to repeat the  
12:38:24 10 part starting from SAJ Musa sending. Go back there.

11          THE WITNESS: I said --

12          THE INTERPRETER: From where SAJ Musa sent somebody to come  
13 to Colonel Eddie Town. You were trying to explain something  
14 about it. A person came and you went ahead from there.

12:38:59 15          MS PACK: Is that the interpreter telling the witness, just  
16 for the record?

17          PRESIDING JUDGE: Yes, it is. It's the interpreter trying  
18 to explain. Perhaps, Mr Witness, it would be easier for everyone  
19 if you started again from the beginning.

12:39:18 20          MR FOFANAH: Can I just put the question.

21 Q. Mr Witness, if I can refresh your memory you were just  
22 giving reasons why SAJ Musa sent O-Five to Colonel Eddie Town.  
23 You said there was an ulterior reason. Can you explain that?

24 A. Yes. I was not there but according to the soldiers that  
12:39:36 25 came, he said O-Five did something bad in Koinadugu. So it was a  
26 kind of punishment that SAJ gave him by leading those troops to  
27 come as far as Colonel Eddie Town.

28 Q. So SAJ did not instruct that he arrest Bi oh Sesay and  
29 Commander A?

1 A. SAJ did not ever -- because while the infighting was  
2 happening with SAJ there was also an infighting in the camp so  
3 SAJ did not instruct. It was after that they've released Gullit  
4 that it was Commander A and Bi oh should continue to remain under  
12:40:29 5 mess arrest until SAJ arrived.

6 Q. And SAJ did not also instruct the arrest and detention of  
7 Gullit, Bazzy and Five-Five?

8 A. As far as I know, this thing started, as I have explained,  
9 when 0-Five came and captured all the commanders because they  
12:40:53 10 wanted unity. This was not an instruction from SAJ.

11 Q. Okay, you've said that no one was punished for all of this.  
12 Now, Mr Witness, I'm putting it to you that you participated in  
13 the arrest of these senior officers including Commander A?

14 A. My Lord, you were not at the site. My life was at stake at  
12:41:25 15 that time because the rumour went round that I was defending  
16 Commander A. 0-Five especially. The whole camp bandied my name  
17 that that soldier, the man that is with Commander A, he and  
18 Commander A obstructed the arrest and so my life was at stake  
19 during that arrest.

12:41:51 20 JUDGE SEBUTINDE: Mr Witness, it would help if you would  
21 answer that important question, please. Did you participate in  
22 arresting these top commanders?

23 THE WITNESS: No, My Lord.

24 MR FOFANAH:

12:42:01 25 Q. You've said that you were part of the troops that were  
26 based at Colonel Eddie Town, not so?

27 A. Yes, My Lord. I was with the commander so I was part of  
28 the troops also.

29 Q. Mr Witness, I'm going to put your statement which you made

1 in March and April of 2005 to the statement takers and please  
2 tell us if you made that statement to them.

3 MR FOFANAH: Your Honours, I'm referring to bottom page 11,  
4 11 is inscribed at the bottom. My reference is to paragraphs 85  
12:42:44 5 and 86.

6 JUDGE SEBUTINDE: What statement is this?

7 MR FOFANAH: The statements made in March and April of  
8 2005, additional statement.

9 MS PACK: Page 7872.

12:43:15 10 JUDGE SEBUTINDE: And paragraph?

11 MR FOFANAH: Paragraphs 85 and 86, Your Honours.

12 Q. With your leave it reads -- Mr Witness, please listen  
13 carefully. You said: "Gullit ordered 0-Five to arrest Bi oh".

14 PRESIDING JUDGE: Pause, Mr Fofanah. There's a name on the  
12:43:37 15 second line which you should not read. Sorry, Ms Pack, you were  
16 going to say something.

17 MS PACK: That's exactly what I was about to say.

18 MR FOFANAH: Yes, I've already circled it. I will just  
19 call that name A.

12:43:51 20 PRESIDING JUDGE: That's fine, Mr Fofanah. You've already  
21 forseen it.

22 MR FOFANAH:

23 Q. "Gullit ordered 0-Five to arrest Bi oh for being a witch.

24 0-Five came to where we were by the radio set. We took a  
12:44:11 25 defensive position. Major Foday Bah and Basky were sent to talk  
26 with Commander A and he was taken to a meeting with all the  
27 commanders. At the meeting 0-Five, Foday Bah and the rest of the  
28 troop arrested Gullit, Five-Five, Bazzy, Woyoh, Abdul Sesay,  
29 Bi oh. Commander A was also arrested. 0-Five said that he didn't

1 want to sit by and allow the commanders to have their  
2 differences. He wanted to address the issue immediately".

3 Paragraph 86: "At the time we heard an announcement on the  
4 radio. Kabbah had said that he only needed the drivers and that  
12:45:29 5 amnesty had been given to all fighters, the passengers in the  
6 jungle. O-Five said that if the commanders didn't iron out their  
7 differences we would hand them over to the government. After  
8 this the commanders were told to go to their respective homes and  
9 Commander A and Bioh were put under mess arrest, meaning that  
12:46:04 10 their movement was restricted. All their soldiers were sent to  
11 their battalions".

12 JUDGE SEBUTINDE: "Were sent to other battalions".

13 MR FOFANAH: Sorry about that. I'll repeat that again.

14 Q. "All their soldiers were sent to other battalions".

12:46:28 15 MS PACK: Can I just ask my learned friend just to not read  
16 out loud the name of the next battalion, just in case.

17 MR FOFANAH: As Your Honour pleases.

18 [By order of the Court this portion of the transcript, page  
19 77, lines 18 to 21, was extracted and filed under seal]

12:46:37 20

21

22 A. Yes, My Lord.

23 MS PACK: Your Honour, I'm sorry to stand up, just names of  
24 anything specific in the last three sentences that were taken in  
12:47:26 25 closed session previously as to a specific group, if that could  
26 be redacted from the public version, just as a reminder to the  
27 registry when it comes to have the transcript published. I'm  
28 grateful.

29 MR FOFANAH:

1 Q. So you said you made this statement and when you said that  
2 at the meeting O-Five, Foday Bah and the rest of the troop  
3 arrested Gullit, Five-Five, Bazzy, Woyoh, Abdul Sesay and Bi oh  
4 didn't that include yourself as a member of the troop present at  
12:48:10 5 Camp Eddie Town at that time?

6 A. My Lord, you've had it clear that I, myself and Operation  
7 A, we were with the defensive when they came to capture -- to  
8 arrest -- I didn't know about the day when they came for the  
9 infight because I was with Operation A.

12:48:41 10 Q. Were you among the troops that captured Gullit, Five-Five,  
11 Bazzy, Woyoh, Abdul Sesay and Bi oh?

12 A. I was not among that troop that came to capture them.

13 Q. Did O-Five subsequently send you to another battalion?

14 A. Yes. Since the 5th Battalion, Basky was there and he was a  
12:49:18 15 close friend of Operation A -- that I should go to that  
16 battalion.

17 Q. So clearly at this time you were under the command of  
18 O-Five, not so?

19 A. No. This was an instruction. O-Five at that time --  
12:49:35 20 Operation A in fact never held a position again of operation  
21 commander from that time. O-Five immediately became an operation  
22 commander.

23 Q. Immediately this incident happened he became the operation  
24 commander?

12:49:55 25 A. Yes. After this incident Gullit appointed him as operation  
26 commander. Immediately he had that appointment.

27 Q. You mean after O-Five has arrested and detained Gullit,  
28 Gullit made him operation commander?

29 A. Yes, after this arrest he promoted him to operation

1 commander.

2 Q. Do you really want us to believe that?

3 A. My Lord, from that moment O-Five was the operation  
4 commander until we arrived in Freetown. He was operation  
12:50:34 5 commander. Operation Commander A was sent as supervisor.

6 MR FOFANAH: Your Honours, I realise I have a number of  
7 questions along this line and it is just quarter to 1.00. I can  
8 actually resume my questioning when I come back.

9 PRESIDING JUDGE: Mr Court Attendant, we'll adjourn for the  
12:51:19 10 lunch time adjournment. Please adjourn court until 2.15 p.m.

11 [Luncheon recess taken at 12.45 p.m.]

12 [TB210605D - EKD]

13 [Upon resuming at 2.15 p.m.]

14 PRESIDING JUDGE: Please proceed, Mr Fofanah.

14:22:19 15 MR FOFANAH:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon, My Lord.

18 Q. We stopped off where you were talking about O-Five's  
19 promotion by Gullit to operations commander just after the  
14:22:40 20 incident in question. Do you recall that?

21 A. Yes, My Lord.

22 Q. Now, Mr Witness, you have just indicated that O-Five was  
23 sent to Colonel Eddie Town on grounds of misconduct by SAJ Musa;  
24 correct?

14:23:09 25 A. I said that was an information which I received. It was a  
26 rumour that was doing the rounds in the camp. I was not there,  
27 but it was an information that was being rumoured in the camp.

28 Q. And that information was that he has miscondacted himself  
29 at Mongor Bendugu; not so?

1 A. Yes, they said he had done something wrong at Mongor  
2 Bendugu, which caused SAJ to send him to lead the troops.

3 Q. Mr Witness, I indicated to you that O-Five was in fact in  
4 control of the troops at the material time, and by the troops I  
14:24:08 5 mean including yourself -- at the material time that he arrested  
6 Gullit, Five-Five and Bazzy he was in control of the entire  
7 troops?

8 A. My Lord, all that I had to say, I had said to the Court.  
9 That I, after the thing had happened when Operation A went to the  
14:24:31 10 set, I was with him when O-Five came shooting into the camp. I  
11 was not with that group that came shooting. And they arrested  
12 these commanders.

13 Q. When O-Five came shooting into the camp was he shooting  
14 alone? Did he come with other soldiers who were shooting into  
14:24:53 15 the camp?

16 A. As far as I could recall, even the commanders who met  
17 Operation A in the area came -- Basky, Foday Bah, came and met  
18 Commander A where I was with Commander A. All of them came at  
19 the camp. They said he had incited the troops in the area where  
14:25:19 20 they had planned to launch an operation. It was O-Five incited.  
21 Where I was with Operation A I only heard shooting.

22 Q. Did O-Five come into the camp, Colonel Eddie Town, with men  
23 shooting?

24 PRESIDING JUDGE: The witness has said he only heard  
14:25:46 25 shooting, Mr Fofanah. Why do you persist in asking him that  
26 question?

27 MR FOFANAH: I will rephrase.

28 Q. How did O-Five arrest Gullit, Bazzy and Five-Five?

29 A. Like I said, I and Operation A were down at the set, after



1 Basky and Bulldoze, Foday Bah Marah met Operation A and told him  
2 that he should surrender himself because they want to bring them  
3 together. After which Operation A surrendered himself whilst I  
4 moved around and later came and met Gullit, Five-Five, Bazzy,  
14:26:42 5 Woyoh, Abdul Sesay and Operation A sitting on the ground.

6 Q. How did Operation A surrender himself to O-Five? Was it  
7 under gunpoint?

8 A. At that moment, the two people who went for Operation A  
9 were Basky and Foday Bah. Because these people were Operation  
14:27:09 10 A's close people so they used them to go and bring Operation A  
11 because they had heard that Operation A is on the defensive. So  
12 they used those two people to go and bring Operation A.

13 Q. So you don't know if he was brought under gunpoint?

14 A. Well, from the moment where I -- from where I was standing  
14:27:30 15 and I finally escaped Operation A was willing, and when he saw  
16 these two men he moved with them whilst I escaped from there and  
17 went round the camp and came back inside and met them sitting on  
18 had ground.

19 Q. How long did you escape for?

14:27:48 20 A. The camp is a very short camp, Colonel Eddie Town. So I  
21 just moved and they said -- they had told me that it was plot and  
22 they said to me that I should join them. So when I saw this type  
23 of thing I moved from there, when Operation A had surrendered  
24 himself, and went round. It didn't even take 30 minutes and I  
14:28:08 25 had gone round and come back to the camp.

26 Q. So you were informed that this was a plot. Was it a coup  
27 plot?

28 A. I clearly stated it that one of them was asking me to join  
29 them, that it was a plot. That's what I heard; that we want to

1 bring these men together.

2 Q. Was it a plot to overthrow Gullit, Bazzy and Five-Five?

3 A. All that I knew was that this was a plot to bring these  
4 people together, to bring unity among them. That's what I  
14:28:42 5 understood later.

6 Q. Do you know how these men got to sit on the ground? Were  
7 they forced to sit on the ground?

8 A. My Lord, I have clearly stated it that I met them sitting  
9 on the ground. Whilst I went round -- when I came back I met  
14:29:03 10 Operation A, Gullit, Five-Five, they were all sitting on the  
11 ground.

12 Q. Whilst they were on the ground, were they surrounded by  
13 soldiers?

14 A. Yes, including O-Five and the battalion commanders who were  
14:29:19 15 all present, they were all there.

16 Q. Were these soldiers armed?

17 A. My Lord, they were well armed. Everybody had his weapon.

18 Q. Did they hold these men under gunpoint when you arrived?

19 A. All that I knew was that they were sitting on the ground  
14:29:44 20 and the men surrounded them holding their weapons. But I didn't  
21 see them pointing at them with their weapons, but I did see them  
22 with weapons talking to them.

23 Q. Did you see any form of maltreatment on these three people?

24 A. I didn't see them maltreat anybody, that they hit somebody.  
14:30:09 25 I just met them sitting on the ground.

26 Q. When you say "they", you did not see whom maltreat whom?

27 A. You said the three people and the ones whose names I have  
28 called, I called Gullit, Bazzy, Five-Five, Operation A, Woyoh,  
29 Abdul Sesay, those whom I saw, they were all sitting on the

1 ground. I didn't see them receive any blows. But O-Five was  
2 just talking to them, relating to how unity should be brought  
3 amongst them.

14:30:49 4 Q. Do you know how long -- when you came to see them on the  
5 ground, how long they took? How long they sat on the ground? Do  
6 you know how long?

7 A. Well, as far as I could recall, when I came there it was  
8 not long that they were told to get up and go where -- to a place  
9 near the military office. That's where they went.

14:31:11 10 Q. All three of them? All, include -- all, at least all of  
11 them who were sitting on the floor?

12 A. Yes. These men whom I have named.

13 Q. Was it about five hours, six hours, when you were there?

14 A. Well, like I said, it didn't take up to 2 hours or so.  
14:31:36 15 They tried to resolve this thing and allow the commanders to go  
16 back to their houses whilst Operation A, Bi oh, were told to  
17 remain at the mess.

18 Q. So who held Bi oh and Operation A at the mess under arrest?

19 A. As far as I could recall, after O-Five had said everybody  
14:32:01 20 should go, Gullit said Operation A and Bi oh should remain because  
21 they were the cause of this particular thing that had happened.

22 Q. And you said that O-Five subsequently sent all of you to  
23 various battalions?

24 A. Especially Operation A's men, those who were with him. We  
14:32:33 25 were told that we should go out for the time being.

26 Q. Now, when you said in the statement that I read out to you  
27 that after this the commanders were told to go to their  
28 respective homes. What do you mean by that? Are you saying that  
29 this incident happened somewhere else other than their homes?

1 A. Well, this arrest, like I said, I said I was down and they  
2 had their respective houses which they occupied in the camp. So  
3 when I came, I met them in the middle around the village. That's  
4 where they were sitting down surrounded by soldiers.

14:33:26 5 Q. What part of Colonel Eddie Town was that? Was it at the  
6 headquarters?

7 A. Yes, Colonel Eddie Town was the headquarters. It was the  
8 headquarters.

9 Q. Now, where you met these men seated on the floor, was it at  
14:33:41 10 the headquarters of Colonel Eddie Town?

11 A. It was not the headquarters, it was opposite the  
12 headquarters, facing the headquarters.

13 Q. Now, Mr Witness, I'm putting it to you that you knew that  
14 this was a plot to remove those men from the authority which you  
14:34:08 15 said they wielded at that time.

16 A. My Lord, as far as what I had said, whilst this confusion  
17 was taking place, O-Five moved. I, Operation A and the soldiers  
18 who are subordinate to him moved to the set whilst he was  
19 communicating and we heard firing in the camp. And later, we  
14:34:34 20 found out that it was men who had -- men, including O-Five, who  
21 had come. And Basky, Foday Bah, went and met Operation A and  
22 asked him that they wanted him up. So how would you say I was  
23 part of this plot when my own life was at stake?

24 Q. So you felt threatened, not so; your life was at stake?

14:35:00 25 A. At that time Commander A, the word that O-Five brought that  
26 Commander A had resisted him and that Commander A -- he had come  
27 to arrest Commander A and he had resisted. So Commander A was  
28 one of the causes. So Commander A was arrested. So my own life  
29 was at risk because I was with Commander A.

1 Q. Mr Witness, how soon after this did Gullit appoint O-Five  
2 as operations commander?

3 A. Just after this Operation Commander A -- maybe he had never  
4 held a position after that. After this, O-Five became the  
14:35:52 5 operation commander.

6 Q. Before that, what was he in the camp, O-Five?

7 A. He was the deputy operation commander.

8 Q. But you never indicated to this Court when you were  
9 testifying that O-Five was made operations commander by Gullit.

14:36:26 10 A. I had clearly stated this. And it was well-known that  
11 O-Five was the operation commander from Colonel Eddie Town up to  
12 Freetown. And on return from Freetown I said O-Five was  
13 operation commander and that Supervisor A was made to supervise  
14 the RUF Battalion before the troop left for Colonel Eddie Town.

14:36:56 15 Q. I put it to you that it was SAJ Musa that, according to  
16 you, promoted O-Five to operations commander and not Gullit.

17 A. My Lord, as far as I know, this thing happened before the  
18 arrival of SAJ Musa, wherein Operation Commander A was arrested  
19 and O-Five became the operation commander. From that moment when  
14:37:30 20 SAJ came it was O-Five who was acting as operation commander and  
21 he accepted it.

22 Q. Was he acting or he was operations commander when SAJ came?

23 A. He was the operation commander whom SAJ met on the ground.

24 Q. I'm going to point out to you that that is not what you  
14:37:54 25 told this Court.

26 MR FOFANAH: My reference, Your Honours, will be transcript  
27 of June 13th. 13th June at page 4.

28 Q. Before referring you to the transcript, could you kindly  
29 tell the Court who promoted O-Five to deputy operations

1 commander?

2 A. He was promoted by Gullit that deputy operations commander  
3 when he came to the camp.

4 Q. What was his rank? Did he receive any promotion?

14:38:47 5 A. When O-Five came he was major. Gullit promoted him to  
6 lieutenant colonel.

7 Q. Now, Mr Witness, I'm going to draw your attention to this  
8 question on O-Five's promotion to operations commander by SAJ  
9 Musa.

14:39:10 10 MR FOFANAH: Your Honours, I have said it is page 4 of  
11 13th June 2005 from lines 13 to 23. Lines 13 to 23. The  
12 question was:

13 "Q. Pause there. Do you recall what was said by SAJ Musa  
14 at this meeting in relation to Colonel O-Five:

14:39:50 15 "A. Yes.

16 "Q. What was said at this meeting in relation to Colonel  
17 O-Five.

18 "A. SAJ Musa only approved of his appointment as operation  
19 commander for the troop.

14:40:07 20 "Q. Do you know whether O-Five as a result of his  
21 appointment to operational commander was subordinate to anyone in  
22 the organisation of men?

23 "A. Yes."

24 Then it went on. So, Mr Witness, didn't you say this; that  
14:40:26 25 SAJ Musa approved of his appointment as operation commander and  
26 as a result of his appointment he became operational commander.

27 A. Yes, My Lord, I said that. I said so. He approved of his  
28 promotion. He was promoted by Gullit to operations commander  
29 when -- no, sorry. When SAJ came he approved of this promotion.

1 Q. But, Mr Witness, I just told you that throughout your  
2 testimony you never told this Court that Gullit had appointed him  
3 to the rank of operation commander.

14:41:14 4 A. In my testimony whilst I was about to go into details, in  
5 fact, as I could recall -- that I should just go directly -- I  
6 should answer the question directly. I even wanted to talk about  
7 that incident which led to the infighting and how Operation A  
8 lost his position as operation commander.

14:41:34 9 MS PACK: Your Honour, in fairness to the witness, there is  
10 a preceding five or six lines at page 4 from line 8 which I think  
11 ought to be read just to provide that context, because one can  
12 see there there was an explanation embarked upon when the witness  
13 was cut short by me. That starts from: "The operation at that  
14 time SAJ Musa who was named because" and so on.

14:41:59 15 MR FOFANAH: Your Honours, I will read from line 4 at least  
16 to see if we can get something from that. The question:

17 "Q. Were there other appointments made by SAJ Musa at this  
18 meeting as he created his administration?"

19 "A. Yes.

14:42:18 20 "Q. Name them.

21 "A. The operation commander at that time was SAJ Musa who  
22 was named because as Lieutenant Colonel O-Five because after him,  
23 before the coming of SAJ Musa there was a dispute between the  
24 hierarchy of Gullit wherein he made changes of Operation  
14:42:31 25 Commander A."

26 I clearly do not understand what he was saying there but  
27 probably he can help us. "The operation commander at that time  
28 was SAJ Musa who was named because as Lieutenant Colonel O-Five  
29 because after him".

1 Q. So, Mr Witness, you were saying that you wanted to indicate  
2 that but then you were cut short, not so, when you were  
3 testi fyi ng?

4 A. As far as I could recall --

14:43:25 5 JUDGE SEBUTINDE: I think the witness is absolutely  
6 accurate. Mr Fofanah, if you look at line 10 on that transcript,  
7 where he says, "Before the coming of SAJ Musa there was a dispute  
8 between the hierarchy of Gullit, wherein he made changes of  
9 Operation Commander A" and then the lawyer says to the witness,  
14:43:46 10 "Pause there" and then takes him on a different line of  
11 questioning. So it is not utterly true that this witness has  
12 never mentioned anything about Gullit changing the -- the changes  
13 of Operation Commander A. It is not altogether true.

14 MR FOFANAH: Yes, but I'm saying that he did not tell us  
14:44:10 15 that and, to the best of my knowledge, what he indicated to the  
16 Court was the appointment of O-Five as deputy commander by  
17 Gullit.

18 MS PACK: Your Honour, in fairness to the witness, the  
19 point is that he was not asked questions about this and was not  
14:44:28 20 taken down this line. I think, in fairness to the witness, to  
21 therefore put what was not said because he wasn't asked about it  
22 as an inconsistency is unfair to the witness.

23 PRESIDING JUDGE: I agree, it is unfair.

24 MR FOFANAH:

14:44:44 25 Q. How long after this incident at the camp did it take for  
26 SAJ Musa to come?

27 A. After this incident, just about as far as I could recall,  
28 after this incident -- two days after this incident SAJ arrived.  
29 Two to three days, SAJ arrived.



1 Q. So you are saying that within those two days Gullit  
2 appointed 0-Five as the operations commander?

3 A. Yes, My Lord. Immediately after this incident when  
4 Operation A, Bi oh, sent them to the mess, this appointment was  
14:45:27 5 made. It was 0-Five who was the operation commander at this  
6 time.

7 Q. But before this 0-Five was reporting to Commander A as  
8 operations commander; not so?

9 A. As deputy operation, yes, he reported to the operation  
14:46:00 10 commander.

11 Q. After this incident did Gullit ever regain his position as  
12 overall commander?

13 A. After this incident Gullit was still the commander until  
14 the arrival of SAJ. He was still the commander.

14:46:28 15 Q. Mr Witness, the fact that all those who occasioned this  
16 event were never punished by these senior commanders - Gullit,  
17 Bazzy and Five-Five - does it not indicate to you, as a soldier,  
18 that the command structure -- that there were lapses in the  
19 command structure?

14:46:56 20 A. My Lord, all the secrets behind this whole thing, like I  
21 said, relates to when Gullit said SAJ should come and take  
22 command from him. Later in the camp everybody was saying that it  
23 was Gullit who had manipulated this thing so that he would remove  
24 operation commander from his position and retain himself.

14:47:29 25 Q. Are you saying that Gullit needed to do this in order to  
26 appoint 0-Five as operations commander? He needed to plot this  
27 arrangement in order to -- I mean, are you saying that really?

28 A. My Lord, all I know -- and this was what was -- this was  
29 the talk that was going around, that it was Gullit who had set

1 this programme. Because Bi oh, Operation A have denied that when  
2 Gullit had requested that SAJ should take command from him and  
3 they had denied it was he who had leaked it out so that Operation  
4 A would lose the position before the arrival of SAJ.

14:48:36

5 Q. So notwithstanding the information that you said you  
6 received that O-Five had misconducted himself at Mongor Bendugu,  
7 when SAJ finally arrived at Eddie Town he still approved of his  
8 appointment as operations commander?

14:49:06

9 A. When SAJ came and he saw the administration and that was  
10 what -- that was the operation commander put before him by  
11 Gullit, he approved it.

12 Q. Now, throughout this jungle period did you ever see  
13 incidents of this nature occurring on people you call high  
14 ranking commanders, they being forced to sit on the ground by

14:49:33

15 their juniors?

16 A. In the jungle we had what we call an infighting. In  
17 Koinadugu it was SAJ Musa who was in charge. But when there was  
18 an infighting, SAJ Musa escaped. So during an infighting, if you  
19 were in the jungle when it is said that there is an infighting,  
14:49:59 20 you as a commander, the commanders at that time, their lives were  
21 at risk, especially when there was an infight. Because one  
22 commander might have more manpower than the other, just for the  
23 sake of power struggle.

14:50:20

24 Q. So when Gullit first set up his structure at Rosos and then  
25 subsequently at Colonel Eddie Town, he didn't do any such plot in  
26 order to appoint his administration; not so?

27 A. No, My Lord, he didn't make any plot.

28 Q. He merely appointed people to various positions, according  
29 to you?

1 A. Yes, My Lord.

2 Q. Now, Mr Witness, I put it to you that you have earlier told  
3 this Court that after your withdrawal from Freetown in February  
4 '98 until the time you went to Kono and then finally to

14:51:08 5 Mansofinia, the troops were disorganised although they were under  
6 the command of Johnny Paul Koroma.

7 MS PACK: The witness hasn't said that.

8 MR FOFANAH: I am putting it to him. If he denies, then I  
9 will point it out. Please.

14:51:29 10 THE WITNESS: My Lord, I have never spoken about that. The  
11 only thing I have spoken about was that from Freetown to Masiaka  
12 up to Makeni the troops were disorganised. I said it was when we  
13 went to Kono, when the troops reached Kono, that's where we  
14 started the restructuring. Where I was, the troops that I was  
14:51:47 15 with.

16 MR FOFANAH:

17 Q. So, in fact, you are saying that the troops were  
18 disorganised until you reached Kono; is that it?

19 A. It was a movement. That was the time that the troop had  
14:52:03 20 captured Kono and come back to take Johnny Paul. There were  
21 troops in the other areas - Makeni, Kabala. From our own area in  
22 Kono the troops started restructuring. My own troop where I was.

23 Q. So once again, did you ever say that the troops were  
24 disorganised until you arrived at Kono -- at Mansofinia -- Kono  
14:52:30 25 and then subsequently Mansofinia?

26 A. What I said was that after the intervention, the troops  
27 were disorganised. The entire troops were disorganised. I said  
28 that.

29 Q. And when did they stop being disorganised; that's what I

1 want to know?

2 MS PACK: The witness has answered this question already a  
3 couple of questions ago, and he said that from Kono they started  
4 restructuring.

14:52:59 5 JUDGE SEBUTINDE: Ms Pack, why don't you let the witness  
6 answer. I think it is not the same. Restructuring and being  
7 disorganised or stopping to be disorganised, it is not the same.

8 MR FOFANAH: She actually answered for him before he  
9 started talking, but anyway.

14:53:15 10 JUDGE SEBUTINDE: Please put your question again and let  
11 the witness answer, Mr Fofanah.

12 MR FOFANAH:

13 Q. I put it to you that you have told this Court that the  
14 troops that left Freetown in February '98 and that went as far as  
14:53:34 15 Kono and subsequently Mansofinia were disorganised,  
16 notwithstanding that they were under the command of Johnny Paul  
17 Koroma. Did you say that?

18 A. I never mentioned that the troops up to Mansofinia were  
19 disorganised. I said after the intervention in Freetown the  
14:53:55 20 troops were disorganised.

21 MR FOFANAH: Your Honours, I'm trying to look for a  
22 transcript of 16th of June. 16th of June at page 25, line 1 to  
23 6.

24 Q. The question: "Was the army ever organised after that,  
14:55:00 25 after you had retreated from Freetown?" And the answer: "Well,  
26 even when we left Freetown, we were still under the command of  
27 Johnny Paul Koroma, so we were not organised until we reached  
28 Kono and went to Mansofinia. That was the area they started to  
29 reorganise the troops."

1           Di dn' t you say that on oath to the Court in testimony in  
2 chief?

3 A.     Yes, My Lord, I said so. But the statement was clear.

4 Q.     What was clear?

14:55:44 5 A.     I said from the withdrawal from Freetown the troops are not  
6 organised until we reached Kono and Mansofi ni a. That was where  
7 we started restructuring. I mentioned Kono and I mentioned  
8 Mansofi ni a.

9 Q.     At least you have now answered my question, thank you. We  
14:56:02 10 can move on. So in the light of this di sorganisation,  
11 Mr Witness, will you agree with me if I say that 0-Five arrested  
12 and detained Gullit, Bazzy and Five-Five because he knew that any  
13 other officer in the jungle could do that, because the troops  
14 were di sorganised?

14:56:42 15           JUDGE LUSSICK: I don't understand that question. Could  
16 you rephrase it, please.

17           MR FOFANAH: As Your Honour pleases.

18 Q.     Will you agree with me, Mr Witness, if I say that 0-Five  
19 plotted the conduct against Bazzy, Gullit and Five-Five at  
14:57:06 20 Colonel Eddie Town on the grounds that the troops were  
21 di sorganised, and that if he does such things no one will be  
22 punished because the troops were di sorganised?

23           PRESIDING JUDGE: Mr Fofanah, first of all, you have got  
24 two questions in that. That is number one. And number two, you  
14:57:29 25 are asking the witness to go into the mind of another person.

26           MR FOFANAH:

27 Q.     Before you withdrew to the jungle before February '98, was  
28 there any provision, to the best of your knowledge, within the  
29 military on what to do with men who forced their senior

1 commanders on the floor?

2 A. My Lord, as far as I know, this jungle time was a different  
3 time that I saw in the army. In the army it did not happen,  
4 except where you had a coup. But this time, this was different  
14:58:33 5 from what had been happening in the regular army. It was in the  
6 jungle that I saw infight and so many things.

7 Q. So you agree with me that in the jungle there was really no  
8 control at all?

9 PRESIDING JUDGE: Mr Fofanah, are you putting that to him?

14:58:52 10 Because if you are saying to him you agree with me, first of all,  
11 you didn't put that to him before and he didn't say that. So if  
12 you are putting a proposition to him, put it to him clearly and  
13 allow him to answer.

14 MR FOFANAH:

14:59:06 15 Q. Mr Witness, I'm putting it to you that in the jungle, in  
16 the light of what you have just said, there was no control?

17 A. My Lord, there was control in the jungle.

18 Q. But if there was control, wouldn't there have been at least  
19 rules and guidelines on what to do if commanders are treated in  
14:59:35 20 that fashion?

21 A. My Lord, I clearly stated that this particular thing,  
22 according to the rumour in the camp, it was Gullit himself that  
23 organised that so that this thing could happen. So no other  
24 person. He organised it, according to the rumour in the campus.

15:00:07 25 Q. Mr Witness, it was only a few minutes ago that you are  
26 bringing this up, when we returned; I mean, that this rumour was  
27 around. Before we had the break you did not tell us this.

28 MS PACK: Is that a question, Your Honour? I didn't hear a  
29 question and I think it is difficult, therefore, for the witness

1 to respond to that statement.

2 MR FOFANAH:

3 Q. Did you tell us about the circulation of this rumour before  
4 we went for break, when I was asking you about O-Five's behaviour  
15:00:43 5 at this material time?

6 A. My Lord, all I know is that this happened in the camp and I  
7 was at the scene, you see, and I clearly stated what I saw with  
8 my eyes and what I knew at that time at Colonel Eddie Town when  
9 this incident happened and this rumour went around, just like I  
15:01:08 10 said, you see. The last time I wanted to explain little and they  
11 said I should leave that side, you see.

12 Q. I am putting it to you that you are only making this up now  
13 because of the questions that I've put to you.

14 A. No, My Lord. This was what happened and this is what I am  
15:01:34 15 saying. I have not concocted that. This was a rumour that had  
16 been going on.

17 JUDGE SEBUTINDE: Mr Fofanah, before the lunch break, to be  
18 fair to the witness, this witness told Court about a statement  
19 that Gullit made that when SAJ Musa comes to Eddie Town, he will  
15:01:54 20 be subordinate to Gullit, and how Operation Commander A and Bi oh  
21 Sesay opposed that. And that that was the beginning of this  
22 whole controversy.

23 MR FOFANAH: Yes.

24 JUDGE SEBUTINDE: And that actually, even when O-Five came  
15:02:10 25 to arrest Commander A and Bi oh Sesay, that actually behind them  
26 was Gullit. Behind that order was hiding Gullit, even though he  
27 also was amongst the people seated, arrested. And that is why,  
28 according to this witness, after everybody else was released,  
29 these two people were sent to the mess to be incarcerated. That

1 was before lunch.

2 So I don't think you are accusing him correctly when you  
3 say he has now come up with this new story after the lunch break.  
4 It is not altogether accurate.

15:02:52 5 MR FOFANAHA: Suffice it to say that the reason why Bioh,  
6 according to him, was arrested was on witchcraft.

7 JUDGE SEBUTINDE: I understand that. That was what was  
8 presented, but then he went behind all that, and he said the  
9 thing which begun all this story, or all this confusion, started  
10 with Gullit and these two people challenging him that what he was  
11 saying and doing or planning to do with SAJ Musa was wrong. This  
12 witness said that before lunch. That is all I am saying. That  
13 what was presented forward as the reason for arresting Bioh Sesay  
14 was different from what it actually was behind the scene. That  
15 is how I understood this witness. I may be wrong. But he did  
16 certainly talk about it before lunch, which is the point I am  
17 trying to make.

18 MR FOFANAHA: The point is taken, Your Honour, thank you.

19 Q. Mr Witness, when SAJ Musa finally came to Colonel Eddie  
15:03:50 20 Town, did Gullit continue to work with him?

21 A. Yes, My Lord, he continued to work with him.

22 [TB21050605D 3.00 p.m. - AD]

23 Q. In what capacity?

24 A. As the deputy chief in command. While SAJ was the chief in  
15:04:19 25 command.

26 Q. Did you or anyone tell SAJ about what had happened, about  
27 this incident before he arrived two days after?

28 A. I do not know about other people but I did not tell SAJ  
29 Musa about anything concerning that because the camp was



1 different this time.

2 Q. But at least Gullit continued to work harmoniously under  
3 him as, according to you, he is second in command; not so?

4 A. Yes, he continued to work with him.

15:05:14 5 Q. Okay. Mr Witness, I will move toward another location.

6 But before that I want to clarify this point on Junior Lion. Did  
7 you say Junior Lion was enlisted into the Sierra Leone Army?

8 A. I said, as far as I recall, Junior Lion, when I saw him was  
9 Kono during the NPRC with uniform -- he was in full military  
10 uniform and he was a bodyguard to Tom Nyuma. I do not know where  
11 he got this uniform, but in Kono I saw him in full military  
12 uniform.

13 Q. But you cannot tell if he was a civilian or a soldier; not  
14 so?

15:06:25 15 A. Well, during that time of the NPRC that man was in full  
16 military uniform and he was working with the NPRC secretariat in  
17 Kono. I would not be able to say whether he was a soldier or  
18 not, but I saw him with uniform.

19 Q. During the AFRC period did you know him as a registered SLA  
15:06:52 20 with number?

21 A. All I know is that during the AFRC time I saw him with  
22 Bazy as Bazy's CSO. Later I saw him as staff sergeant with  
23 full military uniform. That is what he had been using and he was  
24 with Bazy.

15:07:13 25 Q. At least you did not know whether he had a military number,  
26 a Sierra Leone military number.

27 A. I did not go into those details. As long as I saw him  
28 during the NPRC and AFRC I saw him with uniform and he was a  
29 senior government officer. So I did not have any objection to

1 that with regard to the uniform that he wore.

2 Q. So, from Colonel Eddie Town, where did you head to?

3 A. When the troops moved to Mange Bureh.

4 Q. And from Mange Bureh?

15:08:02 5 A. From Mange Bureh the troop moved to one area around Mange,  
6 downside Mange, I mean, which was Maraykula. That town was also  
7 burnt down. And it was Five-Five who ordered the burning of that  
8 town, Maraykula.

9 Q. Now, if I may take you backwards a bit. You have mentioned  
15:08:33 10 a village or location called Gbomsamba. Your Honours, it is  
11 spelt G-B-O-M-S-A-M-B-A. Not so; you have mentioned that  
12 location before?

13 A. Yes, that was the time we are at Rosos, when Gbomsamba was  
14 attacked.

15:09:00 15 Q. Whom did you attack? Was there anyone at Gbomsamba who was  
16 attacked?

17 A. I said the Nigerian ECOMOG forces were at Gbomsamba.

18 Q. And you remember giving the strength of that force when you  
19 were testifying; how large that force was?

15:09:27 20 A. The only thing that I said was that one of the captured  
21 ECOMOG soldiers, he was the one that said that -- he was the one  
22 said the strength of the place. I did not tell you that I knew  
23 the strength. I said that the troop that went with was so large.

24 Q. What was their strength according to the captured man?

15:09:52 25 A. He did not state the strength of the troop; he just said  
26 that there were many on the ground; he did not give any number.  
27 That was what he said.

28 Q. Are you sure about that? Did he tell you whether it was a  
29 company?

1 A. My brother, as far as I know, he said that it was a  
2 battalion that was there. But he did not state any number to me.

3 Q. And did he say who was in charge of them?

4 A. He only said that it was one of their commanders, one  
15:10:40 5 ECOMOG soldier who was the commander there. He did not even tell  
6 us who was the commander or the rank of the commander.

7 Q. And you said you killed some Nigerians at this location in  
8 the attack?

9 A. Yes. Nigerian soldiers died and they were five -- five of  
15:11:17 10 them died in that operation.

11 Q. A battalion is certainly a very large number, as you have  
12 rightly put it. How large was your troop that went on this  
13 attack?

14 A. My Lord, even in other areas, 100 could attack a brigade.  
15:11:47 15 It depended on how strong you are. At this particular time we  
16 were 180 that went to this attack, as far as I can recall. The  
17 number was more than that, it was more than 100, which moved to  
18 this attack at Gbomsamba.

19 Q. And did you just walk through?

15:12:13 20 A. No, My Lord.

21 Q. So what happened?

22 A. Well, in this operation, as the Nigerians noticed our  
23 movement immediately, how we have been fighting in the jungle  
24 whenever they notice the movement of us at any time, we would  
15:12:35 25 immediately attack, we would not waste any time; we would make an  
26 immediate attack. While the RPG men would come and launch  
27 immediately into the town, whilst --

28 THE INTERPRETER: Your Honours, I have not got the last  
29 segment of the witness's evidence.

1           PRESIDING JUDGE: Mr Witness, please repeat the last part  
2 of your evidence for the interpreter please.

3           THE WITNESS: I said in some areas where we went as a troop  
4 the RPG man, whenever the enemy had noticed our presence would  
15:13:14 5 make an immediate attack. Wherein the RPG man would launch his  
6 bomb immediately to the town and the HMG man would make his  
7 assault before the rifle men would start firing or again if we  
8 went with the mortar, we would first use the mortar so as to  
9 disorganise the enemy. To make sure that we bombard them with  
15:13:33 10 that 60 millimetre mortar. We would use it for perhaps two or  
11 three bombs.

12 Q. How long did this fight last for?

13 A. As we enter, it did not even last for an hour. We have  
14 captured the whole of the ground. Gbomsamba is not a big town;  
15:14:06 15 it is around Makeni Highway.

16 Q. Mr Witness, do you really want us to believe that an entire  
17 battalion, apart from five soldiers you said you killed, withdrew  
18 in one hour following your assault on them?

19 A. Yes, My Lord. As far as I have been in battle, I seen it  
15:14:44 20 not once, not three times.

21 Q. And these Nigerians were fully armed, not so, according to  
22 what you told us?

23 A. Yes, My Lord.

24 Q. They were heavily armed, too?

15:15:03 25 A. Yes, they were armed. Yes, they had arms.

26 Q. And they withdraw and left all of the arms behind, which  
27 you captured?

28 A. No, not all their arms. We only had some arms and  
29 ammunition from the ground. I did not say we took all the arms,

1 no.

2 Q. Around what time was this incident? The attack on  
3 Gbomsamba, at that time of the year?

4 A. It was 1998; it was 1998, yes.

15:15:52 5 Q. I said what time of that year.

6 A. It was around mid-July. Around mid-July, yes.

7 Q. So from Gbomsamba you returned back to where?

8 A. We came back to Camp Rosos.

9 Q. Now, these five Nigerians you reported as killed at  
15:16:45 10 Gbomsamba, did they include the captured man who was also killed?

11 PRESIDING JUDGE: Are you saying that the five that were  
12 killed included the one that was killed. Is that what you are  
13 asking him?

14 MR FOFANAH: Yes. He said that one was captured who told  
15:17:07 15 him about the strength of the Nigerian force, and they also  
16 killed five. I just want to know if these are separate people or  
17 whether the five included this man who was captured and  
18 subsequently killed.

19 PRESIDING JUDGE: I see.

15:17:22 20 THE WITNESS: No, these five, as the troop advanced towards  
21 Gbomsamba, these were the ones that died, which the troops  
22 captured. This one was a captured one.

23 MR FOFANAH:

24 Q. Did any man die from your troops in their attack?

15:17:52 25 MS PACK: Your Honour, I don't see how this question can be  
26 relevant. There has been a number of questions now on Gbomsamba,  
27 and in my submission, a lot haven't been relevant, but this one  
28 in particular certainly isn't.

29 PRESIDING JUDGE: There has been an objection, Mr Fofana.

1 What have you to say to it?

2 MR FOFANAH: My learned colleague has not given any reason  
3 why it is not relevant.

4 PRESIDING JUDGE: You tell me why you say it is relevant.

15:18:23 5 MR FOFANAH: Your Honours, this was an attack on an  
6 unequally armed -- I don't want to call them factions -- but, at  
7 least troops were based in a location fully and heavily armed,  
8 and he said they went and attacked them. So I need to know if  
9 casualties were sustained on both sides. That is why I am asking  
10 the question.

11 PRESIDING JUDGE: What is the relevance of that  
12 information?

13 MR FOFANAH: That is exactly what I have said, Your Honour.  
14 The question goes to show how credible, at the same time how  
15:19:10 15 reliable that piece of information can be.

16 [Trial Chamber confers]

17 PRESIDING JUDGE: On the basis of credibility and  
18 reliability, we will allow the question.

19 MR FOFANAH:

15:19:49 20 Q. So, did you suffer casualties in this assault?

21 A. The only thing that happened, during that attack, one  
22 soldier that was called Junior, he was the one whose back pierced  
23 by a bullet. He was the only person that was damaged in that  
24 battle; we did not lose anybody. Nobody went missing and he was  
15:20:19 25 the only fellow that was damaged in that particular operation.

26 Q. You mean he was the only one in a group of more than 180?

27 A. He was the only person that sustained injury, that had a  
28 wound on his back. He was the only person in that operation.

29 Q. Were the ECOMOG troops firing back when you attacked them?

1 A. As soon as they noticed that we were around, we immediately  
2 launched an attack. They had been firing; they had been firing.

3 Q. So they were firing back?

4 A. Yes, yes, yes, My Lord.

15:21:13 5 Q. Among weapons that you said you captured, did you find any  
6 mortar bombs?

7 A. I said RPG bombs. These were the ones that were captured  
8 at Gbomsamba; RPG bombs and arms and ammunition.

9 Q. What other arms and ammunition?

15:21:49 10 A. Earlier rounds.

11 Q. What?

12 A. Light automatic rifle also.

13 Q. How many of those?

14 A. As far as I can recall, we had six. The five soldiers that  
15:22:04 15 died, their weapons were the ones that we captured, making six.

16 Q. And what?

17 A. As far as I can recall, we had some food items, arms and  
18 ammunition that I mentioned and food items from Gbomsamba.

19 Q. How many RPG bombs did you have?

15:22:32 20 MS PACK: Your Honour, I object to this line of  
21 questioning. This is not relevant, and I object on the grounds  
22 of lack of relevance. I don't see how this particular line of  
23 questioning is going to credibility or reliability, if that is  
24 the basis upon which these questions are being put; if that is  
15:22:50 25 the contention that they are relevant for that reason.

26 PRESIDING JUDGE: Mr Fofana, what do you say to that  
27 objection?

28 MR FOFANA: I still sustain my earlier reply that this was  
29 an assault and two forces were fighting. If he is saying that

1 they did not sustain any casualties, it is in my estimation wise  
2 for me to lay the basis of -- at least to show how strong the  
3 opposing force was. I am basically trying to establish that  
4 through the arms and ammunition which he said that captured.

15:23:25 5 PRESIDING JUDGE: You have already established how many  
6 were injured. So we have gone beyond that particular aspect of  
7 your credibility and reliability

8 MR FOFANAH: How many were injured, Your Honour. From  
9 where?

15:23:38 10 PRESIDING JUDGE: The previous objection related to the  
11 number killed and that objection was -- you were allowed to put  
12 that question. You have now moved into a completely new field.

13 MR FOFANAH: Your Honour, I am saying that that field is  
14 actually very relevant, because this is a war situation and  
15:24:00 15 people are fighting using arms and ammunition. The witness has  
16 stated that in the process people lost their lives. We want to  
17 know how credible the information is, especially when he says  
18 their troops attacked, from the information he gave, a battalion  
19 of soldiers.

15:24:24 20 JUDGE LUSSICK: Mr Fofana, do you have any material on  
21 which to contradict him?

22 MR FOFANAH: Say again, Your Honour.

23 JUDGE LUSSICK: Do you have any material on which you can  
24 contradict his answers to your questions?

15:24:41 25 MR FOFANAH: Your Honour, I am basically just trying to  
26 know from him the strength of the opposing force. That is all I  
27 was trying to do. He has indicated to the Court that they were  
28 heavily and fully armed.

29 JUDGE LUSSICK: Ms Pack has objected on the grounds of



1 relevance. I do not think you have demonstrated any relevance at  
2 all. What does it matter what the size of the opposing force  
3 was? Bear in mind that this witness's evidence is not that he  
4 saw the whole opposing force, just that he heard from a captured  
15:25:19 5 Nigerian the extent of the size of the opposing force. Getting  
6 back to my question, what does it prove if the witness tells you  
7 the size of the force, or how many RPG bombs were captured?  
8 Where is it going?

9 MR FOFANAH: In any case, I will not push it, but I know it  
15:25:43 10 is very relevant to my case. I will leave it at that.

11 JUDGE LUSSICK: If you say it is relevant, let's hear you  
12 link it up to some relevance in the next few questions.

13 MR FOFANAH: The questions was on the arms that they had.

14 JUDGE LUSSICK: You keep going. If you say it is relevant,  
15:26:01 15 I am sure eventually we will see how it is. At the moment I  
16 cannot see any relevance at all.

17 MR FOFANAH: If as Your Honour pleases.

18 [Trial Chamber confers]

19 JUDGE LUSSICK: I am not stopping you, Mr Fofanah. If you  
15:26:25 20 say it is relevant --

21 MR FOFANAH: I am sorry, your sisters are deliberating.

22 PRESIDING JUDGE: I am agreeing with my brother.

23 MR FOFANAH: As Your Honour pleases.

24 JUDGE SEBUTINDE: Mr Fofanah, let me just say this on my  
15:27:35 25 own behalf. I believe that when the Defence is testing the  
26 credibility of the witness, you have the latitude to do that. I  
27 understand the questions that you are putting to the witness  
28 currently as being relevant in testing the credibility of this  
29 witness's story at this time as to the battle between the

1 Nigerian ECOMOG forces and the rebel forces at the time. In that  
2 regard, I would urge you to continue questioning -- that line of  
3 question as to the number of casualties, the kind of equipment  
4 that was on both sides, to test the credibility of this story in  
15:28:25 5 the eyes of the Court. I find it relevant to test the  
6 credibility of the witness's story in the eyes of the Court. I  
7 just thought I needed to say that.

8 JUDGE LUSSICK: Mr Fofanah, if you are going to test his  
9 credibility, I presume that you have something to contradict him  
15:28:25 10 with. If he says 50 RPGs, are you in a position to contradict  
11 him?

12 MR FOFANAH: Your Honour, the Defence -- I don't want to  
13 call it strategies, but there are many things that go to the  
14 issue of our case. It could be that we are using all this line  
15:29:05 15 of questioning for a final address; it could be that at this  
16 material time we do not want necessarily to disclose why we are  
17 asking certain questions, although it is very pertinent that some  
18 of the issues come out before the Court. But then as we ask  
19 various questions, we think we are doing whatever we doing  
15:29:05 20 because we want to at least present a formidable defence.

21 JUDGE LUSSICK: Mr Fofanah, I am just concerned that you  
22 might be inviting the Court to make certain findings that we are  
23 not entitled to. For instance, if you say that there should have  
24 been more casualties, we are not entitled to find that. If you  
15:29:45 25 say the Nigerians were heavily armed, therefore this witness is  
26 lying when he says that only one of his men were injured, we are  
27 not entitled to find though either. I am just concerned that you  
28 are leading this evidence on the assumption that we can make  
29 these findings when in fact we can't without more evidence than

1 is presented. Anyway, you say you have a strategy. I don't want  
2 to interfere with that strategy, so you go straight ahead.

3 MR FOFANAH: Your Honours, if I can rightly refer you to  
4 the transcript relating to this particular piece of evidence --

15:29:55 5 JUDGE LUSSICK: Don't explain what you are doing. If you  
6 have a strategy with this witness, you don't have to disclose it.  
7 If you are going somewhere, you go ahead, I won't interrupt you.

8 MR FOFANAH: Your Honour was just saying that you are not  
9 bound to draw conclusions. I think that is entirely in your  
15:30:13 10 discretion. But then I am saying that even in his  
11 testimony-in-chief I can vividly recall a point that was raised -  
12 it was an objectionable point, and Your Honour Justice Lussick  
13 indicated at that material time that you were also confused about  
14 numbers when he firstly said one and then said five. These are  
15:30:38 15 all issues that come up when we are preparing our defence. We  
16 are basically doing this now in order to see how credible he is.  
17 It is not for the Defence to disclose every nitty gritty of our  
18 strategy to the Court.

19 PRESIDING JUDGE: No-one has asked you to disclose it, Mr  
15:31:00 20 Fofanah, and we are not going to.

21 MR FOFANAH: I will move further.

22 Q. Mr Witness, I just moved you back to Gbomsamba. We are  
23 moving from Colonel Eddie Town. So, from Colonel Eddie Town you  
24 said you were now heading towards Freetown; not so?

15:31:23 25 A. Yes, My Lord.

26 Q. And that was under SAJ Musa?

27 A. Yes, My Lord.

28 Q. So, did you stop anywhere on your way to Freetown from  
29 Colonel Eddie Town?

1 Well, it was a movement. We would come, as far as I can  
2 recall, to Mamusa. We moved from there and went and attacked  
3 Lunsar, after which we came as far as this Masiaka axis. While  
4 there was a temporal base at that particular place where the  
15:32:10 5 troop went and attacked Masiaka and from there Mile 38 and  
6 [indiscernible] ambush and Mile 38, then the troop moved further  
7 to Newton.

8 Q. All this while you were under the overall command of SAJ  
9 Musa?

15:32:30 10 A. Yes, My Lord.

11 Q. Did you say you went to Lunsar on your way to Freetown?

12 A. Yes, the troop went to Mamusa and made a temporal base  
13 there. Then SAJ ordered that the troop should go and attack  
14 Lunsar and --

15:32:58 15 Q. Is that all? I thought you were still interpreting?

16 A. I have explained that I don't know about any question about  
17 Lunsar.

18 MR FOFANAH: Sorry, Your Honours, just one moment.

19 Q. Now, Newton is a place that you are familiar with; not so?

15:33:59 20 A. Well, I know Newton.

21 Q. Did you spend time at Newton on your way to Freetown?

22 A. Yes, My Lord.

23 Q. How long did you spend?

24 A. It is about one day, and the next day we moved to Waterloo.

15:34:34 25 Q. So this was all around what time, when you arrived at  
26 Newton?

27 A. It was in December.

28 Q. December of what year?

29 A. 1998.

1 Q. From Newton you went to where?

2 A. Waterloo.

3 Q. Just one point. Was it in the beginning, the middle or the  
4 tailend of December 1998 that you were at Newton?

15:35:19 5 A. As far as I can recall, it was around December the 21st or  
6 so; the 21st or the 22nd, because the 25th we met up after the  
7 death of Musa. On the 25th December met us right at the hillside  
8 at Kobo Wata area.

9 Q. But SAJ did not die at Newton; not so?

15:35:51 10 A. My Lord, I said after Newton. You asked me about dates.  
11 SAJ Musa died at Benguema.

12 Q. Mr Witness, I am now bringing you to the death of SAJ Musa.  
13 You said that occurred at Benguema?

14 A. Yes, my Lord.

15:36:30 15 Q. You said it was as a result of a bomb blast; was it? Did  
16 you say that?

17 A. No, my Lord. No, I did not say that. I explained what I  
18 saw with my own eyes. I said I, Bazzy and Colonel Eddie and  
19 another officer planted a 120 millimetre mortar. Whilst I heard  
15:37:02 20 an explosion which happened at Benguema, from this explosion it  
21 did not take long. I saw one soldier, whose was Barry, who was  
22 SAJ's security, come up to somebody and he said, "Eagle, Eagle,  
23 Eagle, problem with Eagle." And from there he laid him down  
24 before Gullit, O-Five -- before they came to the scene. That is  
15:37:28 25 what I explained. I said from there they tried to give him milk,  
26 but it was not -- it couldn't enter his mouth. It was from that  
27 moment I knew Eagle had died, SAJ had died.

28 Q. How large was your troop presence at Benguema when SAJ  
29 died?

1 A. In fact, the troop was everywhere, the whole of Benguema.  
2 The whole troop occupied Benguema.

3 Q. How large; do you know?

4 A. The manpower that came from Colonel Eddie Town -- when I  
15:38:18 5 say manpower, it continued right up to Benguema.

6 Q. You have still not answered the question, Mr Witness. How  
7 large? Do you know or you don't know?

8 A. All I know is that the troop was large. We were many; it  
9 was more than 1,000.

15:38:40 10 Q. Are you staying all of these men were at Benguema?

11 A. All the soldiers where I was, I -- when we advanced to  
12 Benguema, where I was standing, all the troops were around  
13 Benguema. Everybody had come inside. Everybody was busy in  
14 Benguema.

15:39:06 15 Q. So, when SAJ died, did that cause any confusion in the  
16 camp?

17 A. As far as I can recall, when SAJ died, at Benguema, and  
18 where I went towards the hills and met the other soldiers, the  
19 rumour had not circulated, even those that I met. It was only I  
15:39:35 20 and Kallay that knew, because it was Kallay that called me and  
21 said, "Hey, let's go." I moved and went to Macdonald towards  
22 Tongo and went to this hill. This rumour had not yet circulated  
23 at all, that SAJ had died. Because the troop was divided we did  
24 not see Gullit, Bazzy, O-Five and the others because they were  
15:40:04 25 staying at Benguema. I, Junior Lion, Basky and the others were  
26 at Macdonald Hill.

27 Q. How far is Macdonald Hill from Benguema?

28 A. It is not that far at all; it is not that far. I cannot  
29 give the you the mileage, but it is not far. Say, from Benguema

1 we would walk and go to Macdonald. Benguema Samuel Town, from  
2 Samuel Town we moved towards Macdonald and then branch to the  
3 hills.

4 Q. In your estimation was it up to two miles or more?

15:40:39 5 A. No, My Lord, it is about a mile; it is not that far.

6 Q. And Samuel Town is not part of Benguema; not so?

7 A. Look at Benguema; look at Samuel Town. It is just close to  
8 Benguema.

9 Q. So you were not correct in saying that all the troops were  
15:41:04 10 based at Benguema?

11 A. When he entered Benguema -- I said the troops were at  
12 Benguema. I did not say the troops were at Samuel Town. I was  
13 talking about the villages into which the troops moved after I  
14 and Kallay moved from Benguema, and we are going ahead. As I  
15:41:25 15 said, we passed through Samuel Town and went to Macdonald before  
16 we went up to the hills.

17 Q. But you have just said you, yourself, Junior Lion, Basky  
18 were based at the Samuel Town hill together with all the troops  
19 and that the troops were divided.

15:41:44 20 A. I said Macdonald hill; Macdonald, the hill at Macdonald.

21 Q. Okay. You are now saying that it is Macdonald and not  
22 Samuel Town?

23 A. My Lord, from my past evidence I talked about Macdonald. I  
24 said after Macdonald, the hill to Macdonald, I said that was  
15:42:04 25 where I met Junior Lion and the others. It was I and Kallay moved  
26 from Benguema.

27 Q. Macdonald Town is not the same as Benguema; not so?

28 A. At all not; it is a distance from Benguema.

29 Q. How far is Macdonald Town from Benguema?

1 MS PACK: Your Honour, this has been asked of the witness a  
2 few times now.

3 PRESIDING JUDGE: He said it was about a mile.

4 MR FOFANAH: He said Samuel Town; that is what he is  
15:42:42 5 correcting.

6 MS PACK: No, he was talking about Macdonald before. He  
7 hasn't specified a distance of Samuel Town to Benguema. It was  
8 Macdonald.

9 PRESIDING JUDGE: My note is that you asked him was it  
15:43:02 10 about two miles from Benguema to Macdonald and he said no, about  
11 one mile.

12 MR FOFANAH: Because I was actually asking him about this  
13 location, the hill which he said himself, Basky and Junior Lion  
14 went to.

15:43:19 15 Q. This hill was Macdonald Hill, not so?

16 A. Yes. I said I went and met Kallay and we left Benguema and  
17 went and met Junior Lion, Basky and the others at the hill at  
18 Macdonald.

19 Q. How far was Macdonald from Benguema?

15:43:37 20 MS PACK: Your Honour, this has been asked now three times  
21 and answered.

22 PRESIDING JUDGE: If you are distinguishing, Mr Fofanah,  
23 from Macdonald and Macdonald Hill then specify. But if you are  
24 still saying Macdonald to Benguema, he has answered the question.

15:44:02 25 MR FOFANAH: My recollection is that what he said was  
26 Benguema was about a mile from Samuel Town. I stand guided, but  
27 that is what I recollected.

28 MS PACK: My recollection is that the witness was talking  
29 about Macdonald, he was not talking about Samuel Town. Perhaps



1 that is another place that my learned friend will ask about but  
2 hasn't thus far so far as the distance.

3 MR FOFANAH:

15:44:28 4 Q. Mr Witness, did you mention Samuel Town just now when you  
5 were testifying?

6 A. I said after Benguema you have Samuel Town very close to  
7 Benguema, from there Macdonald Hill. You asked me -- you said  
8 what was the distance. I said it was about a mile from Benguema  
9 to Macdonald. I said it was about a mile.

15:44:43 10 Q. Okay, I get you now. How far was Benguema to Samuel Town?

11 A. Benguema and Samuel Town are close. You would be at  
12 Benguema when you cross the line then, it is just a stroll  
13 through, then you see Samuel Town.

14 Q. These locations are all different from Benguema; they are  
15:45:11 15 not one and the same?

16 A. Yes, Macdonald is a town, Samuel Town is also there. So  
17 they are different from Benguema. That are just close to each  
18 other.

19 Q. These soldiers that you are talking about, they were  
15:45:29 20 actually based at Macdonald Hill; not so?

21 A. When the troop moved to Benguema, what I know, most of the  
22 men had moved, going towards Macdonald. When we went towards  
23 Macdonald-Tombo axis -- and I and Kallay moved that that area and  
24 went met them and we took to the hills where we met Junior Lion  
15:45:52 25 and Basky on the hill of Macdonald.

26 Q. I am saying, Mr Witness, in fact, you even helped us by  
27 saying that the troops were divided, that some troops remained in  
28 Benguema and then you were saying that the others were at this  
29 hill; not so?

1 A. As far as I know, when I went and joined Kallay and went up  
2 the hill, we were not able to see Gullit, O-Five, Bazzy and the  
3 other senior commanders. We were not able to see them, only  
4 Junior Lion, Basky, Foday Bah and others, I and some other  
5 soldiers that were at Macdonald Hill.

6 Q. But before all these men that you have called, Bazzy and so  
7 forth, they were all at Benguema; not so? Before you said you  
8 did not find them.

9 MS PACK: Your Honour, this is what the witness has said  
10 before and doesn't need to be asked again and again and again.  
11 The witness has said there were certain individuals at Macdonald  
12 Hill and others who were at Benguema and he has answered this  
13 question.

14 PRESIDING JUDGE: I do recall him answering the question,  
15 Mr Fofanah. Incidentally, have you many questions in this  
16 particular line of evidence, because we have come to the time  
17 when we normally would have an afternoon break?

18 MR FOFANAH: I will round up with at least two questions  
19 and then I will break for probably the last bit.

20 Q. So, Mr Witness, I now put it to you that when you said  
21 these troops of more than 1,000 men were based at Benguema, you  
22 were not saying the truth.

23 PRESIDING JUDGE: I don't understand the question.

24 MR FOFANAH: He had earlier --

25 PRESIDING JUDGE: Just let me finish, Mr Fofanah.

26 MR FOFANAH: As Your Honour pleases.

27 PRESIDING JUDGE: The picture that was conveyed to me was  
28 that the troops moved down, some of them got to Benguema and some  
29 were not at Benguema. Are you putting to him now that they were

1 all at Benguema? What are you putting to him? What you are  
2 saying is not what I recall.

3 MR FOFANAH: Your Honours, at this stage I request that the  
4 transcript at least clarify that, because I recall clearly the  
5 witness indicating to the Court that all the troops were based at  
6 Benguema and that they were more than 1,000.

7 JUDGE SEBUTINDE: Mr Fofanah, my notes says exactly what  
8 you said.

9 MR FOFANAH: As Your Honour please.

10 PRESIDING JUDGE: Very well, my brother has pointed out  
11 that that is incorrect. Put the question. Sorry.

12 MR FOFANAH:

13 Q. So, Mr Witness, you were not saying the truth when you said  
14 that all the 1,000 troops that you came with to Benguema were in  
15 fact based at Benguema.

16 A. I did not say that we were based; I said that we captured  
17 Benguema. Whilst we were at Benguema, when this explosion had  
18 happened, all the people moved towards that direction. After the  
19 death it was Kallay who called me to move to go to towards Tombo  
20 axis and there we met the other people at Macdonald Hill.

21 Q. So clearly at this time there was no-one leading the troops  
22 since Gullit was nowhere to be found?

23 A. At that particular time, nobody knew about the death of  
24 SAJ. Only I and Kallay who moved towards that particular area  
25 where Kallay himself said, "Let's go." We moved to Macdonald.  
26 The only individual that I informed was one of my men, whose name  
27 I had called in closed doors. He even denied me when I said that  
28 SAJ had died and I told him that I saw that with my eyes. He  
29 said, "No, please don't say that here on the hill." He said I

1 should not say those things. It is only I and Kallay that knew.  
2 All the people did not know about the death of SAJ. The only  
3 thing, the troops were divided. We were not able to see Gullit,  
4 SAJ and the others. That was what happened. We were not able to  
5 see them. It was later when a troop went on patrol to go and  
6 look out for the troops, we also released the patrol, where I was  
7 also a part of. We met this squad that came from Gullit's side  
8 and they said that they were at Koba Wata Hill. So Gullit wanted  
9 to see everybody. So all the troops should report to Koba Wata  
10 Hill. And finally we left Macdonald and we used a hill at Koba  
11 Wata.

12 MR FOFANAH: Thank you very much. At this stage, Your  
13 Honour, I will be moving to a different occasion.

14 PRESIDING JUDGE: Thank you for that indication, Mr  
15 Fofanah. We will adjourn for 15 minutes for the mid-afternoon  
16 break. Mr Court Attendant, please adjourn Court for 15 minutes.

17 [Break taken at 3.50 p.m.]

18 [TB210605F-JM]

19 [On resuming at 4.06 p.m.]

16:06:58 20 PRESIDING JUDGE: Mr Fofanah --

21 MR FOFANAH: Your Honours, I actually intended to round up,  
22 but I must indicate that I am sorry to tell the Court I am really  
23 not feeling well.

24 PRESIDING JUDGE: I'm sorry to hear that.

16:07:23 25 MR FOFANAH: There's just one area that I want to cover.  
26 And I don't know if Your Honours can actually allow me to do that  
27 first thing in the morning tomorrow because I'm really not  
28 keeping well.

29 [Trial Chamber confers]

1           PRESIDING JUDGE: Mr Fofanah, we unanimously agree, we  
2 cannot continue if you're not feeling up -- not feeling too well.  
3 And we accept what you said, that you were hoping to wrap things  
4 up. But in the circumstances, we'll adjourn until tomorrow.

16:08:16 5           MR FOFANAH: Thank you very much, Your Honour.

6           PRESIDING JUDGE: Mr Witness, unfortunately counsel's not  
7 able to continue as he's not feeling well. And therefore, we  
8 will have to continue tomorrow at the usual time.

9           I will remind you, as I've reminded you every afternoon,  
16:08:32 10 that whilst you're under oath and answering questions in Court,  
11 you should not discuss your evidence with any other person. You  
12 understand that warning?

13           THE WITNESS: Yes, My Lord.

14                                 [Trial Chamber confers]

16:08:50 15           PRESIDING JUDGE: Mr Fofanah, we do note that you have  
16 co-counsel with you.

17           MR FOFANAH: Sorry, Your Honour?

18           PRESIDING JUDGE: I do note that you have co-counsel with  
19 you. If the worst comes to the worst, since you've indicated  
16:09:29 20 there isn't much more, please ensure co-counsel will be able to  
21 look at things tomorrow if you're not better.

22           MR FOFANAH: If Your Honour pleases, I will communicate  
23 that to the Principal Defender.

24           PRESIDING JUDGE: I thought you had someone sitting beside  
16:09:47 25 you at the bar table.

26           MR FOFANAH: It's a legal assistant.

27           PRESIDING JUDGE: It's just seeing someone robed at the bar  
28 table made me think it was counsel.

29           MR FOFANAH: Thank you very much, Your Honour.

1           PRESIDING JUDGE: We'll deal with the problem if it arises.

2           Mr Court Attendant, please adjourn Court until tomorrow  
3 morning at 9.15 a.m., please.

4                                 [The witness stands down]

16:10:46

5                                 [Whereupon the hearing adjourned at 4.10 p.m.  
6 to be reconvened on Wednesday, the 22nd day of  
7 June, 2005, at 9.15 a.m. ]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-334 2

CROSS-EXAMINED BY MR FOFANAH 3