



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

TUESDAY, 20 JUNE 2006
9.25 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Julia Sebutinde Teresa Doherty
For Chambers:	Ms Carolyn Buff Ms Evelyn Campos Sanchez
For the Registry:	Ms Maureen Edmonds Mr Geoff Walker
For the Prosecution:	Mr Karim Agha Mr Charles Hardaway Ms Melissa Pack Ms Maja Dimitrova (Case Manager)
For the Principal Defender:	No appearance
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Andrew William Kodwo Daniels Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanau:	Mr Geert-Jan Alexander Knoop Mr Ajibola E Manly-Spain Ms Anne-Marie Verwiel (Legal assistant)

1 [AFRC20JUN06A - SV]

2 Tuesday, 20 June 2006

3 [Open session]

4 [The accused present]

09:22:29 5 [Upon commencing at 9.25 a.m.]

6 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]

7 [The witness answered through interpreter]

8 PRESIDING JUDGE: I see Mr Knoops is back. Welcome back,

9 Mr Knoops. And there seems to be a new face at the Defence bar

09:23:13 10 table as well.

11 MR DANIELS: If I may, with your permission, announce the
12 presence of Mr Osho-Williams. He is on the Defence team and he's
13 no stranger to this Court. He's with the Bazy Kamara defence.

14 PRESIDING JUDGE: Thank you, Mr Daniels. Welcome,

09:23:33 15 Mr Williams. You've still not completed your questioning,

16 Mr Daniels.

17 MR DANIELS: That is so. I hope to proceed, to continue
18 today.

19 PRESIDING JUDGE: All right. Mr Brima, once more we remind
09:23:49 20 you that you're still on your former oath to tell the truth.

21 THE WITNESS: Yes, My Lord.

22 CROSS-EXAMINED BY MR DANIELS: [Continued]

23 MR DANIELS: Your Honours, before I go on, I just want to
24 ask a couple of questions on the second accused's background from
09:24:14 25 Mr Brima.

26 Q. Mr Brima, good morning.

27 A. Good morning, sir.

28 Q. Do you know the religious background of the second accused?

29 A. The second accused, he's a Christian.

1 Q. Do you know where his home-town is?

2 A. No.

3 Q. Do you know what languages he speaks?

4 A. He speaks Krio. He speaks Temne. He speaks English.

09:25:23 5 PRESIDING JUDGE: What was the second language.

6 MR DANIELS: Temne.

7 Q. Can you please spell Temne for the Court?

8 A. T-E-M-N-E, Temne.

9 Q. So, as a general observation, persons who speak Temne,
09:25:49 10 where do they come from within Sierra Leone?

11 A. Well, they come mostly from the Northern Province of Sierra
12 Leone.

13 Q. Could you mention some districts?

14 PRESIDING JUDGE: Is this going to be relevant?

09:26:06 15 MR DANIELS: No, I'm just going -- I'm carrying on,
16 My Lord.

17 THE WITNESS: Well, just like how you asked me about the
18 second accused, when you asked me about his home-town, I did not
19 know his home-town, but all I know is that the second accused
09:26:24 20 came from the Port Loko District and you have the Temnes in the
21 Port Loko District. They're in the Tonkolili District. They're
22 in the Bombali District.

23 MR DANIELS:

24 Q. Thank you very much. I will carry on from where I left off
09:26:41 25 yesterday. Mr Brima, do you know about the different ranks in
26 the Sierra Leone Army hierarchy before the AFRC coup?

27 A. Yes.

28 Q. What was the lowest rank in the Sierra Leone Army before
29 the AFRC coup?

1 A. It is the rank of lance-corporal.

2 Q. The next rank after that?

3 A. It is a corporal.

4 Q. And from there?

09:27:52 5 A. I am requesting that I get a paper.

6 MR DANIELS: Your Honours, I'd be grateful if Court

7 Management could make --

8 PRESIDING JUDGE: Yes, could Mr Court Attendant please

9 provide the witness with paper and something to write with.

09:29:09 10 THE WITNESS: Yes, I've got the paper, sir.

11 MR DANIELS: With your permission, Your Honours, I will

12 continue.

13 PRESIDING JUDGE: Yes.

14 MR DANIELS:

09:29:17 15 Q. You've just mentioned the rank of --

16 JUDGE SEBUTINDE: I think Mr Court Attendant could sit in

17 the meantime.

18 MR DANIELS:

19 Q. Yes, the last rank you just mentioned was lance-corporal --

09:29:47 20 corporal. Please carry on?

21 A. Sergeant.

22 Q. And from the sergeant?

23 A. You have staff sergeant.

24 Q. And after the staff sergeant?

09:30:23 25 A. You have warrant officer class two or sergeant-major.

26 Q. Are you saying that warrant officer class two is the same

27 as sergeant-major?

28 A. Yes, sir.

29 Q. And from warrant officer class two or sergeant-major where

1 do you go, progressively?

2 A. You mean on to warrant officer class one or RSM which is an
3 abbreviation which we call regimental sergeant-major. From there
4 you move on to second lieutenant.

09:31:25 5 Q. Are we still with the junior ranks?

6 A. No, we've left the junior rank.

7 Q. So where does the senior rank start?

8 A. The senior rank, that is the officer that I called, they
9 start from second lieutenant.

09:31:47 10 Q. Are you still referring to this hierarchy in the SLA before
11 the AFRC coup?

12 A. Yes.

13 Q. Please carry on.

14 A. After the second lieutenant you have lieutenant. After
09:32:18 15 lieutenant you have lieutenant-colonel. I said, after lieutenant
16 you have captain. After captain you have major.

17 Q. Please carry on.

18 A. After major you have lieutenant-colonel. After
19 lieutenant-colonel you have colonel. After colonel you have
09:33:14 20 brigadier. After brigadier you have brigadier-general. After
21 brigadier-general you have major-general. That is where the
22 Sierra Leone military ranks stop.

23 PRESIDING JUDGE: Just one thing on that. Mr Brima, are
24 you saying that in the Sierra Leone Army before the AFRC
09:34:06 25 hierarchy there was so such thing as a private, a private
26 soldier?

27 THE WITNESS: Well, private soldier, sir, is a junior rank
28 for all soldiers who had just come from the training school.
29 There are a lot of private soldiers in the army. For example, in

1 a battalion you'd have 500 private soldiers. But the first rank
2 in the army that I know of is lance-corporal. Like now you've
3 reminded me, yes, indeed private soldier is a rank for every
4 soldier who is not an officer, who is a recruit from the other
09:34:54 5 ranks, who came through infantry training. Automatically he
6 would be considered as a private soldier.

7 MR DANIELS:

8 Q. Thank you very much. Could you please tell us what was the
9 ranking of the second accused before the AFRC coup?

09:35:23 10 A. He was a sergeant.

11 Q. Would you consider him a senior member of the SLA or a
12 junior member on the SLA, this is before the AFRC coup?

13 A. He was junior. He was a junior member.

14 Q. And why do you say so?

09:35:55 15 A. Because he falls within the other ranks.

16 Q. In his capacity, the second accused, as a sergeant before
17 the AFRC coup what would his normal duties be?

18 A. Outrightly, I did not know the second accused's normal
19 duties individually which he had been performing. But the normal
09:36:50 20 duty of a sergeant -- you see, one can be a platoon sergeant, but
21 all that I knew was that the second accused was a driver.

22 Q. Would the second accused, in his capacity as a sergeant
23 before the AFRC coup, have any rank-and-file members under him?

24 PRESIDING JUDGE: Didn't he just say all he knows is that
09:37:19 25 the second accused was a driver?

26 MR DANIELS: That is so but I'm just talking about would a
27 sergeant, per se, have any rank-and-file members under him.

28 THE WITNESS: Well, in terms of a platoon he would have.
29 But the unit where he was as a driver, he only had a vehicle. He

1 did not have any soldiers under him.

2 MR DANIELS:

3 Q. Would he have had a bodyguard?

4 A. He was not entitled to a bodyguard in the Sierra Leone

09:38:00 5 Army.

6 Q. Who is entitled to a bodyguard in the Sierra Leone Army?

7 A. Well, I know my limits, and I can talk beyond my limits a

8 little. Officers are entitled to have bodyguards, but I would

9 not be able to tell you the right officers who are entitled to

09:38:25 10 have bodyguards. Because, for example, a battalion commander can

11 likely be a lieutenant-colonel or colonel. Normally these people

12 have bodyguards. If you act as a battalion commander you also

13 have --

14 THE INTERPRETER: Your Honours, would the witness go a

09:38:44 15 little bit slow so as to allow the interpreter to keep up with

16 him.

17 MR DANIELS:

18 Q. Could you please slow down for the interpreter. Please

19 carry on.

09:38:55 20 A. During the time that we joined the army, when we were in

21 the front, officers were entitled to have bodyguards.

22 Q. So how many bodyguards would an officer have normally at

23 the front?

24 JUDGE DOHERTY: Which officer?

09:39:18 25 THE WITNESS: Well, just like what I told you, that is

26 beyond my own limits.

27 MR DANIELS:

28 Q. So before the AFRC came into power, who was the

29 commander-in-chief of the armed forces of Sierra Leone?

1 A. Well, the commander-in-chief of the armed forces by then
2 was the head of state, or the president. That is the head of the
3 sovereign government.

4 Q. Who would that have been?

09:40:02 5 A. It was not stable.

6 Q. I'm talking about --

7 A. You had President Momoh, late Major-General Joseph Saidu
8 Momoh. We had Captain Valentine EM Strasser. We had President
9 Tejan Kabbah.

09:40:39 10 Q. The question I'm asking is: Immediately before the AFRC
11 came into power, who was the president?

12 A. Ask that question again, sir.

13 Q. I said: Immediately before the AFRC came into power, who
14 was the commander-in-chief of the armed forces, by name, if you
09:40:59 15 know?

16 A. Well, it was the president whom we considered in the army
17 as the head of state, who was President Ahmad Tejan Kabbah.

18 Q. Do you know what his role was as the commander-in-chief of
19 the armed forces of Sierra Leone?

09:41:28 20 A. Well, all I can say, what I know is the commander-in-chief
21 of the armed forces, he was the custodian of all the armed forces
22 in Sierra Leone.

23 Q. Please explain.

24 A. Well, all the explanation is in most of the time we would
09:41:53 25 have presidential parade, and you would see the
26 commander-in-chief of the armed forces. He would dress in full
27 military uniform, as well as the defence minister or the
28 under-secretary minister in defence. The head of the army, who
29 is the chief of defence staff, he would pay -- compliment you,

1 the chief of the armed forces. That is to say, he would salute
2 him.

3 Q. So, Mr Brima, who was immediately below the
4 commander-in-chief of the armed forces of Sierra Leone in terms
09:42:34 5 of command structure before the AFRC coup?

6 A. Well, just as I keep telling this Court, it was the defence
7 minister.

8 Q. His name, please?

9 A. The defence minister is the same person -- it's the same as
09:43:02 10 the president. That is President Ahmad Tejan Kabbah.

11 Q. And his deputy?

12 A. His deputy --

13 PRESIDING JUDGE: Just a minute. Yes, Mr Agha.

14 MR AGHA: I understand yesterday you indicated I wasn't in
09:43:19 15 a position to object, but I'd like to make an observation, if I
16 may, to the Court, in that during the evidence-in-chief of the
17 accused, it was deemed by this Bench that he could not speak on
18 matters concerning military expertise. Now, I'm wondering
19 whether the same applies in cross-examination because, actually,
09:43:40 20 Mr Daniels is cross-examining rather than leading
21 evidence-in-chief.

22 PRESIDING JUDGE: He is cross-examining because he didn't
23 call this witness and this witness is not a common witness. He
24 is cross-examining, and that's why you do not have any right to
09:43:53 25 object. You've got a right of cross-examination when it's your
26 turn, but you can't object to questions when you didn't call the
27 witness.

28 MR AGHA: It was just an observation I was making.

29 PRESIDING JUDGE: It equally serves as an objection,

1 doesn't it, and an interruption to the cross-examination.

2 MR AGHA: I apologise, Your Honour.

3 PRESIDING JUDGE: All right. Thank you, Mr Agha.

4 MR DANIELS: I'm most grateful.

09:44:39 5 Q. Could you just tell us the name of the deputy defence
6 minister in the Sierra Leone Army before the AFRC coup?

7 A. Before the AFRC coup, the deputy minister of defence was
8 chief retired Captain Sam Hinga Norman.

9 Q. Thank you very much. Mr Witness, we are now going to move
09:45:15 10 on.

11 A. Yes.

12 Q. Do you recall anything significant taking place on 25th May
13 1997 within Freetown?

14 A. All I can recall is that 25th May 1997, there was a change
09:45:50 15 of government.

16 Q. Please explain.

17 PRESIDING JUDGE: This evidence has been led more than once
18 already. Do we need to hear it again, Mr Daniels?

19 MR DANIELS: My Lord, we need to know the involvement, if
09:46:10 20 at all, of the second accused.

21 PRESIDING JUDGE: Well, we don't need to hear the whole
22 history again, if that's all you're asking.

23 MR DANIELS: I will restrict it to the second accused.

24 Q. Do you know the whereabouts of the second accused on the
09:46:27 25 morning of 25th May 1997?

26 A. No, sir.

27 Q. Do you know whether the second accused took part in the
28 plotting of the May 25th coup, 1997?

29 PRESIDING JUDGE: How can he answer that question if he

1 doesn't know where he was?

2 MR DANIELS: There is evidence before this Court that the
3 second accused, together with the witness, plotted the coup, and
4 very soon I'm going to put that evidence before him. But there
09:47:15 5 is evidence before this Court, so I think it's a fair question,
6 My Lord, respectfully.

7 PRESIDING JUDGE: I don't see what value his answer would
8 be. If he doesn't know where the second accused was on the day
9 of the coup, how can you ask him did the second accused take part
09:47:32 10 in the coup? The question was plotting of the coup.

11 MR DANIELS: Plotting.

12 PRESIDING JUDGE: I beg your pardon.

13 MR DANIELS: I'm not talking about the coup. The emphasis
14 is on plotting, My Lord.

09:47:48 15 PRESIDING JUDGE: My mistake, Mr Daniels. Go ahead.

16 MR DANIELS: Very well, My Lord.

17 Q. I'd like to repeat the question, Mr Brima. Do you know
18 whether the second accused was one of those who plotted the coup
19 of 25th May 1997?

09:48:12 20 A. Well, from what I got from this Court, that the people who
21 plotted the coup were the military football team. The second
22 accused was not a member of the team. So I do not believe that
23 he was among the people who plotted the coup, because I did not
24 know him as a footballer in the army and he did not play
09:48:34 25 football.

26 JUDGE SEBUTINDE: Mr Daniels, is the witness telling Court
27 what he knows or what he believes?

28 MR DANIELS: I will clarify that.

29 Q. The information you've just given this Court, is it your

1 personal knowledge?

2 A. Well, the information that I have --

3 JUDGE SEBUTINDE: Excuse me. He has just told Court in an
4 answer "I believe" thus and thus and thus. That's the question I
09:49:09 5 put to you. I don't expect you to have him repeat what he
6 believes.

7 MR DANIELS:

8 Q. Mr Witness, when you say you believe, can you explain what
9 you mean?

09:49:24 10 A. Well, the Court or this Court, which arrested me and the
11 second accused and the third, in our indictment they said the
12 people who plotted the coup, who overthrew the government of
13 Tejan Kabbah, were footballers who belonged to the army -- the
14 Sierra Leone Army football team. The second accused was not a
09:49:51 15 member of the Sierra Leone Army football team.

16 MR DANIELS: I would be grateful if a copy of the
17 indictment is given to the witness.

18 PRESIDING JUDGE: Yes, Mr Court Attendant, could you please
19 supply a Krio copy of the indictment to the witness.

09:50:54 20 MR DANIELS:

21 Q. Mr Witness, I'll be reading from paragraph 26 of the
22 indictment. Mr Witness, paragraph 26 of the indictment reads as
23 follows:

24 "Brima Bazzy Kamara was a member of the group which staged
09:52:12 25 the coup and ousted the government of President Kabbah.
26 Johnny Paul Koroma, Chairman and Leader of the AFRC,
27 appointed Brima Bazzy Kamara a Public Liaison Officer
28 within the AFRC. In addition, Brima Bazzy Kamara was a
29 member of the Junta governing body."

1 Did you hear what I just read to you?

2 A. Yes, sir.

3 Q. Did you understand it?

4 A. Yes, sir.

09:52:54 5 Q. So what is your reaction to the first part of the sentence,
6 which says that Bazy Kamara was in a group which staged the coup
7 and ousted the government of President Kabbah? What is your
8 reaction?

9 A. Well, my own reaction, the name that is in this indictment,
09:53:23 10 Brima Bazy Kamara, I do not know the second accused. I cannot
11 identify the second accused by that name. I can talk about
12 Ibrahim Kamara. From what you've read in this indictment, the
13 second accused was not a member of the group that they said
14 staged the coup, because all and again, the Court is telling me
09:53:49 15 that, or the Prosecution has been accusing us that those people
16 who staged the coup were footballers, and the second accused was
17 not a footballer in the army team. He had not been playing
18 football. So all that you've read in this paragraph 26 is not
19 true.

09:54:14 20 Q. Was the second accused ever appointed a public liaison
21 officer within the AFRC?

22 A. What paragraph? What paragraph is that?

23 Q. Let me read it for you. The second sentence:

24 "Johnny Paul Koroma, chairman and leader of the AFRC,
09:54:42 25 appointed Brima Bazy Kamara, a Public Liaison Officer,
26 within the AFRC."

27 A. That was true.

28 Q. Do you know which departments, if at all, were assigned to
29 the second accused?

1 A. No, I do not know the assignment or the appointment or the
2 area to which he was assigned. All I knew was that the second
3 accused was PLO 2 -- sorry, PLO3.

4 Q. Do you know how the second accused was appointed?

09:55:49

5 A. Well, all I can say is that in the first meeting, which I
6 told this Court that I attended, where they read my appointment,
7 it was in the same meeting where they read the appointment of the
8 second accused.

9 Q. Do you know whether the offices of public liaison officers
10 were ever passed into legislation?

09:56:11

11 A. Well, I do not understand that.

12 Q. Do you know whether a law was passed by the AFRC government
13 to regulate the activities of public liaison officers?

14 A. Well, that particular part, one thing that I'm going to
15 tell this Court is that the public liaison officer, of which I
16 was a part, were not sworn into their office. Because, I'll
17 explain that to the Court. I was present where they swore
18 ministers to their offices, but I, as PLO, was not sworn to my
19 office.

09:56:47

09:57:16

20 MR DANIELS: Your Honours, I would like to show an exhibit
21 to the witness. We've informed Court Management and we've also
22 made copies available of the particular exhibit we shall be
23 referring to, Exhibit P5.

24 Q. Mr Witness, I would like you to concentrate on paragraphs 1
25 and 2 of the second page of the exhibit. I will read them out,
26 with the permission of the Court. Before I do that, I will read
27 from the cover page. Mr Witness, what you have in your hand is
28 the Armed Forces Revolutionary Council Establishment of the
29 Office of Principal Liaison Officer Decree 1997. This is the law

09:59:00

1 that appoints principal liaison officers. Are you familiar with
2 this document?

3 A. Well, except now that you've read it to me, but I'm not
4 familiar with it.

10:00:14 5 Q. Is this the very first time that you are coming across it?

6 A. Yes.

7 Q. If you turn to paragraph 2, I will read. It says:

8 "2. (1) There is hereby established the Office of Principal
9 Liaison Officer.

10:00:49 10 2. (2) The Armed Forces Revolutionary Council may appoint
11 from amongst its members such number of Principal Liaison
12 Officers as the Council may think fit."

13 Mr Witness, do you know whether the second accused was
14 appointed principal liaison officer from amongst members of the
10:01:19 15 Armed Forces Revolutionary Council?

16 A. Yes.

17 Q. Why do you say so?

18 A. Why I said so is from what the secretary-general read to
19 me. They read to me the appointment saying -- saying that

10:01:48 20 because of what my dad did, that was why I was appointed. And I
21 know that they do not appoint a principal liaison officer, one or
22 two, if members do not sit together and they made their coup and
23 they said that, well, they are going to give that man that
24 particular appointment.

10:02:06 25 Q. You have told this Court that you were appointed principal
26 liaison officer because of services that your father rendered to
27 the military. Do you know why the second accused was appointed
28 principal liaison officer within the AFRC?

29 A. Well, that I do not know.

1 Q. As a principal liaison officer within the AFRC government,
2 I'm referring to the second accused. Would you consider him a
3 senior member or a junior member of the Sierra Leone Army?

4 A. I consider him as a junior member in the Sierra Leone Army.

10:03:20 5 Q. Why do you say so?

6 A. Because he was still obeying [indiscernible] salute or pay
7 compliment to officers who were his senior men in the Sierra
8 Leone Army.

9 Q. Please carry on.

10:03:48 10 A. And it was still -- and he was still maintaining his rank
11 as a sergeant.

12 Q. Mr Witness, I would like to read a transcript to you.

13 MR DANIELS: For the attention of Court Management, I don't
14 know whether you could make available the transcript of witness
10:04:26 15 334, 16th May at page 110.

16 JUDGE SEBUTINDE: 16th of May of which year?

17 MR DANIELS: 2005, I beg your pardon.

18 PRESIDING JUDGE: There doesn't seem to be a page 110.

19 Could you check that?

10:05:56 20 MR DANIELS: 101. [Inaudible]

21 JUDGE SEBUTINDE: Mr Daniels, do you have your microphone
22 on? We didn't hear.

23 MR DANIELS: I apologise.

24 PRESIDING JUDGE: We have that transcript now, Mr Daniels.

10:06:30 25 MR DANIELS: Very well. With your permission, I'm reading
26 from line 10.

27 Q. Please pay attention.

28 "Q. Now, we were talking about Ibrahim Bazy Kamara. You
29 identify him as an honourable and a member of the Supreme

1 Council and the third PLO. Who did he report to?

2 "A. Well, he reported to the PLO 2.

3 "Q. And who was he subordinate to?

4 "A. The PLO 2.

10:07:31 5 "Q. What did he do as a PLO 3?

6 "A. He too was supervised -- he too supervised some
7 ministries."

8 That's the end of the reference. Mr Brima, you have told
9 this Court that you were appointed PLO 2; is that correct?

10:08:08 10 A. Yes.

11 Q. Did the second accused report to you in his capacity as PLO
12 3?

13 A. No.

14 Q. Did you report to PLO 1?

10:08:43 15 A. No.

16 Q. So what do you say to what I have just read to you that the
17 second accused reported to PLO 2? What is your reaction to the
18 statement I've just read to you?

19 A. It's a lie. The person who made that statement did not
10:09:14 20 even know if -- the PLO 3 or the PLO 2 to whom they were
21 reporting.

22 Q. Then please tell us who would the PLO 1 normally report to?

23 A. He reported to chief secretary of state of the AFRC.

24 Q. Who was?

10:09:57 25 A. It was late Captain Solomon Anthony James Musa who was
26 called SAJ Musa.

27 Q. And who would PLO 2 report to? Who would you report to?

28 A. I used to report to the chief secretary of state, the same
29 person by the name of Solomon Anthony James Musa who was called

1 SAJ Musa.

2 Q. And who would the second accused report to in his capacity
3 as PLO 3?

10:10:54

4 A. He himself was reporting to the chief secretary of state
5 who was late Captain Solomon Anthony James Musa who was called
6 SAJ Musa.

7 Q. How do you know this?

10:11:18

8 A. Well, it was something that we used to do regularly too
9 when we went to report. If the PLO 3 was going to report to the
10 PLO 1 or PLO 2, mostly the three of us would go and report. And
11 it was he that was the direct boss man to whom we were assigned
12 and they said that we were to report to him.

13 Q. How would you normally report to SAJ Musa? Would it be
14 verbally or by documentation, please let us know?

10:11:59

15 A. Well, for my own part, mostly I would just report verbally.
16 And since I write, I would report by paper. Because at one time
17 he asked me why I did not go for work and I told him that I
18 wasn't well and he himself knew that I wasn't well. And for any
19 problem that concerned me as PLO 2, which concerned the PLO 3, it
20 was he who was treating it directly. That is the chief secretary
21 of state who was SAJ Musa, he was the one who was directly
22 treating it; any problem that concerned PLO 1, PLO 2, PLO 3.

10:12:29

23 Q. Mr Brima, can you please look this time at paragraph 3 of
24 the law establishing the PLOs, what I gave to you, the exhibit.
25 Can you please turn to paragraph 3 of the law appointing PLOs.
26 Paragraph 3. Are you there?

10:13:26

27 A. Yes.

28 MR DANIELS: With the permission of Your Honours I will
29 read.

1 Q. The rubric on the side says "Functions of Principal
2 Liaison Officer." Three reads:

3 "A Principal Liaison Officer shall be responsible for
4 supervising, monitoring and co-ordinating the operations of
10:14:20 5 any Department of State or such other business of
6 Government, as may from time to time be assigned to him by
7 the Armed Forces Revolutionary Council."

8 Did you hear what I just read to you?

9 A. Yes.

10:14:50 10 Q. Did you understand it?

11 A. Yes.

12 Q. What do you understand?

13 A. I understand that the people -- or the appointments of the
14 PLOs, it was to supervise, to monitor and to co-ordinate any
10:15:14 15 operation of a department of state or a business of government
16 from time to time when it is assigned to you, the PLO.

17 Q. What do you understand by supervising of any department of
18 state?

19 A. Well, that I would not be able to tell you because my own
10:15:47 20 appointment which was given to me as PLO, I was not able to
21 supervise, I was not able to monitor, I was not able to
22 co-ordinate anything because I wasn't keeping well. So
23 practically I wasn't able to do what the word says, monitor or
24 co-ordinate.

10:16:09 25 JUDGE SEBUTINDE: Sorry, Mr Daniels, I have to ask. I
26 didn't catch what the interpreter says. The witness said he
27 wasn't able to do anything of those things because of something.
28 I didn't understand.

29 MR DANIELS: I thought I heard he was not well, but maybe

1 the witness will speak in his own language.

2 PRESIDING JUDGE: I am not sure if he said, "I wasn't
3 feeling well," or, "I wasn't sleeping well."

4 MR DANIELS: I will clarify that, Your Honours.

10:16:40 5 Q. You've just told this Court that you were not available to
6 supervise, monitor and co-ordinate the operations of the
7 department of state assigned to you. Why did you say so?

8 A. Well, I was not well. Just like I told this Court, I was
9 suffering from hypertension and stress.

10:17:12 10 Q. But assuming that you were well, what would "supervising"
11 mean to you? Supervising the ministry, what would it mean to
12 you, under this law I've just read to you?

13 A. Well, you know I was not well, so if I said now that I am
14 going to assume, perhaps I may not be able to assume properly. I
10:17:36 15 wasn't well. So that was my own problem that I had. I was
16 really not well.

17 Q. Very well. Was the Ministry of Defence ever assigned to
18 you?

19 A. No.

10:17:57 20 Q. Was the Ministry of Defence ever assigned to the second
21 accused, to the best of your knowledge?

22 A. No, it was never assigned to him.

23 Q. Why do you say so?

24 A. The defence minister, he was head of state, and from what I
10:18:39 25 knew in Sierra Leone traditionally, the defence minister's
26 appointment, it was always the head of state or the president
27 that had it. So I as PLO 2, the second accused as PLO 3, we
28 would not be able to supervise or co-ordinate anything in that
29 ministry. And the deputy defence minister, he was a senior

1 officer in the army, he was a colonel. I, as other rank, would
2 not be able to supervise a colonel. I have told this Court that
3 with my own rank that I had, or the rank that the second accused
4 had, we still respected authority in the army.

10:19:28 5 Q. So who would have been the commander-in-chief of the armed
6 forces of Sierra Leone during the AFRC period?

7 A. It was the head of state who was Major Johnny Paul Koroma
8 who was also the defence minister.

9 Q. Who was the deputy defence minister in the AFRC government?

10:20:04 10 A. Well, in the AFRC government we called him under-secretary
11 of state defence. It was Colonel Aviva Brima Kamara.

12 Q. Could you please spell that name?

13 A. Aviva, A-V-I-V-A, Brima, B-R-I-M-A, Kamara, K-A-M-A-R-A.

14 Q. Would the PLOs have anything whatsoever to do with the
10:21:02 15 Sierra Leone Army during the AFRC period?

16 A. Well, I would say no. The only thing was that we would
17 come and collect our salary, our salaries from the army. We did
18 not have anything to do with the army.

19 Q. You have told us that the second accused, in his capacity
10:21:37 20 as a sergeant, was only a driver prior to the AFRC coup and that
21 he had no bodyguards. Before I go on, would a PLO have the power
22 and authority to promote rank and file within the Sierra Leone
23 Army?

24 A. The PLO did not have that power to promote anybody in the
10:22:17 25 army. That was purely the army's business.

26 Q. So, having read paragraph 3 to you, if I put it to you that
27 unless a PLO is assigned business within the Ministry of Defence
28 he has no power within the Ministry of Defence, what do you say?

29 A. Repeat that question.

1 Q. I'm putting it to you that PLOs, that is PLOs within the
2 AFRC -- I'm putting it to you that PLOs had no influence over the
3 Ministry of Defence. What do you say?

4 A. That word that you've been saying is true. The PLOs had no
10:23:33 5 power over the Ministry of Defence.

6 MR DANIELS: Your Honours, I will be reading the testimony
7 of witness TF1-167 of 15th September 2005, page 9.

8 PRESIDING JUDGE: Go ahead, Mr Daniels.

9 MR DANIELS: Thank you. I'm reading from line 5.

10:25:27 10 Q. "Q. Who appointed you to the position as chief security
11 officer to Ibrahim Bazzy Kamara?

12 "A. Major Johnny Paul Koroma.

13 "Q. Did you at this time have a rank in the Sierra Leone
14 military forces?

10:25:50 15 "A. I was promoted as sergeant by Ibrahim Bazzy Kamara.

16 "Q. When did you receive that promotion approximately?

17 "A. As soon as I was attached to him.

18 "Q. I'm going to ask you to jump forward so that we can
19 have before the Court details of your personal background

10:26:27 20 before you start with the chronology of your testimony. So

21 I'm going to ask you to jump forward to 1998. Were there

22 any all alterations in rank in 1998 that you are able to
23 recall?

24 "A. Yes. In 1998, after the pulling out of the AFRC
10:26:46 25 government in Kono, I was a lieutenant being promoted by

26 Ibrahim Bazzy Kamara. And then we pull out from Kono to
27 Mansofinia, I was promoted as captain.

28 "Q. Who promoted you to captain?

29 "A. Alex Tamba Brima."

1 Mr Witness, you heard what I just read to you?

2 A. Yes, sir.

3 Q. Did you understand?

4 A. Yes, sir.

10:27:18 5 Q. Do you know the witness that gave this testimony?

6 A. Except you write the witness's name.

7 Q. That is a witness who is not a protected witness so I will
8 call out his name. That is Junior Lion. Do you know this
9 witness, George Johnson?

10:27:41 10 A. Yes, yes.

11 Q. So George Johnson has said that he was promoted as sergeant
12 by the second accused Ibrahim Bazy Kamara. What do you say?

13 A. Repeat that question. I have not got it properly from the
14 interpreter.

10:28:09 15 Q. Witness 167, that is Junior Lion, George Johnson, told this
16 Court that he was promoted to the position of sergeant by Ibrahim
17 Bazy Kamara. This would have been in the AFRC period. What is
18 your reaction?

19 A. It's a lie. Ibrahim Bazy Kamara whom the Court referred
10:28:43 20 to as -- he did not have that right to promote anybody and he did
21 not even promote George Johnson to sergeant.

22 Q. Are you aware as to whether or not Major Johnny Paul Koroma
23 appointed witness 167, George Johnson, as chief security officer
24 to Ibrahim Bazy Kamara?

10:29:22 25 A. Ibrahim Kamara, he was not entitled to a chief security
26 officer and Major Johnny Paul Koroma never appointed the witness
27 Junior Lion to be a chief security officer to Ibrahim Kamara.

28 Q. Are you aware whether or not the second accused promoted
29 anybody at all while he was principal liaison officer 3?

1 A. I was not aware of that, that he had promoted anybody when
2 he was principal liaison officer 3, and I still tell the Court
3 that he did not have that right. Promotion was purely the
4 business of the army.

10:30:39 5 Q. Now I would like you to turn to the very last page of the
6 Armed Forces Revolutionary Council decree. The very last page.
7 What we have here is an oath, I believe, to be taken by members
8 appointed as principal liaison officers within the AFRC. I will
9 just read it to you for your understanding. With your
10:31:48 10 permission, Your Honours, I continue:

11 "I, do hereby (in the name of God/Allah swear)
12 (solely affirm) that I will faithfully and truly discharge
13 the duties of the Office of Principal Liaison Officer of
14 the Republic of Sierra Leone, and that I will support,
10:32:13 15 uphold and maintain the provisions of the Administration of
16 Sierra Leone (Armed Forces Revolutionary Council)
17 Proclamation 1997 (Public Notice No. 3 of 1997) and the
18 provisions of the Constitution of the Republic of" --

19 THE INTERPRETER: Your Honours, could counsel please take
10:32:30 20 it slowly so that the interpreter could interpret very well.

21 MR DANIELS: I apologise. I shall start again.

22 Q. "I, do hereby (in the name of God/Allah swear)
23 (solely affirm) that I will faithfully and truly discharge
24 the duties of the Office of Principal Liaison Officer of
25 the Republic of Sierra Leone, and that I will support,
26 uphold and maintain the provisions of the Administration of
27 Sierra Leone (Armed Forces Revolutionary Council)
28 Proclamation 1997 (Public Notice No. 3 of 1997) and the
29 provisions of the Constitution of the Republic of Sierra

1 Leone, 1991 which are not inconsistent with the
2 proclamation. (So help me God/Allah). Made and issued
3 this 12th day of July, 1997. Major Johnny Paul Koroma,
4 Chairman, Armed Forces Revolutionary Council."

10:33:42 5 Mr Witness, are you familiar with what I have just read to
6 you?

7 A. Yes, sir.

8 Q. Did you understand what I just read to you?

9 A. Yes, sir.

10:34:00 10 Q. What is it that I have just read to you?

11 A. You said it is an oath that the PLOs took or -- for their
12 appointment and the offices they held in 1997. That is how I
13 understood it. And you promised that you would work as the
14 appointment that you're given says.

10:34:40 15 Q. Did you ever take this oath?

16 A. No.

17 Q. Is this the first time you are coming across this oath?

18 A. Yes.

19 JUDGE SEBUTINDE: Mr Daniels, I thought you had your
10:35:19 20 witness say he was familiar with this oath. You asked him if he
21 was and he said yes.

22 MR DANIELS: Respectfully, he may be familiar without
23 having seen it. I'm just saying, you know. But the point is
24 taken. The point was well taken. Because he did say in
10:35:43 25 testimony that he never took an oath. That is what I recall.

26 [AFRC20JUNN06B-RK]

27 Q. Are you aware whether or not the second accused took this
28 oath?

29 A. The second accused did not take this oath.

1 PRESIDING JUDGE: How would he be able to say that,
2 Mr Daniels?

3 MR DANIELS: I am going to find out.

4 Q. You heard Your Honour, and the Court would like to know,
10:36:32 5 how do you know that the second accused never took this oath?

6 A. Well, I have been telling this Court that we, the PLOs did
7 not take an oath for the office. During the time that the
8 ministers were taking oaths, and the secretary of states were
9 taking oaths, I witnessed that but they did not call us, the
10:36:56 10 PLOs, and I particularly asked. I asked myself why these people
11 took oath and did not allow the PLO to take oath.

12 Q. Would you know whether or not PLO 1 took this oath?

13 A. I know that PLO 1 did not take this oath because, during
14 the time that they were taking oaths, that was the ministers, the
10:37:46 15 PLO 1 were there and he did not take oath.

16 Q. Was the functions of a PLO equivalent to a ministerial
17 position within the AFRC? What I mean is, would a PLO be the
18 same as a secretary of state?

19 A. No.

10:38:23 20 Q. Why do you say so?

21 A. Well, the secretary of state were above the PLOs and the
22 secretary of state, they were having special treatment than the
23 PLOs, and the secretary of state, who were the secretary of state
24 east, secretary of state north, secretary of state south were
10:38:52 25 Supreme Council members. And the offices of state defence was a
26 Supreme Council member.

27 Q. So what you are saying is the PLOs were not secretaries of
28 state; that's what you are saying?

29 A. From the question that you asked me that when you said if

1 the PLOs were above or they were equivalent to the secretary of
2 state, no, the PLOs were not equivalent to the secretary of
3 state. The secretary of states was above the PLOs.

4 Q. How many secretary of states did you have in the AFRC?

10:39:42 5 A. Well, I cannot tell you the number now. But we were having
6 secretary of states.

7 Q. In your position as PLO 2, were you paid any allowances or
8 any salary in your capacity as PLO 2?

9 A. Well, as PLO 2, I was there for long before I was paid.

10:40:27 10 You see, it was my military salary that I used to get. I even
11 asked why I did not get my salary. They said no, no. But later
12 I received payment.

13 Q. When did you receive the payment?

14 A. I cannot recall the exact month now, but it was in 1997.

10:40:57 15 Q. Do you know whether the second accused received salary or
16 allowances in his capacity as PL03?

17 A. Well, I did not see him receiving it, but as the PLO 2,
18 when they say I should receive my salary and I received it, I'm
19 quite sure that the PL03 received his, but I did not see him go
10:41:25 20 to receive salary.

21 PRESIDING JUDGE: It might be an appropriate time,
22 Mr Daniels. Mr Court Attendant, will you take possession of
23 those materials that were given to the witness. I think there
24 are some written notes and Exhibit P5 and the indictment.

10:42:17 25 Yes, we will have a short break until 11.00.

26 [Break taken at 10.45 a.m.]

27 [Upon resuming at 11.05 a.m.]

28 PRESIDING JUDGE: Yes, Mr Daniels.

29 MR DANIELS: Thank you. Could Court Management kindly give

1 the witness the decree setting up the office of PLO.

2 PRESIDING JUDGE: Yes, that is Exhibit P5.

3 Q. Mr Brima.

4 A. Yes.

11:02:58 5 Q. I want you to look on the very first page at the bottom
6 right-hand corner. There is a reference there to 10 July 1997,
7 date of commencement; can you see it?

8 A. Yes.

9 Q. This is presumably when the law came into being. I want to
11:03:46 10 know from you: Were you appointed to the office of PLO 2 before
11 10th July 1997?

12 A. Well, I cannot recall that, if I was appointed before July
13 10, 1997. But all I can tell this Court is that I was appointed
14 as PLO, but I cannot recall the date.

11:04:37 15 Q. Mr Brima, thank you. I'm going to read to you paragraphs
16 25 and 26 of the indictment. Please turn to that page.

17 PRESIDING JUDGE: I think, Mr Court Attendant --

18 THE WITNESS: I did not get it.

19 PRESIDING JUDGE: Please return the indictment to the
11:05:21 20 witness.

21 MR DANIELS:

22 Q. Please refer to paragraphs 25 and 26 of the indictment.

23 A. Yes.

24 Q. For the sake of clarity, I will read them out to you. With
11:06:07 25 your permission, Your Honours, I start from paragraph 25.

26 "At all times relevant to this indictment, Brima Bazy
27 Kamara was a senior member of the AFRC, junta and AFRC/RUF
28 forces."

29 Paragraph 26 reads as follows:

1 "Brima Bazzy Kamara was a member of the group which staged
2 the coup and ousted the government of President Kabbah.
3 Johnny Paul Koroma, Chairman and Leader of the AFRC,
4 appointed Brima Bazzy Kamara a Public Liaison Officer
11:07:05 5 within the AFRC. In addition, Bazzy Brima Kamara was a
6 member of the Junta governing body."

7 Mr Brima, please look at paragraph 25 first. Was the
8 second accused ever a senior member of the AFRC junta?

9 A. No.

11:07:51 10 JUDGE DOHERTY: Mr Daniels, I notice that there is a comma
11 between "AFRC" and "junta" and it would appear to be two
12 different organisations.

13 MR DANIELS: Very well. So we shall deal with the very
14 first. I will repeat the question.

11:08:10 15 Q. Mr Brima, was the second accused ever a senior member of
16 the AFRC?

17 A. No.

18 Q. Why do you say so?

19 A. Because he was not a member of the Supreme Council. And
11:08:43 20 the Supreme Council members were the most senior ones in the AFRC
21 government.

22 Q. Mr Brima, was the second accused a senior member of the
23 junta and AFRC/RUF forces?

24 A. That word that you called junta, as I just said the last
11:09:18 25 time, I don't know about junta. The second accused was not a
26 senior member in the AFRC and the second accused was not an RUF.
27 He was a soldier. You see, he was not a rebel.

28 Q. Did the second accused ever serve in an AFRC/RUF alliance?

29 A. No.

1 Q. Why do you say so?

2 A. Because the AFRC was a military government. The RUF was
3 the rebels.

11:10:50

4 Q. You have just told us that the second accused was not a
5 member of the Supreme Council. Do you remember?

6 A. Yes.

7 Q. What is this Supreme Council you are talking about?

11:11:25

8 A. Well, as I have told this Court before, I am still saying
9 that the Supreme Council was the highest body in the AFRC
10 government and was the most senior body in the AFRC government
11 and was responsible to make law and order.

12 Q. Was there a cabinet within the AFRC government?

13 A. Well, that one I cannot tell you now. All I know is that
14 the AFRC had ministers.

11:12:29

15 Q. Was the Supreme Council the governing body of the
16 government of the AFRC?

17 A. Yes, the Supreme Council was the council that was for
18 everything for the AFRC.

19 Q. Was the second accused a member of the Supreme Council?

11:13:13

20 A. No.

21 Q. Why are you so sure?

22 A. Because I myself, who was the PLO 2, was not a member of
23 the Supreme Council. The PLO 2, or the second accused -- pardon,
24 the PLO3, or the second accused, was a member of the AFRC but was
25 not a member of the Supreme Council of the AFRC.

11:13:47

26 Q. Again for emphasis, what would the difference be between
27 the Supreme Council and the council?

28 A. Well, if I make that different generally, I can say the
29 difference is that like how the judges are seated around there

1 and we, the accused, and you, the lawyers. There is a difference
2 there. I can refer to them as the bigger ones. What they say is
3 what the council take. That is why I give the example by saying
4 that the Supreme Council is like how the judges are the council
11:14:54 5 is just like how the lawyers are.

6 Q. Was the second accused a member of the council?

7 A. Yes, he was a member of the council.

8 Q. What was his role as a member of the council?

9 A. Well, I did not know. The only thing is that the man, the
11:15:24 10 second accused, was the PL03.

11 Q. Was it not the case that the council took direct
12 instructions from the Supreme Council?

13 A. Just like what you have just said, that was what was
14 happening. It was from the Supreme Council that the council was
11:15:58 15 taking orders.

16 Q. Can you give me an example?

17 A. Well, the only example that I will give you is that mostly
18 if anybody in the Supreme Council -- let me say like the head of
19 state, who was Johnny Paul Koroma, if he wants to talk to the
11:16:33 20 council, he can come to the council and talk to the council. But
21 the council, it was to SAJ Musa that -- it was to SAJ Musa that
22 the council report. And he, SAJ Musa, was a Supreme Council
23 member.

24 Q. So I put it to you that the Supreme Council was separate
11:17:03 25 and distinct from the council. What do you say?

26 A. What you have said, I'm saying to this Court it is true.
27 It was different and the Supreme Council was above the council.

28 JUDGE SEBUTINDE: Mr Daniels, did I hear the witness to say
29 or to state that the council reported to SAJ Musa?

1 MR DANIELS:

2 Q. Mr Witness, for clarification, did you just say that the
3 council reported to SAJ Musa?

4 A. Yes.

11:18:05 5 Q. How would the council normally report to SAJ Musa?

6 A. Well, when the council had a meeting, SAJ Musa would come
7 from the Supreme Council to attend the meeting, and any problem
8 that the council had, it was to SAJ Musa that they explained. He
9 was the one that would take the report to the Supreme Council.

11:18:50 10 Q. Where would the Supreme Council normally hold its meetings?

11 A. Well, they did not have a particular place. All that I
12 would hear is that the Supreme Council had a meeting, but I don't
13 know the real place that they used to hold their meetings.

14 Q. Where would the council normally have its meetings?

11:19:21 15 A. Well, the council, as I told this Court, usually had their
16 meetings at Lower BOP where Johnny Paul Koroma was. We used to
17 have meetings at State House. We used to have meetings at army
18 headquarters.

19 Q. Do you know whether the council eventually took over the
11:20:01 20 functions of the PLOs?

21 A. I beg your pardon, sir?

22 Q. Council members, did they take over the assignment of the
23 PLOs during the AFRC period?

24 A. Well, as I have told this Court before, when I was a PLO 2,
11:20:33 25 since I was not well, the direct department and ministry that I
26 was to supervise, since I was not well, they took them from me
27 and assigned them to council members.

28 Q. In the case of the second accused, do you know whether some
29 of his functions were taken over by council members?

1 A. Well, that one, I am unable to talk about it. But for my
2 own part, since I was not well, and I had told this Court that
3 they took all the assignment that I had.

4 MR DANIELS: I shall be referring to the proceedings of 16
11:21:50 5 May, 2005, witness TF1-334. We are going back to the same page
6 101. So it is already before Your Honours. It goes on
7 respectfully to page 102. So if that could be made available,
8 please. Reading from line 21.

9 Q. Mr Brima please listen to me.

11:23:43 10 "Q. What did the PLOs do as members of the Supreme
11 Council?

12 "A. Well, they too were responsible. They made sure they
13 supervised the day to day activities of the government.
14 They were there to take decisions on the activities of the
11:24:18 15 day to day government.

16 "Q. How did you know that the men you describe as the
17 PLOs -- how did you know that they were in the positions
18 you've talked about, did the sort of things that you've
19 talked about, responsible for the sort of things that
11:24:40 20 you've talked about? How did you know all this?

21 "A. This is something -- an appointment that was very
22 clear. It was totally made over the national radio and
23 translated into Mende, Temne and Limba and they showed
24 clearly as members of the Supreme Council.

11:25:08 25 "Q. How did you know about their responsibilities, what
26 they did?"

27 That's the end of my reference. Mr Brima, this statement
28 what I just read to you, was the testimony of witness TF1-334.
29 Do you know this witness?

1 A. Yes.

2 Q. Did you hear what I read to you?

3 A. Yes, I have heard it.

4 Q. Did you understand it?

11:25:55 5 A. Yes.

6 Q. What is your reaction, especially to the very first line,
7 line 21? Line 21 and 22, saying that the PLOs were members of
8 the Supreme Council. What is your reaction to this particular
9 reference?

11:26:28 10 A. It is a lie. That witness had lied.

11 Q. Lied about what?

12 A. He lied when he said that the PLOs were members of the
13 Supreme Council. And that witness, I will say it again in this
14 Court, he was a paid witness. That witness did not even have

11:26:52 15 access to go to council meetings. But it's the witness that has
16 come to talk about what had happened, when in fact he was not
17 allowed to get into the meetings and I have said it that that
18 witness was a paid witness.

19 Q. You have just told us that the witness never attended

11:27:18 20 cabinet meetings -- I beg your pardon, council meetings. How do
21 you know this?

22 A. He was not a council member. That witness was a driver.

23 And when one is not a council member, you will not attend council
24 meetings.

11:27:49 25 Q. Was there ever an announcement over the national radio
26 confirming the appointment of PLOs as Supreme Council members?

27 A. That is not to my knowledge. And I have never heard
28 announcement.

29 Q. What is your reaction to this, that -- I will read it

1 again. "It was totally made over the national radio and
2 translated into Mende, Temne and Limba and showed clearly as
3 members of the Supreme Council." What is your reaction to this?

4 A. My reaction which had meant the witness who came and gave
11:28:57 5 that statement had lied. The Sierra Leone radio with news read
6 in Mende, Temne and Limba, that witness, he did not even
7 understand those languages. And if at all he even understood, it
8 was only one language that he would understand. In fact, Krio is
9 the national language that --

11:29:21 10 THE INTERPRETER: Your Honours, would the witness go a
11 little bit slower.

12 MR DANIELS:

13 Q. Could you just go a bit slowly and repeat what you just
14 said for the benefit of the interpreter, Mr Witness.

11:29:45 15 A. I said that witness, all these statements that have been
16 read to me is a lie. That particular statement that was read to
17 me is a lie. The witness said that a statement was made on the
18 radio in Mende, Temne and Limba and any Sierra Leonean will tell
19 you that any news that was read on the radio in the national
11:30:09 20 language Mende, Temne, Limba and Krio. And the witness, I still
21 tell this Court he was a paid witness.

22 Q. Thank you.

23 MR DANIELS: Could the Court Management kindly make
24 available Exhibit P5-3. We have copies here if it will assist
11:31:02 25 the Court.

26 PRESIDING JUDGE: We have copies here. When you say
27 Exhibit P5-3, that is a separate document?

28 MR DANIELS: Yes, it is separate.

29 PRESIDING JUDGE: Yes, Mr Court Attendant, if you could

1 give a copy to the witness of Exhibit P5-3, please. We have got
2 a document here. Is that the Armed Forces Revolutionary Council
3 Establishment of Council of Secretaries document?

4 MR DANIELS: That's correct.

11:33:14 5 PRESIDING JUDGE: That is Exhibit C1 to 3.

6 MR DANIELS: I think Your Honours are right. It is C1 to
7 3, but it is recorded -- we have it as Exhibit P --

8 PRESIDING JUDGE: Yes, that's probably an old marking from
9 another trial, Mr Daniels.

11:33:41 10 MR DANIELS: From another trial. Very well.

11 Q. Mr Brima, what you have in your hand is AFRC decree number
12 2. I'm reading from the very first page.

13 This is the legislation that set up the Council of
14 Secretaries. Do you understand?

11:34:57 15 A. Yes.

16 Q. I would like you to please turn to page 2. I shall be
17 reading paragraphs 2, 3 and 4. With the permission of the court
18 I will start.

19 On the side note it says "Establishment of Council of
11:35:50 20 Secretaries," paragraph 2.

21 "There is hereby established a Council to be known as the
22 Council of Secretaries which shall be directly and
23 collectively responsible to the Armed Forces Revolutionary
24 Council. The Council of Secretaries" --

11:36:21 25 This is paragraph 3 on the Composition of the Council of
26 Secretaries.

27 "The Council of Secretaries shall consist of (a) the Chief
28 secretary of state who shall be the head of the Council of
29 Secretaries and, (b) other Secretaries of State that the

1 Armed Forces Revolutionary Council may from time to time
2 appoint."

3 On paragraph 4, the functions of the Council of
4 Secretaries.

11:37:02 5 "The Council of Secretaries shall (a) be responsible for
6 the preparation and consideration of policy papers or
7 matters and shall advise the Armed Forces Revolutionary
8 Council and shall [sic] make recommendations on all matters
9 of good governance (b) execute the policies and directives
10 of the Armed Forces Revolutionary Council?"

11 Mr Witness, did you hear what I just read to you?

12 A. Yes.

13 Q. Did you understand it?

14 A. Yes.

11:38:11 15 Q. Are you familiar with this decree?

16 A. No.

17 Q. Have you ever seen it before?

18 A. No.

19 Q. Is this the first time you are coming across this decree?

11:38:30 20 A. Yes.

21 Q. You have told this Court that you were a member of the
22 council; is that correct?

23 A. Yes.

24 Q. You have told this Court that the second accused was also a
25 member of the council; is that correct?

11:39:03 25

26 A. Yes.

27 Q. Is this the same council that is being referred to in this
28 law over here; do you know?

29 A. Repeat that question.

1 Q. The question is: What you have before you, is that the law
2 setting up the council that both you and the second accused
3 belonged to?

4 A. Well, I told this Court that the secretary of state were
5 above the council members.

11:39:53

6 JUDGE SEBUTINDE: Mr Daniels, I don't recall at all this
7 witness saying he or the second accused were members of the
8 Council of Secretaries. I don't recall that at all.

9 MR DANIELS: Your Honour, I think he did say that he was a
10 member of a council. It is his evidence --

11:40:23

11 JUDGE SEBUTINDE: That is different from the question you
12 just now asked him, if he and A2 were members of the Council of
13 Secretaries established by this document.

14 MR DANIELS: That is why I'm getting to that matter, Your
15 Honour.

11:40:40

16 Q. The council you referred to, is it the same as the Council
17 of Secretaries?

18 A. No.

19 Q. Were you ever responsible for the preparation and
20 consideration of policy papers of matters, and did you advise the
21 Armed Forces Revolutionary Council?

11:41:15

22 A. Repeat the question, sir.

23 Q. Did you ever prepare policy papers for the Armed Forces
24 Revolutionary Council?

25 A. No.

11:41:46

26 Q. Did you ever advise the Armed Forces Revolutionary Council
27 on matters of good governance?

28 A. No.

29 Q. Do you know whether the second accused ever prepared policy

1 papers for the Armed Forces Revolutionary Council?

2 A. I don't know if he ever prepared papers.

3 Q. Do you know whether the second accused ever made
4 recommendations on matters of good governance to the Armed Forces
11:42:34 5 Revolutionary Council?

6 A. No. I don't know if he ever made things like this that you
7 read.

8 Q. Very well. Mr Witness, did you or do you know or have you
9 come to know those who plotted the overthrow of the AFRC

11:43:12 10 government? I beg your pardon, of the Tejan Kabbah government on
11 the 25th of May 1997?

12 A. Repeat that, repeat that.

13 Q. Do you now know those who plotted the coup of 25th of May
14 1997?

11:43:44 15 A. Well, it is through this Court that I was able to know
16 those people who plotted a coup. They said it was the soldiers
17 who are footballers.

18 Q. Since you found out from this Court, who is it that were
19 alleged to have plotted the coup that you now know of?

11:44:09 20 A. Well, according to what I know now from the Court, I that I
21 am sitting here, I was alleged that I was part of the people who
22 plotted a coup. The second accused, he also was alleged to have
23 taken part. The third accused was also alleged to have taken
24 part amongst the people who plotted a coup.

11:44:37 25 Q. Apart from these three names, are you aware of any other
26 names?

27 A. Names I like which?

28 Q. Of persons who allegedly plotted the overthrow of the Tejab
29 Kabbah government?

1 PRESIDING JUDGE: I did not hear that question, Mr Daniels.

2 MR DANIELS:

3 Q. You've mentioned the first, second and third accused who,
4 it has been alleged, were responsible for the coup of 25th May
11:45:16 5 1997? Do you know of any other persons?

6 PRESIDING JUDGE: Well now, is this coming from what he's
7 heard in court or is this coming from his own personal knowledge?

8 MR DANIELS: From what he's heard in court. This is what
9 he has told us. Okay, I will put it this way:

11:45:31 10 Q. Do you know Tamba Gborie?

11 A. Yes.

12 Q. Who is he?

13 A. Tamba Gborie was a soldier and he was a council member.

14 Q. Can you please spell Tamba Gborie?

11:45:56 15 A. T-A-M-B-A, Tamba. G-B-O-R-I-E, Gborie.

16 Q. Do you know whether he was one of those who plotted the
17 coup of 25 May 1997?

18 A. Yes.

19 Q. What do you know?

11:46:36 20 A. Well, Tamba Gborie was the one that announced that the AFRC
21 or the -- they had overthrown the government of Tejan Kabbah, and
22 the government of Tejan Kabbah tried Tamba Gborie. They court
23 martialled him and he was executed.

24 Q. Do you know why he was tried?

11:47:11 25 A. Well, they said Tamba Gborie was arrested because he was
26 one of the people whom the government said overthrew the Tejan
27 Kabbah government.

28 Q. Do you know --

29 PRESIDING JUDGE: Is the witness giving evidence of the

1 evidence that we have to look at and decide? Or is he giving
2 evidence about the facts that he knows? Because the former is no
3 use to the Court at all; it has no probative value.

4 MR DANIELS:

11:47:46 5 Q. Mr Witness, how do you know that Tamba Gborie announced the
6 takeover of government?

7 A. Well, I heard the announcement later. It was not the very
8 day that he announced.

9 Q. Did you hear the announcement yourself?

11:48:11 10 A. Yes.

11 Q. Do you know when Tamba Gborie died?

12 A. Tamba Gborie, he was among the 24 officers who were
13 arrested, to have taken over the Tejan Kabbah government, so he
14 was among the 24 officers who were executed. That was in October
11:48:47 15 1998.

16 Q. So these officers, 24 officers, can you recall their names,
17 those who you just said were executed? Can you recall their
18 names? We can provide you with paper if that will assist you.

19 A. Well, I would accept the paper, but the names that I would
11:49:19 20 recall, these are the one that I will write.

21 PRESIDING JUDGE: Yes, thank you.

22 Mr Daniels, I must confess I'm still a little unsure on the
23 basis of which he is giving this evidence. You did ask him at
24 one stage how come he knows those who plotted the overthrow of
11:50:00 25 the Kabbah government and he said it was through this Court,
26 things that he had heard in court. Now, I'm unsure at the moment
27 is he just reiterating evidence that he heard in court or does he
28 have some personal knowledge? I'm aware that he just said that
29 he heard the radio broadcast, but how much of this is from his

1 own knowledge and how much is from what he heard of the evidence
2 in court?

3 MR DANIELS: Very well, I will clarify this.

4 Q. Mr Witness, how do you know that 24 persons were executed?

11:50:48 5 A. Well, that I heard that news from my fellow soldiers, then
6 some of those officers that were executed I knew them and I got
7 the news again from some of those officers' relatives.

8 Q. Did you know of the execution of the 24 officers before
9 this trial started?

11:51:18 10 A. Yes.

11 Q. Very well. Okay, now I think I asked -- we are waiting for
12 you. Very well, please go on.

13 A. Yes, I have written that.

14 Q. Thank you, Mr Witness. What do you have in front of you?

11:58:21 15 A. A paper.

16 Q. What do you have written on it?

17 A. The names of the officers that I can recall, 24. Among the
18 24 the names whom I would remember. That is what I have written.

19 Q. [Microphone not activated]

11:58:49 20 A. 21.

21 Q. Out of these 21 is it your evidence that they were all
22 executed officers?

23 A. Yes.

24 Q. Could you mention the first name that you have, please, and
11:59:16 25 spell it for the convenience of the court.

26 A. The first name is Brigadier Andercine. I call him
27 Brigadier David Korbi na Andercine. D-A-V-I-D, David.
28 K-O-R-B-I-N-A. Andercine, A-N-D-E-R-C-I-N-E

29 Q. The case of the first person, do you know if Brigadier

1 Andercine served in the AFRC government?

2 A. Brigadier Andercine was a soldier.

3 Q. Thank you, but more specifically, do you know whether he
4 served in the AFRC government?

12:00:38 5 A. Well, that is not to my knowledge.

6 Q. Do you know whether he was ever given an appointment by the
7 AFRC government?

8 A. I cannot tell.

9 Q. Can we have the name of the second person?

12:01:02 10 A. He also was brigadier, SFY Koroma.

11 Q. Please spell that for the convenience of the court?

12 A. S-F-Y. K-O-R-O-M-A, Koroma.

13 Q. Did Brigadier Koroma serve in the AFRC government?

14 A. He was the Chief of Defence Staff. He was a Supreme

12:01:44 15 Council member.

16 Q. Within the AFRC?

17 A. Yes.

18 Q. What about the third name you have, please? Can you give
19 us that name?

12:02:02 20 A. Brigadier Hassan Conteh.

21 Q. Again, I crave your indulgence, please spell this for us.

22 A. H-A-S-S-A-N, Hassan. C-O-N-T-E-H, Conteh.

23 Q. Did Brigadier Hassan Conteh ever serve in the AFRC
24 government?

12:02:42 25 A. Not to my knowledge.

26 Q. Please carry on with the fourth name?

27 A. Colonel Max Kanga. Max, M-A-X. K-A-N-G-A, Kanga.

28 Q. Did Colonel Max Kanga ever serve in the AFRC government?

29 A. He was the first army chief of staff during the AFRC

1 government.

2 Q. Was he a Supreme Council member?

3 A. Not to my knowledge.

4 Q. Please proceed.

12:03:58 5 A. Colonel Abdul Karim Sesay.

6 Q. Please spell the name.

7 A. A-B-D-U-L, Abdul. K-A-R-I-M. Sesay, S-E-S-A-Y.

8 Q. To the best of your knowledge did Colonel Abdul Karim Sesay
9 serve in the AFRC government?

12:04:43 10 A. He was the secretary-general for the council in the AFRC
11 government.

12 Q. Are you referring to the Council of Secretaries or just
13 council?

14 A. I'm talking about the council.

12:05:24 15 Q. Please continue.

16 A. Colonel Foday.

17 Q. Please spell it.

18 A. F-O-D-A-Y, Foday.

19 Q. Did he serve in the AFRC government?

12:05:44 20 A. It is not to my knowledge. All I knew was that he was a
21 colonel and he was commanding the 2nd Battalion.

22 Q. The 2nd Battalion of the AFRC government?

23 A. The 7th Battalion. The 7th Battalion of the Republic of
24 Sierra Leone Armed Forces.

12:06:16 25 Q. Where would the 7th Battalion be stationed?

26 A. It is at Goderich, the western part of Freetown.

27 Q. Does it have another name? For example, yesterday you told
28 me that the second accused was with the Tiger Battalion?

29 A. Well, it is at Goderich Battalion, that is Goderich

1 Barracks. We had Commodore Samuel Gilbert.

2 Q. Spell that?

3 A. S-A-M-U-E-L, Samuel. G-I-L-B-E-R-T, Gilbert.

4 Q. Before you go on, I take you back one, to Colonel Foday.

12:07:27 5 You said he was the commander of the 7th Battalion of the SLA.

6 Is this during the period of the AFRC?

7 A. Before the AFRC and during the time that AFRC existed he
8 was the commanding officer for the 7th Battalion.

9 Q. Thank you very much. Now was Commodore Samuel Gilbert a
12:08:07 10 serving member of the AFRC?

11 A. Yes, he was a Supreme Council member.

12 Q. By my calculation we are now on executed person number 8;
13 is that correct?

14 A. Yes, correct, sir.

12:08:41 15 Q. Please proceed with the name.

16 A. Major Abdul Fanna Kamara. A-B-D-U-L, Abdul. F-A-N-N-A,
17 Fanna. K-A-M-A-R-A, Kamara.

18 Q. Was he a serving member of the AFRC or did he have any
19 appointment that you know of?

12:09:17 20 A. He was the secretary of state eastern province during the
21 AFRC -- secretary of state, sorry, southern province. And he was
22 a Supreme Council member.

23 Q. Please proceed with the ninth name.

24 A. Major Bi ous Conteh. Bi ous, B-I -O-U-S. C-O-N-T-E-H,
12:10:14 25 Conteh.

26 Q. Again I ask the same question, did he ever serve in the
27 AFRC government?

28 A. Yes, he was the minister or secretary of state.

29 Q. For which area or for what?

1 A. I cannot remember now, but if I recall later, I will tell
2 the Court.

3 Q. Was he a member of the Supreme Council?

4 A. No.

12:11:20 5 Q. Please proceed with your tenth name.

6 A. Major Abdul M-A-N-S-A-K-A-M-A Koroma. A-B-D-U-L, Abdul .
7 M-A-N-S-A-K-A-M-A, Mansakama. K-O-R-O-M-A, Koroma.

8 Q. Was he a member of the Armed Forces Revolutionary Council?

9 A. Yes. He was a Supreme Council member, and he was resident
12:12:16 10 minister north and later he became mines minister. [

11 [AFRC20JUN06C - SV]

12 Q. Can you proceed with the 11th name, please?

13 A. Captain Josiah Pratt, J-O-S-I-A-H, Josiah. P-R-A-T-T,
14 Pratt.

12:13:04 15 Q. Did he serve in the AFRC government?

16 A. Yes.

17 Q. As?

18 A. He was in control of the custom and excise department.

19 Number 12 --

12:13:26 20 Q. Was he a Supreme Council member, before you go to number
21 12?

22 A. No, no.

23 Q. Number 12, please.

24 A. Major Mrs Kula Samba. K-U-L-A, Kula. S-A-M-B-A, Samba.

12:14:11 25 She was a minister whom we called secretary of state in the AFRC
26 government and she was in charge of children and gender affairs
27 ministry. Captain --

28 Q. Excuse me. Did you ever know her to be a Supreme Council
29 member?

1 A. No.

2 Q. Please proceed to number 13.

3 A. Captain Abu Bakarr Kamara, A-B-U, Abu. B-A-K-A-R-R,
4 Bakarr. K-A-M-A-R-A, Kamara.

12:15:18 5 Q. Did he serve in the AFRC government?

6 A. He was a soldier and he was the OC secretariat in the
7 Southern Province.

8 Q. [Overlapping speakers].

9 A. Officer in charge.

12:15:36 10 Q. Of?

11 A. The secretariat in Bo Town.

12 Q. What do you mean by "secretariat"?

13 A. Well, according to his own appointment, but I cannot give a
14 definition of that.

12:16:20 15 Q. Was he ever a Supreme Council member?

16 A. No, no.

17 Q. Was he in charge of Bo Town throughout the period 1st June
18 1997 to 30th June 1997?

19 A. No, there was resident -- I mean, the Secretary of state
12:17:05 20 south.

21 Q. For the Bo area?

22 A. Yes, Bo Town and the whole of Southern Province in Sierra
23 Leone.

24 Q. Can we proceed to the next officer executed on your list,
12:17:27 25 number 14?

26 A. Major Johnny Moore. J-O-H-N-N-Y, Johnny. M-O-O-R-E,
27 Moore. He was a minister or secretary of state, youths and
28 sports. Then the --

29 Q. Excuse me, was he ever a Supreme Council member? I'm

1 talking about Johnny Moore?

2 A. No.

3 Q. Please proceed.

4 A. Lieutenant Maruf Sesay, M-A-R-U-F S-E-S-A-Y.

12:18:59 5 Q. Was he ever a member of the -- did he ever serve the AFRC
6 government?

7 A. He was a soldier.

8 Q. Was he a Supreme Council member?

9 A. No.

12:19:18 10 Q. You are now on number 16.

11 A. Lieutenant Jim Kelly Jalloh. J-I-M, Jim. K-E-L-L-Y,
12 Kelly. J-A-L-L-O-H, Jalloh.

13 Q. Did he serve in the AFRC government?

14 A. He was a soldier and was the commander in charge of the
12:20:03 15 State House.

16 Q. Was he ever a Supreme Council member?

17 A. No.

18 Q. You are now on number 17.

19 A. Staff Sergeant Abu Sankor, A-B-U S-A-N-K-O-R.

12:20:51 20 Q. Did he ever serve the AFRC government?

21 A. Yes, he was the PLO 1.

22 Q. When you say PLO 1, are you referring to principal liaison
23 officer 1?

24 A. Yes, sir.

12:21:19 25 Q. Was he ever a Supreme Council member?

26 A. No.

27 Q. Please proceed with your 18th name.

28 A. Colonel Jas Conteh. J-A-S, Jas. C-O-N-T-E-H, Conteh.

29 Q. Did he serve in the AFRC government?

1 A. He was a soldier.

2 Q. Was he a member of the Supreme Council?

3 A. No.

4 Q. Please proceed.

12:22:39 5 A. Captain Kambol ahai . K-A-M-B-O-L-A-H-A-I , Kambol ahai .

6 Q. Did Captain Kambol ahai have any appointment within the AFRC
7 government?

8 A. I cannot recall.

9 Q. Do you know whether he was a Supreme Council member?

12:23:22 10 A. No, he was not a member.

11 Q. Please continue with your 19th name.

12 A. Commodore Aziz Dumbuya. A-Z-I-Z, Aziz. D-U-M-B-U-Y-A,
13 Dumbuya.

14 Q. The Commodore Aziz Dumbuya, did he serve the AFRC
12:24:10 15 government?

16 A. He was an officer in the navy. He was in charge of the
17 western base, the western naval base, which is government wharf.

18 Q. To the best of your knowledge, was Commodore Dumbuya a
19 member of the Supreme Council of the AFRC?

12:24:47 20 A. No.

21 Q. You are now on number 21, I believe. Do you have the name?

22 A. Corporal Tamba Gborie.

23 Q. Think you've already spelt Tamba Gborie. Mr Witness, are
24 you okay?

12:25:32 25 A. Yes, yes.

26 Q. Was Corporal Tamba Gborie a member of the Supreme Council?

27 A. No.

28 Q. So what was his position?

29 A. Corporal Tamba Gborie was a council member.

1 Q. Do you have any more names that you recall?

2 A. Colonel Boysie Palmer.

3 Q. Can you spell that, please?

4 A. B-O-I-C-Y [sic], Boysie. P-A-L-M-E-R, Palmer.

12:26:51 5 Q. What was his position, if any, within the AFRC government?

6 A. He was the brigade commander at Number 1 Brigade in Bo.

7 Q. Was Colonel Boysie Palmer the brigade commander in Bo
8 during the period 1st June 1997 to 30th June 1997 in Bo?

9 A. Yes.

12:27:55 10 Q. Do you know the name of the brigade in Bo?

11 A. It was the Number 1 Brigade.

12 Q. Was he the brigade commander in Bo before the AFRC
13 government came into power?

14 A. Yes. He was the brigade commander before the AFRC came
12:28:32 15 into power when he was in Bo.

16 Q. So he continued to be the same brigade commander?

17 A. Yes, sir.

18 Q. Did he continue to be the brigade commander after June
19 1997?

12:28:59 20 A. Yes.

21 Q. For how long?

22 A. I cannot tell how long, but I knew that he was the brigade
23 commander, that is the 1st Brigade, that is in Bo District, until
24 the time when the invading force invaded Freetown.

12:29:42 25 Q. How do you know he was the brigade commander before 1997 in
26 Bo?

27 A. Well, it could be very hard -- it would be very hard for an
28 officer not to know his commander, and I had known him for long.
29 He was in the army while I was going to school.

1 Q. Just for clarification, you mentioned invading force. Can
2 you explain?

3 A. Well, that was I meant the Nigerian force who came to fight
4 against the Republic of Sierra Leone Army. And I referred to
12:30:53 5 them as invading force because it was not only they that made
6 ECOWAS state, but it was the only country that fought against the
7 Republic of Sierra Leone Army. The other states that are part
8 and parcel of ECOWAS, or the other army that formed the ECOMOG,
9 did not take part in that problem. It was only the Nigerians who
12:31:37 10 came.

11 Q. When was it that the Nigerians invaded Sierra Leone?

12 A. They started it from '97 and later they moved, finally, the
13 Republic of Sierra Leone Army from Freetown in February 1998.

14 Q. Okay. Thank you very much. Can we go back.

12:32:19 15 A. Thank you, sir. I have recalled the appointment of Major
16 BS Conteh. He was an under-secretary of state for transport and
17 communication.

18 Q. I beg your pardon, are you mentioning another name of the
19 executed?

12:32:39 20 A. No, no. The number 9 name which is Major BS Conteh, whose
21 appointment I was unable to show when you asked me, so it's what
22 I'm giving now. He was the under-secretary of state for
23 transport and communication. Then I had recalled again another
24 name.

12:33:14 25 Q. Would this be name number 23 by your list?

26 A. Yes, sir. This is --

27 JUDGE DOHERTY: Just a moment. Mr Daniels, I understood
28 the 21 were those people who were executed and the most recent
29 was not executed. So are you saying he's 22, if you're now

1 referring to a number 23 name?

2 MR DANIELS: All along he is providing us a list of all
3 persons executed.

4 JUDGE DOHERTY: Yes.

12:33:51 5 MR DANIELS: Twenty-four in number, I believe.

6 JUDGE DOHERTY: Yes, that's what he said.

7 MR DANIELS: And he has got us far as -- we are now on
8 number 23. Number 22, respectfully, was Colonel Boysie Palmer.
9 So we are now going to number 23.

12:34:12 10 JUDGE DOHERTY: But Major Conteh was not executed; is that
11 correct?

12 MR DANIELS: He was refreshing his memory. He went back.
13 He was indeed executed. But he wanted to give us his official
14 designation at the time within the AFRC government. Can I

12:34:38 15 proceed?

16 JUDGE DOHERTY: Certainly, Mr Daniels.

17 MR DANIELS: Most grateful.

18 Q. You were giving us the 23rd name that you could recall.
19 Can you please --

12:34:52 20 A. Captain Simbo Sankor, S-I-M-B-O S-A-N-K-O-R.

21 Q. Did he have any position within the AFRC government?

22 A. He was the ADC to the chairman Major Johnny Paul Koroma.

23 Q. By "ADC" what do you mean?

24 A. He was the aide-de-camp.

12:35:43 25 Q. Was he ever a Supreme Council member?

26 A. No.

27 Q. Mr Witness, you have given us the names of 23 officers. We
28 believe there were 24 who were executed. Does the name Victor
29 King -- does it ring a bell in your ears?

1 A. Yes, yes.

2 Q. Could you please spell that?

3 A. V-I-T-O-R [sic] K-I-N-G.

4 Q. Did he have any responsibilities within the AFRC

12:36:54 5 government?

6 A. Yes.

7 Q. And was he included in those executed, was he also

8 executed?

9 A. Yes.

12:37:12 10 Q. Did he have a position within the AFRC government?

11 A. Yes. He was a flight lieutenant, and he was the squadron
12 commander for the air wing, and he was the secretary of state for
13 presidential affairs, and he was a Supreme Council member.

14 Q. Thank you for that list.

12:38:00 15 A. Thank you, sir.

16 Q. Mr Witness, do you know where these 24 persons were tried?

17 A. They were tried in Freetown.

18 Q. Do you know when they were arrested before they stood

19 trial?

12:38:42 20 A. Well, it was after the invading force had removed the AFRC
21 government from power. That was in February 1998.

22 Q. Do you know where they were arrested before they were put
23 before trial?

24 A. Some of them, it was in Guinea. Some in Liberia.

12:39:32 25 Q. Do you know who conducted their trial?

26 A. It was the government.

27 Q. Do you know who carried out the executions of the 24
28 officers?

29 A. Well, I do not know the individuals who killed them. What

1 I know is that it was the government.

2 Q. Do you know whether those who executed them were Sierra
3 Leone nationals or Nigerian nationals?

12:40:44

4 A. Well, from what I understood from some of my squad mates,
5 my workmates, they said it was the Nigerians.

6 Q. How do you know this?

12:41:21

7 A. Well, I know through some of my squad mates, my platoon
8 mates, and I have told this Court that I was in 7th Battalion
9 which is at Goderich and it was within that area that they did
10 the execution. Most of these officers, their wives were in the
11 barracks and they too explained to me.

12 Q. Are you aware that it was a Nigerian soldier who served as
13 a judge advocate during the court martial trial of the 24
14 officers who were charged, convicted and executed?

12:42:09

15 A. Yes. I knew this through the relatives of the people, the
16 soldiers, executed. And it was played on the SLBS television.

17 Q. What do you mean by it was played over the SLBS television?

12:43:00

18 A. I mean, how I am appearing in court now, if you have a
19 press man, how do you call it, a journalist, who covers here, if
20 you take pictures of us, say every 8 o'clock he shows that on ABC
21 television. That was how I was able to see them. Because, in
22 most cases, what we do in court here, when we go in the evening
23 and we put on ABC television, we see. That was how I was able to
24 see on the SLBS television.

12:43:33

25 JUDGE SEBUTINDE: Mr Daniels, are we talking about the
26 actual executions? Is this what he saw on television?

27 THE WITNESS: Not the killings.

28 MR DANIELS:

29 Q. What are you referring to?

1 A. The question that you asked me.

2 Q. I said what did you see on television?

3 A. When they were trying them. When they were trying them,
4 the 24 officers.

12:43:54 5 MR DANIELS: Your Honour, I think respectfully he is
6 referring to the actual trial that he saw. Your Honours, I think
7 this is an appropriate time.

8 PRESIDING JUDGE: Mr Court Attendant, if you can take
9 possession of those materials that the witness has. Mr Brima,
12:44:28 10 once more I remind you you're not permitted to talk about the
11 trial, about the case or the evidence with anybody.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: We'll adjourn now until 2.15.

14 [Luncheon recess taken at 12.46 p.m.]

14:14:14 15 [AFRC20JUN06D - SV]

16 [Upon resuming at 2.15 p.m.]

17 PRESIDING JUDGE: You're still on your former oath,
18 Mr Brima.

19 Go ahead, Mr Daniels

14:14:34 20 MR DANIELS: Thank you very much. Your Honour, can I be
21 guided by your record as to my last question?

22 PRESIDING JUDGE: My notes say that the witness said that
23 he saw a Nigerian judge advocate on television. You asked him a
24 question about television and he gave a description of how he
14:15:02 25 watches television. That was where we were when I adjourned.

26 MR DANIELS:

27 Q. Mr Brima, good afternoon.

28 A. Good afternoon, sir.

29 Q. Mr Brima, do you know the specific charges brought against

1 the 24 executed persons?

2 A. From what I saw on the television, they said they were
3 those that overthrew the government, the government of Tejan
4 Kabbah.

14:16:14 5 Q. Were you yourself ever charged with an offence for
6 overthrowing the government of Tejan Kabbah?

7 A. No.

8 Q. So therefore I put it to you that you have never been
9 convicted of any offence for the overthrow of the government of
10 President Tejan Kabbah. What do you say?

11 A. They never sentenced me regarding that.

12 Q. Do you know whether the second accused has ever been
13 charged for the overthrow of the then Tejan Kabbah government?

14 A. No.

14:17:37 15 JUDGE SEBUTINDE: Mr Daniels, is that, "No, I don't know"?

16 MR DANIELS: I will clarify, My Lord.

17 Q. Could you explain what you mean by no. No, you don't know
18 or you don't remember? What do you mean by no?

19 A. No, they never charged the second accused saying that he
14:18:07 20 overthrew the government of Tejan Kabbah.

21 Q. How are you so sure?

22 A. Because I've never heard that the second accused had a case
23 to answer to the state that he overthrew the government of Tejan
24 Kabbah.

14:18:34 25 Q. Therefore I put it to you then that the second accused has
26 never been convicted of any offences for overthrowing the
27 government of the then Tejan Kabbah?

28 A. Yes, he has never been found guilty that he overthrew Tejan
29 Kabbah's government.

1 MR DANIELS: Could Court Management please make available
2 the list written out by the witness.

3 PRESIDING JUDGE: Mr Court Attendant, if you'd give the
4 accused that list, please.

14:19:52 5 MR DANIELS:

6 Q. Mr Witness, out of the list of the 24 persons --

7 THE INTERPRETER: Your Honours, counsel's mic is not
8 switched on.

9 MR DANIELS: I beg your pardon.

14:20:08 10 Q. Mr Witness, out of the list of the 24 officers who were
11 executed, are you now able to point out which of them have been
12 identified as plotters of the coup?

13 A. Well, from what I saw, or from what I heard from the
14 television, all of them were charged that they overthrew Tejan
14:20:59 15 Kabbah's government.

16 Q. Were they also charged, so far as you know, for the
17 plotting of the overthrow?

18 A. Well, just as I am telling this Court, they were charged
19 for -- because they said they had overthrown Tejan's Kabbah's
14:21:34 20 government.

21 Q. Do you know whether other persons -- other than the 24 you
22 have written down here, do you know whether any other persons
23 were charged for plotting to overthrow the Tejan Kabbah
24 government?

14:22:04 25 A. Yes.

26 Q. Firstly, these other persons you are referring to, were
27 they soldiers?

28 A. Yes.

29 Q. Do you recall some of their names?

1 A. Well, those whose names I can remember, I can say them to
2 the Court.

3 Q. Please tell us.

14:22:52

4 A. I would ask again that the Court gives me a paper so that I
5 will write the names.

6 PRESIDING JUDGE: Yes, please, Mr Court Attendant.

7 THE WITNESS: Yes.

8 MR DANIELS:

9 Q. Firstly, how many names have you been able to recall?

14:25:00

10 A. I can remember five names.

11 Q. And how come you remember these five names?

12 A. I came to remember these five names from what I saw on the
13 television, and some of their relatives as well explained to me.

14 Q. Please, could you tell us the names?

14:25:55

15 A. Brigadier Nelson Williams.

16 Q. Please spell it as you go along.

17 A. N-E-L-S-O-N, Nelson. W-I-L-L-I-A-M-S, Williams. Brigadier
18 Robert Yirra Koroma. R-O-B-E-R-T, Robert. Yirra, Y-I-R-R-A.
19 Koroma, K-O-R-O-M-A. Colonel AB Mansaray, M-A-N-S-A-R-A-Y.

14:27:05

20 Colonel Alpha Sabba Kamara. A-L-P-H-A, Alpha. S-A-B-B-A, Sabba.
21 K-A-M-A-R-A, Kamara. Flight Lieutenant Arnold Bangura,
22 A-R-N-O-L-D, Arnold. B-A-N-G-U-R-A, Bangura.

23 Lieutenant-colonel -- this is another name that I've just
24 remembered. Lieutenant-Colonel Alston, A-L-S-T-O-N. So these
14:28:00 25 are the six names that I can remember which I have written.

26 Q. So these six persons were charged for overthrowing the
27 government of then Tejan Kabbah; is that what you are saying?

28 A. Yes, those are the charges.

29 Q. Did anything happen --

1 A. They were charged. From what I saw on the television, they
2 were sentenced to death. But later, they converted the sentence
3 to death to life imprisonment.

4 Q. How do you know this?

14:28:49 5 A. I knew this from the film that I watched related to the
6 trial and some of their relatives as well explained to me, and
7 some of my platoon mates as well or colleagues also explained to
8 me.

9 Q. Now, do you know of any non-military personnel that were
14:29:27 10 charged for the overthrow of the Tejan Kabbah government in -- do
11 you know of any civilians who were charged for the overthrow of
12 the Tejan Kabbah government?

13 A. Well, if I think about the civilians, I will name them to
14 you later.

14:29:51 15 Q. I'm not asking for their names. I just want to know
16 whether any civilians were also charged for the overthrow of the
17 government; are you aware?

18 A. Well, I'm not aware about civilians because I was not too
19 particular about civilians.

14:30:20 20 Q. Very well. Mr Brima, this morning you told us about the
21 structure of the Sierra Leone Armed Forces before the AFRC coup;
22 do you remember?

23 A. Yes.

24 Q. Can you tell us the structure of the armed forces during
14:31:15 25 the AFRC period, starting with the lower ranks? Are you in a
26 position to tell us?

27 A. Well, like the way you asked me that I told you about the
28 structure of the army, you asked me about ranks and I explained
29 to you about ranks in the army.

1 Q. Thank you. You explained me about ranks in the army before
2 the AFRC coup. Are you in a position to tell me about ranks in
3 the army during the period that the AFRC were in government?

14:32:05 4 PRESIDING JUDGE: Mr Brima, if they were the same, that's
5 all you have to say. You don't have to list them all again if
6 they were the same.

7 MR DANIELS:

8 Q. The question I'm asking is: Were they, the rank, the
9 structure, was it same during the AFRC period as it was
14:32:27 10 immediately before the AFRC government came into power? This is
11 the question.

12 A. Yes, that was how the ranks were.

13 JUDGE SEBUTINDE: Mr Daniels, am I right to presume there's
14 a difference between ranking and structure? By "structure" I am
14:32:53 15 referring to things like companies, platoons, et cetera.

16 MR DANIELS: My reference really was to ranks. Thank you
17 very much.

18 Q. Do you know Colonel SO Williams?

19 THE INTERPRETER: Can learned counsel please switch on his
14:33:45 20 microphone?

21 MR DANIELS:

22 Q. Do you know Colonel SO Williams?

23 A. Yes.

24 Q. Who is he?

14:34:01 25 A. He is a senior officer in the Republic of Sierra Leone's
26 military force and he was once a secretary of state south during
27 the NPRC regime. That is, the National Provisional Ruling
28 Council's government. And he was the army chief of staff during
29 the AFRC regime in 1997.

1 Q. From what period was he the army chief of staff, the exact
2 period, if you know, during the AFRC regime?

3 A. He became army chief of staff in either June or July of
4 1997, up until the first invasion of the Republic of Sierra
14:35:42 5 Leone.

6 Q. So would you say that he had command and control over the
7 Sierra Leone Army during the period of the AFRC regime?

8 A. Yes. He was the army chief of staff and he was in control
9 of the Republic of Sierra Leone's military force.

14:36:14 10 Q. Do you know where he is today?

11 A. He's still serving in the Republic of Sierra Leone's
12 military force.

13 Q. Serving as what?

14 A. He's serving as an officer -- a senior officer and still he
14:36:42 15 is a colonel in the Republic of Sierra Leone's military force.

16 Q. How do you know this?

17 A. I worked with him and before I was arrested I used to see
18 him. We were living very close together; he was living at Lumley
19 and I was at Juba Hill.

14:37:11 20 Q. Did he continue to exercise command and control over the
21 Sierra Leone Armed Forces after February 1998?

22 A. So to speak, because he was the army chief of staff.

23 Q. During the AFRC period, who was the commander-in-chief of
24 the Armed Forces Revolutionary Council?

14:38:10 25 A. The Armed Forces Revolutionary Council, you said the
26 commander-in-chief? All that I can tell this Court is that the
27 commander-in-chief of the Republic of Sierra Leone's armed forces
28 was Major Johnny Paul Koroma. But he was not the
29 commander-in-chief of the armed forces ruling council or

1 revolutionary council, because the AFRC hadn't an army on its
2 own.

3 Q. Can you just explain that again?

14:38:59

4 A. When you are saying who was the commander-in-chief of the
5 AFRC armed forces, I said AFRC hadn't any armed forces. The
6 armed forces were Sierra Leone, which was called the Republic of
7 Sierra Leone Armed Forces.

8 Q. So who was the deputy defence minister during the AFRC
9 regime?

14:39:28

10 A. Repeat the question, Mr Translator.

11 Q. Who was the deputy defence minister during the AFRC
12 government?

14:39:59

13 A. Well, as I told this Court that, during the AFRC period we
14 called it under-secretary of State Defence. It was Colonel
15 Avivavo Brima Kamara.

16 Q. Do you know where he is today?

17 A. From what I understand from some of his relatives, he is in
18 America.

19 Q. And who was in charge of the navy during the AFRC period?

14:40:38

20 A. It was Commodore Samuel Gilbert. He was the commander in
21 charge of the naval.

22 Q. Was he the same commander of naval before the AFRC came
23 into power?

24 A. Well, I can't say that now.

14:41:09

25 Q. Where is he today?

26 A. He has been killed.

27 Q. And who was in charge of the air force of the Sierra Leone
28 Army?

29 A. Well, I'd like to tell this Court that the Sierra Leone

1 Army hasn't an air force. It's an air wing.

2 Q. Air wing, I beg your pardon then.

3 A. And the person who was in charge of the air wing was called
4 Flight Lieutenant Victor King, or Victor L King.

14:42:04 5 Q. Is he the same Victor King that was executed?

6 A. Yes.

7 Q. And during the same AFRC period, who was the secretary of
8 state for defence?

9 A. The secretary of state for defence at that time was Major
14:42:49 10 Johnny Paul Koroma.

11 Q. So the secretary of state for defence was also the
12 commander-in-chief of the Sierra Leone Armed Forces?

13 A. Yes.

14 Q. And we are still talking about the same Johnny Paul Koroma?

14:43:15 15 A. Yes.

16 Q. Very well. I will confer with my colleague. One minute.

17 Mr Witness, I would like you to tell me the names of senior
18 officers who served in the AFRC government who continue to serve
19 in the Republic of Sierra Leone Armed Forces today. Do you
14:44:26 20 understand my question?

21 A. Yes. Well, I cannot remember every officer, but I had
22 called six officers' names which I could remember. And these
23 officers, the ranks that they have now, are not the ranks that
24 they had during the AFRC period.

14:45:16 25 Q. Please explain about the ranks.

26 A. Like Brigadier Nelson Williams, he was a colonel.

27 Brigadier Robert Yirra Koroma was also a colonel.

28 Q. So what I'm saying is, have they been promoted or demoted?

29 A. They were promoted. They are now brigadiers.

1 Q. Do you know of Colonel Kis Kamara?

2 A. Yes.

3 Q. Did he serve in the AFRC government?

4 A. Yes.

14:46:20 5 Q. What was his position?

6 A. He was the Director Defence Medical Service. Then he was
7 the secretary of state health, or health minister.

8 Q. Where is he today?

9 A. He still is in the army.

14:46:46 10 Q. Has he been promoted?

11 A. Yes, because during the time that he was serving the AFRC
12 period, 1997, he was a colonel, but now he is a brigadier.

13 Q. What about Colonel AB Mansaray; are you familiar with this
14 name?

14:47:18 15 A. Yes. Colonel AB Mansaray, during the AFRC period he was
16 lieutenant-colonel, and now he's colonel.

17 Q. So has he been promoted?

18 A. Yes.

19 Q. How do you know that he's currently serving as a colonel in
14:47:53 20 the Republic of Sierra Leone Armed Forces?

21 A. Well, I knew that through my own relatives.

22 Q. What about Colonel Mani? Mani is spelt M-A-N-I. What was
23 his position in the AFRC government?

24 A. Colonel Mani was senior officer during the AFRC period.

14:48:44 25 Q. Where is he today?

26 A. He still is in the army.

27 Q. What is his ranking, if you know, presently?

28 A. He still is a colonel.

29 Q. What about Brigadier Koroma, Brigadier Robert Koroma; do

1 you know him?

2 A. Yes.

3 Q. Did he serve in the AFRC government?

4 A. Yes.

14:49:33 5 Q. And what was his position?

6 A. He was a senior officer in the Republic of Sierra Leone's
7 military force.

8 Q. Where is he today?

9 A. He still is serving in the army and he is a brigadier now,
14:49:58 10 and he is the joint Chief of Staff for the Republic of Sierra
11 Leone's Armed Forces.

12 Q. While he was in the AFRC, what was his rank?

13 A. His rank was colonel.

14 Q. So again he has been promoted; is that a fair assessment?

14:50:27 15 A. Well, I cannot determine now whether it's a fair thing, but
16 he was promoted.

17 Q. Do you know Lieutenant-Colonel Shiek Bangura?

18 A. Yes.

19 Q. Did he serve in the AFRC government?

14:50:59 20 A. Yes.

21 Q. What did he serve as?

22 A. He is a senior officer in the Sierra Leone naval.

23 Q. Where is he today?

24 A. He still is serving in the Sierra Leone naval as a senior
14:51:33 25 officer.

26 JUDGE SEBUTINDE: What is the spelling of Shiek?

27 MR DANIELS: I beg your pardon. And Shiek is S-H-I-E-K.
28 Bangura, B-A-N-G-U-R-A.

29 Q. You just said that he is with the naval. What do you mean

1 by naval; is that the same as navy?

2 A. Yes.

3 Q. Are you familiar with the name Lieutenant-Colonel Mamadi
4 Keita. I will spell Mamadi; M-A-M-A-D-I. Keita is K-E-I-T-A.

14:52:27 5 A. Yes, I know that officer.

6 Q. Did he serve during the AFRC government?

7 A. Yes.

8 Q. What was his position then?

9 A. He was a senior officer and he was the commanding officer
14:53:03 10 for the Sierra Leone military police.

11 Q. Where is he today?

12 A. He's still serving in the Republic of Sierra Leone's
13 military force.

14 Q. How do you know that?

14:53:24 15 A. I know that from the time before my arrest and I know that
16 from when my relatives who come to visit me.

17 Q. Did you know Major Albert Y Kargbo; Kargbo spelt
18 K-A-R-G-B-O? Do you know him?

19 A. Major? What major?

14:53:55 20 Q. Albert Kargbo?

21 A. Yes.

22 Q. Do you know him by any other name?

23 A. This officer was also called Gbokelenkeh.

24 Q. Can you try to spell it for us?

14:54:23 25 A. I don't know how to spell it.

26 MR DANIELS: I could hazard a trym and I have
27 G-B-O-K-E-L-E-N-K-E-H.

28 Q. Was he a serving officer? Did he have any appointment in
29 the AFRC government?

1 A. Well, I didn't know whether he was given any appointment,
2 because it was not everything that I knew. But all that I know
3 is that he is a senior officer in the Sierra Leone Army before,
4 during and after the AFRC, even now.

14:55:26 5 Q. So you are saying to the best of your knowledge he is still
6 a serving officer?

7 A. Yes.

8 Q. What about Major Daniel T Mani? Mani is spelt M-A-N-I.

9 A. I don't know that officer.

14:56:06 10 Q. Do you know of Major Musa Jalloh?

11 A. Yes.

12 Q. Musa is spelt M-U-S-A, and Jalloh, J-A-L-L-O-H. Did you
13 know him to take up any appointment during the AFRC regime?

14 A. Well, I didn't know if he took up any appointment. All I
14:56:33 15 know is he is an officer in the Sierra Leone military force. And
16 during the time of the AFRC, he was a captain, himself and Albert
17 Kargbo, also known as Gbonkelenkeh. But before I was arrested,
18 he had been promoted to the rank of major.

19 Q. And where do you say he is today?

14:57:15 20 A. He's still serving in the Republic of Sierra Leone military
21 force.

22 Q. Do you know of Colonel John Milton?

23 A. Yes.

24 Q. Did he have a position in the AFRC government?

14:57:44 25 A. Yes.

26 Q. What was he?

27 A. He was the military spokesman. Then he was the PRO for the
28 AFRC government; public relation officer. And he was a major at
29 that time, but now he's a colonel.

1 Q. How do you know that he was a military spokesperson for the
2 AFRC government?

3 JUDGE DOHERTY: Mr Daniels, he didn't say "spokesman." He
4 said "public relations officers."

14:58:37 5 MR DANIELS: No, before that. He said --

6 JUDGE DOHERTY: I withdraw that. I'm sorry, Mr Daniels.

7 MR DANIELS: Thank you.

8 Q. How do you know that Colonel John Milton was a spokesman
9 for the AFRC government?

14:59:04 10 A. Well, I used to hear his voice when he was interviewed on
11 the radio, and he was a council member.

12 Q. And where is he today?

13 A. Well, as I said, he's still serving in the Republic of
14 Sierra Leone military force. But the time that I knew him, his
15 rank was major. But now he is captain. Sorry, sorry, for now he
16 is colonel.

17 Q. Do you recall the name Major Kiamapo, spelt K-I-A-M-A-P-O?

18 A. I don't know whether you are referring to the officer that
19 I know, because I know Major Kaimapo

15:00:26 20 Q. K-A-I-M-A-P-O, maybe I pronounced it wrongly. Kaimapo, I
21 beg your pardon.

22 A. Yes, I know that officer.

23 JUDGE SEBUTINDE: Mr Daniels, kindly spell that again for
24 us, please.

15:00:51 25 MR DANIELS: K-A-I-M-A-P-O.

26 Q. Did you know him to have any appointment in the AFRC
27 regime?

28 A. He was a serving officer in the Republic of Sierra Leone
29 military force. And during the time that I knew him, he was

1 lieutenant. But as you're asking me this question, before I was
2 arrested, I saw him. He was a major.

3 Q. Do you know where he is today?

4 A. He is still serving in the army.

15:02:01 5 Q. Do you know of Colonel Tamba Gbanga? I will spell that,
6 T-A-M-B-A G-B-A-N-G-A. Do you know Colonel Tamba Gbanga?

7 A. Yes.

8 Q. Did he have any position in the AFRC government?

9 A. He was the brigade commander for the 2nd Brigade. That is,
15:02:44 10 the brigade commander for the Eastern Province of Sierra Leone.
11 He was based in Kenema.

12 Q. Do you know for what period that he was the brigade
13 commander during the AFRC government for Kenema?

14 A. He had had that appointment before the AFRC came to power.

15:03:27 15 Q. So when the AFRC came to power did he remain as a brigade
16 commander?

17 A. Yes.

18 Q. What are the duties, if you know, of a brigade commander?

19 A. It's good when you said if I know, because it's not
15:04:05 20 everything that I know about the officer corps. All that I know
21 is that that brigade was responsible for the operations in the
22 Eastern Province of Sierra Leone. So any battalion that was in
23 that Eastern Region was under the brigade commander. For
24 example, Kono, Kenema, Kailahun were all under this brigade
15:04:42 25 commander, this 2nd Brigade.

26 Q. Do you know his present rank in the Sierra Leone Armed
27 Forces?

28 A. His rank, he still is a colonel.

29 Q. Is he still the brigade commander in Kenema?

1 A. No, I don't know now if he's still the brigade commander
2 for Kenema.

3 Q. Do you know which department he's serving, where he's
4 attached to presently in the Sierra Leone Army?

15:05:44 5 A. Before I was arrested he was the director of defence for
6 the medical service of the Republic of Sierra Leone Armed Forces.

7 Q. I just have a couple to go. I will finish right now. Do
8 you know of one Major Keho, spelt K-E-H-0?

9 A. Major Keho --

15:06:31 10 MR DANIELS: Before you answer, Your Honours, the second
11 accused seeks permission to use the restroom.

12 PRESIDING JUDGE: He can leave the Court.

13 MR DANIELS:

14 Q. Please continue.

15:06:52 15 A. I know Major Keho.

16 Q. What, if any, was his position during the AFRC government?

17 A. Well, he was a senior officer and he was with the Special
18 Task Force which was called STF.

19 Q. And where is he today?

15:07:28 20 A. He's still serving in the Republic of Sierra Leone's
21 military force.

22 Q. Thank you for your patience. Now, during the AFRC regime
23 would a PLO 2, that is yourself, have had any command and control
24 over any of the names I have just mentioned?

15:08:26 25 A. No. I hadn't any command and control over any of the names
26 you've called. And the names which you've called are all senior
27 officers. They had control over me.

28 Q. To the best of your recollection, did the second accused in
29 any way, and in his capacity as a soldier, have any command and

1 control over the senior officers just mentioned to you during the
2 period of the AFRC regime?

3 A. No. He hadn't any control over those senior officers whose
4 names you've called. And that second accused respected and
15:09:40 5 obeyed these senior officers because they were his own senior
6 officers.

7 Q. Okay, I will put it this way: In your capacity as a PLO 2,
8 could you take command from any of the senior officers I have
9 just mentioned during the AFRC period?

15:10:09 10 A. Not specifically these officers, but I did take command
11 from my senior --

12 Q. Do you know whether the second accused also took command
13 from any of these senior officers?

14 JUDGE SEBUTINDE: But the witness didn't complete his
15:10:39 15 answer. What is taking command "from my senior"? Did I just not
16 hear the end of that answer?

17 MR DANIELS: If you could repeat yourself, Your Honour, I
18 didn't hear you.

19 JUDGE SEBUTINDE: The witness did not complete the answer
15:10:56 20 to the previous question.

21 MR DANIELS: I apologise.

22 JUDGE SEBUTINDE: Mr Brima, could you please complete your
23 previous answer, or repeat your previous answer.

24 MR DANIELS: Maybe I will repeat the question.

15:11:13 25 Q. I was asking you whether in your capacity as PLO 2 you ever
26 took command from any of the senior officers I mentioned a few
27 minutes ago during the AFRC period?

28 A. Yes, I used to take command from senior officers.

29 PRESIDING JUDGE: I think you're talking about two

1 different things, Mr Daniels. He's talking about taking commands
2 from officers and you mean taking over command from officers,
3 don't you?

15:12:00

4 MR DANIELS: No, I mean taking command. That is what I
5 mean. Okay.

6 PRESIDING JUDGE: Well, you should make that clear with the
7 witness.

8 MR DANIELS: Very well.

15:12:11

9 Q. What do you understand by "taking command from senior
10 officers"?

11 A. Well, in the army, they always told the soldiers that all
12 junior soldiers should take instruction from their seniors. And
13 when I was PL0 2, I did take instructions from these senior
14 officers. Not particularly those names you've called, but I did
15 take commands from senior officers in the army. If I met with a
16 sergeant-major, I will definitely pay my compliments to him.
17 He's senior to me. If I met with a sergeant when I was a
18 corporal, I will pay compliment to him. He is senior to me.

15:12:44

19 Q. Do you know whether the second accused took command from
20 senior officers in his capacity as PL0 3 during the AFRC period?

15:13:20

21 A. In his own capacity as PL0 3 he took commands from his
22 seniors, because he was a sergeant. He took commands from the
23 staff sergeant-major, RSM, and the officer corps.

24 Q. Thank you, Mr Witness.

15:13:56

25 A. Yes, sir. I want to use the restroom.

26 PRESIDING JUDGE: All right. We'll take a short break,
27 Mr Brima, and Court Management will let us know when to resume.

28 THE WITNESS: Yes, My Lord

29 [Break taken at 3.14 p.m.]

1 [AFRC20JUN06E - RK]

2 [Upon resuming at 3.27 p.m.]

3 MR GRAHAM:

15:25:28 4 Q. Mr Brima, I'm going to ask you questions about the pull out
5 of the AFRC in 1998. Do you understand?

6 A. Yes.

7 Q. During the period January/February 1998, where were you?

8 A. In January I was in Freetown, up to February. But in early
9 February, but I cannot recall the date, I was in Kono. I'm
15:26:12 10 talking about January and February of 1998.

11 Q. Do you recall anything significant happening around
12 January/February 1998 in Freetown?

13 A. All I knew was that the Nigerian, or the invading force,
14 Alpha Jets used to attack the territory of Sierra Leone.

15:27:20 15 Q. Not to cut you short, but this attack, it was a land, sea
16 and air attack; am I correct?

17 A. You are quite correct, sir, because the Alpha Jet used to
18 attack from the air, and on land we had the Nigerian forces who
19 were based at Jiu, and at sea there were the Nigerian forces who
15:28:02 20 were at sea towards the Cape Sierra beach area.

21 Q. Can you spell Jiu for us, please.

22 A. J-U-I, Jiu.

23 Q. Did the Nigerian forces attack Freetown from Jiu?

24 A. Yes, the Nigerian forces attacked Freetown from Jiu.

15:28:42 25 Q. Do you know the route they took?

26 A. They used the two routes to enter the city. That is the
27 Freetown-Waterloo Highway, coming towards Bai Bureh Street, and
28 used the Grafton Scout Camp Regent route when they came up
29 through Regent and up to Hill Station.

1 Q. The Nigerian led ECOMOG attack, it took place in January,
2 did it not?

3 A. Well, now you are talking about ECOMOG. I'm still
4 repeating to this Court that those people were not ECOMOG,
15:29:40 5 because the Sierra Leonean contingent were part of ECOMOG. They
6 were Guineans, they were Ghanians. It was only these invading
7 Nigerian forces.

8 Q. I mean the Nigerians.

9 A. Yes.

15:30:02 10 Q. They attacked in January. Do you recall the date?

11 A. I can't recall the date, but from '97 until '98 the
12 Nigerian invading forces used to attack and kill innocent people
13 in Sierra Leone.

14 Q. Do you know where the second accused was during

15:30:40 15 January/February 1998?

16 A. Well, the second accused was in Freetown and before I left
17 for Kono, in February, I left the second accused in Freetown.

18 Q. Did you meet with him immediately before you left for Kono?

19 A. Well, the second accused, like I have told this Court that
15:31:16 20 he was my family friend, we used to meet frequently. At times if
21 I want to see him, I will go to his family house in Wilberforce
22 village.

23 Q. Do you know what happened to him during the attack of the
24 Nigerian attack into Freetown?

15:31:51 25 A. Except from what my wife explained to me that the Nigerian
26 invading forces towards -- who used the Regent axis to come
27 towards Freetown, and it was at that place that the second
28 accused was.

29 Q. Do you know whether the second accused ever left Freetown

1 after the attack of the Nigerian forces?

2 A. Yes. He left Freetown.

3 Q. Do you know whether he left Freetown alone? I will
4 rephrase the question. Do you know whether he left with his
15:33:01 5 family members?

6 A. Well, just like I have told this Court, the second accused
7 stayed with -- left with his family members, or he left Freetown
8 with his family members.

9 Q. Do you know whether he left Freetown with his mother?

15:33:34 10 A. Well, I have no idea whether he left Freetown with his
11 mother, particularly, but he did leave Freetown with his
12 families.

13 Q. But the attack was -- who was the attack directed at by the
14 Nigerian forces? Who were they attacking?

15:34:12 15 A. They were attacking the personnel of the Sierra Leone Armed
16 Forces and they attacked innocent civilians, because from the two
17 routes that I have told the Court about that were used by the
18 Nigerians, these were civilian areas.

19 Q. How do you know that innocent civilians were attacked?

15:34:43 20 A. Well, first the area where I grew up, Wilberforce, that's
21 where the barracks is. Regent, Hill Station, all those places
22 have civilians. They have nothing to do with soldiers. They
23 have nothing to do with arms. The same thing happened to the
24 people who were at Calaba Town, Kissy, they are all civilians.

15:35:12 25 The only barracks in Freetown was the 1st Battalion which they
26 used to call Wilberforce Barracks, the 7th Battalion at Goderich
27 Barracks, Tima Barracks at Murray Town and the Juba Barracks at
28 Juba. From where the attack came from, they were nowhere close
29 to those barracks.

1 Q. Which particular attack are you referring to?

2 A. I am talking about both the January and February, because
3 the Nigerian invading forces were fighting against the Sierra
4 Leonean Army roughly every day.

15:36:14 5 Q. Do you know that family members of serving SLA personnel
6 were attacked? Do you know that? That is, non-military
7 personnel were attacked by the Nigerians. Do you know that?

8 A. Yes, because they were calling them, those people,
9 collaborators. Anybody whom they knew that had any link with a
15:36:51 10 soldier, definitely or automatically you will be called a
11 collaborator.

12 Q. And if you were called a collaborator, what did this mean?
13 What did you understand the term "collaborator" to mean?

14 A. That is what I have told this Court, that anybody who
15:37:22 15 associated with a soldier, even if your child was a soldier, you
16 were the mother, and you were at the eastern part of Freetown
17 where there was no barracks, and your child would come from the
18 barracks to go and visit you, when the Nigerians were fighting to
19 come into the city, they were classing those people as
15:37:50 20 collaborators.

21 Q. What would normally happen to the collaborators?

22 A. Well, that was mob justice. They will beat you up to
23 death, or they would hang a tyre around your neck, put some
24 kerosine on you and light you up alive. So if you were a junta
15:38:29 25 collaborator and you fall into the hands of the invading forces,
26 you will definitely be killed.

27 Q. Do you have an idea of how many collaborators were killed
28 in Freetown during the January/February period of 1998?

29 A. They killed so many people, because that invading force

1 fought in a land whose people it doesn't know. If you were
2 lucky, maybe you would stay alive. But if you were unlucky, they
3 will kill you.

15:39:37 4 Q. So did all the family members of the serving SLA -- did
5 they have to flee from Freetown?

6 A. Yes.

7 Q. And as they were fleeing they were being attacked by
8 Nigerian Alpha Jets; is that correct?

9 A. Yes.

15:40:03 10 Q. And as the Nigerian Alpha Jets were attacking the innocent,
11 fleeing civilians, they were dropping bombs, cluster bombs for
12 that matter, on innocent civilians; is that correct?

13 A. Yes.

14 Q. Do you know what a cluster bomb is?

15:40:32 15 A. Well, it's from the Nigerians that I knew about a cluster
16 bomb, and from the military experts -- the Sierra Leone military
17 expert on weapons. Because when the Nigerian Alpha Jet dropped
18 that cluster bomb at the AHQ and the DHQ, that is the army
19 headquarters and the defence headquarters, the military expert
15:41:08 20 who went and assessed the bomb - and I did go around there - what
21 he said was that these bombs were bombs -- I don't know what he
22 called it, which organisation had banned those bombs, that they
23 should not use them.

24 Q. Stop there, please. I'm trying to understand what you're
15:41:34 25 saying. Are you telling this Court that the cluster bombs you
26 are referring to had been banned and were no longer to be used in
27 military operations? These were the same bombs that were being
28 dropped on innocent, fleeing civilians. Is that what you are
29 telling this Court?

1 A. Yes. They had banned those bombs, according to what the
2 Sierra Leone military weapon expert explained to us. But the
3 Nigerian invading force still used that bomb on innocent
4 civilians in Sierra Leone.

15:42:17 5 Q. Do you know the impact of a cluster bomb, what can it do?

6 A. As a soldier, what I can say is that the type of weapons
7 that I have fought with as compared to a cluster bomb, a cluster
8 bomb causes damage. A cluster bomb would destroy the entire
9 Special Court -- the entire complex at the Special Court. So

15:42:47 10 that's why if a Nigerian jet was in the air to attack us, some of
11 us hid, because if you were seen outside when that bomb is
12 dropped, it would be very difficult for you to be recognised when
13 that bomb falls around that area. The only thing is that they
14 would recognise that that's a corpse, but not the face.

15:43:26 15 Q. Do you know how often these cluster bombs were dropped
16 during the January/February invasion of the Nigerian forces into
17 Freetown?

18 A. This is from 1997, when the AFRC came to power, until 1998,
19 when the AFRC left power finally.

15:43:54 20 Q. How are you so sure that those jets you are referring to,
21 the Alpha Jets, were flown by the Nigerians or belonged to
22 Nigeria?

23 A. I have told this Court before that I attended one emergency
24 council meeting where chairman Johnny Paul Koroma explained to
15:44:26 25 us, because when the Nigerian Alpha Jet was leaving the airstrip
26 of Liberia, we had a contingent in Liberia -- a contingent of
27 Sierra Leoneans in Liberia called LEOBATT 2. And the signallers
28 and the commanding officer who was in charge of that contingent
29 in Liberia, which was LEOBATT 2 -- I mean, the Sierra Leone

1 military contingent, they communicated immediately with chairman
2 Johnny Paul Koroma through his own signaller. And it was from
3 there that I too used to get my information. If the jet was
4 leaving at 1.00, at 1.00 they would call before the jet leaves.

15:45:37 5 When I say they are calling, I am talking about the Sierra Leone
6 Army signaller who was at the LEOBATT 2 contingent and the
7 commanding officer who was commanding the LEOBATT 2 contingent in
8 Liberia.

9 Q. Do you know anything about the naval attack on Freetown by
15:46:10 10 the Nigerian forces?

11 A. Yes, that naval attack caused the death of my father.

12 Q. Do you know whether this attack, these invading forces --
13 do you know whether the attack had any international support?

14 A. Well, from what I think, I don't think that --

15:47:14 15 PRESIDING JUDGE: We do not want to hear what he thinks.
16 We are after evidence here.

17 MR DANIELS:

18 Q. I repeat my question, and I think you heard what his Honour
19 has just said. Do you know whether the invasion by the Nigerian
15:47:33 20 forces in Freetown in 1998 had the support of the international
21 community?

22 A. No.

23 Q. When you say no, you mean no, it did not have the support
24 of the international community, or you do not know?

15:47:54 25 A. No, it hadn't the international community's support.

26 Q. So would you describe the attack by Nigerian forces --

27 PRESIDING JUDGE: I think you had better backtrack,
28 Mr Daniels. How would a person in his alleged position be able
29 to say what the international attitude was to the attack?

1 MR DANIELS: I will clarify.

2 Q. You have just told this Court that the Nigerian forces
3 attacking Sierra Leone in Freetown around January/February 1998
4 did not have international support. Why do you say so?

15:49:01 5 A. Because the Armed Forces Revolutionary Council was
6 negotiating with the ECOMOG -- I mean, the Nigerian invading
7 force, and they were negotiating with the West African states
8 called ECOWAS. They went to the Ivory Coast meeting and a
9 delegation went to the Conakry peace communiqué. So that's how I
15:49:43 10 knew that the Nigerian invading force hadn't an international
11 support to come and invade Sierra Leone.

12 Q. Would you consider the attack involving the Nigerian troops
13 as an invasion into Sierra Leone by foreign forces?

14 A. Yes.

15:50:20 15 Q. Are you aware that the United Kingdom, Sweden and other
16 members of the United Nations Security Council regarded the
17 attack as an invasion by foreign forces? Do you know?

18 A. Explain again.

19 Q. Are you aware that the United Kingdom, Sweden and other
15:51:15 20 members of the United Nations Security Council regarded the
21 attack in 1998 by the Nigerian troops as an invasion into another
22 country which did not have the approval of the United Nations
23 Security Council? It is a question. Do you know or don't you
24 know?

15:51:34 25 A. I knew that the Nigerians hadn't an approval from the
26 Security Council or the international council. Because the
27 Nigerians, they were not the only ones who made up ECOMOG,
28 Ghanaian troops were there, the Guineans were there, but it was
29 only the Nigerians who were attacking. And from these meetings

1 that I have spoken about to this Court, the delegation which used
2 to go, when they came back, they would give us the information,
3 or they would inform us that they are negotiating but it's only
4 Nigeria that is taking upon itself to come and fight or invade
15:52:35 5 our land for the person that they are supporting.

6 Q. Are you also aware that as early as 2nd March 1998, the
7 then British Minister of State Mr Tony Lloyd declared in an
8 Commonwealth ministerial action group in London that the presence
9 of Nigerian troops in Freetown between February and March 1998
15:53:14 10 was illegal?

11 PRESIDING JUDGE: Mr Daniels, if he wasn't aware he would
12 be now. You've just told him.

13 MR DANIELS: I'm putting it to him.

14 PRESIDING JUDGE: You're giving evidence from the bar
15:53:26 15 table. You know how to phrase a question. If you want a genuine
16 answer from this witness, there is a way to phrase it without
17 putting words in his mouth. I'm asking you what is the use of
18 this type of evidence to this Tribunal? We're trying to find out
19 the truth, not the evidence you wish to give from the bar table.

15:53:45 20 MR DANIELS: Very well. My Lord, we do not want to give
21 evidence, we are just putting it to the witness.

22 PRESIDING JUDGE: There is a way to put that question which
23 would test his knowledge, not to put the words into his mouth.

24 MR DANIELS: I apologise.

15:54:20 25 Q. Do you know of any other opposition to the Nigerian
26 invasion of Freetown in February/March 1998?

27 A. No.

28 Q. Mr Witness, do you know whether the Sierra Leone Army was
29 disbanded during the AFRC period?

1 A. No, the army was not disbanded during the AFRC period.

2 Q. Was the army disbanded after the AFRC period?

3 A. Yes.

4 Q. What does "disband" mean to you? The disbanding of the
15:55:35 5 army, what does it mean to you?

6 A. It means that they do not want the army, or the army should
7 cease to exist.

8 Q. Do you know when the army was disbanded after the AFRC
9 period?

15:56:01 10 A. I do not know the exact month, but all I know is that the
11 army was disbanded.

12 Q. Do you know by whom the army was disbanded?

13 A. It was the defence minister who announced that he has
14 disbanded the army.

15:56:37 15 Q. Can you please give us a name?

16 A. I had said that the commander-in-chief of the armed forces
17 was the defence minister, so the president was the defence
18 minister.

19 Q. Do you know whether the president disbanded the army with
15:57:07 20 the approval of Parliament?

21 A. It was later that I knew that he disbanded the army when
22 Parliament did not approve.

23 Q. Can you explain your last answer?

24 A. It was later I knew that the disbanding of the army did not
15:57:48 25 get Parliament's approval, or the disbanding bill was not
26 approved by Parliament.

27 Q. How did you get to know this?

28 A. Well, when I came as a soldier after disarmament, or after
29 the signing of the Lome Peace Accord, I still continued my

1 service in the army and they paid me all my salary that they owed
2 me as a soldier.

3 Q. Carry on.

15:58:39

4 A. And the deputy defence minister, who was chief retired
5 Captain Sam Hinga Norman, addressed us, the soldiers, at the 1st
6 Battalion hockey pitch at Wilberforce and he told us that the
7 army had not been disbanded.

8 Q. So did you continue to be a member of the Sierra Leone Army
9 after the overthrow of the AFRC in 1998?

15:59:18

10 A. Yes.

11 Q. Did the second accused continue to be a member of the
12 Sierra Leone Army after the overthrow?

13 A. Which overthrow?

14 Q. The AFRC overthrow.

15:59:49

15 A. Repeat that question, sir.

16 Q. Did the second accused continue to serve in the army after
17 the overthrow of the AFRC?

18 A. Yes.

19 Q. What was his rank at the time of the overthrow of the AFRC?

16:00:11

20 A. He was a sergeant.

21 Q. Who was the commander of the Sierra Leone Armed Forces
22 after the overthrow of the AFRC government?

23 A. It was the president, who was the commander-in-chief of the
24 armed forces.

16:00:56

25 Q. I take it you are referring to Major Johnny Paul Koroma?

26 A. No. I'm referring to the president, President Tejan
27 Kabbah.

28 MR DANIELS: We're moving into an entirely new area at the
29 moment, looking at the time.

1 PRESIDING JUDGE: Thank you, Mr Daniels. We're going to
2 adjourn now. Mr Brima, I will remind you again, please don't
3 discuss the evidence or the case with anybody.

4 THE WITNESS: Yes, My Lord.

16:01:45 5 PRESIDING JUDGE: We will adjourn until 9.15 tomorrow
6 morning.

7 MS THOMPSON: Tomorrow before we adjourn, our AVs are still
8 not working but the ones behind us are working.

9 PRESIDING JUDGE: No, ours are not working either, Ms
16:02:05 10 Thompson. We have made some approaches to Court Management. We
11 understand some spare parts are coming in on Friday and should be
12 all right next week. That is what we have been told.

13 Mr Court Attendant, I think there is some material that the
14 witness still has, if you could retrieve that, please.

16:03:01 15 [Whereupon the hearing adjourned at 4.05 p.m.
16 to be reconvened on Wednesday, the 21st day of
17 June, 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA 2

CROSS-EXAMINED BY MR DANIELS 2