



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

TUESDAY, 11 OCTOBER 2005
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Geoff Walker
Ms Susan Gunstone

For the Prosecution:

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

For the Principal Defender:

Mr Ibrahim Foday Mansaray

For the accused Alex Tamba
Brima:

Ms Glenna Thompson

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Geert-Jan Alexander Knoops
Mr Ajibola E Manly-Spain

1 [AFRC11OCT05A - CR]

2 Tuesday, 11 October 2005

3 [Open session]

4 [The accused present]

09:15:55 5 [The witness entered court]

6 [Upon commencing at 9.15 a.m.]

7 JUDGE LUSSICK: Good morning, counsel, good morning,

8 Mr Witness.

09:16:12 9 Firstly, I want to announce that Justice Doherty won't be
10 sitting today. We'll be continuing in her absence. I will read
11 a formal order which will be filed later in the day. At this
12 stage, I will read it on to the record.

13 Trial Chamber II of the Special Court for Sierra Leone,
14 composed of Justice Teresa Doherty, presiding, Justice Richard
09:16:45 15 Lussick and Justice Julia Sebutinde.

16 Noting that Justice Doherty is unable to continue to
17 sitting in the trial for a short duration. Being satisfied it
18 would be in the interest of justice to continue in the absence of
19 Justice Doherty in accordance with Rule 16(A) of the Rules of
09:17:04 20 Procedure and Evidence of the Special Court, the Rules.

21 Noting the provisions of 16(A) of the Rules which state:
22 "If a Judge is unable to continue sitting in a proceeding, trial
23 or appeal which has partly been heard for a short duration and
24 the remaining Judges are satisfied that it is in the interests of
09:17:22 25 justice to do so, those remaining Judges may order that the
26 proceeding, trial or appeal continue in the absence of that Judge
27 for a period of not more than five working days. "

28 Noting the provisions of Rule 27(D) of the rules which
29 state: "The provisions of Rule 17 will apply in the event of the

1 Presiding Judge being unable to carry out his functions. "

2 Noting the provisions of Rule 17(B) of the Rules, which
3 states: "Judges elected or appointed on different dates shall
4 take precedence according to the dates of their election or
09:18:00 5 appointment; Judges elected or appointed on the same date shall
6 take precedence according to age. "

7 Noting, that pursuant to Rule 17(B) Justice Lussick will
8 act as Presiding Judge in the absence of Justice Doherty. The
9 Trial Chamber hereby orders that the trial continue in the
09:18:21 10 absence of Justice Doherty for a period of not more than five
11 working days from today.

12 Witness, I will remind you again of the oath you have taken
13 to tell the truth. You are still on that oath; is that clear?

14 THE WITNESS: Yes, Your Honour.

09:18:42 15 PRESIDING JUDGE: All right. Thank you.

16 You can continue your cross-examination, Mr Knoops.

17 MR KNOOPS: Thank you, Your Honours. Good Morning.

18 WITNESS: GIBRIL MASSAQUOI [Continued]

19 CROSS-EXAMINED BY MR KNOOPS: [CONTINUED]

09:18:59 20 Q. Mr Massaquoi, good morning.

21 A. Good morning.

22 Q. Mr Massaquoi, I would like to pose one additional question
23 regarding the second Supreme Council meeting at State House. I
24 would like you to listen to the following information, which is,
09:19:27 25 for Your Honours, to be read on page 15252 of the additional
26 information provided by this witness in September and October
27 2005. Mr Massaquoi, during this additional proving the following
28 information was drawn from you:

29 "Witness went to a second Supreme Council meeting at State

1 House during which Ibrahim Bah discussed arms and
2 ammunition kept for the RUF in Burkina Faso to be
3 transported to Sierra Leone. They were arranging the costs
4 of chartering the plane to bring the arms to Sierra Leone.
09:20:43 5 Present at this meeting were Bazzy, Gullit, PL01 Zagalo Abu
6 Sankoh, Sam Bockarie, Issa Sesay, Chief of Defence Staff
7 Brigadier SFY Koroma, Brigadier Anderson, the national
8 security adviser to Johnny Paul Koroma. Steve Bio and Bah
9 were present at the meeting, even though they weren't
09:21:14 10 Supreme Council members. "

11 Mr Massaquoi, do you agree that the name of Five-Five is
12 not included in this list?

13 A. Yes, according to the names you have just called, but those
14 were names at the moment that I could remember that I gave the
09:21:35 15 Prosecution, but that doesn't mean that he was absent.

16 Q. Thank you. Mr Witness, you testified earlier that there
17 was a meeting in State House to prepare an attack on Wilberforce
18 Barracks; is that correct?

19 A. Yes.

09:21:54 20 Q. It is your testimony that Operational Commander 0-Five was
21 there and ultimately led that operation; is that correct?

22 A. Yes.

23 Q. How did you become to know that Operation Commander 0-Five
24 led the operation regarding Wilberforce Barracks? How did you
09:22:23 25 know that?

26 A. I think I've made that to known on the Court on Friday that
27 while I was about to leave, I was told by Five-Five that we were
28 all the same and there was no need for me to leave and that I
29 should be seated. Whilst I was there, I came to know that 0-Five

1 was to lead the operation to Wilberforce.

2 Q. Did you become to know that Mr 0-Five was also in control
3 of that operation?

4 A. I have said here that the operation did not kick off as
09:22:59 5 they were making arrangements for the operations to take off, but
6 it did not happen at all.

7 Q. Can it be correct, Mr Massaquoi, that the operation was
8 initially planned, because information was received that ECOMOG
9 maltreated SLA relatives at Wilberforce Barracks and were
09:23:28 10 planting anti-personnel mines around there?

11 A. I have said also that one of those present in a meeting
12 gave an intelligence information that that was what ECOMOG was
13 doing at the time.

14 Q. Who passed this information, this intelligence information?

09:23:52 15 A. One of them who was present in the meeting. I heard him
16 saying that ECOMOG was ill-treating some of the SLA families and
17 that, at the same time, they had already planted anti-personnel
18 mines.

19 Q. Was any concrete evidence provided for the intelligence
09:24:15 20 information at that meeting?

21 A. No. Besides what I heard, that was all.

22 Q. So in your testimony, this attack never took place on
23 Wilberforce Barracks?

24 A. I didn't hear again that the attack was carried out.

09:24:36 25 Q. Is it your testimony, Mr Massaquoi, that you understood
26 that Five-Five was involved in looting in Freetown; is that
27 correct?

28 MS PACK: What period is this? If this could be clearly
29 put to the witness whether it is the 1997 or 1999 time frame.

1 MR KNOOPS:

2 Q. It's the period of August 1997 when you were, I think, two
3 or three days after your release from Pademba Road Prison?

4 A. But that's not 1997. That's in 1999.

09:25:19 5 Q. Correct, sorry, 1999. I'm referring to January 1999,
6 sorry.

7 A. What I said in the Court here before was that there was
8 general looting going on. I didn't say per se that I saw
9 Five-Five entering into a house looting.

09:25:36 10 Q. Thank you. Now, Mr Witness, you have testified that on the
11 third day after your release in Freetown houses were burnt; is
12 that correct?

13 A. Yes.

14 Q. Did you see who were involved in the burning, physically?

09:26:01 15 A. These were soldiers that came to Freetown on January 6.

16 Q. Were you familiar with any overall order which was passed
17 to burn houses, either by RUF or AFRC members?

18 A. Yes, I could recall two others.

19 Q. Can you please specify them?

09:26:27 20 A. Yes, I have explained one to the Court that I was there on
21 the junction of Pademba Road and State Avenue when Five-Five gave
22 orders that they should burn the houses leading to where the
23 attack was going on. The second one was that I heard on the BBC
24 when Sam Bockarie said that they should burn some embassies in
09:26:52 25 Freetown.

26 Q. Is it fair to say, Mr Massaquoi, that you were not aware of
27 the existence of any overall order to burn houses within Freetown
28 on a massive scale?

29 A. An overall order from whom?

1 Q. Either RUF or AFRC members?

2 A. I think I have said what I heard and what I saw. I have
3 not been present anybody giving an overall order. What orders I
4 heard that they should burn houses or somebody talking on the
09:27:24 5 BBC, they have given those orders is what I have said exactly.

6 Q. Mr Massaquoi, I draw your attention to the statement on
7 15 December 2002. Your Honours, it is page 12330. Please listen
8 to this quotation. You were interviewed at that time about the
9 burning of houses.

09:27:59 10 JUDGE LUSSICK: If you would just pause for a moment,
11 please, Mr Knoops, we are just going to make sure we have that
12 document.

13 MR KNOOPS: Excuse me, Your Honour.

14 JUDGE LUSSICK: Thank you, Mr Knoops, we now have that page
09:29:17 15 in front of us.

16 MR KNOOPS:

17 Q. Mr Massaquoi, when you were interviewed on this subject on
18 5th December 2002 there were questions as follows. Your Honours,
19 that's sentences 13 to 20.

09:29:42 20 "Q. But did somebody give the order for this massive
21 burning?

22 "A. Well, I don't know whether their commanders gave them
23 orders, but what I do know is that even when they were
24 bombed they were -- and that burning was right through even
09:30:04 25 from Masiaka. All the way they came, they entered
26 Freetown, they were doing it. So I could just get the
27 believing that it was an instruction given to them, because
28 I was present already when one instruction was given by
29 Five-Five to Pademba Road. "

1 Mr Massaquoi, is it correct that you stated in December
2 2002 that you were not familiar with any overall orders for the
3 burning of Freetown in this regard?

09:31:00 4 MS PACK: Your Honour, I think if my learned friend puts
5 this particular order for massive burning into the context of the
6 preceding four or five lines which starts with the question at
7 line 5:

8 "Q. Do you know if people were being burnt in the house or
9 were civilians being allowed to leave the house?

09:31:13 10 "A. They were not. I did not find out that because when
11 they really started massive burning operation, that was the
12 very day we left.

13 "Q. Okay.

14 "A. That was immediately when Steve Bio and some other
09:31:22 15 colleagues were killed by a bomb from ECOMOG. "

16 And then it goes on. Just to put that into a time frame,
17 because otherwise it is quite a general quote that is taken a
18 little out of context.

19 MR KNOOPS: With all due respect, I don't think it is put
09:31:35 20 out of context because it specifically refers to - and that was
21 the starting point of my question - the third day after the
22 release of the witness from Pademba Road Prison.

23 JUDGE LUSSICK: I think, firstly, Mr Knoops, you ought to
24 put your question. We're not quite sure what you're going to ask
09:31:55 25 after having quoted that passage.

26 MR KNOOPS: Right.

27 Q. My question was: Mr Massaquoi, is it correct that indeed
28 you were not familiar with any orders in this regard; is that
29 correct?

1 MS PACK: In what regard, Your Honour? About burning?

2 JUDGE LUSSICK: Well, I took it Mr Knoops is referring to
3 an order to massive burning, burning on a wide scale. Is that
4 clear, Mr Witness, that he's referring to that type of order?

09:32:21 5 THE WITNESS: Yes. I think I have said that here, even in
6 my statement, that in my presence I was there when Five-Five gave
7 orders to burn a whole street. And while we were retreating, the
8 very day we were retreating, there was a lot of burning going on.
9 I stated that I could not tell who gave those orders at that time
09:32:40 10 while those burnings were going on.

11 MR KNOOPS: Thank you. I think that's sufficient, Your
12 Honour. Thank you, Mr Witness.

13 THE WITNESS: Thank you.

14 MR KNOOPS:

09:32:51 15 Q. Mr Massaquoi, in your view, was there any control over the
16 soldiers involved in the burning in the period of January 1999
17 when you were released from prison, speaking about the period of,
18 say, the second to the fifth day after your release from Pademba
19 Road Prison?

09:33:21 20 A. Can you repeat your question?

21 Q. To the best of your knowledge, was there any control over
22 the soldiers who were involved in the burning of houses in that
23 period?

24 MS PACK: What period is that again, Your Honour? It
09:33:36 25 wasn't that clear whether it was the first day to the second day
26 or the fifth day.

27 JUDGE LUSSICK: I understood Mr Knoops to say from the day
28 of release to the fifth day after being released from Pademba
29 Road. I think that was pretty clear. Do you want that question

1 read again, Witness?

2 THE WITNESS: Yes, Your Honour.

3 MR KNOOPS:

4 Q. Mr Massaquoi, to the best of your knowledge was there any
09:33:58 5 control over the soldiers involved in the burning in the period
6 directly after your release from Pademba Road Prison in January
7 1999?

8 A. I could not tell. There were a lot of burnings going on.
9 There are certain areas I do not even know who was in command
09:34:14 10 there, so I could not really tell.

11 Q. Thank you.

12 A. I think I have said those that I was present when it was
13 going on and those that I saw.

14 Q. Mr Witness, you testified on Friday about the phenomenon of
09:34:37 15 the so-called war candles; is that correct?

16 A. Yes.

17 Q. Is it correct that it is your testimony that you say that
18 Five-Five gave orders to set up war candles; is that correct?

19 A. Yes.

09:34:51 20 Q. And you meant with war candles, if I'm correct, setting
21 houses on fire; is that so?

22 A. Yes.

23 Q. You're pretty sure that Five-Five gave that order to set up
24 war candles, aren't you?

09:35:08 25 A. I'm very sure. I have said I was present.

26 MR KNOOPS: If Your Honours would please have a look at
27 page 12331 of the statement. It's the next page from which I
28 just quoted, Your Honour.

29 JUDGE LUSSICK: All right. If you will just pause for one

1 moment, we'll just get that. Yes, go ahead, Mr Knoops.

2 MR KNOOPS:

3 Q. Mr Massaquoi, can it be correct that this order you refer
4 to was given around 9th January 1999?

09:37:03 5 A. Orders to burn?

6 Q. Yes, to be involved in the phenomenon of war candles?

7 A. This is the terminology that almost every soldier used in
8 Freetown when they were burning down houses, so I could not even
9 imagine which date they started using that particular

09:37:24 10 terminology.

11 MR KNOOPS: Your Honours, I'm referring to line 9 to 23 of
12 page 12331.

13 Q. Mr Massaquoi, I quote from your statement on this subject
14 to the investigators.

09:37:47 15 "A. So they brought the report to them at State House and
16 there are troops that were advancing. Bazzy gave orders
17 that they should burn the houses. In fact, it was in the
18 night. They said they should -- they should, I think, turn
19 the war lights. War lights.

09:38:10 20 "Q. War lights?

21 "A. Yes, the V-A-R L-I-G-H [phonetic], that's when they
22 burned, the whole place would be burned.

23 "Q. Say it again.

24 "A. War lights. War lights.

09:38:31 25 "Q. War, W-A-R?

26 "A. Yeah.

27 "Q. Light, L-I-G-H-T?

28 "A. G-H-T, yes.

29 "Q. He used those words?

1 "A. Yes. "

2 So, Mr Massaquoi, I put it to you that you never mentioned
3 the name Five-Five in relation to war lights; is that correct?

09:39:08

4 A. I am not talking about war lights, I am talking about war
5 candle and that was the term I understood from them. And I am
6 very sure I know all the people you are talking about. I am sure
7 it was Five-Five and not Bazzy.

8 Q. So you're saying that this passage should reflect the
9 phenomenon of war candles and not war lights?

09:39:27

10 A. Yes, I am talking about war candles. That was the term
11 that they were using.

12 Q. So it is your statement now that war candles and war lights
13 are different issues; is that correct?

09:39:42

14 A. They might be the same, but I'm expressing what I heard
15 exactly, that it was war candles.

16 Q. Well, let us go on then with the sentence 24 on page 12331.
17 Mr Massaquoi, the question is put to you:

18 "Q. So: We should put on the war lights?

09:40:03

19 "A. Some of them say 'war lights', some of them say 'war
20 candles'."

21 So I put it to you that, for you, you did speak about these
22 two items in this context?

09:40:24

23 A. I did. I have said that they were using various phrases,
24 war candles, war lights, and I'm referring to war candles that
25 was mentioned by Five-Five.

26 Q. I put it to you, Mr Witness, that you didn't mention his
27 name there and you mention another name which you didn't mention
28 in your testimony in chief. I put it to you that you have no
29 direct knowledge whatsoever on any orders with respect to the

1 turning of war lights; is that correct?

2 A. I think I was there. There is no need under oath for me to
3 lie. I was present. I am saying exactly what I saw and what I
4 heard.

09:41:01 5 Q. Okay. Please then explain to the Court, Mr Massaquoi, what
6 was the purpose of these war lights or war candles?

7 A. I think I have said here again that they refer to war
8 candles by setting up houses ablaze. That was what they refer to
9 as war candles, war lights.

09:41:19 10 Q. Yes. To your knowledge, could it be so that the phenomenon
11 of war lights or candles did serve a military purpose? Are you
12 familiar with the fact whether war candles or war lights were
13 used by the RUF or AFRC as a military instrument?

14 A. A military instrument of burning houses?

09:41:56 15 Q. Did it serve a military purpose to make a war candle, to
16 use your words?

17 A. I'm not getting you clear. I have said here that what they
18 refer to as a war candle was to set houses ablaze. I did not see
19 a particular military instrument they refer to as a war candle or
09:42:16 20 a war light.

21 Q. So you're not familiar with the question whether -- the
22 answer to the question whether the setting of houses ablaze, as
23 you say, did serve a military purpose for either the RUF or the
24 AFRC?

09:42:35 25 A. I --

26 Q. For instance, as a signalling purpose?

27 A. I cannot tell whether it was for a signalling purpose or --
28 what at one point in time I heard from one of the soldiers was
29 that when they set these houses ablaze and the smokes are in the

1 air, the Alpha Jet could not see their positions and bomb them.

2 But in that case in the night, I think it's a different issue.

3 Q. Thank you. Mr Witness, I would like to move on to the next

4 topic of your examination-in-chief. That is the incident with

09:43:16 5 Bishop Ganda and some nuns. It is your testimony that this

6 happened in the house of Five-Five in the G4 area; is that

7 correct?

8 A. Yes, in the road going to the G4 area.

9 Q. Could you, first of all, describe for us this house?

09:43:37 10 A. Yes, I think I described that house to the military expert

11 the other day that it was a yellow building.

12 Q. Can you describe any characteristics of the house, if any?

13 A. Well, I did not enter into all the rooms of that house, I

14 entered the parlour and the room where Bishop Ganda was seated on

09:44:03 15 the floor and where the nuns were.

16 Q. Where exactly was it situated?

17 A. The house?

18 Q. This yellow house?

19 A. When you move from -- the road is off Blackhall Road, going

09:44:13 20 towards the hilly side of the city. When you move with that

21 road, coming from the town where -- it is on the left. Not right

22 on the main road, you move off that particular road and go in a

23 bit.

24 Q. Is this house a stand-alone house, or is it placed with

09:44:34 25 other houses?

26 A. There were other houses nearby.

27 Q. Can you please describe the size of the house for us?

28 A. The size of this particular house?

29 Q. Yes.

1 A. Describing what, sir? The length, the breadth?

2 Q. Everything that you can recall.

3 A. I can recall that it is a yellowish building. It has taken
4 me a long time without seeing it, and that was my only time I
09:45:01 5 entered there and I left.

6 Q. Can you please tell us where, exactly, the front door was
7 placed, the front door of the house?

8 A. Yes, the front door of the house was not facing the main
9 road. It was on the other side and you climb the step before
09:45:28 10 getting to the front door.

11 Q. Was there a parking place before the house or not?

12 A. There was no parking place prepared as such, but I saw a
13 vehicle parked on the right side of the house.

14 Q. Approximately how many metres this house was located from
09:45:43 15 the road you just mentioned?

16 A. I would say about 100 to 150 metres off from the road.

17 Q. Did you actually see Five-Five living there?

18 A. The day I went there along with Steve Bio, I met with
19 Five-Five there. I was made to understand that was where he
09:46:10 20 stayed.

21 Q. By whom was this made to understand by you?

22 A. By the soldiers who directed us there, that Bishop Ganda
23 was there under punishment and some nuns.

24 Q. Did you actually speak at that moment with Bishop Ganda?

09:46:36 25 A. I did.

26 Q. You did?

27 A. Yes.

28 Q. Did you speak with the nuns?

29 A. No, we just opened the door and saw them seated on the

1 floor.

2 Q. I believe it was your testimony that they were tie-wrapped;
3 they were bound?

4 A. They were?

09:46:53 5 Q. They were tied -- they had ties around their hands?

6 A. No, I didn't say so. I said Bishop Ganda showed some scars
7 on him where he was flogged and the nuns were seated in their
8 usual attire seated on the ground.

9 Q. Can you remember them telling you why they were there, what
09:47:16 10 the reason for their stay was in that house?

11 A. I didn't speak to the nuns. I spoke to Bishop Ganda. He
12 told me that he was picked up from his house and he was brought
13 down there and that the soldiers were flogging him. And that
14 even that very morning, whilst discussing with Five-Five, myself
09:47:33 15 and Steve Bio, he confirmed to us that Bishop Ganda in particular
16 was involved in politics, political discussions on radio.

17 Q. Did you see the people in the house doing something to the
18 nuns?

19 A. No, at that time. I said they were in one room seated on
09:48:03 20 the floor.

21 Q. Did Bishop Ganda tell you that he was involuntarily
22 detained there, against his will?

23 A. Yes, he said he was picked up from his house and he was
24 being there and being flogged.

09:48:31 25 MR KNOOPS: Your Honours, I would like to draw the
26 attention of the Court to page 12357 of the statement of the
27 witness of 5th December 2002.

28 JUDGE LUSSICK: Once again, Mr Knoops, we will just have a
29 short break while we get that document.

1 MR KNOOPS: Thank you.

2 JUDGE LUSSICK: Yes, go ahead, Mr Knoops.

3 MR KNOOPS: Thank you, Your Honour. I specifically
4 referred to page 12357, starting from the sixth sentence from
09:49:55 5 above.

6 Q. Mr Massaquoi, I respectfully ask you to listen to this
7 quotation from your statement. Following that, I will pose a
8 question regarding the substance of your statement in this
9 regard.

09:50:14 10 "Gibril: No, that was the place where Five-Five was
11 staying.

12 "Louise: So do you think Gullit knows about these nuns
13 and that?

14 "Gibril: Yes, he knows. He must be aware because he was
09:50:32 15 the overall commander taking them. I even learned that
16 about the area he was staying two priests and another
17 priest, Indians were taken there as well.

18 "Louise: Around Shankardass?

19 "Gibril: Yes, around Shankardass. So they were all in
09:50:53 20 that group.

21 "Louise: So when you -- like when you went into this house
22 and you saw these priests, did you discuss it with these
23 people?

24 "Gibril: I talked to Five-Five.

09:51:05 25 "Louise: And what did Five-Five say?

26 "Gibril: I told him why they were holding these people.
27 He said they were just trying to interview them to know
28 whether they have satellite phones, whether they have other
29 communication gadgets.

1 "Louise: A-ha.

2 "Gibril: He said he had already sent there to go and
3 search, that is their premises.

4 "Louise: A-ha.

09:51:39 5 "Gibril: Then they did not tell me that he they were
6 really holding them hostage or anything. The only person
7 that they were really more or less torturing, interviewing
8 harshly was Bishop Ganda and Mannah Kpaka, you know."

9 So, Mr Witness, I put it to you that the reason for having
09:52:12 10 Bishop Ganda there was another reason that you have purported to
11 have existed during your examination-in-chief.

12 A. Not at all.

13 Q. Is it correct that at that time you were told that
14 Bishop Ganda was just there for an interview with respect to the
09:52:41 15 existence of satellite phones and other communication gadgets?

16 A. I think you are missing the point. Bishop Ganda is
17 different from the nuns. I'm referring to the satellite phones
18 and other communications for the nuns and Bishop Ganda a
19 different issue.

09:52:57 20 MS PACK: Your Honour, in fairness as well, just prior to
21 that, only 10 pages or so, 8 pages prior to that in the
22 interview, there's further elaboration on the Bishop Ganda
23 detention. That's at 12350. The answer there is at line 7:

24 "I don't know. I only met them at the place where

09:53:21 25 Five-Five was when they were interrogating them. That was
26 the time I was even trying to beg them for the release of
27 Bishop Ganda. They told me that Bishop Ganda is even worse
28 than anybody in this country. He is a bishop and he is
29 interfering. They said they monitor all what he is talking

1 on radio and he was interfering on the police matters in
2 this country. "

3 Question: "So they didn't like him?"

4 Answer: "Yeah. "

09:53:48

5 And so on.

6 In fairness, if bits are going to be taken what was said by
7 the witness to others or by others to the witness, then that also
8 should be put.

09:54:01

9 MR KNOOPS: Your Honour, with all due respect, of course, I
10 can read 20 pages to this witness out of the 6,000 which were
11 disclosed, but my point was that the witness, in this regard,
12 doesn't say in the statement that the people there kept
13 Bishop Ganda as hostage. Now, he clearly says in the last
14 sentence, "Then they did not tell me that they were really
15 holding them hostage or anything." That's the point. I was
16 about to ask the witness, before I was interrupted, whether this
17 is still a correct statement, whether the individuals there
18 present in this building didn't confirm that Bishop Ganda was
19 taken hostage. That's the point.

09:54:32

09:55:01

20 JUDGE LUSSICK: Yes, the witness's last answer
21 differentiated between the nuns, who he said were being held
22 because of inquiries over satellite phones, and the reason Bishop
23 Ganda was being held. I think you are entitled to go ahead now,
24 having obtained that answer, and proceed with your
25 cross-examination.

09:55:27

26 MR KNOOPS: Much obliged, Your Honour, thank you.

27 Q. Mr Witness, to the best of your knowledge, when you were
28 interviewed on 5th December 2002, you gave your statement in a
29 correct form; you didn't lie to the investigators?

1 A. I have not given any false information to the
2 investigators.

3 Q. Thank you, Mr Witness. In your additional statement to the
4 Prosecution in September/October 2005, you did speak about a
09:56:27 5 person with the name Junior Lion; is that correct?

6 A. Yes.

7 Q. Can it be correct that you told the investigators that you
8 met him almost on a daily basis?

9 A. Yes.

09:56:41 10 Q. Is it correct that Junior Lion told you that he was in
11 charge of the battalion in Freetown?

12 A. Himself?

13 Q. Yes.

14 A. No, I learned that he was in charge of a group in Freetown.

09:56:56 15 Q. Were you familiar whether he was in charge of a full
16 battalion?

17 A. I don't know which you are referring to as "a full
18 battalion". I know the structure was they had battalions and
19 they had commanders within their ranks.

09:57:18 20 MR KNOOPS: Your Honours, I draw your attention to page
21 15254 of the additional information, paragraph 16.

22 JUDGE LUSSICK: We don't have that, Mr Knoops. We're just
23 waiting until it's printed.

24 MR KNOOPS: Much obliged.

09:58:24 25 JUDGE LUSSICK: Yes, go ahead, Mr Knoops.

26 MR KNOOPS: Your Honour, it is paragraph 16 of the
27 additional information provided by Mr Massaquoi in
28 September/October 2005.

29 Q. Mr Massaquoi, please listen to this portion of the

1 additional information, quoted as follows:

2 "Junior Lion was in charge of a battalion in Freetown. He
3 told the witness this. They met almost every day. The
4 witness knew him as the bodyguard to Johnny Paul Koroma
09:59:03 5 during the AFRC days. "

6 Is this what you told the investigators during the
7 additional proving; is that correct?

8 A. Yes, but you are asking about full battalion. I don't know
9 what you mean by full battalion.

09:59:21 10 Q. But you agree that Junior Lion told you he was in charge of
11 a battalion; is that correct?

12 A. Yes, I did say so.

13 Q. Did he inform you whether he also gave orders as a
14 battalion commander?

09:59:36 15 A. Not at all.

16 Q. What did he say about his function, position as being in
17 charge of a battalion in Freetown?

18 A. I did not have any formal discussion with him as to which
19 type of battalion he commanded and who he commanded.

10:00:02 20 Q. Are you sure about that?

21 A. I'm sure. I only know that he told me that he was heading
22 one of the battalions in Freetown. I did not go to any of his
23 battalion areas to see him commanding there, because I normally
24 met him at State House. Any time -- most of the times I was at
10:00:22 25 State House.

26 Q. Mr Witness, you still meet him?

27 A. Pardon?

28 Q. You still meet Junior Lion as to this day? You still are
29 in contact with him?

1 A. I don't know his whereabouts.

2 Q. Did you speak with him before you were interviewed by the
3 military expert you told us of?

4 A. Which period are you referring to?

10:00:52 5 Q. I believe you testified yesterday that last year you spoke
6 to a military expert from 10.00 to 2.00 in the afternoon?

7 A. Yes.

8 Q. You took a trip to Freetown?

9 A. Yes.

10:01:05 10 Q. My question is: prior to this trip with the military
11 expert, did you speak with Junior Lion?

12 A. No, not at all.

13 Q. Are you familiar with his evidence given before this Court?

14 A. Not at all.

10:01:23 15 Q. Did you see statements from him?

16 A. No.

17 Q. Were you informed by the Prosecution what he testified
18 before this Court?

19 A. No.

10:01:34 20 Q. Were you confronted in September and October 2005 at the
21 moment of the additional information given by you to the
22 Prosecution what the statements were of Junior Lion; is that
23 correct?

24 A. No.

10:01:52 25 Q. Are you sure about that?

26 A. Very sure.

27 Q. Okay.

28 A. It has taken years without seeing Junior Lion.

29 Q. Mr Witness, my last topic will be your book or the draft

1 book.

2 MR KNOOPS: Your Honours, the Prosecution have disclosed -
3 I believe it's the last item of the disclosure list - a draft
4 book of Mr Massaquoi titled, "The Conflict", which is 128 pages.

10:02:35 5 Q. My first question is, Mr Massaquoi, was this book ever
6 published?

7 A. You said it is a draft. It's not been published yet.

8 Q. Okay. When did you write this book or this draft, which
9 period?

10:02:48 10 A. I began looking for the materials -- I think it's about
11 four or five years ago now, I have been gathering the materials.

12 Q. Was there a specific reason, Mr Massaquoi, for providing
13 the Prosecution with this draft book?

14 A. Yes, I think somebody has told them I was drafting, I was
10:03:12 15 writing a book and they asked me about it, and I was honest
16 enough to tell them that, yes, I have it.

17 Q. For you, Mr Massaquoi, what was the reason for being
18 engaged in writing a draft book?

19 A. I want the world to know as early as possible the truth
10:03:35 20 about what happened. It is not only on Sierra Leone, but the
21 conflict in West Africa, Guinea, Liberia, Ivory Coast, to the
22 best of my knowledge, including Sierra Leone.

23 Q. So we can assume that what you put down on paper in this
24 draft book is the truth?

10:03:49 25 A. I have not seen the draft. I don't know what you are
26 having, the one I currently have whether it is the one you have
27 now.

28 Q. Are there more versions of the book?

29 A. Pardon?

1 Q. Are there more versions of the draft then?

2 A. Oh, yes. I have been changing parts and sections of that
3 book as I get informations.

4 Q. But the version you provided to the office of the
10:04:17 5 prosecution, was that an accurate version, to the best of your
6 knowledge?

7 A. I don't know which one you are referring to now, because I
8 had a series of copies where I began until where I have ended
9 now.

10:04:31 10 Q. But you say that you gave the Prosecution a copy of the
11 book; is that correct?

12 A. Yes.

13 Q. So we can assume that you gave a copy of the draft which
14 reflected your ideas?

10:04:46 15 A. Yes.

16 Q. Is that correct?

17 A. Yes.

18 Q. Can be it correct that it is in total 128 pages?

19 A. How many?

10:04:57 20 Q. 128.

21 A. 128?

22 Q. Yes.

23 A. I cannot recall, because I have well over 500 pages now. I
24 don't know.

10:05:06 25 Q. Okay. Let's move on. I will go through some portions of
26 your draft and I will put some questions thereafter.

27 MR KNOOPS: I'm not sure if Your Honours have the draft
28 before you, which is disclosed.

29 JUDGE LUSSICK: No, we don't, Mr Knoops. If you mention

1 the page, we can get it.

2 MR KNOOPS: I refer Your Honour in total to seven pages, so
3 there is no need to have the full print-out. The first reference
4 is to page 13459, and the subsequent page 13460.

10:08:43 5 JUDGE LUSSICK: Yes, we have those pages now, Mr Knoops.

6 MR KNOOPS: Your Honour, I'll start reading from page
7 13459, the second paragraph. It's the third sentence starting
8 with "day (AFRC/RUF) also made bases".

9 Q. Mr Massaquoi, I will read a portion from these two pages
10:09:19 10 and come back with some questions to you. Your draft reads as
11 follows on this topic -- we're, by the way, speaking about the
12 period February 1998 right after the Conakry Peace Plan.

13 "They (AFRC/RUF) also made bases in Koinadugu District.

14 This was mainly commanded by SAJ Musa and Colonel Mani and
10:09:51 15 General Bropleh of the Special Task Force (STF) mainly
16 Liberians. Later, Denis Mingo left Kono District and
17 joined them for smooth operations although he initially
18 left to arrest or kill SAJ Musa as instructed by Sam
19 Bockarie that Musa don't take his orders. Koroma, who
10:10:14 20 stayed with Sesay and Bockarie in Kailahun had already
21 given instruction for all AFRC men to take orders from
22 Bockarie. But Mani and Musa never took those orders. They
23 believed that Koroma was under duress. Especially when
24 some of the AFRC officials who ran away from Kailahun to
10:10:44 25 Musa and Mani narrated how some were flogged or beaten by
26 Bockarie and Sesay and took diamonds and money from them "
27 End quote for this moment, Mr Massaquoi.

28 Mr Massaquoi, is this a correct reflection of your thoughts
29 of what happened in the period of February 1998 after the Conakry

1 Peace Plan?

2 A. You have talked about the Conakry Peace Plan of February
3 and you are reading something that happened in 1998 while the
4 AFRC and RUF were no longer in Freetown. So I don't know which
10:11:32 5 of the two you are trying to compare, which one actually you are
6 trying to throw a question on.

7 Q. Could you assist us on which period this portion reflects?

8 A. This is in 1998, after the AFRC and RUF left Freetown and
9 they were now in the bush.

10:11:53 10 Q. Do you agree with me, Mr Massaquoi, that in this regard the
11 RUF did not tolerate the AFRC and were even planning to kill
12 SAJ Musa because Musa and Mani were refusing to take orders from
13 the RUF; is that correct?

14 MS PACK: Your Honour, I'm going to object. The reason why
10:12:22 15 is that this line of questioning is not relevant to the issues
16 that were raised in direct. This witness testified about matters
17 that occurred up to the period in 1997 when he was incarcerated
18 in Pademba Road, his own treason trial in 1998, and then his
19 release from Pademba Road in 1999 and what happened after that.

10:12:48 20 In my submission, not having given evidence on anything that
21 occurred in 1998, unless my learned friend is asking questions
22 that go to the credibility of the witness, this line of
23 questioning is not relevant and, therefore, shouldn't be pursued,
24 in my submission.

10:13:07 25 JUDGE LUSSICK: Well, I disagree with the reason you have
26 put up, Ms Pack. The Rules of this Court do not restrict counsel
27 from cross-examining on matters that were not raised in chief.
28 If that's the only purpose of your objection, then I would
29 overrule you.

1 MS PACK: That is the only purpose of my objection.

2 JUDGE LUSSICK: Yes, go ahead, Mr Knoops.

3 [AFRC11OCT05B - AD].

4 MR KNOOPS:

10:13:39 5 Q. Can you recall my last question, Mr Witness?

6 A. Yes, say again.

7 Q. Is it correct that the RUF did not tolerate the AFRC and
8 were conscious of the fact that Mani and Musa were refusing to
9 take orders for them, and that that was the reason also to plan
10 the killing of SAJ Musa; is that correct?

10:14:12

11 A. I think this is a double question; I don't which one to
12 answer. You are saying whether I could recall that the RUF did
13 not tolerate the AFRC and you are asking about Mani and Musa.
14 Which one? I don't know.

10:14:26

15 Q. Is it correct that RUF, when reading this passage from your
16 draft book, was not tolerating the AFRC?

17 A. That is what I presumed because I was not there. That was
18 what I learnt from the fighters. The period you are referring to
19 I was in prison. I was quoting what fighters told me what
20 happened between them.

10:14:46

21 Q. Is it correct, Mr Massaquoi, that because Brigadier Mani
22 and SAJ Musa were refusing to take orders from Sam Bockarie an
23 assassination was planned with respect to these individuals, or
24 at least Musa?

10:15:08

25 A. I cannot give a personal view on that particular question
26 because I was in there. I said -- I was quoting what combatants
27 of the two groups explained to me at that period.

28 Q. Do you agree with me, Mr Massaquoi, that already in this
29 period a power struggle was to be envisioned between the AFRC and

1 the RUF; do you agree with that?

2 A. That is what I noticed from my own point of view. But, as
3 I said, I was in there and I was commenting on what I was told by
4 the combatants of two sides.

10:15:45 5 Q. In this regard, Mr Massaquoi, you say that they believed
6 that Koroma was under duress. To the best of your knowledge, or
7 what you learnt during your detention, was he under the duress of
8 the RUF?

9 A. I cannot again tell. That was the view of some soldiers,
10:16:07 10 that Brigadier Mani and SAJ Musa believe at the time that Johnny
11 Paul Koroma was under duress to give such orders.

12 Q. So it is fair to say that the relationship between RUF and
13 AFRC at that time was far from cordial; is that correct?

14 A. No, if it was far from cordial I do not think Gullit could
10:16:29 15 have referred to Sam Bockarie or could have had a dialogue with
16 him asking for enforcement from him.

17 Q. But do you know whether this reinforcement was ever given,
18 Mr Massaquoi?

19 A. I have said in Court here that the reinforcement was not
10:16:45 20 sent, even though some people came all by themselves.

21 Q. Is it correct that the RUF deliberately did not send
22 reinforcements to Freetown in order to get the AFRC collapse; is
23 that correct?

24 A. I cannot use the word "deliberately". I didn't know
10:17:02 25 exactly what happened between the two forces. I think I have
26 told this Court that at one point in time when I was talking to
27 Sam Bockarie in regards to that, he asked me - excuse me, Your
28 Honour - he asked me to shut up my mouth, and I did not know what
29 was happening between them.

1 Q. Is it correct, Mr Massaquoi, that you were told while in
2 prison by fighters that they were actually quite happy that no
3 reinforcements were sent to Freetown to help the AFRC; is that
4 correct?

10:17:30 5 A. While I was in prison?

6 Q. What you learned there.

7 MS PACK: That doesn't make sense. The question,
8 Your Honour --

9 THE WITNESS: I don't even know while in prison who were
10:17:39 10 fighting, except when I was taken out.

11 MR KNOOPS:

12 Q. Mr Massaquoi, how do you explain then that in your draft
13 book, on page 13460, it is stated that some were flogged or
14 beaten by Bockarie and Sesay and took diamonds and money from
10:18:04 15 them? How can you match this with your assertion that the
16 relationship was apparently cordial?

17 A. Again, I would say that I was not there. I was exactly
18 quoting what the combatants told me. It is left with you to give
19 your own view whether there was a cordial relationship between
10:18:26 20 them at that time.

21 Q. I am asking your view because you did write a draft book on
22 this topic. So I think I am entitled to ask you what your view
23 is.

24 A. But you are also reading it. What would be your own view?
10:18:42 25 That it is a view for the reader to calculate and give about, not
26 only myself.

27 Q. Mr Massaquoi, is it your view, according to this draft book
28 you wrote, that the RUF was in power and control over the AFRC,
29 or at least it was their goal to achieve power at the expense of

1 the AFRC; is that correct?

2 A. Can you repeat the question?

3 Q. Is it, to the best of your knowledge, correct that the RUF
4 was in power and control of the AFRC, or at least thought to have
10:19:21 5 this power or control of the AFRC?

6 A. At which period are you referring to?

7 Q. I am referring to the period of 1997 till 1998.

8 A. No, I can't say.

9 Q. You cannot say because you have not the knowledge or you
10:19:37 10 deny this?

11 A. No, I am not denying it. I wrote what you are reading now.
12 But I have told you earlier that I was quoting what people have
13 said and I wasn't there.

14 Q. The second portion of your book in this regard reflects --

10:19:55 15 MR KNOOPS: It is reflected on page 13460, Your Honour, and
16 starts on the tenth sentence, starting with the words "this made
17 everybody to believe". I am not sure if Your Honours have it in
18 front of you.

19 JUDGE LUSSICK: Yes, we have that.

10:20:17 20 MR KNOOPS: Thank you, Your Honour.

21 Q. Mr Massaquoi, again respectfully ask you to listen to this
22 portion and I will ask you a question thereafter. The draft book
23 reads as follows in this regard. It comes right after the
24 incident that Mr Koroma and his wife were stripped, diamonds
10:20:49 25 removed from their underwear and knickers et cetera:

26 "This made everybody to believe that Sesay and Bockarie
27 kept the diamonds in Liberia for their own use. Mingo,
28 Musa, Bropleh and Mani -- "

29 I think it is Mani; it could be Marmi --

1 "Had a good understanding initially and operated together
2 through areas like Kabala, Kaima in the north etc but later
3 Musa and his group fell apart with Mingo's group and he ran
4 to the Kambia District. From there he operated in Bombali
10:21:44 5 District and later into Port Loko District through Lunsar,
6 Rogberay Junction and Masiaka onwards to Freetown. "

7 Is it correct that, to the best of your knowledge, in this
8 period or shortly after, Musa and his group fell apart with
9 Mingo's group and he ran away to Kambia District?

10:22:12 10 A. It is correct that they had an infight.

11 Q. Do you know what the exact reason for this infight was?

12 A. I think if you go through it you will see the reasons
13 there.

14 Q. So it is actually fair to say, Mr Massaquoi, that at this
10:22:33 15 point there was not a joint relationship there and a rift became
16 between the RUF and the AFRC?

17 A. No, not the RUF and the AFRC. I know there was a rift
18 between SAJ Musa's group and that of Superman's group.

19 Q. Did this result also in a breakdown of relationship and
10:22:59 20 communications; is that correct?

21 A. I cannot tell because when I was released from prison I saw
22 the group in Freetown communicating with Sam Bockarie. So I
23 could not tell you that at that particular point in time whether
24 there was a breakdown in communication after that incident.

10:23:19 25 MR KNOOPS: Your Honours, I move on to page 13525, 13526
26 and 13527.

27 JUDGE LUSSICK: Yes, we have those pages, Mr Knoops.

28 MR KNOOPS: Grateful, Your Honour. Thank you. For Your
29 Honours, is it 13525, the second paragraph starting with the

1 words "Kabbah who told the BBC".

2 JUDGE LUSSICK: We don't have that first page. So if you
3 can just wait a few more moments. Page 13525. Yes, go ahead,
4 Mr Knoops.

10:25:32 5 MR KNOOPS: Thank you, Your Honour. Grateful.

6 Q. Mr Massaquoi, in your draft book you have dedicate quite
7 some portions on the role of the Special Court in relation to the
8 Sierra Leone Government and the origin of the war. I have three
9 portions which I would like to confront you with regarding this
10:25:58 10 topics. First one is to be found on page 13525. Your draft book
11 reads as follows:

12 "Kabba who told the BBC that he would talk to ECOMOG to
13 reduce casualties in 1997-98, never apologised or asked the
14 people to forgive him for all the killings ECOMOG did to
10:26:27 15 restore him back to power. Instead he praised them being
16 professional soldiers who knew their targets. After his
17 reinstatement in 1998 February, he disbanded the army, an
18 action that intensified the war."

19 My question is, Mr Massaquoi, what exactly did you mean
10:26:50 20 with the words "an action that intensified the war"?

21 A. I was made to understand from Gullit's group that entered
22 Freetown that the disbandment of the army was one of the reasons
23 why they intensified their attacks to come to Freetown.

24 Q. And, to the best of your knowledge, was there a reason for
10:27:13 25 the disbandment of the army?

26 A. I didn't disband the army, and I don't know for which
27 reasons the government disbanded the army.

28 Q. I am not inferring that you disbanded the army, but whether
29 you were familiar with the reason for this disbandment.

1 A. The reason was the coup of May 1997.

2 Q. In your view from the period of February 1998 there was not
3 an official army in existence; is that correct?

4 MS PACK: Your Honour, I really don't see how the witness
10:27:57 5 can be expected to answer more questions about his opinions about
6 either President Kabbah or the army. The last question really
7 can't be a question that is appropriately put to this witness
8 seeking an opinion about something which he is not an expert to
9 provide.

10:28:14 10 MR KNOOPS: Your Honour, if I may address this objection?
11 I think first of all, Your Honours, it is the Prosecution who
12 disclosed this book. And it entails quite some exculpatory
13 portions. I am obligated to put this case of my client to the
14 witness. Thirdly, it is rather remarkable that the Prosecution
10:28:37 15 is challenging their own witness; I think that is not proper.
16 Fourthly, we heard this witness saying that he spoke to the
17 military expert who will testify later this week, and we know
18 from that report that this same military expert founded his
19 conclusions on several interviews with individuals like
10:29:00 20 Mr Massaquoi. So I think we are totally entitled to question the
21 witness on this topic. It would be totally unfair to admit --
22 the Prosecution is proposing to hear an expert witness on this
23 topic, I think, tomorrow.

24 And Your Honours will see tomorrow that this expert witness
10:29:23 25 is totally relying on the evidence given by people like Mr
26 Massaquoi. So, if Mr Massaquoi has an opinion on the war and the
27 army, which topics are crucial for case and which were put in
28 this report based on his findings and other findings of
29 Prosecution witnesses, I think it would be totally unfair that

1 the accused have no chance to challenge the alleged sources of
2 the military expert.

3 JUDGE LUSSICK: Did you want to reply to that?

4 MS PACK: I should say that just because a witness has
10:30:11 5 spoken to a military expert does not confer upon him expertise.
6 I am certainly not challenging the witness, but simply his
7 expertise to provide an opinion on the military structure of the
8 Sierra Leonean Army in 1998 or at any other time.

9 JUDGE LUSSICK: The question asked -- I have not got the
10:30:54 10 exact terms before me -- but it is a question that is capable of
11 being answered by the witness. Either he can answer what was
12 asked of him or he can say that he does not know. We are of the
13 view that Mr Knoops's question is a proper question. We will
14 allow the question.

10:31:16 15 MR KNOOPS: Thank you, Your Honours.

16 Q. Mr Massaquoi, to the best of your knowledge, referring to
17 the reinstatement in 1998 of Mr Kabbah when the army was
18 disbanded, was there, to the best of your knowledge, an army in
19 existence in the traditional sense of the word?

10:31:44 20 A. How could I tell? At that time the army was disbanded. I
21 heard it. I don't know whether other people were being trained
22 as the new army while I was in prison.

23 Q. And you were not in a position to answer the question
24 whether there was a professional army in existence with an
10:32:06 25 official structure like a normal army; is that correct?

26 A. No, I am not in a position to answer that.

27 Q. It is it correct, Mr Massaquoi, that you also gave this
28 answer to this military expert you spoke with last year; is that
29 correct?

1 A. I cannot recall he asked me such a question you are asking
2 me about military being disbanded or not.

3 Q. Were you put the question during this interview with the
4 military expert whether you were of the opinion that after
10:32:41 5 February 1998 the AFRC represented the characteristics of a
6 normal army structure? Was this question was put to you; is that
7 correct?

8 A. After the AFRC took over?

9 Q. Yes.

10:33:03 10 A. Yes, the army was still there with a normal structure.

11 Q. My question is was this question put to you by the military
12 expert you referred to earlier?

13 A. The military expert asked me a lot of questions. I cannot
14 recall which one exactly about the army he asked to me.

10:33:19 15 Q. But you agree that when this question would have been put
16 to you your answer would have been, "I am not in a position to
17 say so"; is that correct?

18 A. If it was put to me?

19 Q. Yes.

10:33:31 20 A. But it wasn't put to me.

21 Q. Alright. Thank you, let's move on. Page 13526.

22 MR KNOOPS: Excuse me, Your Honours; it is 13527. I will
23 skip that part -- 13527.

24 Q. Mr Massaquoi, in your draft book you dedicated another
10:34:34 25 portion to the role of the government and the army and the origin
26 of the war. I will read this portion to you and come back with a
27 question. Quotation:

28 "After his restoration in February 1988, President Kabbah
29 and his government refused to talk to the rebels or even

1 encourage dialogue with them even though our people's arms
2 and legs were being amputated. Even though Sam Bockarie
3 may be devilish, was constantly calling for negotiations
4 while in the bush. The government still said there was
10:35:13 5 no-one to talk to. When Reverend Jesse Jackson, as special
6 envoy to the former United States President Bill Clinton,
7 came to Sierra Leone and asked the government to talk to
8 the rebels, he was shouted at and branded as rebel
9 collaborator. Even when 24 military officers were
10:35:30 10 hurriedly and undemocratically fired and sentenced to death
11 by Tom Carew and co, in the midst of mitigation pleas from
12 closest western allies, Britain and United States, and
13 Sierra Leone for a halt on execution as appeals were being
14 filed to an international legal body, the government of
10:36:01 15 Tejan Kabbah went ahead and signed the death warrant for
16 the public execution of 23 men and a woman, whose crime
17 during the AFRC rule was the demobilisation of child
18 combatants. There was no outlet for peace even though the
19 charges were manipulated by Solomon Berewa. War was the
10:36:27 20 only way forward. The soldiers in the bush went berserk
21 fearing surrendering would mean instant death. Even as
22 civilians apparently calling themselves Civil Defence Units
23 and taking the cue from authorities with ECOMOG soldiers
24 standing by watching, when they took the law into their own
10:36:45 25 hands by burning soldiers or their affiliates alive with
26 motor tyres, calling it democracy chain."
27 MR KNOOPS: I think I take the last sentence, Your Honours,
28 also. So I continue just one second, Mr Massaquoi.
29 Q. "So it was during this period that we saw the ugliest part

1 of the war until the rebels entered Freetown on January 6,
2 1999. "

3 Sorry --

4 "To force the government of Kabbah to eat its words and to
10:37:29 5 remove Foday Sankoh from prison to negotiate. If this is
6 not bearing the greatest responsibility then what is it?
7 If David Crane does not include Kabbah's name on the
8 indictment then it may not be ordinary. "
9 Mr Massaquoi, this is written by you.

10:37:50 10 A. Yes.

11 Q. You still agree with that what you have written here?
12 Yes, those were the views of people.

13 Q. Which you reflect in your book?

14 A. Yes.

10:38:02 15 Q. Is it correct, Mr Massaquoi, that the AFRC rule was the
16 demobilisation of child combatants; is that correct?

17 A. No, I have not said so.

18 Q. I just read from this portion of your book that after
19 signing the death warrant for the public execution of 23 men and
10:38:34 20 a woman, whose crime during the AFRC rule was the demobilisation
21 of child combatants; is that correct?

22 A. Yes, I was told that that was the position given to the
23 lady that was killed, to demobilise child soldiers.

24 Q. But you don't deny that you wrote this down; do you?

10:38:52 25 A. Pardon?

26 Q. You don't deny that you wrote this.

27 A. Yes, I did.

28 Q. Thank you. What did you mean with the words "war was the
29 only way forward"?

1 A. What I meant that was that the government said that was
2 nobody among rebels to talk to, so the only way out was to fight.

3 Q. Is it known to you, Mr Massaquoi, either direct or
4 indirect, by the soldiers you referred to earlier that a
10:39:16 5 surrendering of the soldiers would mean instant death?

6 A. Yes, that was what I was told, that since the government
7 said that there was nobody to talk to and their brothers had been
8 killed, so if any one of them surrendered he was going to be
9 killed.

10:39:34 10 Q. Right. So it is your view, Mr Massaquoi, that the soldiers
11 in the bush had no option than to fight and to go to war; is that
12 correct?

13 A. Yes, that was what they told me, that they could not
14 surrender while their brothers were being killed.

10:39:52 15 Q. Is it correct, Mr Massaquoi, that it is your view that the
16 government of Sierra Leone is responsible for the situation,
17 because you refer in your book to the words "if this is not
18 bearing the greatest responsibility then what is it"; is that
19 your view.

10:40:06 20 A. It is not my view. I have told you that I was gathering
21 the view of people, what they were saying on both side, both the
22 rebel side and the government side. That is what I wrote
23 exactly.

24 Q. Mr Massaquoi, with all due respect, when reading your book
10:40:20 25 this sentence can hardly be a reflection of other people because
26 it is written in the personal form: "If this is not bearing the
27 greatest responsibility then what is it?"

28 A. That is a draft; that is not a book.

29 Q. We know that it is not a book, Mr Massaquoi; you have

1 already told us.

2 A. Yes.

3 Q. But you did agree --

4 A. That I drafted it.

10:40:44 5 Q. Yes.

6 A. Yes.

7 MR KNOOPS: Thank you very much. These were my questions,
8 Your Honour. Sorry, I have one question left if Your Honour
9 would allow me. It reflects page 13507 of the book of

10:41:09 10 Mr Massaquoi.

11 JUDGE LUSSICK: Yes, Mr Knoops.

12 MR KNOOPS:

13 Q. Mr Massaquoi, in your draft on page 13507, it is the 5th
14 sentence from above. It said that the Conakry peace plan of
10:42:10 15 October 22, 1997 was signed by Colonel AK Sesay on behalf of the
16 AFRC and Tom Ikemi on behalf of ECOWAS heads of state. Is that
17 correct?

18 A. Yes.

10:42:40 19 Q. Did you come to know Colonel AK Sesay personally; did you
20 ever meet him in person?

21 A. Yes. He has been in some of the Supreme Council meetings
22 while I was there.

23 Q. To the best of your knowledge, did he have an official rank
24 as colonel within the army?

10:42:55 25 A. Yes.

26 Q. In your view, or according to the best of your knowledge,
27 did he undergo a military education to become a colonel?

28 A. I cannot tell whether because I only saw him as a colonel
29 in the Sierra Leone Army. I presume he must have gone to some

1 military trainings.

2 Q. How many, to the best of your knowledge, Mr Massaquoi, of
3 the Supreme Council members were people with official ranks from
4 the SLA?

10:43:35 5 A. I normally saw the Chief of Army Staff, the Chief of
6 Defence Staff, all of them dressed in their official uniforms and
7 ranks.

8 Q. How many, if you know that at all, how many of them hold
9 official officer ranks when they served within the SLA before the
10:43:56 10 war, how many of them?

11 A. Before the war?

12 Q. Yes.

13 A. I don't know; I don't know most of them before the war.

14 MR KNOOPS: My very last question, Your Honours, reflects
10:44:12 15 page 13463 of the draft book of Mr Massaquoi. It is 13463.

16 JUDGE SEBUTINDE: Mr Knoops, we are ready.

17 MR KNOOPS: Sorry, Your Honour. Excuse me. 13463, second
18 paragraph starting with the third sentence reading "the fighting
19 in Freetown".

10:45:33 20 Q. Mr Massaquoi, my final question will address the role of
21 ECOMOG. In your book, or your draft book, you have dedicated
22 several portions not only to the role of the government, the
23 fighting factions, but also to the position of ECOMOG. Now I
24 just have one portion of this issue to confront you with, reading
10:46:06 25 as follows:

26 "The fighting in Freetown was too fierce that even ECOMOG
27 jet bombers bombing non-military locations, killing
28 civilians, just as the rebels set houses on fire as a way
29 of curtailing Nigerian jets, seeing them according to what

1 the fighters told me. ECOMOG kept lying that they have
2 killed hundred of rebels on every attack and that those
3 remains were just remnants. "

4 I would like to draw your attention to the words "that even
10:46:52 5 ECOMOG jet bombers bombed non-military locations killing
6 civilians". Did you see this yourself?

7 A. Yes, I think it is in my testimony to the Prosecution that
8 at one point in time at PZ area of Freetown we saw a pregnant
9 woman being killed as a result of an Alpha Jet that bombed that
10:47:28 10 particular area by ECOMOG.

11 Q. When you were in prison, did you come to know about this
12 observation also from other fighters that ECOMOG was bombing
13 non-military locations killing civilians?

14 A. They told me that ECOMOG was bombing places where they
10:47:48 15 held. But I was not made to understand that they bombed
16 civilians, besides the one I saw and I spoke about.

17 Q. To the best of your knowledge, did these bombings also
18 result in the burning of houses in Freetown and the surroundings?

19 A. I think I have said at one point in time some fighters told
10:48:04 20 me that as a way of curtailing ECOMOG, seeing their positions,
21 they resulted in burning some houses so that the smoke in the air
22 could not allow ECOMOG jets to locate them. I think I have said
23 that here.

24 Q. That is correct. But I am asking you whether you are
10:48:25 25 familiar whether directly through the bombing by ECOMOG jets
26 houses were destroyed and burned out?

27 A. By the jets?

28 Q. By the jets.

29 A. Yes, like the area where the pregnant woman was killed, one

1 side of the building was brought down.

2 MR KNOOPS: Thank you, Your Honour. That concludes my
3 cross-examination. I am grateful for your answers, Mr Massaquoi.
4 Thank you.

10:48:48 5 JUDGE LUSSICK: Thank you, Mr Knoops. We will take the
6 morning adjournment now and reconvene at 11.10 a.m.

7 [Break taken at 10.50 a.m.]

8 [Upon resuming at 11.10 a.m.]

9 JUDGE LUSSICK: Yes, Ms Thompson.

11:10:55 10 CROSS-EXAMINED BY MS THOMPSON:

11 MS THOMPSON: Thank you, Your Honour.

12 Q. Mr Massaquoi.

13 A. Yes.

14 Q. You testified before this Court on Friday that some time in
11:11:08 15 1991, I think you said in March -- May of 1991, you saw a group
16 of armed men enter Pujehun and attack Pujehun whilst you were
17 there. When you say "attack", can you tell us what exactly these
18 armed men did?

19 A. They fired while entering Pujehun.

11:11:31 20 Q. Did they kill people?

21 A. Yes.

22 Q. Did they burn villages?

23 A. In Pujehun where I was, no house was burnt at that time.

24 Q. What else did they do, apart from firing?

11:11:49 25 A. They looted shops, houses.

26 Q. And was the killing only done by firing?

27 A. Yes, I recall people were fired by the gun.

28 Q. What about the raping of women?

29 A. Yes, they brought women to villages that were with them.

1 Q. My specific question is raping of woman.

2 A. I did not monitor any complaint of raping of women on that
3 date.

4 Q. Abduction of children?

11:12:39 5 A. Yes.

6 Q. And this was before they captured you -- this was before
7 you ran away, sorry, before you ran away?

8 A. After I ran away and returned back to Pujehun, that was the
9 time I saw all of these things.

11:12:56 10 Q. Why did you run away in the first place?

11 A. I think I have told you that was my first experience of
12 seeing people in armed firing, and referring to themselves as a
13 "rebel group".

14 Q. So at that time you ran away you knew they were a rebel
11:13:16 15 group. Did you go to any of the authorities in nearby towns?

16 The government authorities, I mean.

17 A. At that time most government authorities have also ran
18 away.

19 Q. Did you move further to the nearest place where a
11:13:32 20 government authority was --

21 A. No.

22 Q. -- to inform this was what you had seen?

23 A. No.

24 Q. You decided to return to Pujehun?

11:13:39 25 A. Yes, because I saw other people were returning as well.

26 Q. When you returned, that is when you found out about the
27 extent of what they had done?

28 A. Yes.

29 Q. Okay. There was a time when you ran away again, was there

1 not?

2 A. There was.

3 Q. By the time you ran away the second time, you knew what
4 they had done in Pujehun?

11:14:18 5 A. Yes.

6 Q. Why did you not stay away the second time?

7 A. Because even the place I went to they have already taken
8 over there, and I heard of other villages as well.

9 Q. Why did you not go further away from Pujehun? If the place
11:14:34 10 you went to had already been taken over, why did you not move
11 further and further away from where the RUF was now controlling?

12 A. Because I left all my families behind, my mother and
13 everyone of my family, they were all there now.

14 Q. By the time you ran away the second time you were aware
11:14:57 15 that they had been raping women and abducting children; not so?

16 A. I have said I did not get any information at the time of
17 raping. I knew they abducted children and they were taking
18 people from the houses.

19 Q. Let me read to you what you wrote in your draft book.

11:15:12 20 MS THOMPSON: Your Honours, I am looking at page 13481.

21 JUDGE LUSSICK: Just pause, Ms Thompson, I think we will
22 have to get that page.

23 MS THOMPSON: Yes, Your Honour, I will.

24 JUDGE LUSSICK: Yes, go ahead, Ms Thompson.

11:16:06 25 MS THOMPSON: Thank you.

26 Q. First of all, may I just confirm that Pujehun is your home
27 town?

28 A. Yes.

29 Q. And that is where your all your family come from?

1 A. Yes.

2 Q. That is where you grew up?

3 A. No, I grew up in Kenema.

4 Q. But at this time you had lived in Pujehun for how long? In
11:16:23 5 1991, how long had you lived in Pujehun?

6 A. Before 1991, for about a year.

7 Q. Reading from page 13481. I will read the passage and then
8 I will put the question to you, Mr Witness.

9 A. Okay.

11:16:38 10 Q. "The RUF -- Is almost linked with all atrocities and other
11 abuses throughout the ten and a half years old war. In
12 phase one of her operations, she was well known for
13 summarily executing civilians in both Pujehun and Kailahun
14 districts. "

11:16:53 15 MS THOMPSON: Sorry, Your Honour, I should have said that I
16 am reading to the next page as well. 13482, last paragraph:

17 "In the Pujehun districts, dozens of civilians were killed
18 for what they term as reconnaissance. This included
19 amongst others, David Samba, Alhaji Brima Conteh,

11:17:11 20 Koifofana, Alhaji Gassama, Haja Kingsway, Abdulai Kanneh,

21 Siaka Sesay, Lamranah Jalloh, alias Somebody, Karfoh

22 Gembeh, Sidee Yayoh Massaquoi, Mamakoh Swaray, Kpana

23 Gendema Massaquoi and many more were killed. Raping of

24 woman and also being held un sexual slavery, abduction and
11:17:45 25 training of children were all widely done. Abduction and

26 training of children was sanctioned by Sankoh that all

27 class of life have the right to fight for their right

28 including women and children. This was also confirmed in

29 the footpath to democracy, a handbook of the RUF. "

1 Did you write this?

2 A. Yes, I did.

3 Q. Okay. So I ask you the question again: At this time, by
4 the time you ran away the second time, was there raping of women
11:18:18 5 in Pujehun?

6 A. Not at all. When I refer to that particular paragraph you
7 are talking about, phase one is a lengthy period, and Pujehun was
8 not the only town where such things were done. You have other
9 towns in Pujehun District. But Pujehun, where I live, at that
11:18:34 10 time I did not see that.

11 Q. So you are making a distinction between Pujehun Town and
12 the district as a whole?

13 A. The district as a whole, yes.

14 Q. Right. At the time you ran away the second time, was there
11:18:50 15 raping of women in the district?

16 A. Yes. There were reports that I knew that I wrote about.

17 Q. But you still went back to Pujehun?

18 A. Yes, I did.

19 Q. And you still went to work for these people?

11:19:01 20 A. Yes, and I have explained the circumstances that made me to
21 work for them.

22 Q. When government forces retook Pujehun, it's the case also
23 that you ran away again; not so?

24 A. Yes, I did.

11:19:16 25 Q. Why is it that, having known what this people were capable
26 of, you did not surrender or offer information to the government
27 troops at that time?

28 A. Because the government troops that came also were also
29 doing some killings of those whom they alleged were in support of

1 the rebels or worked with them.

2 Q. Were you in support the RUF?

3 A. Before they came?

4 Q. Yes?

11:19:43 5 A. No.

6 Q. Were you working for them?

7 A. I did, yes.

8 Q. Could you not have offered them information about the
9 workings of the RUF?

11:19:53 10 A. To the government forces?

11 Q. Yes.

12 A. No.

13 Q. Now, it's right, is it not, that you considered yourself a
14 combatant of the RUF?

11:20:07 15 A. Yes, after they trained me.

16 Q. And you were trained twice.

17 A. Once.

18 Q. You had training that Zimmi and training in Liberia; is
19 that not the case?

11:20:19 20 A. No. Liberia was a revision of what happened in Zimmi, in
21 Gissiwulo.

22 Q. But I would be right if I said that you were one of the
23 first to be trained?

24 A. Not at all.

11:20:33 25 Q. How long after the RUF came to Sierra Leone were you
26 trained?

27 A. The RUF came into Sierra Leone in March, and they went to
28 Pujehun in May. Sometimes in May or, I think, getting to June,
29 that was the time I was first taken to Gissiwulo near Zimmi for

1 training.

2 Q. So, two months after the RUF came to Sierra Leone you were
3 trained.

4 A. Yes.

11:20:59 5 Q. So you were one of the first, if not the first batch, at
6 least you were one of the first batch of combatants to be trained
7 by the RUF?

8 A. No, I could not tell, because I already met on that
9 particular training base people who have been trained before.

11:21:15 10 Q. On Sierra Leonean soil? I am not talking about those who
11 came from Liberia.

12 A. On sierra Leone soil people have been trained before that.

13 Q. Okay. Do you know how many groups of men had been trained
14 before you were trained?

11:21:23 15 A. No.

16 Q. Did you ever bother to find out?

17 A. I did not.

18 Q. When the RUF entered in March 1991 -- are you aware of what
19 they did in March 1991 when they entered Sierra Leone?

11:21:46 20 A. In March?

21 Q. Yes.

22 A. Where specifically?

23 Q. When they entered through the Kailahun District; not so?
24 Am I right in saying that?

11:21:57 25 A. Yes.

26 Q. Are you aware what they did in the Kailahun District when
27 they entered?

28 A. At that time, no.

29 Q. Did you subsequently become aware?

1 A. Yes, later on.

2 Q. How late?

3 A. That was the time when I came down to Kailahun, when I
4 asked other people and they narrated to me what happened to them
11:22:17 5 at Bomaru when the RUF first struck.

6 Q. What year was that? What year did you go to Kailahun?

7 A. That was in 1996.

8 Q. Before 1996, were you not aware that the RUF had beheaded
9 people in a Kailahun?

11:22:34 10 A. I could not recall. I only know that they attacked
11 villages in Kailahun when they entered, and people were being
12 killed during this period that I went there.

13 Q. You had undergone training in 1991. After your training,
14 did you see child combatants with you within the RUF
11:22:58 15 organisation?

16 A. Yes, even when they crossed from Liberia they had some
17 child combatants with them, and in Sierra Leone as well.

18 Q. Are you aware what some of these child combatants were
19 forced to do?

11:23:09 20 A. Yes, I saw them with guns; I saw them being taken to the
21 front lines.

22 Q. Yes. And you were aware some of them were forced to kill
23 their own parents; not so?

24 A. Myself?

11:23:24 25 Q. Yes. You were aware that some of them were forced to kill
26 their own parents?

27 A. I became aware that some of the child soldiers were used to
28 kill their own parents, not at the time when I was trained.

29 Q. When did you first become aware of that?

1 A. About a year or so when I was with the RUF.

2 Q. Okay. And you said you were trained in ideology.

3 A. Yes.

4 Q. And part of that ideology, the RUF was fighting to
11:23:54 5 overthrow the government of Sierra Leone; not so?

6 A. Yes.

7 Q. And at the time, that was the APC Government; am I right?

8 A. Yes.

9 Q. When that government change to the NPRC, the RUF stop to
11:24:11 10 fight?

11 A. Yes, I learnt there was cessation of hostilities.

12 Q. Did they subsequently start fighting again?

13 A. Yes.

14 Q. And that was in furtherance of the ideology you had been
11:24:27 15 taught?

16 A. Not at all.

17 Q. Why were they fighting this time?

18 A. I learned from Foday Sankoh that negotiations were ongoing
19 between them, and thereafter they brought in Nigerian jets and
11:24:44 20 they began bombing RUF positions in Kailahun and fighting began
21 again.

22 Q. And that fighting was to overthrow that particular
23 government; not so?

24 A. Yes.

11:24:54 25 Q. And so the ideology continued?

26 A. Yes.

27 Q. In 1996, when that government changed and became the SLPP
28 government, did the RUF stop fighting?

29 A. Yes, they ceased after the Abidjan Peace Agreement.

1 Q. And did you start fighting again?

2 A. Yes, the RUF did.

3 Q. And that was in furtherance of the ideology again; not so?

4 A. Yes.

11:25:16 5 Q. Would you agree with me if I suggest to you that had the
6 AFRC had not invited the RUF to join them in government, the RUF
7 would have continued fighting?

8 A. I could not say so.

9 Q. Why can't you say so?

11:25:39 10 A. Because even before they overthrow the government, the RUF
11 and the government at that time had a ceasefire agreement, and
12 that stood up till that time.

13 Q. Okay, I will come to that in a minute. Now, when Sankoh
14 made a broadcast that we heard of in Court, calling all his
11:26:06 15 fighters to join the AFRC, that was an order for the RUF to
16 cooperate with the AFRC; not so?

17 A. Yes.

18 Q. Okay. And the idea was that it would at that stage at
19 least bring peace to Sierra Leone; not so?

11:26:26 20 A. Yes.

21 Q. When the commanders came to Freetown, each came with their
22 own men; not so?

23 A. I was not there when they came. I knew before my arrival
24 that Superman had already come to town with his men.

11:26:42 25 Q. Superman came with his men. Do you know how many men he
26 came with?

27 A. No, I don't know.

28 Q. Issa Sesay also came to town; not so?

29 A. Yes, I met him in town.

1 Q. And he had men with him; he came with his own men.

2 A. Yes.

3 Q. Do you know how many men he came with?

4 A. No.

11:26:36 5 [AFRC11OCT05C - SV]

6 Q. Sam Bockarie came with his own men; not so?

7 A. Yes.

8 Q. Now, these men that these commanders came with, they were
9 all armed; not so?

11:27:11 10 A. I could not tell whether all of them were armed. I was not
11 there when they came.

12 Q. All right. When you came to Freetown you met Superman?

13 A. Yes.

14 Q. You met him with men?

11:27:20 15 A. Yes.

16 Q. Were they armed?

17 A. Some were armed, some unarmed.

18 Q. Okay. Did you meet Issa Sesay's men?

19 A. Yes.

11:27:29 20 Q. Were they armed?

21 A. Same. Some were armed, some were unarmed.

22 Q. What about Sam Bockarie's men?

23 A. Sam Bockarie, I didn't meet him in Freetown. I met him in
24 Kenema.

11:27:41 25 Q. And did he have armed men with him?

26 A. Yes.

27 Q. When you came to Freetown you also had armed men with you;
28 not so?

29 A. Yes.

1 Q. How many men did you have with you?

2 A. I was given securities by Superman, about six of them

3 Q. Were they armed?

4 A. Some were armed, yes.

11:27:59 5 Q. Were you armed?

6 A. No.

7 Q. It's right to say that this cooperation which Foday Sankoh
8 had asked for was only at the top level between commanders; not
9 so?

11:28:14 10 A. Yes.

11 Q. It's also right that there was suspicion even between these
12 commanders, although they cooperated there was suspicion?

13 A. Yes, at a certain point in time there was suspicion between
14 commanders.

11:28:28 15 Q. That's why Sam Bockarie went back to Kenema?

16 A. Yes.

17 Q. Yesterday you told this Court that you blamed the AFRC for
18 your arrest. You were being cross-examined by my learned friend
19 Mr Knoop and you said you blamed the AFRC for your arrest?

11:28:52 20 A. Yes.

21 Q. Who exactly arrested you?

22 A. Some AFRC men including Issa Sesay.

23 Q. To what faction does Issa Sesay belong?

24 A. The RUF.

11:29:01 25 Q. You are a member of which organisation?

26 A. The RUF.

27 Q. It's right that within the RUF you call yourselves
28 brothers; not so?

29 A. Yes.

1 Q. And you were arrested by one of your own brothers?

2 A. Yes.

3 Q. He turned you in to the authorities at the time?

4 A. Yes. He said he was instructed by Johnny Paul Koroma to
11:29:29 5 arrest me.

6 Q. When were you arrested?

7 A. This was on 16 October 1997.

8 Q. This was after Johnny Paul Koroma -- you can confirm this
9 or you can say you don't know, this was after Johnny Paul Koroma

11:29:48 10 had ordered the arrest of Issa Sesay; not so?

11 A. Yes, after that.

12 Q. Issa Sesay was now executing an arrest ordered by Johnny
13 Paul Koroma?

14 A. I'm not getting you.

11:30:05 15 Q. Okay. You say --

16 A. I was arrested before there was a warrant to have Issa
17 Sesay arrested.

18 Q. Before?

19 A. No, after.

11:30:15 20 Q. Thank you. So if I say to you that you are not only angry
21 with the AFRC, you are also angry with the RUF, would you agree
22 with me?

23 A. Not at all. I'm not angry with any one of them. After I
24 left prison I could not have worked with them.

11:30:40 25 Q. Okay. Well if you're not angry with them, you blame the
26 RUF as well as the AFRC for your incarceration?

27 A. Yes. Well, I said in court yesterday that I blamed the
28 AFRC because I was brought before them and while I was arrested I
29 was made to understand that the chairman and the head of state at

1 that time gave orders for my arrest and I was brought before him

2 Q. The chairman had given these orders to a man he'd already
3 asked to be arrested. That's your evidence?

4 A. No, at that time the man was not asked to be arrested.

11:31:17 5 Q. Okay. Now you've given evidence before this Court that you
6 were task force commander?

7 A. No, target commander.

8 Q. Sorry. I do beg your pardon. Target commander.

9 A. Yes.

11:31:29 10 Q. And if my memory serves me right, because I don't have the
11 transcript here, your men were more or less on a defensive
12 position, not an offensive position?

13 A. Yes.

14 Q. Now you said you were arrested because your men had failed
11:31:48 15 to turn in some ammunition to Momoh Rogers?

16 A. Yes.

17 Q. Where were you supposed to get this ammunition from when
18 what you were supposed to be doing was a defensive?

19 A. Even when you are on defensive you are always supplied
11:32:05 20 ammunitions to keep you in case of government forces advance.

21 Q. Now throughout the period you were a target commander, were
22 you working only in the Pujehun District?

23 A. Yes, in the Pujehun District.

24 Q. It was in the Pujehun District that lots of villages were
11:32:29 25 burnt during this period; not so?

26 A. Yes.

27 Q. Somebody called Patrick Lamin was also killed during this
28 time?

29 A. Yes.

1 Q. Was that person killed by your men?

2 A. No, not at all. They were killed by the battalion.

3 Q. Your men were part of the battalion, were they not?

4 A. They were.

11:32:48 5 Q. So they were killed by your men?

6 A. They were killed by the battalion. When you say my men,
7 that's specifically a group that were under me alone.

8 Q. Did you go on any RUF operations outside of Pujehun
9 District?

11:33:07 10 A. Myself, yes. I think I mentioned here I was taken to
11 Koribundu jungle, to Lumpa and other places that I have
12 mentioned.

13 Q. Can you just remind me, please, which other places?

14 A. Yeah. In Port Loko District, in Tonkolili District and
11:33:24 15 even close to the Western Area here.

16 Q. What year did you go to Port Loko?

17 A. This was in 1995.

18 Q. Did you go to Kambia District at all?

19 A. Myself, no.

11:33:45 20 Q. Were you involved in the raid in Port Loko which killed --

21 A. I was --

22 Q. I haven't asked the question yet -- which killed several
23 nuns and students?

24 A. No.

11:33:58 25 Q. What did you do in Port Loko?

26 A. I was there when nuns from Kambia, not Port Loko, were
27 turned over to me by the instruction of Sankoh.

28 Q. And you killed them?

29 A. No, none of them were killed. They were all released to

1 Bi shop Bi guzzi .

2 Q. What did you do in Port Loko?

3 A. In Port Loko I was on the base at Malal Hills, and I know
4 several operations went on there, ambushes and attacks on Port
11:34:25 5 Loko Town itself.

6 Q. In Tonkolili District what did you do?

7 A. In Tonkolili District, I was again in Kangari Hills. Even
8 before my arrival there, a lot of operations were carried out by
9 Zeno in that district.

11:34:38 10 Q. I'm not talking about Zeno, I'm talking about when you
11 arrived there.

12 A. When I arrived there I went on one operation with them as
13 an IO. Besides that, I did not go no other place there.

14 Q. Okay. During the operation which you went on, people died?

11:35:00 15 A. Yes.

16 Q. People were amputated?

17 A. No.

18 Q. Villages were burnt?

19 A. No.

11:35:04 20 Q. Then what happened?

21 A. It was an ambush. And I went the ambush on the Kono
22 Masingbi Highway, two military trucks.

23 Q. Where else did you go on operations apart from Tonkolili
24 and Port Loko?

11:35:22 25 A. I think I've said I operated along with Zeno again. We
26 came towards Mile 38 when I was wounded and I also
27 [indiscernible] Freetown.

28 Q. What did you do in Mile 38?

29 A. I did not enter the town, but I know armed men in the group

1 I was in attacked Mile 38. On the way, I fell in an ambush,
2 government forces ambush, and I was shot.

3 Q. Were you captured?

4 A. No.

11:35:48 5 Q. Did you escape then?

6 A. No.

7 Q. So if you were shot what happened to you?

8 A. I was taken by my men.

9 Q. Is it not the case that during this time the RUF were
11:36:05 10 renowned for slicing pregnant women's stomachs to see the sex of
11 their children?

12 A. At that point in time?

13 Q. Yes.

14 A. Well, on the basis I was operating, I could not recall
11:36:16 15 that.

16 Q. It did not happen at all?

17 A. It did happen. I heard of it.

18 Q. Thank you. Now have you ever heard the operation -- the
19 expression Operation Spare No Soul?

11:36:33 20 A. Yes, I heard it while I was in prison.

21 Q. Do you know who mentioned Operation Spare No Soul?

22 A. Yes. I heard it was pronounced on the BBC by
23 Eldred Collins.

24 Q. Eldred Collins is a member of which organisation?

11:36:50 25 A. Of the RUF.

26 Q. Did you hear about Operation No Living Thing?

27 A. Yes.

28 Q. Who declared that operation?

29 A. I heard it on the BBC also.

1 Q. Declared by whom?

2 A. By the RUF.

3 Q. Okay. Did you know what it meant?

4 A. I could not give a meaning because I did not make the
11:37:21 5 pronouncement. I could remember when the BBC reporter further
6 asked the person who spoke about it and he said that they were
7 going to kill all Nigerian ECOMOG troops, and that was what he
8 meant.

9 Q. Was that the first time the RUF had declared Operation No
11:37:40 10 Living Thing?

11 A. That was the only time I heard of it.

12 Q. Now it's right to say that the RUF had continued a pattern
13 of behaviour which we haven't mentioned, the burning, the
14 killings and that sort of thing, from 1991 up to 2000; not so?

11:38:00 15 A. Which I have not mentioned?

16 Q. No, I said which we have mentioned. The killings, the
17 rapings, that sort of thing.

18 A. Yes.

19 Q. It's a pattern that continued from 1991 to 2000?

11:38:11 20 A. Yes.

21 Q. That included the period from February 1998 to January
22 1999; not so?

23 A. Yes.

24 Q. Now, you've given a lot of evidence about Freetown. When
11:38:38 25 you came out of Freetown, would it be right to describe the
26 situation as fluid?

27 A. Yeah, it's left to you to describe it that way.

28 Q. I wasn't there. You are giving the evidence. I'm asking
29 you, would you describe the situation in Freetown as fluid?

1 A. Somehow.

2 Q. Would you describe it as highly tense?

3 A. By the time I came out?

4 Q. Yes.

11:39:07 5 A. Yes.

6 Q. And that it was impossible to keep any form of control; not
7 so?

8 A. Control over who?

9 Q. Over the men.

11:39:17 10 A. By whom?

11 Q. By anybody who was in control. It was impossible to keep
12 any form of control over those men.

13 A. I think I have earlier said that I noticed within -- by
14 myself that some of them, because they were doing certain acts
15 and the commanders said that they were not aware. So I felt that
16 some were doing certain things unknown to their commanders.

11:39:32 15

17 Q. Some of these men who were in Freetown in January 1999 also
18 belonged to the RUF?

19 A. Yes, handful of them.

11:39:47 20 Q. Now you gave evidence that you heard a person you described
21 as, or you named as Gullit, speaking to Sam Bockarie over a VF
22 radio?

23 A. VHF.

24 Q. VHF radio.

11:40:06 25 A. Yes.

26 Q. You said you were present with Steve Bio. Can you recall
27 who else was present?

28 A. Yes. I recall, I don't know the name of the radio
29 operator, that he was also in the radio room, and I saw one or

1 two bodyguards with Gullit while entering the radio room

2 Q. Do you know the names of any of those persons who were
3 present? I know you don't remember the radio operator, but the
4 other persons?

11:40:31 5 A. No, the two -- the bodyguards I saw, they were SLAs. I
6 can't remember their names.

7 Q. Now you've also mentioned the kidnapping of Bishop Ganda
8 and the nuns, and you told my colleague earlier that you spoke to
9 Bishop Ganda. Did you tell Bishop Ganda that you belonged to the
10 RUF?

11:40:54

11 A. No, I didn't at all.

12 Q. Did you tell him your name?

13 A. Yes.

14 Q. And did he ask you -- I'd be right in saying you are

11:41:06 15 famous, not so, as being a member of the RUF; everybody knows
16 your name?

17 A. Not everybody. Some people know my name.

18 Q. Well, anybody who's been following events in Sierra Leone
19 would know your name?

11:41:17 20 A. Yes.

21 Q. You told him your name, you said?

22 A. Yeah, I just showed him my first name.

23 Q. You didn't tell him your second name?

24 A. No, I said Gibril.

11:41:27 25 Q. Okay. These nuns that you saw, can you remember whether
26 they were black nuns or white nuns?

27 A. They were white.

28 Q. All of them white?

29 A. No. I saw, I think, one or two amongst them that were

1 blacks.

2 Q. Do you remember how many of them?

3 A. I can't recall the exact figure. I think either seven or
4 eight.

11:41:52 5 Q. Can you remember what colour clothing they were wearing?

6 A. Yes. I saw them wearing some form of a long, white gown,
7 some pattern of a cap on their heads.

8 Q. We assume that's how nuns dress, but I'm asking about the
9 colour.

11:42:13 10 A. Yes.

11 Q. Is it white, blue, black?

12 A. I saw white. Not all of them were in white. I saw another
13 one in a blue and white.

14 Q. Okay. Now you say you saw these nuns being killed by
11:42:37 15 Foday Bah Marah.

16 A. Mm-hm.

17 Q. Who else was present when you witnessed this killing?

18 A. A lot of people. We are in hundreds, moving.

19 Q. Can you recall who else was present? Can you recall their
11:42:50 20 names?

21 A. Yes, I recall at that time I was with King Perry, I was
22 with Stragger.

23 Q. Sorry, can you slow down and spell for us, please. King
24 Perry, did you say?

11:43:00 25 A. Yeah, it's a nickname. I don't know his full name, King
26 Perry. K-I-N-G P-E-R-R-Y.

27 Q. King Perry?

28 A. Yeah.

29 Q. Sorry. And the other person you mentioned was?

1 A. I said Stragger.

2 Q. Stragger?

3 A. Yeah, with some other men but I can't recall their names.

4 Q. Were these SLA men or RUFs?

11:43:23 5 A. The two I have just named, they were RUF.

6 Q. Were they standing next to you or were they with Foday Bah
7 Marah?

8 A. We were all seated in group when we saw the event going on.
9 Just close by us.

11:43:39 10 Q. How close?

11 A. Just the normal length between the house and the adjacent
12 house.

13 Q. If we're using this court room by way of measurement, how
14 close would you say?

11:43:51 15 A. Just like from here to a bit outside the building there.

16 MS THOMPSON: Your Honours, I'm not sure the length that
17 would be but I think we'll just give a rough estimate. I'll move
18 on anyway.

19 Q. Do you know what happened to Bishop Ganda?

11:44:13 20 A. After that? After I met him?

21 Q. Mm-hm

22 A. No, I left him there because Gullit was angry at the time
23 that the man was involved in political talks. But at any rate,
24 we left him, nothing happened to him at that time.

11:44:29 25 Q. Did you subsequently find out what happened to him?

26 A. Yes, we were told that he was released but I didn't see
27 him

28 Q. Okay. You say Gullit, this person Gullit was angry?

29 A. I said Five-Five.

1 Q. Five-Five was angry?

2 A. Yes.

3 Q. Now when you were -- you said you went to State House after
4 your release?

11:44:55 5 A. Yes.

6 Q. And you spent a total of 11 days during the January 1999
7 incident. You spent a total of 11 days with them; not so?

8 A. More than that.

9 Q. More than that, okay. Immediately after your release did
11:45:11 10 you sleep at State House?

11 A. No, I didn't sleep there.

12 Q. Where did you sleep?

13 A. I slept at a place, I think I told the Court that Lahai,
14 one of the bodyguards to Steve Bio, took us where he was staying.

11:45:25 15 Q. Where was that?

16 A. That was by Blackhall Road.

17 Q. How often did you go to State House?

18 A. I think almost on a daily basis. If I'm not there in the
19 morning, perhaps in the evening or except if I am ill or there
11:45:40 20 was no vehicle by Lahai for me to use to go there.

21 Q. And how long would you spend there at State House?

22 A. Some hours. Sometimes I can be there for two, three hours.

23 Q. What did you go to do there?

24 A. Initially when we are released we are told that State House
11:46:01 25 was the office and that was the place we are to report. And
26 after that, while in discussion with Gullit, while working with
27 him, he made me to know that that was the office and we all
28 should be meeting there.

29 Q. So that was the office and you would go there?

1 A. Yes.

2 Q. To meet?

3 A. Yes.

4 Q. And did you take part in any meetings?

11:46:23 5 A. One meeting, I have said.

6 Q. And what was that meeting about?

7 A. That was a meeting of attacking Wilberforce.

8 Q. Did you take part in a meeting regarding the burning of
9 Freetown?

11:46:39 10 A. No.

11 Q. And each day you'd go to State House would you be
12 accompanied by Steve Bio?

13 A. Yeah, not each day. Sometimes.

14 Q. And whilst you were there, apart from Steve Bio, who else
11:46:59 15 did you spend time with?

16 A. With Five-Five, with Gullit, with FAT Sesay who was the
17 colonel admin, with some of the other officers that I knew before
18 that time.

19 Q. Okay. It would be fair to say that you knew what was going
11:47:17 20 on in State House; not so?

21 A. Knew like what?

22 Q. Anything that was going on in State House you knew about
23 because you were there?

24 A. No, not anything. There are a lot of things that I was not
11:47:31 25 there. I said in some cases either I go there in the morning or
26 in the evening. If, for instance, I go there in the evening,
27 what they may have discussed or what was happening in the
28 morning, I don't know about it.

29 Q. Would you be told about it?

1 A. No.

2 Q. Now, as a member of the RUF, and knowing that the RUF's
3 ultimate goal was the seat of power in Sierra Leone, it's right
4 to say that you were happy that Freetown had been captured; not
11:47:57 5 so?

6 A. No, I was happy that I was released by those who attacked
7 Freetown.

8 Q. And you had been released by your comrades who were now
9 sitting in State House?

11:48:10 10 A. Not my comrades, because I have never been a member of the
11 SLA. Friends.

12 Q. Okay. You were released by your friends?

13 A. Yeah.

14 Q. Who had -- your organisation ruled Sierra Leone for nine
11:48:22 15 months?

16 A. Yes.

17 Q. And you were with them now in State House?

18 A. Yes.

19 Q. So I'd be right in saying that you were happy?

11:48:33 20 A. I think I have responded to that, that I was very happy
21 when they came and released me from prison.

22 Q. And you were also now part of the decision-making body at
23 State House?

24 A. No, not at all.

11:48:43 25 Q. Is it not the case that during this period you were using
26 your experience as a fighter, a trained fighter, to help out the
27 AFRC or to -- I'll rephrase that. You were using your experience
28 as a fighter to help out these men who were coming January 6th to
29 hold on to Freetown?

1 A. No, not at all. In fact, I could recall an incident when
2 one of them they call Bomb Blast, while I was advising on the
3 behaviour of some of their men, he became very angry with me.
4 Excuse me, Your Honour, for the language. He said he doesn't
11:49:35 5 blame me, he blame my arse, my arse they have removed from
6 prison.

7 Q. Okay. Were you just a quiet observer then?

8 A. Yes, a quiet observer. But in most cases, when I'm called
9 upon by them, I normally went to them

11:49:50 10 Q. I put it to you, Mr Witness, that in fact you were part of
11 the decision making body at this time, in January '99, and you
12 were taking part in all these things that were happening in
13 Freetown.

14 A. Not at all. In Freetown I was never armed so I could not
11:50:07 15 be part and parcel of what was happening there.

16 Q. Shankardass, how much time did you spend in Shankardass?

17 A. Few time. At that time myself and Gullit walk by foot, we
18 came down to Upgun turntable.

19 Q. And would you go to Shankardass often?

11:50:28 20 A. No.

21 Q. How often would you go there?

22 A. I think until he left Shankardass I went there twice.

23 Q. And on those two occasions how long did you spend there?

24 A. The first time I went there I couldn't meet him. I didn't
11:50:44 25 waste no time, I left.

26 Q. And the second time?

27 A. Was the time I met him and he and myself walked and came
28 down to Upgun turntable.

29 Q. And during this time, going and coming to State House, now

1 going to Shankardass, you were free to move around; not so? You
2 were in fact moving in a vehicle?

3 A. Yes, in a vehicle of one of them

4 Q. Yes. And no one tried to shoot you or kill you or do
11:51:13 5 anything to you?

6 A. Amongst them?

7 Q. Yes.

8 A. No.

9 Q. And that's because you were one of them; not so?

11:51:22 10 A. Yes. I think I have said that.

11 Q. Kissy Mental Home, how long did you stay there?

12 A. I think I recall for about two days.

13 Q. Did you sleep there?

14 A. Yes.

11:51:34 15 Q. And from Kissy Mental Home -- I beg your pardon. Before
16 you got to Kissy Mental Home did you come from this place that
17 Lahai had found for you to sleep?

18 A. Yeah, the second place.

19 Q. You had a second place?

11:51:49 20 A. Yes. As the government troops were advancing we kept
21 changing our locations.

22 Q. Okay. And from the place in Blackhall Road, which Lahai
23 had found for you, where did you go?

24 A. To Samuels.

11:52:04 25 Q. And then you went to Kissy Mental Home?

26 A. No, to Calaba Town and eventually to Kissy Mental Home.

27 Q. And from the mental home where did you go?

28 A. From the mental home straight I went to Allen Town and
29 straight to the peninsula I went to Waterloo.

1 Q. Can you recall the persons you were moving with at this
2 time?

3 A. From the mental home?

4 Q. Yes.

11:52:33 5 A. From the mental home to Allen Town I moved with Stragger.
6 I met with Bazzy, I met with Gullit on the way while I was
7 moving.

8 Q. Were you walking with them?

9 A. No. In a group, no.

11:52:45 10 Q. You were walking with Stragger, one of your organisation
11 members?

12 A. Yes.

13 Q. And when you went to Waterloo, when you arrived at Waterloo
14 who were you with?

11:53:00 15 A. I stayed briefly with Rambo, who was an RUF member.

16 Q. Now, after January '99 when was the first time you had
17 contact with Foday Sankoh?

18 A. After January 1999?

19 Q. Yes.

11:53:20 20 A. My first time in contact with him was on the field radio
21 while I was in Lunsar.

22 Q. Can you remember when that was?

23 A. This was sometime April.

24 Q. April 1999?

11:53:38 25 A. Yes.

26 Q. Do you know where Sankoh was at that time?

27 A. He was in Freetown with ECOMOG.

28 Q. To the best of your knowledge did Sankoh have any direct -
29 and I stress that word, please - direct contact with anybody

1 within the West Side Jungle?

2 A. Yes.

3 Q. Who was that person?

4 A. I was told by Gullit while in Makeni that Sankoh met them
11:54:09 5 at the outskirts of Freetown.

6 Q. "Met them". Who was "them"?

7 A. He and some of his men.

8 Q. You met Sankoh after that; not so? After 1999 you were
9 working with him?

11:54:27 10 A. Who, Sankoh?

11 Q. Yes.

12 A. Yes.

13 Q. Did Sankoh ever tell you that he met with anybody from the
14 West Side Jungle?

11:54:34 15 A. No, he didn't tell me. Only Gullit told me.

16 Q. Okay. Did Sankoh tell you about any contact via satellite
17 phone with anybody from the West Side Jungle?

18 A. No.

19 Q. Do you know if he had any contact via satellite phone with
11:54:52 20 anybody from the West Side Jungle?

21 A. The West Side, no.

22 Q. No, you don't know or no, he did not?

23 A. I don't know.

24 Q. Now, my colleague asked you about Junior Lion. You said
11:55:10 25 you saw him -- you would see him every day at State House?

26 A. Almost every day.

27 Q. Almost every day at State House. Do you know any other
28 name for him?

29 A. No, I only know him as Junior Lion.

1 Q. Okay. At the time at State House you knew him as
2 Junior Lion?

3 A. Yes.

4 Q. Did he introduce himself to you?

11:55:28 5 A. No, I knew him before as he was a bodyguard to Johnny Paul
6 Koroma during the AFRC days with the RUF.

7 Q. And when you knew him as a bodyguard to Johnny Paul Koroma
8 he was Junior Lion?

9 A. Yes.

11:55:42 10 Q. You didn't know any other name for him at that stage?

11 A. Yes.

12 Q. Now, you mentioned earlier the incident at Foday Sankoh's
13 residence on 8 May. Were you in the house at the time?

14 A. Yes, I was in there.

11:56:18 15 Q. Were shots fired from Foday Sankoh's house?

16 A. From the house, no.

17 Q. No shots were fired?

18 A. No.

19 Q. Are you sure about that?

11:56:28 20 A. From the house, no. Yes, I'm sure about that.

21 Q. Okay. Mr Witness, shots were fired from Foday Sankoh's
22 house, were they not, and you fired them?

23 A. No. I know shots were fired from outside Foday Sankoh's
24 house, not from the house.

11:56:45 25 Q. In that house, it's right to say that you lot kept lots of
26 arms in there; not so?

27 A. Myself?

28 Q. You and all those who were living in there?

29 A. I know Foday Sankoh's bodyguards at that time had arms in

1 store.

2 Q. Were you armed?

3 A. No.

4 Q. Did you have bodyguards?

11:57:02 5 A. In the house?

6 Q. With you during that period you were working for

7 Foday Sankoh?

8 A. Yes, I had one.

9 Q. Was he armed?

11:57:11 10 A. He was not. In fact, I called him from my house to join me

11 there from where I was staying.

12 Q. Was he normally armed?

13 A. No, he was not part of those that were to be armed with

14 Sankoh.

11:57:21 15 Q. Foday Sankoh's bodyguards, were they in the house on that

16 day?

17 A. Yes, they were.

18 Q. And they were armed?

19 A. Some of them, yes.

11:57:30 20 Q. Let me just take you back a little bit because I'm not

21 going to be long with you. Can you recall where you were in

22 March 1996?

23 A. March 1996?

24 Q. Yes.

11:57:55 25 A. Yes.

26 Q. Where?

27 A. I was partly in the Western Area and -- yes, I was at the

28 Western Area.

29 Q. Okay. When did you come to the Western Area?

1 A. This was in sometimes January of 1996.

2 Q. Whereabouts in the Western Area were you?

3 A. I was in the hill they call Makundu Hills, which is between
4 the North and the Western Area.

11:58:25 5 Q. Northern Province?

6 A. Yeah, Northern Province.

7 Q. Okay. Were these not the areas where villages were burnt
8 in the early part of 1996?

9 A. Which area are you referring to?

11:58:40 10 Q. The area between the Northern Province and the Western
11 Area, villages were burnt between February and March of 1996?

12 A. I could not recall.

13 Q. But you were there?

14 A. Yes, I was there. I was on the base.

11:58:54 15 Q. When you say you were on the base, did you have fighting
16 men with you?

17 A. Yes, fighting men were there. On the base, this was just a
18 headquarter for the commander that was there and his troops were
19 divided into various regions and they were outside that base.

11:59:15 20 Q. What exactly were you doing there?

21 A. I was on IO there. I think I have made that known to the
22 court here.

23 Q. So as an intelligence officer you did not know that troops
24 in an organisation to which you belonged were going out and
11:59:31 25 looting and burning villages?

26 A. I think I've said here that myself monitored and some
27 reports were sent to Sankoh about their behaviours.

28 Q. I'll ask you the question again. Were burning of villages
29 taking place between February and March in the area between the

1 Northern Province and the Western Area?

2 A. Yes.

3 Q. Thank you. Mr Witness, I think this will be my final
4 question for you. It's right to say that from the period

12:00:25 5 February 1998 -- I know you say you were in prison but you've
6 given us accounts of what you say people told you.

7 A. Yeah.

8 Q. The period February 1998 to around 2000, relations between
9 the RUF and the AFRC were not good, were they?

12:00:41 10 A. I could recall that they were partly not good and partly
11 good.

12 Q. When were they partly good?

13 A. Because when I was in Freetown, when I was released from
14 prison, I noticed from Gullit that they were partly good because

12:00:58 15 he was in dialogue with Sam Bockarie and I know that there was
16 some formal friendliness in existence between them.

17 Q. Formal friendliness?

18 A. Yes.

19 Q. How many dialogues did you witness between this person

12:01:12 20 Gullit and --

21 A. Just one.

22 Q. Just one?

23 A. Yes.

24 Q. Are you aware of any others?

12:01:17 25 A. I know that except I was told by Bazzy that he had a
26 dialogue with Issa Sesay. That was a day after that.

27 Q. Okay. But apart from that you're not aware of any other
28 dialogue?

29 A. Whilst in Freetown?

1 Q. Yes.

2 A. No.

3 Q. And if there were you would have known about it; not so?

4 A. Maybe there were but I was not aware of them. Those that
12:01:44 5 I'm aware of are the ones that I've spoken about.

6 Q. That's not the question I asked you. I said if there were,
7 you would have known about it?

8 A. Yeah, somebody may have informed me that there was a
9 dialogue.

12:01:55 10 Q. Okay. Mr Witness, I'm putting it to you that in fact there
11 was no dialogue between the person you refer to as Gullit and
12 Mosquito, Sam Bockarie?

13 A. I was there and I'm confirming to you that there was a
14 dialogue between them.

12:02:08 15 Q. You were there because you were part of a decision-making
16 body; not so?

17 A. Not the decision-making body. I was there because I was
18 released by them from prison and they have been an organisation I
19 have worked with, my own organisation before.

12:02:24 20 Q. Are you still a sympathiser of the RUF ideals?

21 A. At this moment?

22 Q. Yes.

23 A. Yes.

24 Q. Thank you very much, Mr Witness.

12:02:36 25 A. Thank you.

26 JUDGE LUSSICK: Do you have any questions, Mr Fofanah?

27 MR FOFANAH: Certainly, your Honour. Thank you very much.

28 CROSS-EXAMINED BY MR FOFANAH:

29 Q. Good afternoon, Mr Massaquoi.

1 A. Good afternoon, Mr Fofanah.

2 Q. Mr Massaquoi, I'll be going over one or two things my
3 colleagues have gone over with you but just to seek
4 clarification.

12:03:10 5 A. Okay.

6 Q. So we'll first start with your military training and
7 background?

8 A. Yeah.

9 Q. So you just told the Court you were trained in Zimmi at
12:03:19 10 Gissiwulo?

11 A. Yeah, Gissiwulo.

12 Q. This was some time in 1991?

13 A. Yes.

14 Q. Will I be right if I say that you had earlier told this
12:03:28 15 Court that that was some time around July 1991?

16 A. I can't recall the actual day, but that was after I was
17 captured between May to July, between that period.

18 Q. Mr Massaquoi, when you were trained in Zimmi --

19 A. In Gissiwulo near Zimmi.

12:03:56 20 Q. Yeah, Gissiwulo near Zimmi, you came back to Pujehun; not
21 so?

22 A. Yes.

23 Q. And you worked briefly for the RUF before government forces
24 attacked you?

12:04:07 25 A. Yes.

26 Q. By briefly I mean it was less than a month before you were
27 attacked by government forces?

28 A. Yes.

29 Q. After that you went to Bumpah; not so?

1 A. Yes.

2 Q. At Bumpah you were staying with family members?

3 A. Yes.

4 Q. Did the government forces attack you at Bumpah again after
12:04:30 5 you left Pujehun?

6 A. Yes, they attacked Bumpah.

7 Q. Did you flee with your family members?

8 A. In fact, I was not in town when they attacked, so we went
9 in disarray.

12:04:45 10 Q. But some of your family members stayed behind; not so?

11 A. Yes, my older brother.

12 Q. You still did not make any effort to at least hand yourself
13 in to the government forces?

14 A. Not at all.

12:05:02 15 Q. Again from Bumpah, Mr Massaquoi, you went to a place called
16 Gohun. You had earlier spelt that as G-O-H-U-N?

17 A. Yeah, Gohun.

18 Q. At Gohun were you there with your family members?

19 A. Yeah, with my brother.

12:05:20 20 Q. But you actually went to Gohun to join Sam Bockarie; not
21 so, Mosquito?

22 A. No, it was after there that I joined him.

23 Q. Did you meet him at Gohun when you went?

24 A. Yes.

12:05:34 25 Q. Did you know before you went to Gohun that Sam Bockarie was
26 there?

27 A. No, I didn't know at all. I only knew that RUF men were
28 there.

29 Q. Are you saying that you did not go to Gohun to join the RUF

1 men?

2 A. I was already behind RUF lines, so I was with them

3 Q. Again at Gohun, government forces were advancing towards
4 Zimmi; not so?

12:06:06 5 A. Yes.

6 Q. You again ran away from Gohun and went towards the Liberian
7 border?

8 A. Yes, into Liberia.

9 Q. For the third time, Mr Massaquoi, you did not attempt to
12:06:18 10 hand yourself in to the government forces?

11 A. At all.

12 Q. At the Liberian border, you were stopped and you had to
13 return back to Sierra Leone?

14 A. Yes.

12:06:26 15 Q. Did you come back to hand yourself in to the government
16 forces?

17 A. No.

18 Q. You also made another attempt for the second time to go
19 over Liberia, and this time to join Foday Sankoh himself?

12:06:44 20 A. Not to join Foday Sankoh himself. To move from
21 Sierra Leone where government troops were advancing to cross into
22 Liberia.

23 Q. Around this time was there any war in Liberia when you
24 moved over?

12:07:02 25 A. No, the area I moved to, there was no war at the time.

26 Q. But was there war in Liberia?

27 A. Yes.

28 Q. So did you consider Liberia to be safe when you went
29 across?

1 A. To the area I was staying, I considered there safe.

2 Q. Whilst there you came in contact with RUF men again who
3 retrained you?

4 A. Yes.

12:07:23 5 Q. This time you were trained by Foday Sankoh himself in the
6 ideology?

7 A. No.

8 Q. You weren't trained by Sankoh in the ideology; is that what
9 you're saying?

12:07:35 10 A. I'm saying that Sankoh himself came there while we were
11 there and recruited men to train us the ideology, his Vanguard.
12 He came and went, came and went.

13 Q. Just a moment, Mr Massaquoi.

12:08:07 14 MR FOFANAH: Your Honours, just a moment. I just want to
15 confirm this bit on his training.

16 Q. Were you trained by Sam Bockarie, a Vanguard, in Liberia?

17 A. Yes, he was one of the instructors.

18 Q. Were you trained in the ideology, RUF ideology, whilst at
19 Liberia?

12:08:31 20 A. Yes, I was trained in that.

21 Q. Now, a fundamental object of that ideology was to seek
22 ultimate power over the territory of Sierra Leone; not so?

23 A. Yes.

24 Q. That power was to be gained at all costs; not so?

12:08:50 25 A. I don't know what you mean by all cost. Was to be gained
26 by their armed struggle.

27 Q. At least it was to be gained through armed struggle?

28 A. Yes.

29 Q. Good. Now after your training in this ideology,

1 Mr Massaquoi, to all intents and purposes, and having heard what
2 you've told this Court, you in fact believed in it; not so?

3 A. Yes, at that time.

4 Q. In fact you even continued to believe in it, I mean having
12:09:25 5 heard from the answer you gave to my colleague a while ago?

6 A. Yes.

7 Q. Will I be right in saying that you are ready to die for
8 that ideology, if need be, as a combatant?

9 A. No, I was not the author of that ideology.

12:09:45 10 Q. You weren't ready to die for it?

11 A. Yes.

12 Q. Were you ready, at least, to take up arms to ensure that
13 that ideology came into fruition?

14 A. I was ready in the company of combatants who worked to
12:10:06 15 ensure that that ideology was in fruition.

16 Q. And you remained in the company of those combatants when
17 they came to Sierra Leone; not so?

18 A. Yes.

19 Q. Now, Mr Massaquoi, do you recall the year you were made
12:10:23 20 target commander?

21 A. Yes.

22 Q. What year was that?

23 A. This was in 1992/1993.

24 Q. Was it in 1992 or 1993? I'm not sure about the answer.

12:10:36 25 A. This was in 1992.

26 Q. 1992 you became target commander?

27 A. Yes.

28 Q. As target commander you were manning about 100 men; not so?

29 A. Yes, about that.

1 Q. Now, from target commander you were promoted to lieutenant
2 by Foday Sankoh; not so?

3 A. Yes.

4 Q. What year was that?

12:11:04 5 A. This was in 19 -- early of 1994.

6 Q. So, where were you when you were made target commander?

7 A. I was in Soro Gbema Chiefdom.

8 Q. Did you remain in Soro Gbema when you were promoted to
9 lieutenant?

12:11:25 10 A. I was not promoted to lieutenant in Soro Gbema Chiefdom.

11 Q. So, where were you when you made lieutenant by Sankoh?

12 A. At Sankoh's headquarters.

13 Q. Where was that?

14 A. This was in a bush around Zimmi and Kenema District.

12:11:48 15 Q. Was that at Zogoda?

16 A. No.

17 Q. Does the location have a name which you would like this
18 Court to know?

12:11:52 19 A. No, I can't recall. It doesn't have any name. It was
20 after that that Zogoda was created.

21 Q. In 1994 you have said you were made lieutenant?

22 A. Early 1994, yes.

23 Q. Early 1994. And the subsequent promotion you received was
24 captain; not so?

12:12:13 25 A. Yes.

26 Q. What year was that?

27 A. This was in the same 1994 when I was sent to the north to
28 Zeno.

29 Q. You were also made staff captain shortly after; not so?

1 A. Yes, after that.

2 Q. What year was that?

3 A. This was in 1995.

4 Q. So, between 1994 and 1995 you had received three

12:12:34 5 promotions; not so? Lieutenant, captain, staff captain?

6 A. Yes.

7 Q. All within the RUF hierarchy; not so?

8 A. Yes.

9 Q. In fact, Mr Massaquoi, when you were recruited into the RUF

12:12:53 10 you were recruited as a junior commando; will I be right?

11 A. Yes.

12 Q. And by junior commando it means that you were trained on
13 Sierra Leonean soil and given some form of command position; not
14 so?

12:13:09 15 A. Yes.

16 Q. Mr Massaquoi, when you became -- from the time you were
17 made lieutenant until the time you became staff captain you were
18 only one of two Sierra Leoneans who had risen to the rank of
19 staff captain; correct? One of two in the RUF?

12:13:34 20 A. No.

21 Q. Do you recall the name Papa from Kailahun?

22 A. Yes, I recall that.

23 Q. Was he made staff captain by Sankoh?

24 A. Yes, before I was even made staff captain.

12:13:45 25 Q. Was there any other Sierra Leonean junior commando that you
26 recall was made staff captain?

27 A. Yes, there were junior commandos that were made captains
28 and later became staff captains.

29 Q. Like whom?

1 A. Like there was a commander they called Long Bypass.

2 Q. When was that? When was he made staff captain?

3 A. This was within the same year of 1995.

4 Q. When you were made staff captain, Mr Massaquoi, you were
12:14:17 5 then in the Northern Jungle; not so?

6 A. Staff captain?

7 Q. Yes.

8 A. Yes.

9 Q. And you were with Commander Zeno; not so?

12:14:29 10 A. No. At that time, no. I was with Lieutenant Sawaneh.

11 Q. Now, between the time you served at Soro Gbema until the
12 time you left for the Northern Jungle, you were made battalion
13 commander; not so?

14 A. Acting battalion commander.

12:14:50 15 Q. Acting battalion commander. Where was that?

16 A. That was in the same Soro Gbema where I became a target
17 commander.

18 Q. And as acting battalion commander you had at least four
19 targets under your control; not so?

12:15:06 20 A. Yes.

21 Q. And by four targets I mean 400 armed men; not so?

22 A. About that. Not armed men. 400 men.

23 Q. Were these men combatants in the RUF?

24 A. They were, but not all of them were armed.

12:15:19 25 Q. So, you had at least about 400 combatants under your
26 control; not so?

27 A. Yes.

28 Q. And you exercised command authority over these men; not so?

29 A. Yes.

1 Q. As battalion commander?

2 A. As acting battalion commander.

3 Q. Acting, acting, as acting battalion commander.

4 A. Yes.

12:15:40 5 Q. Mr Massaquoi, at least before you even became battalion
6 commander, were you implicated in the murder of some 27 Vanguard
7 of the RUF?

8 A. No.

9 Q. You were not implicated?

12:15:55 10 A. No, in the number you have called.

11 Q. You were implicated in the murder of some of them; not so?

12 A. Yes.

13 Q. How many of them?

14 A. I think about 11 of them.

12:16:07 15 Q. About 11 of them?

16 A. Yes.

17 Q. And one of these men happened to be Thonkara; not so. A
18 gentleman called Thonkara who was a Vanguard?

19 A. Yes.

12:16:21 20 Q. And by Vanguard you mean soldiers trained in Liberia or
21 Libya; which of which?

22 A. Trained in Liberia.

23 Q. Liberia?

24 A. Yes.

12:16:30 25 Q. There was also another --

26 JUDGE SEBUTINDE: Please spell that name for us.

27 MR FOFANAH: Sorry, Your Honour. Thonkara is

28 spelt T-H-O-N-K-A-R-A.

29 Q. One of the people, whose murder you were implicated in, was

1 also Ishmael; not so?

2 A. Yes.

3 MR FOFANAHA: Ishmael is spelt, Your Honours, I-S-H-M-A-E-L.

4 Q. You were also implicated in the murder of Yusuf Sillah; not
12:16:57 5 so?

6 A. Yes.

7 MR FOFANAHA: Yusuf Sillah is spelt Y-U-S-U-F S-I-L-L-A-H.

8 Q. As well as in the murder of another vanguard called Abdu
9 Rahman; not so?

10 A. Yes.

11 MR FOFANAHA: Abdu Raman is spelt A-B-D-U R-A-H-M-A-N.

12 Q. Now, all of these Vanguard's hailed from the north of Sierra
13 Leone; not so?

14 A. Yes.

15 Q. And one of the allegations against you was that you killed
16 these men because you thought they were northerners; not so?

17 A. No, not at all. If you can ask me to explain how they came
18 about to be killed, then I will explain it.

19 Q. Just say yes or no?

12:17:38 20 A. No.

21 Q. Was that the allegation against you?

22 A. No.

23 Q. Now, among these men killed there was also a trainee or at
24 least, I mean, somebody who was trained as a special force
12:17:51 25 commando called Patrick Lamin; not so?

26 A. Yes.

27 MR FOFANAHA: Lamin, Your Honours is spelt L-A-M-I-N.

28 Q. In fact Lamin was so gruesomely killed that he was -- his
29 hands were tied and then made to drown in the nearby river in

1 Pujehun; not so?

2 A. Well, I don't know about that.

3 Q. So, okay, now, could you kindly tell us how come you were
4 implicated in the murder of these men?

12:18:20 5 A. Yes, thank you very much. At one time while I was in my
6 target, one of my friends, a comrade at that time, a member of
7 the RUF junior commando, came to a place they call Gonohun and
8 informed me that one junior commando have been killed by
9 Patrick Lamin and others on allegation that one of them by the
12:18:48 10 name of Thonkara had a pregnant woman whose baby diapers he had
11 earlier looted and kept. This particular boy have taken them and
12 sold them for marijuana on the border of Liberia to ULIMO.

13 During that event, even before my arrival to the scene, some
14 other junior commandos who were deployed around the areas they
12:19:14 15 were there, have already chased them and they also retaliated and
16 killed them after they have killed this boy with a mortar pestle.

17 Q. But at least you knew about their killings even before
18 their death; not so?

19 A. Not at all. I knew that they have killed a junior commando
12:19:32 20 for the purpose I have just explained and I was not even present
21 while the killing was going on. I came and met some of their
22 bodies. Some of them, not even all.

23 Q. Now, having heard about the killing of the junior commando,
24 you were not happy; not so?

12:19:44 25 A. I was not happy because that was not the only incident that
26 those they claimed that have come to liberate the people of
27 Sierra Leone were involved in.

28 Q. So, as a result of that, was it natural that you were going
29 to order your men to do something about that?

1 A. Not at all. I was not in charge. Besides me there were
2 other people in authority far senior than me. If I -- they took
3 this step before I could even know.

4 Q. Why did they report to you?

12:20:09 5 A. Who reported to me? I have said that one of my friends,
6 comrades, who came to Gono explained it to me, not report to me.
7 Explained that such an incident have happened at the far rear,
8 you know, towards the border of Liberia.

9 Q. Did you do anything about it as a junior commando?

12:20:27 10 A. Nothing.

11 Q. Mr Witness, I put it to you that together with some other
12 RUF combatants, firstly, one called Momoh Konneh?

13 MR FOFANA: Momoh is spelt M-O-M-O-H. Konneh K-O-N-N-E-H.

14 Q. And another commander called 40 Man Devil.

12:21:05 15 MR FOFANA: 40 as in the figure. Man, M-A-N and devil.

16 Q. Another combatant called 40 Man Devil. That you connived
17 with these combatants, together with other unknown or at least
18 unknown combatants, to kill these Vanguard. I'm putting that to
19 you.

12:21:12 20 A. No, you are wrong.

21 Q. Mr Massaquoi, at the time you rose to the rank of staff
22 captain, is it not true that there were Vanguard and Special
23 Force members who had not risen to that rank within the RUF?

24 A. Yes.

12:21:34 25 Q. Is there any way you can explain your rapid promotion
26 during that period?

27 A. I cannot. Only Foday Sankoh will tell you because I was
28 not the only person being promoted. A lot of other people were
29 being promoted who were also junior commandos like myself.

1 Q. Now, we'll move on a bit and come to the Northern Jungle.

2 A. Yeah.

3 Q. Now, you've told the Court that you were based at a place
4 called Malal Hills; not so?

12:22:18 5 A. Yes.

6 Q. Now, from Malal Hills, were you not the commander, together
7 with another commander called Ajami --

8 MR FOFANAH: Ajami is spelt A-J-A-M-I.

9 Q. -- who moved troops to attack Port Loko?

12:22:36 10 A. No.

11 Q. Oh, you've answered. I mean, I was actually talking about
12 the period?

13 A. I'm sorry, I thought you had to -- go ahead.

14 Q. Yes, I mean, the period is in 1995?

12:22:49 15 A. No, I moved with Ajami. Ajami was a training commandant.
16 He was not a fighter.

17 Q. But Ajami was with you; not so?

18 A. Yes, Ajami was in that same troop.

19 Q. As a training commandant?

12:23:10 20 A. Yes.

21 Q. And where did you move to?

22 A. From Malal Hills we moved and joined Zeno. I think I have
23 explained that to the Court.

24 Q. Now, before you left Malal Hills, was it not the case that
12:23:21 25 you moved with Ajami and fighters under your control to attack
26 Port Loko?

27 A. No. In fact, the fighting men who were at that hills were
28 under the command of Lieutenant Sawaneh. Captain Ajami was a
29 training commandant. I was an IO. We were all attached to that

1 particular group.

2 Q. Mr Massaquoi, did you not head the fighting forces that
3 attacked Mile 91?

4 A. Not at all. The person that held the fighting forces that
12:24:00 5 attacked Mile 91 was Komba Kpundema and Alhaji Sawaneh.

6 Q. Did you not also head the fighting forces that subsequently
7 attacked Port Loko?

8 A. Not at all. I was with that group that attacked those
9 areas you're talking about.

12:24:19 10 Q. Was it not the case that the persons you have mentioned,
11 Alhaji Sawaneh.

12 MR FOFANAH: Sawaneh is spelt S-A-W-A-N-E-H and Komba
13 Kpundema, Komba is spelt K-O-M-B-A, Kpundema, K-P-U-N-D-E-M-A.

14 Q. Was it not the case that these two men you've mentioned
12:24:36 15 were target commanders under your control?

16 A. No, in fact, we only had one target and that was the target
17 headed by Alhaji Sawaneh. Myself, Ajami, we were all different
18 units of different units that were attached to that target.

19 Q. And Sawaneh was heading the target?

12:24:54 20 A. Yes, and deputised by Komba Kpundema.

21 Q. We'll come to that. Before I put what I have to put to
22 you, was it not the case that they in fact attacked Port Loko?
23 If you were not involved, they attacked Port Loko?

24 A. They did.

12:25:09 25 Q. And was it not the case that 300 schoolgirls, about that
26 figure, in fact over 300 schoolgirls, were captured and abducted
27 by the RUF on that particular attack on Port Loko?

28 A. I think I have said that in my statement to the Prosecution
29 that after they attacked they brought about that number, I don't

1 know the total number, and among this number some of them were
2 instructed by Sankoh to be trained and they were trained.

3 Q. Some of them were even in school uniforms when they were
4 captured; not so?

12:25:40 5 A. No, I can't recall that because when they brought them on
6 the base, I didn't see anybody in school uniform

7 Q. This was in fact -- it made headlines on both national and
8 international news; not so? It was on the BBC?

9 A. I know that they attacked, not only Port Loko, most attacks
12:25:58 10 in the country were on the BBC..

11 Q. Did you not make one of these schoolgirls by the name of
12 Baby T -- Baby is spelt as in baby and T as in the letter. Did
13 you not make her your bush wife?

14 A. Not at all. Not at all.

12:26:11 15 Q. But do you know Baby T?

16 A. I know Baby T very well.

17 Q. Can you tell us how come you know Baby T?

18 A. Yes. I was in love with Baby T after Sankoh has taken them
19 to Ivory Coast. It was at that time that I fell in love with
12:26:26 20 her. Not in the bush.

21 Q. But Baby T was one of them; not so?

22 A. Yes.

23 Q. She was one of the schoolgirls brought from Port Loko; not
24 so?

12:26:34 25 A. Yeah, I knew that she was one of the schoolgirls brought
26 from Port Loko.

27 Q. And she was one of the abducted schoolgirls brought the
28 Malal Hills; not so?

29 A. I cannot recall that she was brought to Malal Hills. I

1 knew that after they were brought from Port Loko they were taken
2 to Foday Sankoh at Zogoda. And some of them were taken to Ivory
3 Coast while Sankoh was in Ivory Coast.

12:27:00 4 Q. Once again, Mr Massaquoi, I'm putting it to you that you
5 headed the RUF troops that firstly attacked Mile 91 and then
6 subsequently attacked Port Loko?

7 A. No, you are wrong.

8 MR FOFANAH: In that case, Your Honours, I will refer
9 Mr Massaquoi to his statement at page 13355. I think it is a
10 handwritten statement, Your Honours.

11 JUDGE LUSSICK: Yes, we have that page in front of us,
12 Mr Fofanah.

13 JUDGE SEBUTINDE: Could you please switch your microphone
14 on.

12:28:24 15 MR FOFANAH: Sorry. It's a handwritten statement,
16 Your Honour. I think it was made on -- it should be some time in
17 2002. I think it's October. October 2002. Your Honours, I'm
18 referring to the second to last paragraph of that statement.
19 With your leave I will read.

12:28:50 20 Q. "It was from Kangari Hills that the group left to attack
21 Mile 91 in December 1994. This group was headed by Gibril
22 Massaquoi and Ajami. Target commanders were Komba Gbundema
23 and Alhaji Sawameh."

24 Then I will continue from there, Your Honours to come to
12:29:11 25 the other page. It says:

26 "It was from Kangari Hills that a group left in December
27 1994 and attacked Magburaka Town plus the prison, and it
28 was led by Abu Kamanda."

29 Now before I continue, I mean, did you make the first

1 statement where you said that it was from Kangari Hills that the
2 group left to attack Mile 91 in December 1994?

3 A. Yes, I said that a group in which I was, including Captain
4 Ajami and all those you have called, attacked Mile 91 and
12:29:44 5 subsequently based at Malal Hills.

6 Q. Didn't you say, when you were making that statement, that
7 the group was headed by your very self and Ajami?

8 A. No, I could not head it when I was an IO. It must be a
9 commander in charge of combatants that could head such a group.

12:30:00 10 Q. So is this particular statement an error?

11 A. Is it my own handwriting you are referring to? I am not
12 sure of that.

13 MR FOFANAHA: Probably I have to put this to the witness.
14 Unfortunately I only have the photocopy.

12:30:18 15 JUDGE LUSSICK: I don't suppose you've got a spare copy?

16 MS PACK: Yes, of course, Your Honour. We can pass that
17 up.

18 JUDGE LUSSICK: Well, if the Court attendant can show the
19 witness the handwritten statement, please.

12:30:36 20 MS PACK: It's just going to be the one page, Your Honour,
21 if that's okay.

22 JUDGE SEBUTINDE: Mr Fofanah, what does the beginning of
23 that statement describe it as? Because we don't have the whole
24 statement, we just have these two pages. Perhaps you could tell
12:30:55 25 us what is this a statement of? Is it a recorded -- is it notes,
26 what is it?

27 MR FOFANAHA: Sorry, Your Honours, I will find out. Number
28 of rights advisement forms precede the statement. If you look at
29 page 13319, it shows that -- well, they said date and place of

1 interview 2nd October 2002, "interview as", and then they give
2 the name. So I take it this might have been an interview if this
3 particular page is referable to the handwriting that I'm seeing.
4 Because before that handwriting I'm not seeing anything else.

12:31:54 5 MS PACK: Your Honour, I don't think that can be the
6 position. The rights advisements I think accompany those
7 interviews that were formally recorded. What is the first page
8 is this series of handwritten pages is at 13336, but I'm afraid I
9 can't shed any light upon the circumstances in which this
12:32:20 10 handwritten document was created. I notice there's another first
11 page, which is at 13344, where there's a date 26 October 2002.

12 JUDGE LUSSICK: Well, Witness, you've been shown a
13 handwritten statement there. Are you left in any doubt as to
14 what you're being asked, or what source is being used to ask
12:32:56 15 those questions of you?

16 THE WITNESS: Yes, My Lord. I think I could make a simple
17 clarification for the Defence. That I was questioned on these
18 issues and they were written, and that amongst them I said was
19 that myself as a captain at that time, Captain Ajami were all
12:33:14 20 present with that group.

21 JUDGE LUSSICK: Does that clarify anything for you,
22 Mr Fofanah?

23 MR FOFANAH: I will just put it to him again to recall. If
24 he denies then I will move forward.

12:33:34 25 Q. So do you recall once again, Mr Massaquoi, as telling the
26 interviewers that this group was headed by yourself and Ajami?

27 A. No, I recall saying that I was in that group along with
28 Captain Ajami, while the combatants were headed by the target
29 commanders you named.

1 Q. Malal Hills is not in the Port Loko District?

2 A. Yes, I am sure.

3 Q. Okay. I will move forward. Now I asked you about Kambia?

4 A. Yeah.

12:34:15 5 Q. Now this group also attacked Kambia; not so?

6 A. Yes, and in fact I was a few miles off from Kambia at that
7 time.

8 Q. But when my colleague was asking you a short while ago you
9 said you've never been to Kambia District?

12:34:31 10 A. Yeah, she was talking about Kambia, I thought it's Kambia
11 Town. Those group that operated in Port Loko District also
12 operated in Kambia District in the north.

13 Q. So you are now saying that you visited Kambia District?

14 A. Kambia District, yes, at a village they call Madina.

12:34:49 15 Q. Mr Massaquoi, you were also involved with these troops when
16 they went to attack Kambia?

17 A. What do you mean by "involve"? I was with them --

18 Q. You went with them. You went with them.

19 A. No, I was in Madina when they came back after the attack,
12:35:05 20 and met me at Madina.

21 Q. Mr Massaquoi, seven Catholic nuns were abducted in Kambia;
22 not so?

23 A. Yes.

24 Q. And made hostages; not so?

12:35:22 25 A. Yes.

26 Q. And in fact they were handed over to you to bring them to
27 Malal Hills; not so?

28 A. No.

29 Q. They were not handed over to you?

1 A. They were handed over to me to be taken to Zogoda, but the
2 route on which we were to travel could not permit us as
3 government troops occupied those areas.

4 JUDGE LUSSICK: Madam Court Attendant, you may collect that
12:36:03 5 statement. I don't think the witness needs it any more.

6 MR FOFANAH: I'm grateful, Your Honour.

7 Q. So, Mr Massaquoi, you were saying that these Catholic nuns
8 were in your hands, in your custody, but you did not take them to
9 Malal Hills?

10 A. No, I have not said so. I said they were brought down to
11 Malal Hills. I was to take them from there to Sankoh, but it did
12 not happen.

13 Q. So did you ever receive these seven Catholic nuns?

14 A. Yes, I did receive them and I was asked to release them.
12:36:36 15 They were released.

16 Q. Where did you first receive them?

17 A. At a place they call Madina on the highway between Lunsar
18 and Makeni.

19 Q. How far away is Madina from Kambia?

12:36:52 20 A. Madina is far away from Kambia. I don't know the
21 estimation. It's far.

22 Q. Now is it not your statement, Mr Massaquoi, that you
23 attacked Kambia on the instructions of Foday Sankoh?

24 A. Yes, the group that I was in were instructed to attack
12:37:12 25 Kambia.

26 Q. But you did not personally go?

27 A. I did not enter Kambia Town to attack.

28 Q. But when you said you were at Madina and Madina is probably
29 some 70 miles away from Kambia?

1 A. You are mistaking the two Madina. I have spoken of two
2 Madinas. There is one Madina in Kambia District, there is
3 another one between Lunsar and Makeni on the highway.

4 Q. So this Madina in Kambia District, how far away is it from
5 Kambia Town?

12:37:39

6 A. I don't know the actual estimation because I have not
7 walked by foot from Madina to Kambia, but I think it's some miles
8 off.

9 Q. Is it up to 10 miles?

12:37:50

10 A. I cannot tell. Maybe if I have a map here I would be able
11 to tell you exactly.

12 Q. Did you take the nuns to Foday Sankoh subsequently?

13 A. No. I told him that they were all ill as they have walked
14 on foot for a long distance.

12:38:15

15 Q. So where did you release them? Where did you release them?

16 A. I personally did not release them. They were given to one
17 of the combatants who brought them, by the name of Foday Oso, and
18 they were released on this second Madina I'm talking about, in
19 this second Madina between Lunsar and Makeni, to Bishop Biguzzi.

12:38:35

20 Q. Okay. So in that case let's get your statement to see if
21 you were really not involved in this Kambia attack.

22 MR FOFANAH: Your Honours, I'm referring to the interview
23 notes of October 8th, 2002 at page 11807. Do Your Honours have
24 it?

12:39:23

25 JUDGE LUSSICK: Just one moment, Mr Fofanah.

26 MR FOFANAH: As Your Honour pleases.

27 JUDGE LUSSICK: Yes, go ahead, Mr Fofanah.

28 MR FOFANAH: Your Honours, I would like to read from the
29 second and third bullet points. In fact, second, third and

1 fourth bullet points at page 11807.

2 Q. Mr Massaquoi, in your interview notes this is what you are
3 recorded as having said to the interviewers. You said:

4 "In 1994 Sankoh called Zino to Zogoda in order to plan the
12:40:40 5 December attack. Foday Sankoh ordered us to attack Mile 91
6 which we did under the command of Komba Gbundema and Alhaji
7 Sawaneh alias Bointeh (both dead). We were then based at
8 Malal Hills from where Sankoh instructed us to attack
9 Kambia. Kambia was attacked and seven catholic nuns were
12:41:04 10 taken as hostages. I brought them all to Malal Hills. I
11 talked with Bishop Biguzzi for the release of the nuns.
12 Sankoh instructed me to release the nuns, which we did at
13 Madina on the Lunsar-Masiaka highway. "

14 Do you recall saying that?

12:41:24 15 A. Yes.

16 Q. So is it clear now that you were the one that brought the
17 nuns to Malal Hills?

18 A. I think I have said that, that I received them at Madina
19 and I brought them to Malal Hills and I was to take them to
12:41:45 20 Zogoda but time could not permit.

21 Q. With respect, Mr Massaquoi, you didn't say you brought them
22 to Malal Hills.

23 A. I said so, that I received them in Madina and brought them
24 to Malal Hills and they were released in the second Madina I
12:41:52 25 spoke about.

26 Q. Now this attack on Kambia, hundreds of houses were burnt
27 down in Kambia; not so?

28 A. Yes.

29 Q. Over 200 schoolchildren were again abducted by the RUF; not

1 so?

2 A. Yes.

3 Q. And those children were all brought down to Malal Hills;
4 not so?

12:42:19 5 A. Yes.

6 Q. A lot of civilians were killed at Kambia; not so?

7 A. Well, I could not recall because I was not in the town when
8 the attack took place.

9 Q. From the attack on Kambia, did this group also attack
10 Kabala?

12:42:33

11 MR FOFANAH: Kabala is spelled K-A-B-A-L-A, Your Honours.

12 THE WITNESS: Not this group. I think it's a different --
13 it's a different issue you are talking about.

14 MR FOFANAH:

12:42:42 15 Q. But there was an attack on Kabala which you know of?

16 A. Long before this group, yes.

17 Q. By the RUF?

18 A. Yes, by the RUF.

19 Q. And that one was also very bloody in the sense that a lot
12:42:54 20 of people died, to the best of your knowledge; not so?

21 A. I heard on the BBC that people were killed.

22 Q. Hundreds of them; not so?

23 A. I cannot recall a figure.

24 Q. And hundreds of houses were again burnt down by the RUF at
12:43:06 25 Kabala; not so?

26 A. I know also on the same news that houses were burnt. I
27 can't recall the exact figure.

28 Q. And all this while you were still a junior commando in the
29 RUF --

1 A. Yes.

2 Q. -- in the northern area?

3 A. Yes.

12:43:28 4 MR FOFANAHA: Your Honours, I wanted to move to a new line
5 and see it's almost quarter to 1.00.

6 JUDGE LUSSICK: Yes, I think that's an appropriate time.
7 Thank you, Mr Fofanah. This Court then will adjourn and we'll
8 reconvene at 2.15.

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

14:12:42 10 [AFRC11OCT05D-SGH].

11 [Upon resuming at 2.15 p.m.]

12 JUDGE LUSSICK: Yes, Mr Fofanah.

13 MR KNOOPS: Your Honour, if I may make a remark, my learned
14 colleague Mr Spain will be here this afternoon to represent the
14:15:17 15 accused Kanu and I will not be here this afternoon.

16 JUDGE LUSSICK: Yes, thank you, Mr Knoops, you are excused.

17 MR KNOOPS: Thank you, Your Honour.

18 MR FOFANAHA: Good afternoon, Your Honours, good afternoon
19 counsel and good afternoon, Mr Massaquoi.

14:15:34 20 Q. Mr Massaquoi, we left off talking about your days with the
21 RUF in the Northern Jungle. I am just going to move on slightly
22 along the same line to some part of the Northern Jungle and the
23 Western Jungle and then we will move on to a different line.

24 Just a couple of questions that I wanted to clarify with you
14:15:58 25 again. Mr Massaquoi, on your way from Kambia to the Western Area
26 or wherever, did you go through a village called Sanda,

27 S-A-N-D-A?

28 A. You say on my way from Kambia. I have not been to Kambia.
29 You said on my way from Madina.

1 Q. From Kambia District?

2 A. Yes.

3 Q. From Kambia District did you go through Sanda?

4 A. Well, I don't know. I walked through several villages. I
14:16:34 5 don't know which one you are referring as Sanda.

6 Q. Do you remember Sanda as the home town of a well-known
7 Sierra Leonean politician called Thaimu Bangura?

8 MR FOFANAH: Thaimu is spelled, T-H-A-I-M-U. Bangura is
9 B-A-N-G-U-R-A.

14:16:55 10 A. I can't recall.

11 Q. Mr Massaquoi, I put to it you that several villages between
12 Port Loko and Kambia, including Sanda were burnt down by RUF
13 fighters on your way to Kambia.

14 A. Whilst I was with them?

14:17:04 15 Q. Yes.

16 A. No, I can't recall.

17 JUDGE SEBUTINDE: Mr Fofanah, was that on the way to Kambia
18 or on the way from Kambia.

19 THE WITNESS: I said from Kambia District.

14:17:22 20 MR FOFANAH:

21 Q. Both to and from?

22 A. I can't recall.

23 Q. Thank you. Mr Massaquoi, do you recall whilst you were at
24 Malal Hills -- Malal and you were also at Kangari Hills; not so?

14:17:34 25 A. Yes.

26 MR FOFANAH: Kangari is spelled K-A-N-G-A-R-I, Your
27 Honours.

28 Q. Whilst at either of these two bases, do you recall
29 capturing some Gurkhas. Gurkha is spelled K-U-R-K-H-A [sic].

1 These are Nepalese soldiers from Britain.

2 A. I recall the capture of a Gurkha, not Gurkhas, a Gurkha
3 soldier.

4 Q. Was that Gurkha a colonel?

14:18:05 5 A. Yes.

6 Q. Was he subsequently killed after his capture?

7 A. What I learned from the commander, Lieutenant Sawaneh was
8 that he was shot and he was captured, but whilst with him he
9 subsequently died.

14:18:26 10 Q. And this was the same group you were with; not so?

11 A. Yes.

12 Q. Now, were you not the most senior commander in this group
13 as staff captain then?

14 A. At that time I was not a staff captain.

14:18:37 15 Q. What was your rank?

16 A. I was a captain.

17 Q. Were you not the most senior commander then?

18 A. Not at all. There were a lot of other senior commanders.
19 I have just one mentioned, Captain Ajami, Captain Lawrence

14:18:50 20 Womandia, Captain Babeh, a host of others.

21 Q. What rank was Sawaneh?

22 A. He was a lieutenant.

23 Q. And you were captain?

24 A. Yes.

14:19:05 25 Q. Did you stop Sawaneh from killing this colonel, this
26 Gurkha?

27 A. I did not see Sawaneh killing him and I have said before
28 the Court that Sawaneh told me that he was captured, been shot
29 and he later died from the shot.

1 Q. I put to it you that five Gurkhas, including a woman, was
2 killed by the RUF to your knowledge?

3 A. Not at all.

4 Q. Mr Massaquoi, were you also the deputy Western Area
14:19:34 5 commander in the Western Jungle?

6 A. There was no deputy area commanders, so I could not have
7 been one.

8 Q. The Western Area jungle was based at Bradford; not so?

9 A. Not Bradford, in a hill they call Makundu Hills.

14:19:55 10 Q. Can you spell that for the Court, please?

11 A. Yes, M-A-K-U-N-D-U H-I-L-L-S.

12 Q. And where is that?

13 A. That is between the north and the Southern Province of
14 Moyamba District.

14:20:18 15 Q. So who was the Western Area commander? Was it not Mingo,
16 Denis Mingo?

17 A. Not at all. The Western Area commander was Zeno. Upon
18 Zeno -- when Zeno left the base, then Denis Mingo was appointed
19 area commander.

14:20:37 20 Q. Was it not the case that whilst Zeno was serving as field
21 commander --

22 A. Yes.

23 Q. -- Denis Mingo was also present as Western Area commander?

24 A. No, at that time Western Area commander was not
14:20:46 25 established. As long as the field commander was there, he was
26 the overall commander. It was only after he left that Mingo was
27 made Western Area commander.

28 Q. Who was deputy to Mingo?

29 A. There was no deputy. You have the area commander, the

1 operational commanders. You have other soldiers like IOs and
2 other senior officers.

3 Q. Now, the first time you established very close relationship
4 with Denis Mingo was on this occasion, not so, in the Western
14:21:08 5 Area jungle?

6 A. No, I have met him before.

7 Q. And he continued to be a very close pal even after events
8 of January 6, 1999?

9 A. Yes.

14:21:37 10 Q. Now in that case, Mr Massaquoi, we will go through your
11 stay in Freetown during the January 6, 1999 events. Is this
12 still your testimony that you were a member of the Supreme
13 Council of the AFRC?

14 A. I think I have said that before the Court that I was a
14:21:49 15 member.

16 Q. And you still stand by that, that you were a member of the
17 Supreme Council?

18 A. Yes, I said I was a member of the Supreme Council between
19 the months of August to October when I was arrested.

14:22:08 20 Q. October of what year?

21 A. 1997.

22 Q. Didn't you leave Sierra Leone in September 1997?

23 A. I did.

24 Q. When did you come back?

14:22:21 25 A. I came back at the end of the very September.

26 Q. Mr Massaquoi, were you an AFRC member?

27 A. I was not. I have never been a member of the armed forces.

28 Q. Do you know the difference between the Supreme Council of
29 the AFRC and the AFRC itself?

1 A. I know some differences. I was not a member of the AFRC,
2 but I know some differences.

3 Q. So what is the difference?

4 A. I learned that the AFRC was a government, the Armed Forces
14:22:58 5 Revolutionary Council and that council was the government and
6 within that council there was a Supreme Council which was the
7 seniormost body of that armed forces government.

8 Q. And do you agree with me that not every AFRC member was a
9 member of the Supreme Council; not so?

14:23:14 10 A. Of course, yes.

11 Q. Do you know the size of the Supreme Council of the AFRC?

12 A. No, the number kept increasing. Every day you are there
13 you see new faces and we were told they were Supreme Council
14 members.

14:23:29 15 Q. So when you joined, what was the size When you joined in
16 August of '97?

17 A. When I joined, I was only made to understand that names of
18 the RUF were submitted to a Major Johnny Paul Koroma to serve on
19 the Supreme Council and they were approved. I knew all of those
14:23:49 20 names from the RUF side. On the side of the SLA I saw some
21 senior officers of the army and I also saw those they call the
22 junior ranks who made the coup.

23 Q. Was your name among the names submitted for the RUF?

24 A. That was what I was made to understand.

14:24:08 25 Q. Mr Massaquoi, was it not the case that the Supreme Council
26 members was, at all times during the reign of the AFRC, kept at
27 17, 17 members?

28 A. I cannot recall the total number of it, but I knew very
29 well that a component of the people I have called were always

1 present. You are referring to the 17 people. These are the key
2 people who made the coup, but besides them other people were also
3 involved, including the RUF.

4 Q. Were all the coup plotters members of the Supreme Council?

14:24:47 5 A. At the time I served with them I never knew who all were
6 the coup plotters.

7 Q. But when you just mentioned 17 people, what was your
8 reference to?

9 A. That those who made the coup, Those junior officers who
14:24:57 10 made the coup.

11 Q. Mr Massaquoi, I am submitting to you that the Supreme
12 Council was not only the seniormost authority of the AFRC, but
13 that it was also very restrictive in its membership?

14 A. Oh, yes, if you say so, yes.

14:25:29 15 Q. And that even for members of the AFRC who allegedly plotted
16 the coup, only two of them were on that council?

17 A. No, because I could recall they have PL01, PL02, PL03 and
18 that is more than two.

19 Q. I am putting to it you that your name was never submitted
14:25:49 20 by the RUF to Johnny Paul Koroma for you to be a member of the
21 Supreme Council?

22 A. No. My name was and, in fact, I served on that council. I
23 think have told you that I attended meetings and I took salaries
24 for two months.

14:26:05 25 Q. And I am putting to it you that you were never a member of
26 the Supreme Council?

27 A. I was a member of the Supreme Council.

28 Q. Well, in that case, let us go by your statement and see
29 what we can get from it.

1 MR FOFANA: Your Honours, I am referring to page 13369.
2 13369 of the records.

3 JUDGE LUSSICK: Yes, we have that page now, Mr Fofanah.

4 MR FOFANA: Thank you very much, Your Honour.

14:27:39 5 Q. Mr Massaquoi, I am reading from one of your many statements
6 and you were describing what you called phase 4 of the operations
7 of the RUF. Phase 4. And you said phase 4 started from May 30,
8 1997 and ended in January 2002.

9 A. Yes.

14:28:07 10 MR FOFANA: And, Your Honours, towards the middle of that
11 page -- in fact, I mean, I will just start from the top.

12 Q. You started with operational areas and command structure.
13 Then you started by saying that:

14 "During this period Sam Bockarie, Foday Sankoh and Issa
14:28:23 15 Sesay were the leaders and (CIC) at given times during the
16 above period. The RUF, after joining the AFRC, was called
17 THE People's Army.

18 "From May 30, 1997 to August 1999 Sam Bockarie was the
19 leader and had the following structures: One, after
14:28:43 20 joining the AFRC, the RUF had the following positions:
21 Minister of Trade and Industry, Eldred Collins; Minister of
22 Energy and Power, Lawrence Womandia; Minister of
23 Agriculture, Mr SYB Rogers; Deputy Minister of Education,
24 Patrick S Binda; Deputy Minister of Agriculture,
14:29:02 25 Mr AA Vandy?"

26 Then you came to the real crux of my question, had -- you
27 said it also had Supreme Council members, and by this I mean you
28 were still referring to the period May 30, 1997 to January 2002.
29 These were the names you gave. You said Sam Bockarie, Mike

1 Lamin, Issa Sesay and Denis Mingo. Your name was not among the
2 list that I have given.

3 A. Yes, because I was listing those who were part of the
4 council, including myself. I was the author.

14:29:49 5 Q. Yes, but your name -- you did not write your name down as
6 being a member of that council?

7 A. That's why I have just explained that I did not write my
8 name because I am the author, I am part of and those you have
9 named, we are all RUF representatives on the Supreme Council.

14:30:05 10 Q. Did you write on this page "Gibril Massaquoi (author of
11 this document)"?

12 A. Not at all. Have you also gone to subsequent pages after
13 that to prove who is the author of that document?

14 Q. Mr Massaquoi, your business is to restrict yourself to the
14:30:23 15 questions that I put to you. I mean, this is purely my business,
16 to ask you questions.

17 A. It's what I have also answered that those names I have
18 written, including myself, were all members of the Supreme
19 Council.

14:30:35 20 Q. Once again I'm putting it to you, Mr Massaquoi, that you
21 never served in the Supreme Council of the AFRC?

22 A. I did serve and I took salaries as a member of the Supreme
23 Council for two months.

24 Q. When did you first know Mr Ibrahim Bazzy Kamara?

14:30:56 25 A. I have said that here, maybe you were not following that.
26 When I came to Freetown.

27 MS PACK: Your Honour, in fairness, again I hesitate to
28 interrupt my learned friend, but again a prior statement is being
29 put, I think an allegation being made of the recent fabrication

1 of the position of the witness as a member of the Supreme Council
2 and I just want to make sure that I have referred my learned
3 friend to a prior transcript, page 12765 registry number. That
4 is 19th February 2003 where the witness talks about those on the
14:31:34 5 Supreme Council and, in answer to a question, says:

6 "A. Yes, I understood that they met at Wilberforce when
7 they were appointing the ministers and those who were to go
8 to the Supreme Council. So it was at that point that they
9 took the position that myself and Pa Kallon, Daniel J
14:31:50 10 Kallon, should be part of the Supreme Council.

11 "Q. Okay.

12 "A. And when I came, two months I took salaries as a
13 Supreme Council. Two months and I attended meetings three
14 times. "

14:32:05 15 MR FOFANAH: In any case, I will leave that to Your
16 Honours' discretion because the witness has -- what my learned
17 colleague has just stated the witness also stated in his
18 testimony. I was basically challenging him on what my colleague
19 has just stated because he indicated to the Court that he was a
14:32:20 20 Supreme Council member and what my colleague has just read out
21 came prior to the subsequent statement that I read out which
22 meant that, I mean, probably he was either contradicting himself
23 or retracting the initial statement that my colleague has just
24 read out. But I just want to move on and leave the issue at
14:32:43 25 that.

26 PRESIDING JUDGE: Yes, move on if you wish, Mr Fofanah.
27 You obtained answers to all of the questions you put to the
28 witness.

29 MR FOFANAH: As Your Honour pleases. Thank you very much.

1 Q. So, Mr Massaquoi, do you recall the day that you were
2 released from Pademba Road Prison by the men that came to
3 Freetown in January 1999?

4 A. I do.

14:33:02 5 Q. What date was that?

6 A. That was on 6th January 1999.

7 Q. And is it your statement that you spent eleven days in
8 Freetown after your release?

9 A. More than that.

14:33:28 10 Q. More than that?

11 A. Yes.

12 Q. How many days did you spend in Freetown?

13 A. I can't give the exact days, but I can recall I spent more
14 than two weeks with them in Freetown.

14:33:40 15 Q. Okay. Well, let's see if you actually said eleven days
16 before.

17 MR FOFANAH: Your Honours, I am referring to page 13374.

18 THE INTERPRETER: Your Honours, we are asking that counsel
19 go slowly since we are interpreting for the accused themselves.

14:33:48 20 Counsel is going too fast.

21 PRESIDING JUDGE: Did you hear that comment, Mr Fofanah,
22 from the interpreter? The interpreter has asked that you go a
23 little more slowly. He is having trouble keeping up with you in
24 his interpretation to the accused.

14:34:48 25 MR FOFANAH: I am sorry, Mr Interpreter. I will move very
26 slowly, Your Honour. I don't know if Your Honours has seen the
27 page.

28 JUDGE SEBUTINDE: Yes, we have.

29 MR FOFANAH: Your Honours, I am referring to from the

1 bottom -- fourth line, bottom up, or the fourth bullet point from
2 the bottom up.

3 Q. Mr Massaquoi, this is what you were quoted as saying:

4 "By January 6, 1999 I was released from prison along with
14:35:26 5 hundred others. I spent eleven days with them in Freetown,
6 and then through the peninsula joined RUF at Waterloo."

7 A. I spent more than eleven days.

8 JUDGE SEBUTINDE: I am sorry, Mr Fofanah, you have lost us.
9 What page are you reading from?

14:35:50 10 MR FOFANAH: 13374, Your Honour.

11 JUDGE SEBUTINDE: And what sentence are you reading from?

12 MR FOFANAH: From the fourth paragraph from the bottom, "By
13 January 6, 1999". I don't know if you have seen it.

14 Q. Mr Massaquoi, now on the discussion you had with Sam
14:36:30 15 Bockarie, how many times did you have discussions with Sam
16 Bockarie on your release in Freetown?

17 A. I spoke to Sam Bockarie once.

18 Q. Was that at State House?

19 A. Yes.

14:36:44 20 Q. When Gullit called yourself and Steve Bio to talk to him;
21 not so?

22 A. Yes.

23 Q. Where was Gullit when this communication between yourself
24 and Bockarie was going on?

14:36:57 25 A. He was right at the veranda of the communication room.

26 Q. That is the same veranda you stood when he was
27 communicating with Bockarie; not so?

28 A. Yes.

29 Q. Since you heard everything that he was discussing with

1 Bockarie, I take it that were you also audible enough for him to
2 hear outside; not so?

3 A. Yes, I am sure.

4 Q. So was it not the case that when you were having this

14:37:23 5 discussion with Bockarie he referred to Gullit and his group of
6 soldiers in Freetown at that time as lawless people?

7 A. No, he did not use the word "lawless".

8 Q. What words did he use, if any?

9 A. He said they were responsible for what is going on now

14:37:43 10 because he asked them earlier to stay at certain point to receive
11 reinforcement and they refused, now they are crying for
12 reinforcement.

13 Q. So why did he lambaste you for being ignorant about events?

14 A. Because I never knew before I spoke to him that that was

14:37:58 15 such a thing that happened before they entered Freetown.

16 Q. And why was he angry with you? He even said you should - I
17 am sorry for the language - shut up?

18 A. Yes. He said, "Shut up. You do not know what you are
19 saying. You were not here. You are just from prison".

14:38:14 20 Q. Well, let me read to you from page 13375 to see if these
21 were the words Bockarie used, according to you.

22 MR FOFANA: Your Honour, the third paragraph. It should
23 be the second bullet point but I think it is the third paragraph
24 in the row, just after the numbers. I am reading from where he
14:39:13 25 said:

26 "The RUF failed to send reinforcement to Gullit and group
27 in Freetown. On one occasion after being released from
28 prison I had a dialogue with Sam Bockarie during which he
29 told me that I should find my way out of Freetown as those

1 who went there were lawless people. "

2 Q. Did Bockarie call Gullit and his soldiers lawless people?

3 A. He said they were not taking orders. They failed to take
4 orders. He asked them to wait at a certain point to receive
14:39:57 5 reinforcement and now they were crying for reinforcement.

6 Q. People who refused to take orders are referred to as
7 lawless; not so?

8 A. Yeah.

9 Q. Lawless people. So do you want this Court to believe that,
14:40:17 10 notwithstanding this statement, Gullit still encouraged your very
11 self to remain with them, according to you?

12 A. Yes, of course.

13 Q. To attend their meetings, remain with them in Freetown, go
14 to operations?

14:40:29 15 A. I did not attend meetings. I attended a meeting before
16 that.

17 Q. Do you want this Court to also believe that Gullit was
18 still hopeful that Sam Bockarie was going to send reinforcement
19 after being called lawless?

14:40:44 20 A. Yes, I think I have told the Court that the next day Bazzy
21 came and said he was also in dialogue with Issa Sesay who told
22 him that Rambo was on his way and he was close by with
23 reinforcement. And they kept having the hope that they will get
24 reinforcement.

14:41:03 25 Q. Mr Massaquoi, I put it to you that you were never with
26 Gullit, Bazzy, Five-Five or any of the men in Freetown, if they
27 were there at all.

28 A. If I was not with them then whom was I with? They were in
29 Freetown at that time.

1 Q. And if they were you were not with them

2 A. I was.

3 Q. Mr Massaquoi, do you recall -- I mean, you've told the
4 Court a lot about the nuns whom you say Foday Bah Marah killed?

14:41:50 5 A. Yes.

6 Q. And I vividly recall that in your testimony you said you
7 saw him kill three nuns at Allen Town in your presence?

8 A. Yes, on the way going to Allen Town.

9 Q. So was it three nuns that Foday Bah Marah killed in your
14:42:06 10 presence?

11 A. Three nuns I saw he shot.

12 Q. So how many nuns were there in total?

13 A. Initially when I saw them in Five-Five's house they were
14 more than -- they were more than six, six or seven or so.

14:42:29 15 Q. So the others survived; not so?

16 A. Yes, I saw him moved along with the rest of the others.

17 Q. And to the best of your knowledge you never saw the other
18 four or five killed; not so?

19 A. To the best of my knowledge I didn't see the others being
14:42:43 20 killed.

21 Q. Well, Mr Massaquoi, I will again refer to your statement
22 that you had earlier told interviewers that Foday Bah Marah
23 killed eight Catholic nuns at Calaba Town?

24 A. No, I think I recall telling them that he was in possession
14:43:08 25 of eight Catholic nuns, he killed one and on the way going I saw
26 a priest also dead.

27 Q. In fact, you even said that he killed over eight - not just
28 eight, over eight - Catholic nuns at Calaba Town in your
29 statement.

1 A. No, I recall saying that he had over eight Catholic nuns,
2 not killed eight.

3 MR FOFANAHA: Your Honours, I am referring to page 12079 of
4 the statement. Can I proceed?

14:44:25 5 JUDGE LUSSICK: Yes, go ahead.

6 MR FOFANAHA: I am reading from paragraph 19.

7 Q. Mr Massaquoi, this is what you were quoted as saying:

8 "In my own presence in Freetown 1999 -- in January 1999
9 Foday Bah killed over eight Catholic nuns at Calaba Town
10 when they were captured."

14:44:44

11 Did you say that?

12 A. I said, and I am repeating it, that Foday Bah was in
13 possession of eight Catholic nuns and in my presence three of
14 them were killed. I did not say the balance, whether they were
15 killed or whether they were released, I could not tell at all.

14:45:04

16 Q. Did you say there were over eight or just eight?

17 A. I said there were over eight Catholic nuns, because there
18 was also a priest among them, whom I later saw dead also.

19 Q. Did you say they were killed at Calaba Town or Allen Town?

14:45:25

20 A. I said they were killed between Calaba Town and Allen Town.
21 And when I moved from Calaba Town going to Allen Town, I saw the
22 priest also dead.

23 Q. Where exactly, what part of Freetown is between Calaba Town
24 and Allen Town?

14:45:36

25 A. You know from Calaba Town you go to Allen Town. I am
26 talking about the old road axis, because at that time ECOMOG
27 forces were in control of the new road.

28 Q. Do you recall any part of Freetown that you can clearly say
29 is between Calaba Town and Allen Town?

1 A. If I am taken to the point, I will be able to identify.
2 That was the only time I worked on that road.

3 Q. In another statement you repeated the same theme, that you
4 actually saw Foday Bah kill more than eight of them

14:46:06 5 MR FOFANAH: In that case, Your Honours, I will refer to
6 page 13386 of the statement.

7 [AFRC11OCT05E - EKD]

8 JUDGE LUSSICK: Go ahead, Mr Fofanah.

9 MR FOFANAH: The paragraph marked "Q", I think it is the
14:47:08 10 third paragraph downwards. It is marked "Q", Your Honours.

11 Q. It says, "Foday Bah, in January 1999, killed the Catholic
12 nuns at Calaba Town, more than eight of them." Do you still say
13 he did not kill more than eight Catholic nuns?

14 A. In my presence I saw him kill three and the rest were with
14:47:32 15 him

16 Q. So I'm putting it to you that this incident never in fact
17 happened?

18 A. It did.

19 Q. And you never saw Foday Bah at neither Calaba Town nor
14:47:50 20 Allen Town with nuns.

21 A. I did see him. I was there, you were not there.

22 Q. And you never saw him kill three or eight nuns?

23 A. I have said that I saw him kill three nuns and he moved
24 from the compound where they were with the rest of the others.

14:48:22 25 Q. You have talked a bit about ECOMOG during the January 6th
26 events. Was it not the case that there were regular jet raids on
27 Freetown?

28 A. No, not regular. Seldomly.

29 Q. So how many jets raids could you vividly recall whilst in

1 Freetown?

2 A. I can't recall, but it was not regular as you said.

3 Q. Did you witness cases in which several people were reported
4 dead as a result of jet raid?

14:48:47 5 A. I heard and I went to the scene around PZ when I saw a
6 pregnant woman killed by an air raid.

7 Q. When my colleague, Professor Knoops, was cross-examining
8 you, he quoted a portion of your draft book in which you
9 indicated that ECOMOG jets were raiding non-civilian targets, and
14:49:13 10 as a result of that many people lost their lives.

11 A. Yeah, he was referring to a whole lengthy period. That was
12 Phase 4 of the draft book you are talking about, and that was not
13 only referring to Freetown.

14 Q. So are you saying that that portion of the statement was
14:49:33 15 not referable to January 6th, 1999?

16 A. January 6th was among, but you're asking what I saw in
17 Freetown and I have just said what I saw. I was hearing but I
18 didn't see some of them. They told me the jet came and he bombed
19 part A, part B, part C. But what I saw and the area is what I
14:50:01 20 have just said, talked about.

21 Q. Let me refresh your memory again.

22 MR FOFANAHA: Your Honours, I refer to page 13463 of the
23 draft book I mean, or of our records. It is actually page 63 of
24 the draft book and page 13463 of our records.

14:51:00 25 JUDGE LUSSICK: Yes, go on.

26 MR FOFANAHA: Thank you, Your Honour. Your Honours, I'm
27 reading from what I'll call paragraph 1.

28 Q. This is what your draft book says, Mr Massaquoi. It says:
29 "When on January 6th, 1999 the central prison was broken

1 into Sankoh was not there. He was removed from there to
2 the other location a day and a half before the invasion of
3 Freetown. Colonel Titto was in charge of Pademba Road and
4 SLBS axis and his forces broke the prison. The fighting in
14:51:39 5 Freetown was too fierce that even ECOMOG jet bombs, bombed
6 non-military locations killing civilians just as the rebels
7 set houses on fire as a way of curtailing Nigerian jets
8 seen them according to what the fighters told me. ECOMOG
9 kept lying that they have killed 100s of rebels on every
14:52:03 10 given attack, and that those remained were just remnants.
11 Even President Kabba on state television confirmed ECOMOG
12 stories and said only SAJ Musa, Sam Bockarie, Eldred
13 Collins, Denis Mingo were the ones remaining only with
14 little kids causing mayhem in the country. "

14:52:26 15 You went further and said this was in December 1998. In
16 any case, you can clarify the confusion, because you started by
17 saying "in January 6th, 1999"?

18 A. I think I have said that more than once. That there were
19 some I heard. The one I saw that it happened, I have just
14:52:47 20 mentioned to the Court.

21 Q. So these non-military locations that were bombed by ECOMOG,
22 where were they? Were they in Freetown?

23 A. Freetown, in the provinces.

24 Q. Can we at least refer one of them to events in the January
14:53:08 25 6th invasion of 1999?

26 A. I have just given an example of one that around PZ, which I
27 reached a few minutes after the incident has occurred.

28 Q. And that is not the only raid, not so, in Freetown at that
29 time?

1 A. Yes, I heard of other raids, but these were rumours and I
2 cannot talk about them

3 Q. Did you also recall that you stated to interviewers that
4 ECOMOG was also bombing from across Lungi into Freetown?

14:53:43 5 A. Yes, during the period while I was in Freetown.

6 Q. And they were shelling Freetown and killing people?

7 A. Yes, some of their shells dropped in the areas and people
8 were killed.

9 Q. And these people were in Freetown; not so?

14:54:04 10 A. Yes.

11 Q. Mr Massaquoi, you've explained to the Court that Mr Ibrahim
12 Bazzy Kamara gave an order for certain vehicles to be burnt down,
13 do you recall?

14 A. Yes.

14:54:30 15 Q. Where exactly did he give this order, if at all?

16 A. This was around the Kissy Mental Home area, when almost all
17 the troops have left the main highway, which was now occupied by
18 ECOMOG, and we are all just in a small corner of Freetown.

19 Q. Was it by -- near the Kissy Mental Home where these
14:54:54 20 vehicles were parked?

21 A. No, there was a certain road. When each and every one of
22 their commanders drove and came they could no longer drive
23 further, and they were all just parked there. And he said that,
24 "We can no longer use vehicles, what is the purpose of leaving
14:55:10 25 them here?" So he gave orders that they should all be burnt, and
26 they were burnt.

27 Q. How many of these vehicles can you recall?

28 A. There were many vehicles, many.

29 Q. As many as hundred?

1 A. I saw they set fire on several rows of them.

2 Q. Was it up to a hundred?

3 A. I did not count, but I saw several rows of them standing in
4 lines and they set fire on them.

14:55:34 5 Q. But it was no more than ten?

6 A. It was more than that.

7 Q. Was it up to 50?

8 A. I think I have said I could not remember the total number,
9 but it was quite a sizable number of vehicles that were set

14:55:50 10 ablaze.

11 Q. Do you know the part of Freetown where the mental home is,
12 Kissy Mental Home? I know that it is in Kissy. Do you know the
13 street leading to the mental home?

14 A. I can't recall the street, but at the time we are there
15 everybody knew we are around the mental home area.

14:56:05 16 Q. Is it called Parsonage Street?

17 A. Maybe.

18 Q. Parsonage is spelt P-A-R-S-O-N-A-G-E.

19 A. Maybe.

14:56:17 20 Q. Were the vehicles parked along Parsonage Street?

21 A. Maybe. I cannot recall the street, but it was on a street
22 leading towards the mental home area. And that was where the
23 rest of the group just went and parked after ECOMOG have taken
24 over most parts of Freetown.

14:56:34 25 Q. Do you know Kissy Police Station?

26 A. I do.

27 Q. Is it far away from the mental home?

28 A. Yes.

29 Q. Can you estimate is it up to 2 miles, 3 miles?

1 A. No, I'm not sure whether it's up to 2 miles, 3 miles you
2 are talking about.

3 Q. What would be your approximation in mileage?

4 A. I can't approximate. I can't approximate.

14:57:05 5 Q. Well, it is certainly more than a mile; not so?

6 A. I can't approximate. I'm honest with the Court, I can't
7 approximate. If it was on a street highway I would be able to
8 estimate to you.

9 Q. So if you were to walk from Kissy Police Station to the
14:57:19 10 mental home, how long will you roughly take in minutes?

11 A. By what?

12 Q. Minutes. If you were to walk, walk.

13 A. It will take you quite some minutes.

14 Q. If I put it to you that you would spend a minimum of 30
14:57:42 15 minutes to reach the mental home from Kissy Police Station, will
16 I be right, on foot?

17 A. Maybe depending on how you walk.

18 Q. At normal pace.

19 A. Maybe.

14:57:58 20 Q. Mr Massaquoi, is it your statement that you in fact saw
21 Bazzy give orders for five vehicles to be burnt down and that
22 these vehicles were near the Kissy Police Station?

23 A. Kissy Police Station?

24 Q. Yes.

14:58:23 25 A. No, no vehicles were parked in the Kissy Police Station.

26 Q. You said they were close to the Kissy Police Station?

27 A. Yes, what I've said was that vehicles were parked and Bazzy
28 gave orders for them to be burnt.

29 Q. Were they close to the Kissy Police Station?

1 A. The vehicles that I'm talking about?

2 Q. Yes.

3 A. Vehicles were parked not only close to the Kissy Police
4 Station, they were also parked around the mental home. And he
14:58:48 5 gave orders that they should be burnt as they could not use it
6 further.

7 Q. So which vehicles burnt? Were those -- I mean, are we
8 talking about the vehicles near the mental home, around Parsonage
9 Street area or vehicles --

14:59:02 10 A. Vehicles were burnt all over where they parked them, as
11 they could not use them. All around the mental home. He gave
12 the orders. That nobody is to use vehicles again and in fact you
13 can't be able to use vehicles because ECOMOG have deployed in
14 almost all of the areas accessible by vehicles.

14:59:19 15 Q. Well, let me see if this can help you, because I'm not sure
16 if the answer is clear enough.

17 MR FOFANA: Your Honours, I want to refer to page 12361.
18 Your Honours, may Mr Kamara be excused to use the convenience?

19 JUDGE LUSSICK: Yes, certainly. Go ahead, Mr Fofanah.

15:00:41 20 MR FOFANA: Your Honours, I want to read from just
21 about -- I think it is somewhere in the middle where he says,
22 "Who has started burning?" There is a question "Who has started
23 burning."

24 Q. Mr Massaquoi, this was your answer:

15:01:01 25 "The rebels started burning down houses even including
26 vehicles that they have already taken from international NGOs."

27 And then the interview said, "Aha."

28 And you said, "And the United Nations here because those
29 mainly, the vehicles they were using, all of them were burnt

1 down. "

2 And the interviewer, "So there any commander present when
3 these were been burnt?"

4 "Gibril: I was even there when Bazzy gave orders for 5 of
15:01:32 5 them to be burnt that they were no longer going to be using
6 vehicles. The vehicles stage is past. They burnt them
7 right by close to the police station. "

8 The interviewer: "Police Station near which side?"

9 "Gibril: Kissy. "

15:01:54 10 Do you recall that now?

11 A. Yes.

12 Q. So, was it five vehicles that Bazzy gave orders to be burnt
13 down?

14 A. Not only five. This is another separate incident. Besides
15:02:04 15 the Kissy Mental Home they also burnt vehicles all over where
16 they parked vehicles. These orders went through. They were
17 burning down all the vehicles they were using.

18 Q. But why didn't you recall this particular incident when I
19 was asking you a few minutes ago about five vehicles in
15:02:18 20 particular?

21 A. Well, it's just now that you have read the actual story to
22 me. You were asking about Kissy Police Station and the mental
23 home distances. That's what you were asking me.

24 Q. Will you be surprised if I tell you, Mr Massaquoi, that it
15:02:38 25 had earlier been told to this Court that some other commander had
26 given instructions for vehicles to be burnt down around the
27 mental home area, other than Bazzy?

28 A. That I have told this Court?

29 Q. No, will you be surprised if I put it to you that some

1 other person had earlier told this Court that a commander, other
2 than Bazzy, had given the orders for vehicles to be burnt around
3 the mental home area?

4 A. Maybe it was another separate area within the mental home,
15:03:13 5 but where I was staying I heard Bazzy saying that the vehicles
6 should be burnt and that is what I saw. Maybe he saw another
7 different issue.

8 Q. And you were with the troops throughout the period they
9 spent at the mental home; not so?

15:03:25 10 A. Yes, but I was not all over mental home.

11 Q. But if vehicles were burnt you would have known; not so, as
12 a close member or close friends of the movement?

13 A. Yes, I have just cited one.

14 Q. Mr Massaquoi, I am putting it to you that this issue of
15:03:44 15 Bazzy giving orders to burn vehicles is totally a falsehood; it
16 is your creation and it never happened.

17 A. It is not my creation, I was there and I saw him giving the
18 orders.

19 Q. So, Mr Massaquoi, do you want this Court to believe that
15:04:13 20 throughout the period you spent in Freetown during the January
21 6th period with the soldiers you've outlined, you were just there
22 receiving complaints and not actively participating in the crimes
23 that you say were committed.

24 A. Nobody complained to me. I only heard about complaints
15:04:39 25 when they were made to them. I have never received complaints
26 from anybody.

27 Q. But you were always present when most of these complaints
28 were made; not so?

29 A. Yes, I was present when some complaints were made.

1 Q. And you always brought it to the knowledge of the
2 combatants that the complaints must be addressed; not so?

3 A. To whom?

4 Q. The combatants who were around when the complainants came?

15:05:05 5 A. When did I tell them?

6 Q. You always told them that they should address the
7 complaints; not so?

8 A. I have not said so. The complaints were not made to me.
9 They were -- those that I was present, they were made to military
10 police or either one of their commanders, or I just bracket
11 somebody complaining to one of their commanders.

15:05:18

12 Q. So, when Bishop Ganda and the nuns were allegedly caught by
13 Five-Five and taken to his home, you were not there when the
14 incident happened; not so?

15:05:41

15 A. Yes.

16 Q. But you said that yourself and Mr Steve Bio went there; not
17 so?

18 A. Yes.

19 Q. And your mission was to go and talk to Five-Five to release
20 them; not so?

15:05:49

21 A. Yes.

22 Q. When the woman who also came with her daughter -- I mean,
23 this daughter, according to you, one of her arms were amputated.
24 When she came to complain to yourself and Bazzy about what
25 happened to her, you were also there; not so?

15:06:10

26 A. Yes, I was present with Bazzy.

27 Q. And did you do anything about that?

28 A. I did not --

29 Q. About the complaint.

1 A. I did nothing because the complaint was not made to me.
2 All I did was myself, Steve and one of his soldiers was to ask
3 the lady to go to ECOMOG controlled area so she could rescue her
4 daughter's life.

15:06:38 5 Q. At that material time did you think it wise on your part to
6 also hand in yourself to ECOMOG like you were advising this
7 woman?

8 A. Not at all.

9 Q. Did you feel happy with what you allegedly saw?

15:06:55 10 A. At that moment I didn't feel happy.

11 Q. But you did not think it wise to leave the movement at that
12 time?

13 A. I think I have said that there was no way for me to leave.
14 I had wanted to get to the RUF territory, but even from their own
15:07:13 15 back there were ECOMOG soldiers. So I had no route to go until
16 one of them made a route to get into the peninsula that I was
17 able to travel with.

18 Q. Now, is it your testimony that Bazzy ordered some of his
19 soldiers to investigate the matter?

15:07:29 20 A. Which of the matter?

21 Q. The matter about the amputation of the child?

22 A. That he ordered to investigate?

23 Q. Yes, the soldiers who were with you when this woman came to
24 complain?

15:07:39 25 A. No, I think I have said that when the group was coming the
26 lady said that -- she identified that particular group as those
27 who did the act, and one of Bazzy's soldiers went to them to ask
28 them. And they denied whether he was the one who gave orders to
29 one of his soldiers to ask them, I cannot tell.

1 Q. But you didn't do anything criminal or you didn't do
2 anything that amounted to cruelty on any human being in this
3 period; not so?

4 A. In Freetown?

15:08:16 5 Q. Yes.

6 A. Nobody will tell you that I did anything cruel to him or
7 her.

8 Q. So, you were just with them whilst these events were going
9 on; not so?

15:08:26 10 A. Yes, I was like any one of those they have just released
11 from prison.

12 Q. Now, when the interviewer was asking you questions, didn't
13 he say that he was surprised at the fact that you were just there
14 standing aloof whilst others were participating in criminal
15:08:49 15 conduct?

16 A. No, I think I explained to the investigator what and what I
17 did. For instance, I have said that I spoke to Sam Bockarie by
18 the directive of Gullit in order to also ask him about the
19 reinforcement. I also spoke on the BBC. I said that when I was
15:09:07 20 called by them to talk to them. I think I have narrated that.

21 Q. Now, the interviewer made a particular statement in her
22 interview with you that it is really difficult to believe you.
23 She made that statement.

24 A. To me?

15:09:26 25 Q. Yes.

26 A. No.

27 MR FOFANAH: Your Honours, let me refer to page 12386.

28 JUDGE LUSSICK: Yes, we have that. Thank you, Mr Fofanah.

29 MR FOFANAH: I think it is the third line from bottom up.

1 Prior to that Mr Massaquoi was saying, "Many things may have
2 happened, but it did not happen with -- I was there to see.
3 Those I saw are the ones I'm explaining. A lot of things
4 happened. "

15:10:24 5 JUDGE LUSSICK: Just before you go on. Was that page
6 number you gave us 12386?

7 MR FOFANA: No, 12386. Yes, 12386.

8 JUDGE LUSSICK: Yes, we've got the right one. Go ahead.

9 MR FOFANA: As Your Honour pleases. Again I will just
15:10:48 10 read:

11 Q. The question was, "You still remember about -- eh?

12 "Gibril: Many things may have happened, but it did not
13 happen with I was there to see, those I saw are the ones I'm
14 explaining. A lot of things happened.

15:11:03 15 "Louise: You, it is really difficult to believe you.

16 "Gibril: Why?

17 "Louise: Because so many things had to go on, how could
18 you only seen only one or two isolated incidents?"

19 So do you now recall that the lady really made that
15:11:24 20 statement to you that it is really difficult to believe you?

21 A. Yes.

22 Q. Okay. So, let's move on from there. Mr Steve Bio, before
23 you met him or at least -- yeah, before you met him in 1997 he
24 had already been accused of plotting a coup d'etat before '97;
15:12:01 25 not so?

26 A. Yes.

27 Q. And as a result of that he escaped to Abidjan; not so?

28 A. Yes.

29 Q. To meet Foday Sankoh?

1 A. Yes.

2 Q. And when he went there he left Abidjan on the agreement of
3 Foday Sankoh to go and buy arms in Russia for the RUF; not so?

15:12:26

4 A. Yes. To go and negotiate, not to buy, because he hasn't
5 the money at the time to buy.

6 Q. And he also connected Foday Sankoh to several other
7 businessman and men in authority in other countries to help the
8 RUF politically; not so?

9 A. Yes, I could recall.

15:12:42

10 Q. So when you came to Freetown in '97 during the AFRC period,
11 you said you were accused of plotting a coup with Steve Bio and
12 that is why you were arrested; not so?

13 A. Yes.

15:13:06

14 Q. So, was it strange to you that Mr Steve Bio was for the
15 second time accused of coup plotting?

16 A. It was not strange to me, but the second one they mentioned
17 was not correct, the one they claimed I was involved.

18 Q. Now, you went to Kenema during that period; not so?

19 A. Yes.

15:13:23

20 Q. Did you talk with Issa Sesay in Kenema?

21 A. Yes, I did.

22 Q. And in fact you met at a garage when you went to Kenema?

23 A. Yes.

15:13:42

24 Q. You called him aside and this was what you told him: You
25 told him that the RUF had arms at Ivory Coast -- at Burkina Faso
26 and that General Bah was the best person to get those arms into
27 Sierra Leone, and that Issa Sesay and Mosquito should join forces
28 with yourself and Steve Bio to overthrow the AFRC government.
29 That is what you told Issa Sesay.

1 A. False.

2 Q. And as a result of that Issa Sesay in turn told you that
3 that would be disastrous and that they were now heading for
4 peace, that they wouldn't want to fight with the AFRC soldiers.

15:14:28 5 A. Completely false.

6 Q. So why were you arrested by Issa Sesay at that time?

7 A. In the first place I was not arrested by Issa Sesay alone.
8 In fact, when they went to pick me up in Bo, they did not mention
9 of a coup.

15:14:46 10 Q. Just before you go further, he was among the group of
11 people?

12 A. Yes.

13 Q. Okay, well, go on now. Go on.

14 A. He was among. He told me they met me sleeping. What they
15:14:56 15 told me was that there was a mission for me to go out and that
16 Johnny Paul Koroma said they should pick me up while coming
17 along. It was only on the way after we've left Bo for a few
18 miles before some of the soldiers that were with him started
19 saying that we have been arrested for a coup plot and I asked one

15:15:18 20 of them what did they mean by a coup plot? They gave me two
21 different answers, that firstly, that why we went with Bo we

22 discussed with some elders, who were Kamajors, that we wanted to
23 overthrow the AFRC. And the other issue was I met Issa Sesay in
24 garage and told him that we should come and overthrow the AFRC.

15:15:39 25 And I told them that these things are all false.

26 And the matter was brought before Johnny Paul, the police
27 investigated it, and they told us that there was no substance on
28 the allegation. What they next told Johnny Paul Koroma was that
29 myself and Steve Bio, who went with Sankoh to Nigeria, we are

1 responsible for his detention in Nigeria and therefore we should
2 keep us behind bars until Sankoh was released to the RUF. That
3 was the final statement they made to Johnny Paul Koroma, and that
4 was why Johnny Paul Koroma was afraid to even release us.

15:16:14 5 Because they were threatened that Johnny Paul Koroma released us,
6 they were going to take us to Kailahun for detention.

7 Q. But Johnny Paul had logically believed that you were in
8 fact the one who brought letters from Sankoh to him? Would he
9 have believed that you were responsible for Sankoh's detention
10 when you brought letters from Sankoh?

11 A. Yeah, but that is what the RUF were convincing him on.

12 Q. And as a result of that, Johnny Paul ordered your detention
13 in prison?

14 A. Yes, he ordered our detention pending investigation. After
15:16:48 15 the investigations they gave him the result. He sent somebody to
16 us and they explained to us that the RUF members were saying that
17 we sold Sankoh to Nigeria, and therefore we have to be there.
18 Even Gborie, one of the Supreme Council who came to prison,
19 thereafter explained similar thing to us.

15:17:08 20 Q. Let's come to the West Side bit. You said when you were
21 sent by Denis Mingo to Togo to see Foday Sankoh, Foday Sankoh
22 later on sent you to the West Side Boys?

23 A. Yes.

24 Q. And is it your statement that when you came, you were
15:17:28 25 arrested and detained at the West Side?

26 A. No, I have not said I was arrested and detained. I said,
27 when I came they disarmed the men I came with, and the period I
28 wanted to leave I was not allowed to leave until they were
29 satisfied for me to leave.

1 Q. I am putting it to you, Mr Massaquoi, that you had earlier
2 told statement takers that you were detained for three days,
3 which is - please - which is through, the period the length of
4 the time you spent with the West Side, I take it was three days
15:18:00 5 and you had earlier told interviewers that you were detained for
6 three days at the West Side?

7 A. Yes, I said so, because I was not allowed to leave all by
8 myself. But I was not put in prison.

9 Q. But you just said a few seconds ago that you were not
15:18:18 10 detained?

11 A. It is what I'm saying, that I was not detained in prison.
12 But when I wanted to leave I was not allowed. The arms the boys
13 had were not turned back to them until the period they were
14 satisfied to turn over the arms, some of them.

15:18:29 15 Q. Do you want this Court to believe that the West Side Boys,
16 if at all, would have had meetings and negotiations with you if
17 you were in detention?

18 A. No, I think I made that clear to the Court that when I went
19 at first I was received and I had a meeting with them. It was --
15:18:53 20 the ones I was explaining, it was thereafter the meeting.

21 Q. Mr Massaquoi, I am putting it to you that you were arrested
22 and detained right at the verge of your entrance -- at threshold
23 of your visit to the West Side, according to you, you were
24 detained?

15:19:11 25 A. No, my men were disarmed right at the gate before entering
26 to where their commander was. And when we came, we had a meeting
27 with them. Any time I met Bazzy that I wanted to leave, he said
28 I should wait. That is what I told the Court. So I was not
29 ready to leave on the time I wanted to leave to return back.

1 Q. Again, I put it to you that if you were detained by the
2 West Side, according to you, they would never have held any
3 meetings with you.

4 A. I was not detained before the meeting. After the meeting I
15:19:47 5 wanted to leave, and that was the time they could not give up the
6 arms to the boys, and I was definitely there until they were
7 ready.

8 Q. But when you were giving a statement, Mr Massaquoi, you
9 never indicated the period that your detention at West Side
15:20:11 10 started. You just said you were detained --

11 A. For some days.

12 Q. For some days.

13 A. Yes. Yes, that was what I said exactly.

14 Q. And that when you were released, your weapons were given to
15:20:28 15 you and you were allowed to go?

16 A. Yes, some were given; not all were given.

17 Q. Again, I submit that you did not visit the West Side and,
18 if you did at all, no meetings were held with you?

19 A. I'm also telling you under oath that I did; I had a meeting
15:20:50 20 with them. And after the meeting, I was kept there for some days
21 before the weapons were turned back, and I subsequently left for
22 Makeni.

23 Q. I also put it to you that you never met Ibrahim Bazzy
24 Kamara at the West Side.

15:21:05 25 A. I met Bazzy every morning during the days I was at their
26 base.

27 Q. So what place do you call "West Side"?

28 A. This was a small village somewhere within some creeks,
29 off -- between Mile 38 and Masiaka, off the highway into the

1 bush. That is how they call their base.

2 Q. Okay, Mr Massaquoi, let's talk a bit about your withdrawal.

3 Was it the case that after the events of January 1999

4 Sam Bockarie and Issa Sesay fell out with Superman on the grounds

15:21:51 5 that they did not want Foday Sankoh to continue representing

6 them?

7 A. That was one.

8 Q. And was it the case that you sided Superman in that

9 instance and went and stayed with him at Lunsar after the

15:22:13 10 pull-out?

11 A. No.

12 Q. From Freetown?

13 A. No. Before that they had earlier said that I should report

14 to Kailahun. Thinking of the statement they made that I was

15:22:25 15 responsible for Sankoh's detention in Nigeria, I had never felt

16 comfortable to live among them. I felt comfortable to live with

17 Superman at the time, and I was with Superman when this other

18 issue crop up.

19 Q. And it was Superman who in fact sent you to Togo to meet

15:22:43 20 Foday Sankoh; not so?

21 A. Yes.

22 Q. And this was after the January 6th, 1999 events?

23 A. Yes.

24 Q. And when you came back, you came back to Superman?

15:22:55 25 A. Yes, I came back to Superman.

26 Q. You recall that you have told this Court that there was an

27 infight between Issa and Superman, and as a result of that both

28 of them attacked each other; not so?

29 A. Yes.

1 Q. When these attacks were taking place, where were you?

2 A. I was at some part in Lunsar and some part in Makeni.

3 Q. Mr Massaquoi, do you recall attacking a group of SLA
4 soldiers who were based at that time in Makeni, headed by a
15:23:28 5 colonel called Colonel Tee?

6 A. Myself?

7 Q. Yes, yourself and other RUF soldiers. You attacked a group
8 of SLA soldiers based at the barracks in Makeni at that time. I
9 am talking about the period after 1999.

15:23:46 10 A. No, I recall that there was an infight between the SLAs and
11 the RUF after the SLAs -- the West Side Boys have detained
12 Superman, Mike Lamin and others. And just after their release
13 there was an infight, while I was in Makeni as well.

14 Q. As a result of what took place during that period in
15:24:07 15 Makeni, as well as in Lunsar, Mr Massaquoi, you even looted
16 Toyota Hilux van that belonged to an NGO, which you were using in
17 Lunsar.

18 A. No, not at all. A Toyota Hilux was looted, including other
19 vehicles, which Sankoh instructed me to make sure that those boys
15:24:31 20 with Superman that looted the NGO vehicles, that they should be
21 returned back. And the Hilux was the number one that was
22 returned. I used it for two days before I saw the Catholic man
23 that was in charge at the parish in Makeni that was turned over
24 to.

15:24:48 25 Q. So in any case you used it?

26 A. Yes, I used it.

27 Q. So now let's come to events of May 2000. You have told
28 this Court that Foday Sankoh promoted you to lieutenant-colonel
29 and you were based with him at his residence at Spur Road in

1 Freetown; not so?

2 A. Yes, I was not based there, I worked there. I was at
3 Murray Town.

4 Q. You were at Murray Town?

15:25:19 5 A. Yes, and I come there every morning to work and go back.

6 Q. On January 8th, did a group of civilians, a very large
7 group of civilians resident in Freetown and other parts of the
8 country, converge of the residence of Foday Sankoh?

9 A. Yes.

15:25:40 10 Q. And these people were chanting slogans; not so?

11 A. Yes.

12 Q. Can you tell the Court some of the slogans they chanted?

13 A. Yeah, they were saying that they want peace, they want
14 peace.

15:25:55 15 Q. And they were asking Foday Sankoh to disarm his men and
16 stop the war; not so?

17 A. Yes.

18 Q. Did you come to address that group of people as special
19 assistant to Sankoh?

15:26:07 20 A. My very self?

21 Q. Yes.

22 A. No.

23 Q. Did Sankoh address them?

24 A. Sankoh came out. He wanted to talk to them, and I was
15:26:16 25 outside by that time. But the Nigerian peacekeepers who were
26 there were trying to push them back to the street and not to come
27 to the compound access.

28 Q. And during that fracas, during that confusion, guns were
29 fired; not so?

1 A. Yes.

2 Q. Are you aware that civilians died as a result of the
3 gunshots?

4 A. Yes.

15:26:42 5 Q. How many civilians?

6 A. I could not tell. I heard on the BBC that 18 civilians
7 also were killed.

8 Q. Will you agree with me that some of the gunshots came from
9 RUF men based at Foday Sankoh's residence?

15:26:58 10 A. Yes, I could recall that Superman took a GPMG from one of
11 the peacekeepers and he fired it.

12 Q. Superman was there?

13 A. Yes.

14 Q. So did you do anything as a senior commander of the RUF
15:27:17 15 then, a lieutenant-colonel, did you do anything to address that
16 situation at that time?

17 A. To address who?

18 Q. To address the situation of the civilians chanting slogans?

19 A. Not at all, because before they could even enter towards
15:27:32 20 the compound they were all jumping on the telephone cables,
21 bringing it down, throwing stones. I could not stand before
22 anyone to talk to them.

23 Q. And the response from Superman was to fire a GPMG into a
24 crowd of unarmed civilians?

15:27:51 25 A. Yes. I know that he fired, but I could tell you that he
26 was the first to fire between the civilians.

27 Q. Okay. Now, some time in 2000 do you recall travelling with
28 Foday Sankoh to South Africa?

29 A. Yes, I recall.

1 Q. You went on a medical trip; not so? Foday Sankoh was ill
2 and he said he was going to treat himself?

3 A. Yes.

4 Q. Did you come in contact with a group of diamond businessmen
15:28:30 5 called the "Kramer Group"?

6 A. I met their leader, not a group of them. He said he was a
7 leader of the Kramer Group of companies, yes. I think it is in
8 my statement.

9 Q. Was it not the case that Sankoh solicited the support of
15:28:46 10 the Kramer Group for the RUF, that they should support them with
11 arms and ammunition?

12 A. I never heard of any discussion of arms and ammunition.

13 Q. Did Sankoh ask the Kramer Group to support RUF politically?

14 A. Yes, I heard that.

15:29:02 15 Q. How were they to support RUF politically?

16 A. He said he was mining and that he want them to negotiate
17 whatever proceeds he get, whether they could talk on the
18 differences so they could support him with vehicles, food, other
19 political materials.

15:29:20 20 Q. Did he negotiate diamond deals with him?

21 A. No, I didn't hear that. What I heard is what I have just
22 explained. What I knew was that they were to send somebody from
23 South Africa to meet with Sankoh in Freetown.

24 MR FOFANAH: Your Honours, just a moment.

15:29:52 25 Q. Let me refer you to your statement on page 13378.

26 JUDGE LUSSICK: Go ahead, Mr Fofanah.

27 MR FOFANAH: Your Honours, it is the third bullet point
28 from the bottom up. He said, "I travelled with Sankoh." The
29 third bullet point.

1 Q. Now you said:

2 "I travelled with Sankoh, Balu [sic] M bai Sankoh, Bobson,
3 et cetera, and Morie Kabba to South Africa on medical
4 treatment, but at the same time meet with Kremah group of
5 companies to assist RUF politically and at the same time
6 negotiate in dealing diamonds with them in March 2000. "

7 You recall that now; not so?

8 A. Yes.

9 Q. So diamonds dealing was part of the negotiation?

10 A. I think I have said that. You were asking whether we
11 took -- Sankoh took diamonds and made diamond deals with them, I
12 said no.

13 Q. No, I did not say that but I will take that for an answer.
14 Do you also recall that even after the signing of the Lome Peace
15 Accord -- Lome Peace Accord, you have rightly indicated to the
16 Court, was signed in June 1999; not so?

17 A. July.

18 Q. July, sorry, 1999. Now do you recall that even up to the
19 year 2000 Sankoh still had commanders he called mining commanders
20 based in Kono?

21 A. Yes.

22 Q. And some of the commanders were Colonel Alpha Turay, Alpha
23 spelt A-L-P-H-A and then Turay T-U-R-A-Y. Then there was also
24 Alpha Jalloh.

25 A. Yes.

26 Q. J-A-L-L-O-H. And there was another Vanguard called
27 Kennedy?

28 A. Yes.

29 Q. These were all RUF men based in Kono in 2000?

1 A. Yes.

2 Q. And they were mining commanders representing Foday Sankoh;
3 not so?

4 A. Yes.

15:32:58 5 Q. Do you also recall that General Ibrahim Bah, who was the
6 RUF international liaison officer, brought international diamond
7 dealers into Kono, one such person being Mr Mishaek? Mishaek is
8 spelt M-I-S-H-A-E-K.

9 MS PACK: Your Honour, I've let a few of these questions go
15:33:29 10 on this issue of diamonds in the year 2000, but in my submission
11 this line of questioning isn't relevant to the issues in this
12 case.

13 MR FOFANAH: My reply to that, Your Honour, is that my
14 learned colleague took the witness through a number of scenarios
15:33:47 15 unto the point -- in fact the very last line that I have in my
16 notes was, "I was made spokesman for the RUF and remained so
17 until 2001". So at least, I mean, they even spanned the period
18 2000 and went beyond that to 2001. One of the charges I can
19 rightly recall relates to forced labour in January 2000 in Kono.
15:34:13 20 I think it is count 14. I will just crosscheck that and see.

21 But, in any case, we need to explore these issues in order to
22 vindicate our clients as the case may be. Yes, count 13 of the
23 indictment, Your Honours, under Kono District the period spans
24 from February 1998 to January 2000. In any case the year 2000
15:34:45 25 will have been very useful in either corroborating or vindicating
26 what the witness has just told the Court. That is why I am
27 exploring these issues.

28 JUDGE LUSSICK: Yes, we will allow that question,
29 Mr Fofanah.

1 MR FOFANA: Thank you very much, Your Honour.

2 Q. So these commanders were all there mining diamonds for
3 Sankoh. You have just said that; not so?

4 A. Yes.

15:35:19 5 Q. And I think I was at the point where I said Ibrahim Bah,
6 the international liaison officer for the RUF, brought
7 businessman like Mr Mishaek. You recall that name?

8 A. Yes, I recall that name.

9 Q. He's an international diamond businessman; not so?

15:35:37 10 A. Yes.

11 Q. Mishaek is spelt M-I-S-H-A-E-K. Then there was another
12 Lebanese business man called Bassam Sahid Mohamed; not so?

13 A. Yes.

14 Q. Bassam is spelt B-A-S-S-A-M, Sahid S-A-H-I-D, Mohamed as in
15:35:55 15 the Muslim name Mohamed. There were also other businessman like
16 Lou Lou; do you recall that name?

17 A. Lou.

18 Q. Lou. How do you spell Lou?

19 A. L-O-U.

15:36:09 20 Q. And there was another businessman called Alpha Zulu?

21 A. Yes.

22 Q. Zulu as in the South African dialect. So all of these men
23 were businessmen brought to Kono to trade diamonds with the RUF;
24 not so?

15:36:28 25 A. Not all of them. I did not remember Alpha Zulu coming to
26 Kono.

27 Q. Did he send a representative to Kono?

28 A. Yes.

29 Q. So when you escaped from events in the May 2000 saga and

1 you said you escaped narrowly, spent some days and arrived at the
2 RUF stronghold of Superman --

3 A. Not Superman. With Superman.

4 Q. Yeah, Superman. When you went there then do you recall

15:37:13 5 some time in June 2000 you had a meeting with Issa Sesay and
6 other RUF commanders. Now in that meeting do you recall telling
7 Superman that they should investigate those who masterminded the
8 arrest of Foday Sankoh during the May 2000 events?

9 A. Not in a meeting. I told Superman that if he met with

15:37:35 10 Issa Sesay he should try to find out who and who were involved in
11 such an event of arresting UN peacekeepers.

12 Q. As well as the arrest of Foday Sankoh in Freetown.

13 A. No, you are missing the point. I said those who arrested
14 the UN peacekeepers that subsequently led to the arrest of other
15:37:57 15 people in Freetown including Foday Sankoh.

16 Q. Well, probably your statement could be more clearer than
17 that. Let me see if I can quote your statement.

18 MR FOFANA: From page 13381, Your Honours.

19 JUDGE LUSSICK: Yes, we have that page.

15:39:03 20 MR FOFANA: Yes, Your Honour. I am reading from the third
21 bullet point down where it says, "In June 2000".

22 Q. This is what you said, Mr Massaquoi. You said:

23 "In June 2000 we had a meeting at the Teko Barracks, during
24 I suggested that those who are responsible for the arrest
15:39:20 25 of Sankoh in Freetown should be arrested and detained, but
26 Issa never listened to me."

27 A. Yes, I recall saying that; that those who are responsible
28 for the arrest of the peacekeepers and the subsequent arrest of
29 Sankoh should be arrested.

1 Q. So around this time did you still believe in what Sankoh
2 was doing in the country around 2000, the period 2000?

3 A. Yes.

4 Q. And you were furious about his arrest, not so, for the May
15:39:59 5 8 events?

6 A. I was not furious about May 8, I was furious about those
7 who attacked the peacekeepers that led to his arrest.

8 Q. Was it not the case that after the May 8 -- or at least
9 even before the May 8 events and shortly after, UN peacekeepers

15:40:18 10 were attacked and captured in places like Lunsar, Masiaka and
11 Gberi Junction by the RUF?

12 A. Yeah, this was no secret.

13 Q. And this was after the Lome Peace Agreement of 1999?

14 A. Yes.

15:40:40 15 Q. Did you also not state to interviewers that government
16 forces collaborated with West Side Boys to attack the RUF on all
17 flanks following the RUF's attack on UNAMSIL and for escalating
18 the war?

19 A. Yes.

15:40:56 20 Q. That West Side Boys fought alongside government forces in
21 order to stop you from escalating the war, the RUF?

22 A. Yes, they attacked RUF at various flanks.

23 Q. And the West Side Boys were very active in that; not so?

24 A. I cannot say they were very active. They were involved.

15:41:21 25 Whether actively or passively, I cannot tell.

26 Q. Was it not also the case that Johnny Paul Koroma, the
27 former leader of the AFRC, or at least the leader of the AFRC,
28 gathered civilians in collaboration with parliament, the
29 Parliament of Sierra Leone, to go and stop Sankoh from continuing

1 the harassment and arrest of UNAMSIL officers in Sierra Leone?

2 A. Yes.

3 Q. Was it not the case that you fell out subsequently with
4 Issa Sesay because he was pursuing the peace option in
15:42:03 5 Sierra Leone?

6 A. At which time?

7 Q. In 2000 to 2001?

8 A. No, not at all.

9 Q. Did you fall out with Issa Sesay because he did not also
15:42:17 10 account for RUF diamonds?

11 A. No. I think it would be better you put the question to me
12 whether I fall out with him. I say yes, then I explain.

13 Q. Did you fall out with him?

14 A. I fall out with him briefly, yes.

15:42:32 15 Q. What was that for?

16 A. It was an incident in relation with the mining in Tongo.
17 The RUF soldiers who were there, when I went there they made a
18 series of complaints that they were not given food, they were not
19 giving wearings and every day they were mining diamonds, handing
15:42:48 20 it over to the mining commander he sent to Tongo and they were
21 not receiving anything whatsoever. So what he interpreted it was
22 that I was inciting the men to be making such statements. So
23 when I came to Makeni he and myself went into some blows and I
24 eventually left Makeni and came to Freetown.

15:43:06 25 Q. Are you still saying that you did not fall out with him
26 because he failed to account for millions of diamonds?

27 A. I think I've explained that after the boys have made the
28 complaints that they have taken a lot of diamonds and given him
29 and he could not account for it and he could not buy anything for

1 them, so he felt that I was inciting the men to be making such
2 statements.

3 Q. Mr Sesay, I'm putting it to you --

4 A. Mr Massaquoi.

15:43:39 5 Q. Sorry. Mr Massaquoi, I'm sorry. Mr Massaquoi, I'm putting
6 it to you that as a fervent believer in the RUF ideology, fervent
7 believer, you were never happy with any attempts by an RUF member
8 to cede or at least to hand in power to the government of the day
9 which Issa Sesay was pursuing?

15:44:12 10 A. No, you are wrong. Or else I was not going to be on the
11 various peace negotiations to make sure that peace returns to
12 Sierra Leone.

13 Q. I'm also putting it to you, Mr Sesay --

14 A. Mr Massaquoi.

15:44:27 15 Q. I'm extremely sorry, Mr Massaquoi. I am extremely sorry.

16 JUDGE LUSSICK: It's been a long day, Mr Fofanah.

17 MR FOFANAH: Yes, Your Honour. I think this is about my
18 very last few questions.

19 Q. Mr Massaquoi, I am very sorry about reference to that. I

15:44:45 20 know you are not one and the same. I'm putting it to you that
21 you adored Foday Sankoh. You did not only like him, but you even
22 revered him, you respected him with some awe; not so?

23 A. Everybody who took orders from Foday Sankoh respected him,
24 including myself.

15:45:06 25 Q. And at every order of Mr Sankoh, at every beck and call,
26 you'll be willing to follow his orders and obey them; not so?

27 A. Yes, when once he was the leader of the RUF.

28 Q. So therefore, Mr Massaquoi, I'm putting it to you that when
29 you earlier told the Court when you were being cross-examined by

1 Professor Knoops that you have never committed atrocities
2 yourself, personally, you were not telling the truth?

3 A. How could I tell Mr Knoops that I as an individual have not
4 committed atrocities?

15:45:50 5 Q. You did not say that?

6 A. I have been in group that have been committing atrocities.
7 I have explained that in my statement.

8 Q. And, as a result of that, you personally committed
9 atrocities too?

15:46:02 10 A. If I personally committed atrocities it might be that I was
11 given orders to do. But I cannot recall I personally killing
12 somebody on the basis of just I want to kill him.

13 Q. Okay, Mr Massaquoi, it's been a good day. Thank you very
14 much.

15:46:18 15 A. Thank you.

16 JUDGE LUSSICK: Yes, Ms Pack, do you have any
17 re-examination?

18 MS PACK: Just a couple of questions, thank you,
19 Your Honour.

15:46:33 20 RE-EXAMINED BY MS PACK:

21 MS PACK:

22 Q. I've just got a couple of matters I want to deal with you,
23 Mr Massaquoi.

24 A. Yeah.

15:46:40 25 Q. In your cross-examination by Mr Knoops yesterday you were
26 asked about the meeting of the Supreme Council at which you had
27 said various things were stated by SO Williams about the conduct
28 of men under the command of Five-Five. Do you recall that
29 questioning?

1 A. Yes.

2 MS PACK: Your Honours, I'm going to refer to pages 12862
3 to 12864 of the Registry numbered pages filed with you. It is
4 the interview dated 20th February 2003.

15:47:38 5 Q. It was suggested to you, Mr Massaquoi, that you had made up
6 the allegation about Five-Five during the evidence-in-chief. Let
7 me read something out to you.

8 A. Yeah.

9 MS PACK: Your Honours, it is over halfway down the page in
15:48:52 10 the block at the bottom of the page with the "A", answer. Second
11 sentence answer:

12 "So it was during this process that SO Williams highlighted
13 two complaints he received that very morning before we went
14 to the meeting. He narrated that they called Five-Five's
15 name with his group, he called another person's name with
16 his group, that they were seen around the Walenta axis at
17 midnight and after they had left whether they were still
18 around, they sent their own very men to go and loot people.
19 They went and looted, they looted one vehicle, they looted
15:49:14 20 other commodities from the house, and that these same
21 people who have made the coup and want to rule the people
22 of Sierra Leone are now going around stealing people
23 overnight. How could this government be stable?"

24 And so on.

15:49:38 25 Is that something you recall saying in an interview
26 conducted with you --

27 A. Yes.

28 Q. -- by the members of the Office of the Prosecution?

29 A. Prosecution, yes.

1 Q. I just want to continue at 12863, Your Honours, very last
2 line of that page going on to 12864.

3 "Q. Sorry, you mention the name Five-Five and which other
4 name?

15:50:25 5 "A. No, he just said somebody called 'Five-Five' and his
6 group that were with him. He named another person, one of
7 the same honourables.

8 "Q. When he said 'Five-Five' who did he mean by that?

9 "A. Brigadier Five-Five.

15:50:41 10 "Q. What is his real name?

11 "A. I think Santigie Kanu, Santigie Kanu."

12 Is that something you recall saying in answer to questions
13 put to you at the Office of the Prosecutor?

14 A. Yes.

15:51:03 15 Q. Mr Massaquoi, another matter. You have been asked in
16 questions by my learned friend for the second accused,
17 Mr Fofanah, about your membership of the Supreme Council?

18 A. Yes.

19 Q. As far as you are aware is there any published list of
15:51:23 20 members of that council?

21 A. Yes.

22 Q. Do you know in what publication that list was published?

23 A. I think it was in the Gazette.

24 Q. What's the Gazette?

15:51:38 25 A. The Sierra Leone Gazette at that period.

26 MS PACK: In that case, Your Honour, I would ask to show
27 the witness a document that has been exhibited in this trial as
28 Exhibit P6. I didn't pre-warn Mr Court Attendant, so he may not
29 have a copy of that exhibit with him. But I certainly have a

1 copy of it. I think Mr Court Attendant is looking in his bundle
2 of exhibits. If I could just wait for the outcome of that. I
3 have seen the exhibit but I would like permission to have that
4 passed to the witness.

15:53:01 5 JUDGE LUSSICK: Yes, show it to the witness, Mr Walker.

6 MS PACK: I'm grateful, Your Honour.

7 Q. Witness, I would like you to look at the front page of that
8 and just tell us if you recognise what this document in front of
9 you is. Just the document itself.

15:53:25 10 A. Yes.

11 Q. What do you recognise it as?

12 A. I am seeing the Coat of Arms of Sierra Leone there and it
13 is written boldly there "The Sierra Leone Gazette published by
14 authority volume cxxviii, Thursday 4th September 1997".

15:53:40 15 Q. Is that the Gazette that you have just spoken about?

16 A. Yes.

17 Q. I would ask you to go, please, to the second page of that
18 Gazette which has stamped on it the number 00007704?

19 A. Yes, I've seen that also.

15:54:02 20 Q. And I would like you to go to the heading "Armed Forces
21 Revolutionary Council Secretariat Government notice number 215,
22 the administration of Sierra Leone Armed Forces Revolutionary
23 Council proclamation 1997." Have you seen that heading?

24 A. Yes.

15:54:29 25 MS PACK: Pausing a moment, do Your Honours have a copy of
26 the exhibit? It is the second page, Your Honours, with the
27 number at the top 7704. That is the red stamp at the top.

28 Q. I would like you to look at that list of names and just
29 identify if there is any name there that you recognise?

1 A. Yes, my own very name is there, number 12, as a member of
2 the Supreme Council.

3 Q. Thank you, Mr Massaquoi. That is all I have got to ask you
4 about this document.

15:55:04 5 A. Thank you.

6 MS PACK: No further questions, Your Honour.

7 JUDGE LUSSICK: Thank you, Ms Pack. Well, witness, we
8 would like to thank you for coming along to our court and giving
9 evidence. You are free to leave now, so you will probably be
10 able to relax tonight for a change. Thank you.

15:55:36

11 We will adjourn the Court until tomorrow morning.

12 [Whereupon the hearing adjourned at 3.55 p.m.,
13 to be reconvened on Wednesday, the 12th day of
14 October 2005, at 9.15 a.m.]

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