



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

THURSDAY, 29 JUNE 2006
9.18 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg
Ms Evelyn Campos Sanchez

For the Registry:

Ms Maureen Edmonds
Mr Thomas George

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
Mr Ibrahim Foday Mansaray (legal assistant)
Ms Rebecca Cohen (intern)

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC29JUN06A-RK]
2 Thursday, 29 June 2006
3 [The accused present]
4 [The witness entered court]
09:14:07 5 [Open session]
6 [Upon commencing at 9.18 a.m.]
7 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Yes, Gbao morning, Mr Brima. I remind
09:16:39 10 you that you are still on your oath to tell the truth.
11 THE WITNESS: Yes, My Lord.
12 PRESIDING JUDGE: Yes, Mr Agha.
13 MR AGHA: Morning, Your Honours.
14 PRESIDING JUDGE: Morning.
09:16:59 15 CROSS-EXAMINED BY MR AGHA: [Continued]
16 Q. Morning, Mr Brima. If you remember, yesterday I read you
17 an excerpt of a transcript of witness TF-024, who heard boys
18 calling him Honourable Gullit. Do you remember that?
19 A. I remember.
09:17:18 20 Q. Is it correct that JPK, Johnny Paul Koroma, was kept in
21 detention in Kailahun by the RUF from March 1998 until at least
22 February 1999?
23 A. It is not correct, the time frame that you've given, March
24 to February. He was captured far beyond that.
09:17:50 25 Q. Enlighten us on what the time frame was, please?
26 A. Well, I cannot tell the exact time frame, but it was not
27 March 1998 to February 1999. It was more than that.
28 Q. According to you, this witness picked you out as a person
29 whom they called Gullit because he was on the side of the

1 Prosecution; correct?

2 A. Ask again.

3 Q. According to you, yesterday witness TF-024, whose
4 transcript I read to you, was calling or referring to Gullit,
09:18:37 5 because he was on the side of the Prosecution?

6 A. Well, he did not call me like that. All I know is that he
7 was a Prosecution witness.

8 Q. According to you, as long as a person is prepared to give
9 evidence in favour of the Prosecution at the Special Court, he
09:19:09 10 will be given special treatment; is that correct?

11 A. That is what I experienced. I'm not talking about anybody
12 else. I'm talking about myself, what I experienced.

13 Q. So just to clarify, you can't speak about whether any
14 witnesses before this Court had been promised special treatment,
09:19:29 15 apart from the ones you specifically named who were in Pademba
16 Road prison; is that correct?

17 A. Well, from what I experienced at Pademba Road -- at least
18 this was the way I was treated at Pademba.

19 Q. You can't speak for any other witnesses apart from
09:19:55 20 yourself, can you?

21 A. Well, from my own example, which I got from Pademba Road, I
22 know that whosoever came to give a witness on the side of the
23 Prosecution would have special treatment. Because if I had come
24 to give my evidence, I should have been freed. And the reason
09:20:13 25 for which I was held, I was not charged.

26 Q. The witness, TF-024, who gave evidence, he wasn't in
27 Pademba Road, was he?

28 A. Let me see 024's name.

29 Q. Certainly.

1 MR AGHA: It would be better if we write it on a piece of
2 paper, if that's okay, Your Honours.

3 PRESIDING JUDGE: You are being shown a name, Mr Brima.
4 Show it to the Defence first. Mr Brima, when you see that name,
09:21:30 5 do not read it out allowed.

6 THE WITNESS: Yes, My Lord. Yes, I have seen the name.

7 MR AGHA:

8 Q. Now, was he in Pademba Road Prison with you?

9 A. This name, he was not at Pademba Road Prisons with me.

09:22:04 10 Q. So you couldn't have been offered any special treatment,
11 from your experiences, because he was in Pademba Road, could he?

12 A. Well, I would not say it would not be like that. I am
13 saying that, from what I studied from the Prosecutor, there is no
14 witness that comes here without being tipped or without being
09:22:30 15 given money. Because, from my own experience which I have, and
16 from the others that were with me at Pademba Road, who had come
17 before this Court and who have said the Court gave them money,
18 and they were freed from the crime which they committed. So I do
19 not believe that when the crime --

09:22:49 20 THE INTERPRETER: Your Honours, would the witness repeat
21 the last bit of his testimony?

22 PRESIDING JUDGE: You are going a bit fast, Mr Brima. The
23 interpreter did not get the last bit of your testimony. If you
24 could just repeat it, please.

09:23:04 25 THE WITNESS: From the experience that I have, when the
26 Prosecutor, or the people who went and approached me at Pademba
27 Road who have come from the Prosecutor, I believe that whosoever
28 came to give testimony must be compensated, As long as you are
29 from the side of the Prosecutor. Because they will force you to

1 come and lie about something that you do not know.

2 Q. What evidence do you have that witness TF-024 received any
3 payment or special treatment from the Prosecutor above and beyond
4 the witness expenses he was entitled to? What is your evidence?

09:23:50 5 A. My evidence is what he said in this Court, he said he was
6 given money. And what I experienced at Pademba Road.

7 Q. Let's go back to that. He was given money. They were
8 witness expenses he was entitled to; correct?

9 A. Well, I don't know. Whether he had any expense that he was
09:24:14 10 entitled to. This is my first time in life to experience a case
11 where somebody would come and talk against somebody and that
12 individual has been paid.

13 Q. When your own defence witnesses come, they will be given
14 the same allowances, so they will also be being paid. So,
09:24:32 15 according to you, they will also be coming to lie on your behalf;
16 is that right?

17 A. No. Because they are not going to approach defence witness
18 before me whom they give money. But the Prosecution witness,
19 whom they approached before me, whom I know about, it was money
09:24:54 20 that was given to them and they convinced them. And some men,
21 you know, and tried to bargain their own freedom so that they
22 could be taken out of Pademba Road Prison, so as to come and lie
23 against me here and against the two other accused.

24 Q. Now, you keep on talking about Pademba Road Prison. You've
09:25:15 25 already told us that TF-024 was not in Pademba Road Prison. So
26 what money was he given to come and lie against you in this
27 Court? What is your evidence? Who did you see giving him money,
28 handing it over?

29 A. I did not see anybody giving him money, but TF-024 said in

1 this Court that he was given money. And TF-024 was the
2 individual asked to describe to this court, according to the
3 crimes that he alleged against me, and he was not able to
4 describe me. What he said in his statement, which I cannot
09:25:55 5 recall all again, it was to the true.

6 Q. It is not relevant what he actually said as his evidence as
7 far as the payment is concerned. The only payment he received,
8 as the record will show, and learned Defence counsel made a point
9 of during that questioning, is that he received expenses from
09:26:15 10 this Court. What do you have to say about that?

11 A. Repeat that question, sir.

12 Q. I put it to you that the only expenses that witness TF-024
13 received for giving evidence were proper expenses paid to him by
14 the Court. What do you have to say about that?

09:26:33 15 A. Well, that I cannot say anything, but the witness accepted
16 in this Court that he was given money so that he could come and
17 testify in this Court.

18 Q. I would now like to move on to another witness, which is
19 TF1-157. With the permission of the Court, I would like to read
09:26:58 20 from a transcript?

21 PRESIDING JUDGE: Yes, Mr Agha. I will ask the Court
22 attendant to take delivery of that piece of paper with witness
23 TF1-024's name on it.

24 MR AGHA: It may be of assistance, we have a list of some
09:27:27 25 of the names which we do quite regularly refer to here with their
26 numbers. Perhaps if the accused as well as the learned Defence
27 counsel and yourselves even, were provided with a copy of it so
28 he could then just readily look and see which witness it was, if
29 that would be of assistance?

1 PRESIDING JUDGE: Well, it probably would be of assistance,
2 Mr Agha. I would prefer though that the witness have one name at
3 a time in front of him, although it would be different for
4 Defence counsel and the Bench.

09:28:05 5 MR AGHA: So would that be helpful if the Bench and Defence
6 counsel were provided with a copy?

7 PRESIDING JUDGE: Yes, it would, thank you.

8 MR AGHA: Now, the transcript that I'll actually will be
9 reading from is TF1-157 and it is dated 22nd July 2005 and it is
09:29:30 10 on page 90. I will be reading from lines 12 on page 90 through
11 to line 6 on page 91. And if we can kindly pass the name of the
12 witness over to the accused so he is aware of which witness we
13 are talking about, with the leave of the Court.

14 PRESIDING JUDGE: Yes, you can write that down and pass it
09:30:06 15 across. I would give the -- Mr Court Attendant -- to the Defence
16 first.

17 MR AGHA: Your Honours, you have copies of the transcript.

18 PRESIDING JUDGE: Not as yet, no. Mr Court Attendant if
19 you would pick up those transcript, please. Yes, we have those
09:31:31 20 now, Mr Agha.

21 MR AGHA:

22 Q. So, Mr Witness, I will read to you the portion of the
23 transcript which Prosecution witness TF1-157 gave in his
24 evidence. From line 12.

09:31:44 25 "Q. You said that you didn't know that at the time, the
26 name of other rebels and soldiers, but you learned those
27 names later. So my question is: What did you learn later?
28 Which names did you learn later?

29 "A. When we reached Rosos, that's when I knew them.

1 That's when I knew their names. The people who -- the
2 person who captured me is the People's Army.

3 "Q. Could you tell the Court the names you learned later
4 in Rosos?

09:32:20 5 "A. Yes.

6 "Q. Please do so, Mr Witness.

7 "A. Gullit.

8 "Q. And the other one.

9 "A. Five-Five.

09:32:33 10 "Q. And the other one.

11 "A. Adama Cut Hand.

12 "Q. Now, Mr Witness, do you know if Gullit, Five-Five and
13 Adama Cut Hand were with you from Bonoya to Robat mess."

14 THE INTERPRETER: Your Honour, could Mr Agha read the last
09:32:55 15 name from Bonoya to where.

16 MR AGHA: R-O-B-A-T M-E-S-S.

17 "A. Yes.

18 "Q. How do you know that?

19 "A. I knew them later because at that time no other troop
09:33:16 20 joined us, and they were calling their names in my
21 presence.

22 "Q. Now, how do you know that Five-Five, Gullit and Adama
23 Cut Hand were commanders?"

24 And then Mr Knoops comes in--

09:33:35 25 THE INTERPRETER: Your Honours, I think the last bit of
26 Mr Agha's reading is not clear, "How do you know that?"

27 MR AGHA: "How do you know that Five-Five, Gullit and Adama
28 Cut Hand were commanders?"

29 Now that is a portion of the transcript which witness

1 TF1-157 made. You are that person known as Gullit, aren't you?

2 THE WITNESS: No.

3 Q. You have the name of TF1-157 in front of you; is that
4 right?

09:34:10 5 A. I do not have TF1-15 before me I have 157 before me.

6 Q. That is correct, 157, that is fine. Now was TF1-157 a
7 member of the SLA?

8 A. I don't know this person as SLA soldier.

9 Q. Now this person was an abducted civilian made to carry
09:34:43 10 loads, wasn't he?

11 A. I don't know.

12 Q. Well, according to the evidence of TF1-157 he was an
13 abducted civilian forced to carry loads which is a crime. Would
14 you agree with that?

09:35:02 15 A. I don't know even know the civilian.

16 Q. But if civilians were taken against their own free will and
17 forced to carry goods, that would be a crime, wouldn't it?

18 A. Well, I cannot determine that since I am not a lawyer.

19 Q. So you think that is fine to take people off the street
09:35:27 20 against their will and carry things around for you?

21 MS THOMPSON: Your Honour, these are all hypothetical
22 questions being put to the witness. They are all if this were to
23 happen, if that were to happen. If I remember rightly we were
24 not allowed to put these sort of questions in cross-examination.

09:35:47 25 If my learned friend has a specific allegation to put to the
26 witness, my humble submission is that he does so rather than ask
27 him hypothetical questions about someone the witness has said he
28 does not know and the passage which my learned friend has read
29 which mentions someone called Gullit but does not say that

1 Gullit, aka Tamba Brima or Gullit was someone described as this
2 witness. My submission is if he has a specific allegation to
3 make, let him put it.

4 PRESIDING JUDGE: What is your reply, Mr Agha?

09:36:23 5 MR AGHA: Yes, I asked the witness specifically whether he
6 thought that was a crime and he said he didn't know so I asked
7 him well, would he regard that as being something which would be
8 quite normal and good to do. Now, he can either say that is
9 fine, I would go down to Freetown and do that or no, it is not.

09:36:43 10 PRESIDING JUDGE: Your last question wasn't couched that
11 way, it came to a conclusion. You said something like well,
12 according to you that would be fine, would it. That is quite
13 different from what you have just said and I think your earlier
14 form of the question was objectionable. I will uphold the
09:37:05 15 objection to the question asked in the way you did frame it at
16 first.

17 MR AGHA: I will rephrase, Your Honour.

18 Q. So, Mr Witness, if you went down into Freetown and grabbed
19 hold of civilians against their will and made them carry things
09:37:30 20 for you would that be fine, would that be proper?

21 MR FOFANAH: Objection, Your Honour. Again my learned
22 colleague is asking the witness to speculate, as well as to give
23 an opinion on -- the form of the question "if" suggests a
24 speculative answer.

09:37:54 25 PRESIDING JUDGE: We know what your reply is, Mr Agha. I
26 don't regard that question as speculation at all. I will
27 overrule the objection.

28 MR AGHA:

29 Q. Could you reply to the question please, witness?

1 A. Ask the question again, sir.

2 Q. If you were to go into Freetown and grab hold of civilians
3 against their will and make them carry goods for you, would that
4 be okay?

09:38:34 5 A. Well, I will not go, I would not go to Freetown to capture
6 civilians, because I am a civilian, I would not go and catch a
7 colleague civilian.

8 Q. But if you did, that wouldn't be okay, according to you,
9 would it?

09:38:51 10 A. Well, I did not do it.

11 Q. I did not ask you whether you did it, I asked you you
12 wouldn't do it because it is not the right thing to do; is that
13 right?

14 A. Well, like just what you said, if you do it, well, since I
09:39:11 15 have not done it should I answer that I did it or should I assume
16 that I would do such a thing because that is what the interpreter
17 asked me, that if I went to Freetown and I did it and the
18 question that I'm answering is my life. I will not answer a
19 question that I feel I will do -- I will not do.

09:39:32 20 Q. I'm putting to you that you have abducted people, so if you
21 did abduct people, would you regard that as the wrong thing?

22 PRESIDING JUDGE: Let him answer the first question first,
23 Mr Agha.

24 MR AGHA: He seems not to be wanting to answer the first
09:39:49 25 question.

26 PRESIDING JUDGE: Well put that first question to him. You
27 are putting two questions to him now.

28 MR AGHA:

29 Q. Mr Witness, I will ask you again, if you went into Freetown

1 --

2 PRESIDING JUDGE: No, no. You put something to him and
3 then asked him a second question. I'm simply saying put the
4 first question. You put an accusation to him and then followed
09:40:13 5 on with the second question. I'm simply saying stop at the
6 accusation and give him a chance to answer that before you move
7 into a second question.

8 MR AGHA:

9 Q. So when you abducted people -- let me rephrase that, did
09:40:49 10 you abduct people in Freetown?

11 A. When you talk about -- this question that you asked of me
12 is too open.

13 Q. Have you ever gone into Freetown and taken people from what
14 they are doing against their will and make them carry goods for
09:41:10 15 you?

16 A. No.

17 Q. If you heard that someone had done that, would that be, as
18 far as you are concerned, a proper thing for that person to do?

19 A. Well, you are a lawyer, I am not a lawyer. I will not be
09:41:37 20 able to determine what other people do.

21 Q. I'm asking you as a man, not as a lawyer, whether if you
22 heard someone had gone into Freetown and abducted people against
23 their will and made them carry things, whether, as far as you as
24 a man are concerned, that would be an okay thing to do?

09:42:07 25 A. My Lord, I am still answering you. This word which you say
26 if I heard, I have not heard it, if I heard that someone goes and
27 captures somebody, this is what is really doubting me, if I heard
28 that, because the interpreter that is talking to me is talking to
29 me in a Krio that I understand and if I hear that someone has

1 captured another person in Freetown.

2 Q. No, you have heard many things when you were asked in chief
3 and you seemed to be able to understand and explain what you
4 heard, so I will ask you again if you heard that a civilian was
09:42:47 5 taken against his own will in Freetown and made to carry goods,
6 would that be fine for you as a man?

7 A. Well, if they capture a civilian who captured him, let me
8 know is it a ECOMOG civilian, soldier, let me know who captured
9 him or her.

09:43:13 10 Q. I'm asking you whether it was a civilian, soldier, anyone
11 who captures a civilian and makes them against their own free
12 will carry goods?

13 A. Well, I have not heard that a civilian had captured a
14 colleague civilian forcefully.

09:43:38 15 Q. That wasn't my question.

16 A. I'm answering it. I'm answering it, My Lord.

17 Q. If you heard that a civilian or soldier had captured a
18 civilian against that civilian's free will and made him carry
19 goods, would that be fine or would it not be the right thing to
09:44:01 20 do, yes or no? It is a simple question.

21 A. To me, I would not accept, I would not say that is a good
22 thing.

23 Q. Now, moving back to the witness you have in front of you,
24 TF1-157, was that witness in Pademba Road with you?

09:44:32 25 A. This witness is a witness whose name I know and I have seen
26 it, but I do not know the witness.

27 Q. So if you don't know the witness, what special treatment
28 did you evidence the Special Court giving him?

29 A. This witness was a witness that he came to lie because if

1 this witness, like what you said, special treatment if you do not
2 have special treatment he or she would not have come to lie about
3 me. And once he or she was a Prosecution witness, he would be
4 given special treatment to come and lie.

09:45:25 5 Q. So then, according to you, even if you don't know the
6 witness, whoever they may be if they came to give evidence
7 against you, they would be lying; correct?

8 A. The Prosecutor witnesses who came before this Court from
9 what they went and did to me, and that is what they did to all
09:45:52 10 these witnesses, so these witnesses they came to lie.

11 Q. All 59 witnesses came to lie, every one of them; is that
12 what you are saying?

13 A. Yes, yes.

14 MR AGHA: Now, with Your Honours' permission, I would like
09:46:17 15 to the read the witness another witness transcript and that is
16 witness TF1-153. Your Honours, with your permission, we're going
17 to also pass the name of the witness to the accused?

18 PRESIDING JUDGE: Yes, of course, Mr Agha.

19 MR AGHA: Now, the date of the transcript is 22nd September
09:47:27 20 2005 and it's on page 13 and starts at line 20 and it continues
21 on page 14 to line 5 and then after that it is the same day, 22nd
22 September 2005 but there is a small portion from page 56 that I
23 would also like to read.

24 Q. Now, Mr Witness, you still maintain that your name is not
09:48:05 25 Gullit, you are not nicknamed Gullit; is that right?

26 A. Yes.

27 Q. I will read from a transcript of Witness TF1-153 whose name
28 you have before you. And I will read from line 20.

29 "Q. Mr Witness, I'm going to ask you a question. You

1 just identified a person that came to Wilberforce by name,
2 Alex Tamba Brima. Had you ever met Alex Tamba Brima prior
3 to this day?

4 "A. Yes.

09:48:43 5 "Q. Where did you meet Alex Tamba Brima prior to this
6 day?

7 "A. We all grew up at Wilberforce Barracks.

8 "Q. Now I'm not going to ask about we, the question Mr
9 Witness is whether or not you knew him, Mr Brima. Did you
09:49:06 10 know Mr Brima and how?

11 "A. I knew him because all of us were sons that were
12 brought up at Wilberforce Barracks. We all did things
13 together and we were so intimate that when we were in the
14 barracks we would not know the difference between us,
09:49:28 15 because all of us use to take ourselves as brothers. So I
16 know him very well and he also knows me very well."

17 I will now move to page 56, which is the same witness on
18 the same day. And read to you, Mr Brima, another portion of that
19 same witness's transcript.

09:49:58 20 "Q."

21 PRESIDING JUDGE: What line are you reading from.

22 MR AGHA: I beg your pardon. It's line number three, Your
23 Honour.

24 Q. "Q. Mr Witness, I think I have asked you this before, but
09:50:09 25 Mr Brima, was he known to you by any other name?

26 "A. Yes.

27 "Q. What other name was he known to you by?

28 "A. Mr Brima was a very good footballer so they had to
29 give him the nickname Gullit, it is a name that -- that is

1 why I am mixing it up because it is a common name that I
2 know.

3 "Q. If you know, Mr Witness, do you know where the
4 nickname Gullit comes from other than him being a good
09:50:46 5 football player, who it refers to?

6 "A. No, I feel that based on the fact that he played good
7 football because the real Gullit was a good footballer, so
8 they associated him and that good footballer, so I'm more
9 familiar with that name Gullit than Alex Tamba Brima, so if
09:51:08 10 you do not mind, I will continue to call him Gullit."

11 That is the end of that transcript from Witness TF1-153.

12 Now, Mr Brima, Witness TF1-153 knew you from childhood.

13 You even admitted that in your own evidence that you grew up
14 together at Wilberforce Barracks. How could he have been

09:51:40 15 mistaken about you being called Gullit because you were a good
16 footballer?

17 A. This witness ever told you that he was insane, he was a man
18 that was insane.

19 Q. I did not understand your answer. What I'm asking you is
09:51:59 20 how can a man who knew you from childhood, knows you well, know
21 you as Gullit the footballer, how could he have made that
22 mistake?

23 A. He would make the mistake because this witness had gone
24 mad. [By direction of the Court this sentence of the transcript,
09:52:19 25 was extracted and filed under seal] he is mad.

26 MR AGHA: Your Honour, my case manager reminded me, perhaps
27 we could have that part redacted about where he went to, if
28 that's possible.

29 PRESIDING JUDGE: Sorry, I missed that Mr Agha, what did

1 you say?

2 MR AGHA: I apologise Your Honour. Could we kindly have
3 the part where the witness went to redacted because that may
4 disclose his identity, the country.

09:52:52 5 PRESIDING JUDGE: Yes, I will order that the part of the
6 witness's answer that refers to the Witness TF1-153 going to [By
7 direction of the Court this portion of the transcript was
8 extracted and filed under seal] be redacted from the transcript.

9 MR AGHA:

09:53:13 10 Q. So according to you this witness has gone mad. Is he also
11 lying?

12 A. Yes, he was lying. I told you about this witness that he
13 was a witness who had gone mad and even went to the extent of
14 raising his hand against his father, fighting him and a normal
09:53:34 15 individual would not do so. According to our own custom in
16 Sierra Leone whom so ever is normal would not attack his parents.

17 Q. So in the closed session with your own Defence counsel you
18 discussed the number of the witnesses who you said had come and
19 lied against you and you also discussed this witness. You didn't
09:53:54 20 mention that he had gone mad, did you?

21 A. Well, this is the time that I thought it fit and necessary
22 for me to say it.

23 MR AGHA: We would now like to move on to a different area,
24 Your Honour.

09:54:27 25 Q. Returning back to your nickname Gullit, which you still
26 deny, I take it, despite Witness TF1-153 who knew you? Your
27 nickname is still not Gullit; is that right?

28 A. Yes.

29 Q. Even your own Defence counsel referred to you as Gullit a

1 couple of times during his evidence when he was leading you,
2 didn't he?

3 MS THOMPSON: Your Honour, I object to that.

4 PRESIDING JUDGE: On what ground, Ms Thompson?

09:55:05 5 MS THOMPSON: When that happened, Mr Graham made the point
6 of informing the Court that it was a mistake, withdrawing it and
7 said because he was reading a passage which referred to the word
8 Gullit but to use it now as a matter of fact that Mr Graham
9 refers to -- the only insinuation that Mr Graham normally refers
09:55:27 10 to this witness as Gullit I think is misleading.

11 PRESIDING JUDGE: What do you say to that, Mr Agha?

12 MR AGHA: I do not think it is misleading at all, Your
13 Honour Mr Gullit, oh, I mean, Mr Brima, it wasn't because he was
14 reading from any transcript. My question, certainly the
09:55:45 15 inference is that he is known as Gullit and he is so widely known
16 as Gullit that even by accident his own learned Defence counsel
17 called him Gullit.

18 PRESIDING JUDGE: I think in fairness to the witness I will
19 not allow the question.

09:56:02 20 MR AGHA: So I like to show you another document with the
21 permission of the Court?

22 PRESIDING JUDGE: Certainly. Yes, go ahead.

23 MR AGHA:

24 Q. Mr Witness, this is a record of interview and you can see
09:57:43 25 that the name is Tamba Alex Brima, alias Gullit; do you see that?

26 A. Show me the page.

27 Q. It is on the front sheet. It says "record of interview,"
28 and then it says "name"?

29 A. The page number, the page number. I have seen it.

1 Q. You have seen it?

2 A. Yes.

3 Q. And Alex Tamba Brima, alias Gullit, do you see that, yes?
4 Just to be sure.

09:58:35 5 A. I have not seen Alex Tamba Brima, alias Gullit.

6 Q. Perhaps I should give you a number that ought to be on the
7 document which is 00019379. That should be towards the top of
8 the document.

9 A. Yes.

09:59:00 10 Q. Now it says: Record of interview. Name: Tamba Alex
11 Brima, alias Gullit. Is that right?

12 A. No, it is not like that.

13 Q. What does it say?

14 A. The name that you read, you saw it, but that is not the way
09:59:24 15 I see it and I do not agree with this document and I do not agree
16 with the name that is on this document.

17 Q. I'm not asking whether you agree with the document or the
18 name. I'm just asking you to tell me the name reads "Tamba Alex
19 Brima, alias Gullit." Is that what it reads or is that not what
09:59:46 20 it reads?

21 A. It is like that.

22 Q. Occupation is diamond miner; is that right?

23 A. It isn't so.

24 Q. The document in front of you where it says occupation and
10:00:07 25 it is written diamond miner, what do you have written there?

26 A. What is supposed to be there is I am a businessman.

27 Q. Mr Brima, I'm not asking you what is supposed to be there
28 or what ought to be there or what you would like to be there, I'm
29 asking you to tell me what is written there under occupation on

1 your document in front of you?

2 A. Well, I myself I will tell you that why I answered you that
3 way it is what -- the question what the interpreter asked me he
4 said what is supposed to be there, or the translator. That is
10:00:50 5 why I gave you that answer.

6 Q. I apologise if it is an interpretation problem, but can you
7 tell me what is written there by occupation?

8 A. Diamond miner.

9 Q. And what is written by address?

10:01:09 10 A. Read it to me.

11 Q. Number 2 Juba Hill is that what your document says as
12 address?

13 A. Yes.

14 Q. Underneath of address we have place of interview, and that
10:01:32 15 reads Criminal Investigation Department headquarters, doesn't it?

16 A. Yes.

17 Q. Under place of interview we have time and date interview
18 commenced and that is 1450 hours, 22 January 2003, don't we?

19 A. Yes.

10:01:58 20 Q. Under that we have time and date interview concluded 1550
21 hours, 22 January 2003, don't we?

22 A. Yes.

23 Q. Under that we have officer recording interview detective
24 police constable 5928 and it looks like Kanu D. Does that accord
10:02:25 25 with what you have on your document?

26 A. Yes.

27 Q. Under that, other officer present Detective Sergeant 5053
28 Musa A?

29 A. Yes.

1 Q. And then it says interview and I will read for you.

2 "I am Detective Sergeant Musa and this is my colleague
3 Detective Police Constable 5928 Kanu D, I believe, both of the
4 Criminal Investigation Department, headquarters, Freetown. We
10:03:09 5 are going to interview you in respect of the shooting incident at
6 the Aureol Tobacco Company military barracks, Wellington,
7 Freetown, which occurred on Monday, 13 January 2003 at 0100
8 hours." It then says: "You are not obliged to say anything
9 unless you wish to do so." Then if you turn over the page. "But
10:03:56 10 whatever you say will be taken down in writing and may be given
11 in evidence, do you understand?

12 "A. Yes."

13 And then there is a signature. That is your signature,
14 isn't it?

10:04:13 15 A. No.

16 Q. Whose signature is it?

17 A. In this a forged signature.

18 Q. Let us go back to step one. This is a record of interview
19 which Tamba Alex Brima, alias Gullit, gave before the Sierra
10:04:41 20 Leone police on 22 January 2003. Do you deny making this
21 statement?

22 A. The name which you called, that is not my name.

23 Q. I did not ask you whether that was your name. This
24 document in front of you, which I read part of it to you, do you
10:05:01 25 deny making this statement? Do you deny saying what is written
26 in this statement to the police officers, yes or no?

27 A. I do not deny that I made statement. I made a statement
28 under duress, and I will explain to this Court.

29 Q. You can explain a little later. I would like to stick to

1 the statement for at time being. If we go back to the first
2 page, there is also another signatures at the bottom. That is
3 your signature, isn't it?

4 A. That is not my signature.

10:05:42 5 Q. Whose signature is it?

6 A. This is a forgery.

7 Q. A forgery of whose signature?

8 A. The people who took the statement.

9 Q. Whose signature have they forged? Is it a forgery of your
10:05:59 10 signature; is that what you are saying?

11 A. I won't say that it is my signature that was forged. This
12 signature that is here it is not I that signed it.

13 Q. It looks exactly like all your other signatures that we've
14 seen, don't you think? Have a look at it.

10:06:20 15 A. That is why I told you that if you look at it, it is not I
16 that signed it. I told you that it was forged.

17 Q. We will come back a little later to look at your
18 signatures. Now, in this document on the top of each page it
19 says at that Tamba Alex Brima and you admit making this

10:07:00 20 statement?

21 A. Ask me the question again, sir.

22 Q. You admit making this statement, but not signing. Is that,
23 in short, your evidence regarding this document?

24 A. I told you that this statement, which you are saying, it
10:07:32 25 was under duress that I made the statement. So the whole
26 statement that I made I did not make it willingly. Let nobody
27 tell you that I made it willingly.

28 Q. So what were the circumstances under which it was made?

29 A. Well done. This statement the people who obtained this

1 statement, they arrested me, Tamba Brima. They arrested the
2 second accused, they arrested the third accused. They said they
3 arrested me for a coup. They investigated this whole case. I
4 was not found guilty, which I will bring to this Court today. I
10:08:19 5 was taken to Pademba Road and I was detained at Pademba Road.

6 Q. Mr Brima, the question I asked you is what duress was put
7 on you, what force, if you like, was put on you to make you sign
8 this statement?

9 A. I was not put under force to sign the statement. I was put
10:08:43 10 under force to make the statement. I was under gunpoint by
11 police officers.

12 Q. What was the force? Were they beating you or pointing guns
13 at you? Tell us, what was the force?

14 A. I was beaten. I will show you my hands and I was stabbed
10:08:58 15 with the bayonet and I will show you my hand here again. I was
16 stabbed with the bayonet twice.

17 Q. This is the Sierra Leone Police that were doing this to
18 you?

19 A. Yes.

10:09:09 20 Q. Was Mr John Petrie also present while this was going on?

21 A. Yes.

22 MR AGHA: I would now like to ask the Court if this
23 document could be exhibited.

24 PRESIDING JUDGE: Yes, does the Defence have anything to
10:09:35 25 say?

26 MS THOMPSON: Your Honour, no.

27 PRESIDING JUDGE: Yes. Thank you, Ms Thompson. This
28 document which appears to be a photocopy of a record of
29 interview, numbered 00019379 will be admitted into evidence as

1 Exhibit P86.

2 [Exhibit No. P86 was admitted]

3 MR AGHA: With the permission of the Court I would like to
4 show the witness another document. This document is again a
10:10:43 5 record of interview.

6 PRESIDING JUDGE: Yes, go ahead.

7 MR AGHA:

8 Q. Mr Brima, you will see that the document in front of you is
9 again headed record of interview; is that right?

10:11:52 10 A. I see it there, record of interview.

11 Q. And the name is Tamba Alex Brima, alias Gullit, isn't it?

12 A. No.

13 Q. What does it read on your document?

14 A. On my document it reads Tamba Alex Brima alias Gullit.

10:12:20 15 Q. Sorry, my mistake. It is Tamba Alex Brima, alias Gullit;
16 correct?

17 A. Read it again.

18 Q. I think it would be easier you just read for me what name
19 is written on your document?

10:12:39 20 A. I'm kindly asking you sir to read.

21 Q. I would rather if you read the name what is written on the
22 document?

23 A. No, I want you to read it, sir, because you've called a
24 name that is --

10:12:56 25 JUDGE SEBUTINDE: Mr Brima. You are here to answer
26 questions. The counsel has given you a document. And he is
27 asking you questions on your document. We're not concerned with
28 his document. Can you please read the names written on your
29 document. He just wants to be sure you are referring to the same

1 document that he has and that we have. So let's not have this
2 altercation with each of you telling the other what to do.
3 Please read the name on your document.

4 THE WITNESS: The name that is on the document is Alex
10:13:39 5 Tamba Brima, alias Gullit.

6 MR AGHA:

7 Q. Thank you. Now under name you will come to occupation.
8 What is written on your document for occupation?

9 A. Diamond miner.

10:13:58 10 Q. And the address?

11 A. 2 Juba Hill.

12 Q. And the place of interview?

13 A. Criminal Investigation Department, headquarter.

14 Q. And the time and date the interview commenced?

10:14:24 15 A. 7 February 2003.

16 Q. So this is the few weeks after the record of interview we
17 have just spoken about; is that right?

18 A. Yes.

19 Q. And officer recording interview is Detective Police
10:14:49 20 Constable 5928 Kanu, it look like. Is that correct?

21 A. Yes.

22 Q. Other officer present Detective Sergeant 5053 Musa A; is
23 that correct?

24 A. Yes.

10:15:14 25 Q. It then goes on to say interview. It is headed interview
26 and although the writing is not so clear I will try and read it
27 with you. "I am Detective Sergeant Musa and this is my colleague
28 Detective Police Constable 5928 Kanu D, both of the Criminal
29 Investigation Department Headquarters Freetown. We are going to

1 firstly interview you to in respect of the shooting incident at
2 Army Engineers Regiment (ATC) Wellington Freetown which occurred
3 on Monday, 13th January 2003 at 0100 hours. You are not obliged
4 to say anything unless you wish to do so, but whatever you say
10:16:17 5 will be taken down in writing and may be" -- turning to the next
6 page "given in evidence. Do you understand?

7 "A. Yes."

8 And you will see there is a signature there. That is your
9 signature, isn't it?

10:16:39 10 A. No.

11 Q. How did that signature get there. Whose signature is it?

12 JUDGE DOHERTY: Mr Agha you have two questions. Please put
13 them one at a time.

14 MR AGHA: I apologise.

10:16:55 15 Q. Whose signature is it?

16 A. I don't know whose signature is this. This is not my
17 signature. I was not the one that signed it.

18 Q. Do you know who signed it?

19 A. All that I can say the people who obtained the statement
10:17:16 20 were the only people I knew that they signed it.

21 Q. Now, this statement, you admit that this is actually your
22 statement; is that correct?

23 A. I admit that the statement, this particular statement is
24 not my statement.

10:17:38 25 Q. So you never gave this statement at all?

26 A. I only made one statement under duress. That is the
27 statement that you showed me. That is why I said if time permit
28 and they allow me, if I talk, you will know what this statement
29 means.

1 Q. Your lawyer will have adequate time to re-examine you on
2 any issues which need to be covered on your behalf, but for the
3 meantime, let us be clear on this. This statement, as far as
4 you're concerned, was never made by you; correct?

10:18:19 5 A. At all, I was not the one that made it.

6 Q. You didn't sign it?

7 A. I did not make it and I did not sign it.

8 Q. So according to you, it is a total fabrication?

9 A. Everything is a total lie.

10:18:47 10 MR AGHA: Can I kindly ask for this document to be
11 exhibited, Your Honour.

12 PRESIDING JUDGE: Has the Defence anything to say.

13 MS THOMPSON: No, Your Honour.

14 PRESIDING JUDGE: Thank you. This document, which is a
10:19:09 15 photocopy of a record of interview number 00019385, taken on the
16 7 February 2003 will be admitted into evidence as exhibit P87.

17 [Exhibit No. P87 was admitted]

18 MR AGHA:

19 Q. Now, Mr Brima, just for completeness, I would like to go
10:19:51 20 over some of the documents that you have been shown many, of
21 which, according to you have been taken out of you under duress.
22 Yesterday, if you remember, I showed you a power of attorney, a
23 first power of attorney, which you said you had been forced to
24 sign. Is that correct?

10:20:17 25 A. That was what I said.

26 Q. I then showed you a second document which was a request for
27 legal assistance which you also said you had been forced to sign;
28 is that correct?

29 A. That was what I said.

1 Q. I then showed you a third document which was another power
2 of attorney in favour of Mr Terrence Terry which you said you did
3 not sign despite having a signature on it; is that correct?

4 A. Yes.

10:21:02 5 Q. I have just shown you the first record of interview which
6 you admit you made, but you signed under duress because you were
7 forced to sign it; is that correct?

8 A. I don't want you to lie about me. I did not say that I
9 signed it, I said I made it, I did not sign it, I made it under
10:21:26 10 duress. I did not tell you that I signed it, My Lord. I never
11 talked that way that you asked me. I said I made that statement
12 under duress, but I did not sign it.

13 Q. So the first statement you admitted to, according to you
14 now, you did not sign, just to be sure on that?

10:21:43 15 A. It is not now. From when you asked me earlier, I said I
16 made it under duress but I did not sign it.

17 Q. And that was a statement where John Petrie was present and
18 roughed you; is that right?

19 JUDGE DOHERTY: I do not recall the witness saying that, I
10:22:05 20 recall him saying Petrie was presents.

21 MR AGHA:

22 Q. I beg your pardon, that was the statement where Mr Petrie
23 was also present?

24 THE WITNESS: Yes. Lieutenant-Colonel John Petrie who was
10:22:17 25 an IMATT man, he was there. He was a soldier.

26 Q. Then I just showed you another statement being a record of
27 interview which you said is a total fabrication; is that right?

28 A. Yes.

29 Q. Now you mentioned in your evidence that you were made to

1 sign certain documents at Bonthe Island, didn't you?

2 A. Repeat, say again.

3 Q. You mentioned in your evidence that you were made to sign
4 certain documents when you were taken in custody to Bonthe
10:23:08 5 Island, didn't you?

6 A. Which evidence, the one that you have been asking me or the
7 one that the other lawyers have asked me about earlier?

8 Q. Your lawyers, the other lawyers?

9 A. Well, I cannot recall everything but I remember that I told
10:23:28 10 them that I signed one document at CID. It was at CID that I
11 signed that document in order for me to be released for this case
12 that I was held. I was not having any charge. I was not proven
13 guilty. They talked about a coup, subversive plans or active
14 movement. They said I should be set free. I signed on one
10:23:48 15 ledger at the Criminal Investigation Department which was the
16 first I was forced to sign on that one. I remember that I said
17 that. I said that.

18 Q. But you didn't mention that you were forced to sign the
19 first statement I showed you this morning at the CID state office
10:24:13 20 by the Sierra Leone police, did you?

21 A. I did not make that statement, I did not tell you that the
22 they forced me to sign that statement. I did not tell you that.
23 Since you have been asking me, that first statement that you
24 showed me before this, I did not tell you that they forced me to
10:24:30 25 sign that statement, I said I was not the one that signed it. I
26 said I made that statement but it was under duress.

27 Q. But you never mentioned that when your own lawyers were
28 asking you questions, did you. You didn't mention making that
29 statement at all?

1 A. Well, when my lawyers were asking me, they were stating to
2 me to certain things and I told them that I signed on a ledger,
3 when I was released from CID. I signed on the ledger, with the
4 name Alex, Tamba Alex -- Tamba --

10:25:07 5 THE INTERPRETER: Pardon, Your Honour, could the witness
6 take the last part of his answer.

7 PRESIDING JUDGE: Mr Brima. Unfortunately once more the
8 interpreter has failed to keep up with you, please repeat the
9 last part of your answer.

10:25:29 10 THE WITNESS: Yes, My Lord. I told this Court that that
11 ledger on which I signed at CID when they forced me to sign at
12 CID I did not sign it willingly. I told them that the name that
13 they mentioned there was not my name. I told them that this
14 ledger, you are forcing me to sign it and the case for which I
10:25:57 15 was held, they said I had no case, I was not charged, as I signed
16 that paper that they forced me to sign they arrest me again in
17 the CID building.

18 Q. But I didn't show you a ledger, did I, I showed you a
19 record of interview; that is right, isn't it?

10:26:22 20 A. Yes, you did not show my ledger.

21 Q. I put it to you that you have just made up this story about
22 being forced to sign a ledger?

23 A. I am putting it to you that this was not how it happened.
24 I was first arrested for a case for which I was not involved
10:26:39 25 because I did not co-operate with the people who arrested me.

26 They turned me over to the Special Court.

27 Q. You were not forced to sign the ledger by John Berry, John
28 Petrie or anyone else who was roughing you up, were you?

29 A. This that you are telling me, they forced me, I'm telling

1 you that you are telling lies. I was forced -- you are not
2 there, it was this month, the 5th that I see you in Sierra Leone.
3 You do not know what happened. If you had known what had
4 happened maybe you should have been on my own side before I came
10:27:16 5 to this Court, what happened to me.

6 PRESIDING JUDGE: Mr Brima, counsel for the Prosecution has
7 a duty to put these types of questions to you. So I would ask
8 you to refrain from making personal remarks to the counsel. Just
9 answer questions.

10:27:42 10 THE WITNESS: Yes, My Lord.

11 MR AGHA:

12 Q. Lieutenant-Colonel Petrie came and gave evidence against
13 you before this Court, didn't he?

14 A. Yes.

10:27:54 15 Q. He was never asked about him roughing you up or making you
16 sign a ledger, was he?

17 A. I cannot recall that.

18 Q. Well, you didn't.

19 A. I did not get you clear.

10:28:10 20 Q. Well, I put it to you this way: That you remembered that
21 you had signed a damaging document, being the ledger with the
22 name Gullit in it, so you then made up the story before the start
23 of your defence case that you were forced to sign that document.
24 That is right, isn't it?

10:28:31 25 A. No, it is not correct.

26 MR AGHA: Okay, I would like to move on, if I may and just
27 finally before I do, just so we're clear about this.

28 Q. I put it to you after all what has been said about your
29 name being Gullit, that you have a nickname of Gullit, don't you?

1 A. No.

2 MR AGHA: Now, we seem to be discussing signatures this
3 morning and documents you signed and didn't sign and yesterday
4 was the same and the manner in which they were signed. So with
10:29:29 5 the permission of the Court, I would like the witness to be shown
6 Exhibit P81 which is the power of attorney to Mr Jalloh, dated 12
7 March 2003.

8 PRESIDING JUDGE: Mr Court Attendant, will you attend to
9 that, please give the witness Exhibit P81.

10:30:23 10 MR AGHA:

11 Q. You have a copy of that document?

12 A. Yes.

13 Q. Now, this was a document which yesterday you admitted
14 signing but said you were forced to sign; is that correct?

10:30:43 15 A. Well, you showed me three documents yesterday. I want you
16 to bring the three of them so I can see.

17 Q. Well, that can be done if you like but I would prefer you
18 just to look at that document and that was the document, just
19 tell me yes or no whether it was a document which you signed but
10:31:06 20 you were forced to sign, because that is what you told the Court
21 yesterday.

22 A. Well, as I have just told you, I cannot remember now. I am
23 in a case. I cannot remember now, but if you bring the three of
24 them, I will be able to tell you, yes or no.

10:31:25 25 PRESIDING JUDGE: Mr Brima, yesterday this was the first
26 document shown to you. You did not have any other documents to
27 compare it with at that stage. So do you now say you need the
28 other documents that were shown to you before you can say whether
29 you were forced to sign this one or not?

1 THE WITNESS: My Lord, when once you have said that, I am
2 satisfied with that because the guarantee that I want to get if
3 it was the first document which was shown to me yesterday, when
4 once you have said so, My Lord, I guarantee that this is the
10:32:03 5 first document which was shown to me yesterday.

6 PRESIDING JUDGE: Yesterday, what I'm asking you is I do
7 not understand what your reply to counsel was, what I am asking
8 you is this: Yesterday, before you were shown any other
9 documents, you were able to identify this document as one that
10:32:22 10 you signed under duress. And what I am puzzled at is whether you
11 are now saying that you cannot say it was signed under duress
12 until you see the other documents?

13 THE WITNESS: Well, My Lord, like you you have said so.
14 That one is a lawyer. Now that you have said so, now I believe
10:32:49 15 that this is the document.

16 PRESIDING JUDGE: Ask your questions, Mr Agha.

17 MR AGHA:

18 Q. Now that you are satisfied that the Learned Trial Chamber
19 has given you the answers you wanted, that document before you is
10:33:11 20 a document which yesterday you said you signed but under duress;
21 correct?

22 A. Yes.

23 Q. I would now like to show you, with the permission of the
24 Court, Exhibit P83. This is also a document which you were shown
10:33:34 25 yesterday. It was the third document which you were shown
26 yesterday.

27 PRESIDING JUDGE: Yes, Mr Court Attendant, give the witness
28 Exhibit P83, please.

29 MR AGHA: If he could retain the other power of attorney.

1 PRESIDING JUDGE: Leave the other document with him.

2 Mr Court Attendant, have you left the other document with him.

3 MS EDMONDS: Yes, sir, he does have the other document.

4 MR AGHA:

10:34:13 5 Q. Now, this is power of attorney of 24 March which is Exhibit
6 P83 which you said you didn't sign yesterday; is that correct?

7 A. Yes.

8 Q. If you put those two documents side by side?

9 A. I have put them side by side.

10:34:41 10 Q. What is the difference between the signatures?

11 A. There is a difference to me that signed them.

12 Q. So there is no T or A in either of them?

13 A. That is not an A. That is not a T or A.

14 Q. The H at the end with a distinctive loop, do you see that?

10:35:13 15 A. It is T-M-B. It is not T-A-B, T-M-B.

16 MS THOMPSON: Your Honour, before the witness goes on --
17 before my learned friend continues with this line of questioning.
18 I have to raise a concern which, as far as I'm aware, the art of
19 deciphering signatures is an expert art and one that people take
10:35:41 20 years to study. I am not sure that this witness should be asked

21 to comment on and compare signatures at all, whether on this
22 document or not. I think if my learned friend wants to get the
23 evidence as it was, which was the same person that signed them
24 and how they came about signing them, I think he knows that there
10:36:10 25 are experts in that field they could have called when they were
26 putting their case, when the Prosecution was doing its case, or
27 they could call in rebuttal. I'm not sure we should be going
28 down this line where he is asking the witness to compare and
29 comment on the signatures.

1 PRESIDING JUDGE: What do you say to that Mr Agha?

2 MR AGHA: I only have one further question to put to him.

3 If I'm allowed to put that, I will see what the Court says.

4 PRESIDING JUDGE: We will see what the question is.

10:36:44

5 MR AGHA:

6 Q. Mr Brima, I put it to you that the signatures on both the
7 documents in front of you, being Exhibit P81 and P83 are both
8 signed by you. What do you have to say about that?

10:37:14

9 A. I will still stand on what I said. The one was signed by
10 me and the letter that you called, the other one was not me. The
11 one that you call T-A-B or T-A what -- it is T-M. T-A-M, that is
12 how I abbreviate my signature. You, that is you who do not have
13 the signature, it is a T-A-M.

10:37:56

14 MR AGHA: I think now this might be an appropriate time to
15 break because I will be going into a new area of questioning if
16 that suits Your Lordship.

10:38:16

17 PRESIDING JUDGE: Yes, thank you Mr Agha. That is
18 convenient. We will adjourn the Court and we will reconvene at
19 11.00 a.m. Before we do, Mr Court Attendant, are there any
20 documents in possession of the witness? If so, please take them
21 back.

22 Thank you we will adjourn until 11.00.

23 [Break taken at 10.40 a.m.]

24 [Upon resuming at 11.00 a.m.]

10:58:45

25 PRESIDING JUDGE: Yes, Mr Agha.

26 MR AGHA:

27 Q. Mr Witness, just before we took a break, we were discussing
28 your nickname Gullit and how it related to football. Do you
29 remember that?

1 A. I remember.

2 Q. And earlier in your evidence you had said that you played
3 football as a child. That is right, isn't it?

4 A. Yes.

10:59:20 5 Q. You also watch football on the TV. That is right, isn't
6 it?

7 A. Yes.

8 Q. And you organised football as part of your job as a PRO in
9 1996, didn't you?

10:59:39 10 A. It was not I that was organising. It was the office. I
11 did not have that power to do that. It was the office.

12 Q. So you never personally organised football. Is that what
13 your evidence was? You did not organise football or volleyball?

14 A. I personally did not organise football or volleyball for
11:00:08 15 the army.

16 Q. We'll come back to that later. Still on the subject of
17 football, the second accused he was associated with the army
18 football team, wasn't he?

19 A. Well, except you explained that one for me in order for me
11:00:28 20 to understand.

21 Q. Okay. Between 1995 to 1997 a Sierra Leone Army team was
22 established sometime in that period to play football. Did you
23 know that?

24 A. Well, all that I knew, when I was a young person I knew
11:00:58 25 that the army had a team, but I don't know during that time if
26 they organised a team that you talk about, but I knew that the
27 army had a team. Every year the army had a team. It had a
28 volleyball team.

29 Q. What about football team. It had a football team as well?

1 A. I personally did not have a football team.

2 Q. But the army did between 1995/1996?

3 A. Yes.

11:01:34

4 Q. And you are aware that that army football team used to Camp
5 and train at Wilberforce Barracks, aren't you?

6 A. Yes.

7 Q. Coming back to what I asked you earlier about the second
8 accused, the second accused was associated with the army football
9 team, wasn't he?

11:01:56

10 A. No.

11 Q. The third accused was associated with the army football
12 team, wasn't he?

13 A. No. The third accused I do not know about him being part
14 of the army football team and he does not play football.

11:02:18

15 Q. Was he associated in any way with the army football team?

16 A. He has no link. The second accused and the third accused
17 they do not have any link with the army football team.

18 Q. And you have no think with the army football team either;
19 is that right?

11:02:39

20 A. I did not play in the army football team.

21 Q. I did not ask you if you played, I asked you, as with the
22 second accused and third accused, you had no link with the army
23 football team, did you?

24 A. What you do mean about that? Let me know, to say that I
25 don't have a link.

11:03:00

26 Q. Well, you have already told us that the second accused and
27 the third accused didn't have a link, so what did you mean when
28 you said that? I'm adopting your language.

29 A. Well, the second accused, when I knew him in the army, he

1 was a driver. You see, the third accused, when I knew him in the
2 army, I knew him as infantry. I never knew him as somebody who
3 played football and I too never played for the army team.

11:03:39 4 Q. So as far as you are aware, neither you, the second accused
5 or the third accused were associated with the army football team
6 in 1997?

7 A. That is why I asked you to explain that link. I and those
8 two excused we don't have anything to do with the army football
9 team.

11:04:01 10 Q. Thank you. What about Abu Sankoh. Was he a part of the
11 army football team?

12 A. Yes.

13 Q. Abu Sankoh was nicknamed after a well-known Brazilian
14 footballer, wasn't he?

11:04:25 15 A. No, I did not know him for that name, a Brazilian
16 footballer.

17 Q. You have never heard of the Brazilian footballer, Mario
18 Jorge Lobo Zagallo. Spelling M-A-R-I-O J-O-R-G-E L-O-B-O
19 Z-A-G-A-L-L-O. So you never knew Abu Sankoh was nicknamed
11:05:05 20 Zagallo, is that right?

21 A. I knew that his first name is Zagallo, but when you said
22 that before the question when you asked me if the man whose name
23 you call Abu Sankoh is a Brazilian footballer, I said no. That
24 was what the interpreter told me.

11:05:29 25 Q. You knew Abu Sankoh's nickname was Zagallo, didn't you?

26 A. Yes.

27 Q. Hassan Papa Bangura, aka Bomb Blast, he was a member of the
28 army football team, wasn't he?

29 A. I do not know about that.

1 Q. What about Corporal Tamba Gborie?

2 A. I do not know about that.

3 Q. What about Corporal George Adams, he was a member of the
4 army football team, wasn't he?

11:06:12 5 A. I do not know about that.

6 Q. What about Warrant Officer 2 Franklyn Conteh, aka Woyoh.
7 Y-O-Y-O-H [sic]. He was a member of football team, wasn't he?

8 A. I do not know if he was a member of the football team.

9 Q. Corporal Foday Kallay was a member of the football team,
11:06:44 10 wasn't he?

11 A. Well, I do not if he was a member of the army football
12 team.

13 Q. Sergeant Sule Turay was a member of the army football team
14 in 1997, wasn't he?

11:07:01 15 A. I do not know if he was a member of the army football team.

16 Q. Warrant Officer 2 Samuel Kargbo, he was a member of the
17 army football team, wasn't he?

18 A. I do not know if he was a member of the army football team.

19 MS THOMPSON: May I ask my learned friend, because I did
11:07:22 20 not get the last, Samuel something, if you could just spell that
21 for us, please.

22 MR AGHA:

23 Q. I beg your pardon. It is Kargbo, K-A-R-G-B-O, but I think
24 the name has been mentioned before this Honourable Court.

11:07:50 25 Corporal Momoh Bangura was a member of the army football team,
26 wasn't he?

27 A. I do not know if that Corporal Momoh Bangura was a member
28 of the football team.

29 Q. Hector Lahai, he was a member of the army football team,

1 wasn't he?

2 A. I do not know if he was a member of the army football team.

3 Q. Abdul Sesay was associated with the army football team in
4 May 1997, wasn't he?

11:08:33 5 A. I do not know about that.

6 Q. What about a person called Coachie Bornoh, have you ever
7 heard of him?

8 A. That name Coachie Bornoh, I do not know that person. I
9 have told this Court and I do not know that name Coachie Bornoh.

11:08:57 10 Q. Was Bio Sesay, a member of the army football team in 1997?

11 A. I do not know.

12 Q. So, according to you, all the names that I have read to
13 you, you are not aware of any of them being associated with or
14 members of the army football team in 1997?

11:09:30 15 A. Not all the names. You talked about Abu Sankoh. I told
16 you that I knew that he was footballer. He was a footballer in
17 the army.

18 Q. So only Zagalo you knew about?

19 A. That was the only man that you called among those people
11:09:49 20 that I knew he was playing football for the army.

21 Q. Most of the names I just mentioned are from the other
22 ranks, aren't they?

23 A. Yes.

24 Q. Kabbah government was overthrown on 25 May 1997, wasn't it?

11:10:17 25 A. Yes.

26 Q. I put it to you that it was largely the members of the
27 Sierra Leone Army football team based at Wilberforce Barracks in
28 1997, including you, the second accused and the third accused,
29 who I have named, that overthrew the Kabbah government in 1997?

1 A. I am telling you that I was not there. During that time
2 that you are mentioning I was attend at Freetown Technical
3 Institute. So if you ask in the army, they will tell you that
4 this witness, Corporal Tamba Brima, did not play football.

11:11:08 5 Q. But you could also attend college and play football at the
6 same time. It is possible, isn't it?

7 A. To say that if I was in the football team, but when I was
8 in college, I never --

9 THE INTERPRETER: Your Honour, could the witness take the
11:11:28 10 last part of his answer. The interpreter did not get it well.

11 PRESIDING JUDGE: The interpreter did not hear the very
12 last part of your answer. Could you repeat it, please, Mr Brima.

13 THE WITNESS: I was not in college at the same time playing
14 football in the army. And I was not a footballer in the army.
11:11:51 15 While in college, I was not playing sports.

16 MR AGHA: With the permission of the Court, I'd like to
17 read a transcript to the accused. This is witness TF-334 and
18 pages 9, 10 and 13. I apologise if it is a little long.

19 JUDGE SEBUTINDE: Could you indicate the date of the
11:12:24 20 transcript.

21 MR AGHA: The date is 17 May 2005.

22 PRESIDING JUDGE: Yes, Mr Agha.

23 MR AGHA:

24 Q. Witness if you could listen to me as I read the evidence of
11:13:12 25 witness TF-334, who was a Prosecution witness. I will be reading
26 from line 14 on page 9.

27 "Q. Seventeen men who plotted the coup, would you name
28 them? You started with Zagalo.

29 "A. Staff Sergeant Zagalo. That's Abu Sankoh; he was the

1 PLO 1.
2 "Q. Pause there. Next?
3 "A. You get Sergeant Tamba Alex Brima; you get Sergeant
4 Ibrahim Bazzy Kamara; you get Honourable Corporal Hassan
11:13:59 5 Papa Bangura; you get Corporal Foday Kallay; Corporal
6 Adams; you get Hector Bob Lahai; you get Sullay; you get
7 Abdul Sesay; you get Ibrahim Bioh Sesay; you get Rambo; you
8 get Adams --
9 "Q. Pause there, witness. You have already mentioned
11:14:32 10 Adams.
11 "A. Okay, sir. Sorry, you get Cobra.
12 "Q. Pause a moment. Thank you, continue.
13 "A. You get -- I think these are the ones I can recall
14 among the 17 members.
11:14:51 15 "Q. That is 12 names, witness. If you can think of the
16 others as you are going --
17 "A. Woyoh, you get Woyoh; you get Honourable Sammy.
18 "Q. That's a new name, I'm going to spell that.
19 "A. Yes, Sammy.
11:15:20 20 "Q. Sammy is S-A-M-M-Y. What had he been prior to the
21 AFRC period?
22 "A. He was a member of the Sierra Leone Army and he was
23 also a member of the Supreme Council.
24 "Q. And what rank did he have in the Sierra Leone Army?
11:15:33 25 "A. Sammy was a corporal.
26 "Q. Did he have an alias by which he was known?
27 "A. We used to call him Jungler.
28 "Q. That's spelt J-U-N-G-L-E-R. That is 14 names,
29 witness. If you're able to recall any others would you

1 identify them?

2 "A. Well, as of now except I have to think. These 14 are
3 the only ones I can recall as of now.

4 "Q. Thank you, witness. Now, witness, the Supreme
11:16:06 5 Council and the members you have identified who were they
6 subordinate to?

7 "A. Well, these Supreme Council members, they were under
8 the command of Johnny Paul Koroma, and they were also
9 subordinate to the vice-president, answerable to the
11:16:23 10 vice-president -- vice-chairman, sorry."

11 I will stop my reading there on page 10. With the
12 permission of the Court, I would like to pick up on page 13, line
13 1. This is the same witness. Mr Brima, this is what he goes on
14 to say.

11:16:45 15 "A. Well, it was a football team when they carried out
16 this coup plot. It was a football team for the Sierra
17 Leone Army, which they belonged to the 1st Battalion. They
18 were the ones that plotted this coup before they made this
19 attack and broke the prison and took over the reigns of
11:17:08 20 government."

21 That is the end of the reading of the transcript. Witness,
22 would you agree with me now that you were a part of the football
23 team of the Sierra Leone Army, and one of the members that
24 carried out the coup on 25th May 1997?

11:17:29 25 A. No, I do not agree with you. I was not a member of the
26 army football team and I never become a member of the Sierra
27 Leone Army football team. Never.

28 Q. What was Corporal Gborie's role in the army just before the
29 coup? Was he infantry?

1 A. I beg your pardon?

2 Q. What was Corporal Gborie's role in the army prior to the
3 coup?

11:18:20

4 A. Corporal Gborie. I knew him as provost regimental police
5 or regimental police, provost, in the army.

6 Q. So he wasn't attached with you with the public relations
7 office in 1997?

11:18:49

8 A. From the time, I knew Gborie, we never worked together. I
9 knew him as provost, and he never stayed with me in that unit,
10 PRO unit, with me.

11 Q. So why would a corporal, rather than any senior officer,
12 make an announcement over the radio that there had been a coup
13 overthrowing the Kabbah government?

11:19:13

14 MS THOMPSON: That is not a question for this witness to
15 answer. That is a question which calls for speculation. I
16 object to the question.

17 PRESIDING JUDGE: I will overrule that objection. I will
18 allow the question.

19 MR AGHA: I will repeat the question.

11:19:28

20 Q. Why would an other ranks soldier, such as Gborie, with no
21 training in PR make an announcement over the radio instead of a
22 senior officer that there had been a coup overthrowing the Kabbah
23 government?

11:19:53

24 A. I do not have any reason to tell you why he did that. If
25 he were here, maybe he would answer.

26 Q. But you heard Corporal Gborie's statement over the radio
27 when you were in hospital; is that right.

28 A. Yes. I heard the repeated broadcast of his speech's
29 statement.

1 Q. Over the radio, Gborie said the other ranks had taken over
2 the reins of government; is that correct?

3 A. Well, I am unable to tell you this is what he said. All I
4 heard is that I heard Gborie make a statement on radio.

11:20:43 5 Q. Corporal Gborie was one of the 17 who carried out the coup
6 on 25th May 1997, which overthrew the Kabbah government; wasn't
7 he?

8 A. I cannot talk for Corporal Gborie, if he was a member or
9 not. What I knew was that Corporal Gborie made an announcement.
11:21:10 10 I did not know if the 17 people that you called he was among
11 them, but I knew that he was not a footballer in the army.

12 Q. Let me get this right. You heard Corporal Gborie announce
13 the coup over the radio. Before that you had seen him driving
14 your father on the 25th. He comes to visit you in the hospital,
11:21:37 15 but you never asked him whether he was one the people who carried
16 out the coup; is that right?

17 A. My Lord, I want you to ask that question again.

18 Q. On the 25th, Corporal Gborie took your father away to fix a
19 firing pin. When you were in hospital, following your accident,
11:22:06 20 you also heard Corporal Gborie announce over the radio that the
21 Kabbah government had been overthrown. Corporal Gborie then came
22 to visit you in the hospital and asked you to come to a meeting.
23 Is that correct?

24 A. He met me at the hospital. He was not alone. But before
11:22:29 25 he went, people had already met me there to sympathise with me.

26 Q. I did not ask you whether he was alone. Kindly answer my
27 question. He met you at the hospital, didn't he?

28 A. Yes.

29 Q. Why didn't you ask him when you met him after you'd already

1 heard his announcement over the radio whether he was one of coup
2 plotters?

3 A. Well, I am telling you that I was not in that mind to ask
4 him, because he was a different soldier in this mood in which he
11:23:08 5 met me. I was not -- I was afraid of him.

6 Q. When you were taken to AFRC first meeting, you didn't ask
7 Corporal Gborie then who the coup plotters were?

8 A. I never asked him that question. I have told you that the
9 state of mind in which I was, I was afraid, and I was unwell.

11:23:40 10 Q. You may have been afraid and unwell, but were you not
11 curious who carried out this coup?

12 A. Well, really, I did not want to know about that, because I
13 had had an experience before which I had made to this Court when
14 they interviewed an officer of the Sierra Leonean Army in '92
11:24:11 15 regarding a coup, and he was killed. Because of that, I was
16 afraid. He was a soldier. But that soldier, whom you've
17 mentioned his name, I was afraid of him very much.

18 Q. We'll come back to the earlier soldier whom you heard got
19 killed and why you were afraid later. I put it to you that you,
11:24:34 20 as well as Corporal Gborie, was one of the 17 members of the army
21 and football team who carried out the coup which overthrew the
22 Kabbah government on 25th May 1997, weren't you?

23 A. Please, I beg. Repeat the question. It is too long.

24 Q. You, as well as Corporal Gborie, were one of the 17 coup
11:25:01 25 plotters who overthrew the Kabbah government on 25th May 1997,
26 weren't you?

27 A. No. I was not one of them. The ones whom you said they
28 overthrew are one of the people who, you say, overthrew the
29 government. I was not one of them.

1 Q. You still maintain that your nickname is not Gullit and you
2 don't play football?

3 A. I do not play football at all. And I am not the owner of
4 that name. I told you that my late brother is the one who has
11:25:44 5 that name; who was Komba Brima.

6 MR AGHA: With the permission of the Court, I'd would like
7 to show the witness a document.

8 Q. Now, this document which I'm going to show you, witness, is
9 a statement which has been made by Alfred Abu Sankoh, alias
11:26:18 10 Zagalo. I will be reading various portions of it to you and
11 seeking your comments?

12 MR FOFANAH: May it please Your Honour, we just want to
13 indicate that a lot of these statements that are coming in now
14 are strange to us. They coming in for the very first time. I
11:27:27 15 think the practice of this Court has been that documents that are
16 new to counsel are normally made available ahead of time so that
17 we will have the opportunity of looking at them for purposes of
18 disclosure. We just observe that similar to the previous
19 interview notes that were delivered to the Court, and on which
11:27:54 20 the witness was cross-examined, this one too is just coming in.
21 We are just seeing it for the first time.

22 PRESIDING JUDGE: What do you say to that, Mr Agha?

23 MR AGHA: Firstly, Your Honour, I would say that, so far as
24 I'm aware, I am unfamiliar that during cross-examination
11:28:12 25 documents had to be provided well in advance. I wasn't here at
26 the time when my learned friends were cross-examining, so I am
27 not in a position to comment about whether they also gave the
28 documents well in advance.

29 Secondly, as I indicated when I had requested my

1 adjournment, we are only now getting hold of these documents
2 because we needed the time, and our investigators needed the
3 time, to go to the relevant authorities which held these
4 documents and obtain them. As Your Honours may be aware, it is
11:28:49 5 quite a bureaucratic procedure in any country to obtain
6 documents, especially which are very old. We have only recently,
7 within a short period of time, obtained a number of these
8 documents ourselves. In that case, we have also had to try and
9 make sure they were authenticated and from the right place. It
11:29:14 10 is not as if we have been sitting on these documents, refusing to
11 hand them over. Even so, in my submission, I do not believe that
12 the Prosecution is obliged to hand over documents to the Defence
13 during a cross-examination. Although, as I've said, I was
14 unaware what the practice was in the past in this Court.

11:29:37 15 PRESIDING JUDGE: That practice only applied to new
16 evidence which the Prosecution was going to introduce. There is
17 no possible way that the Prosecution would have known in advance
18 that they were going to introduce these documents until such time
19 as the accused in the witness box gave evidence.

11:29:56 20 These documents are being used in cross-examination, not to
21 introduce new evidence, but to challenge evidence of the witness
22 that is already on record. I do not see any objection to the use
23 of those documents to challenge the witness's evidence. Go
24 ahead, Mr Agha.

11:30:16 25 MR AGHA: Thank you, Your Honour.

26 Q. Witness, do you have in front of you a document which is
27 headed "Sierra Leone Police Force"?

28 A. Yes.

29 Q. You will see there is a name, and that name is Alfred Abu

1 Sankoh, alias Zagalo; is that correct?

2 A. Yes.

3 Q. His occupation is listed as soldier, SLA 1816237, I
4 believe, S/Sergeant; is that right?

11:31:06 5 A. Yes.

6 Q. Now, after his age, I will read to you how the statement
7 starts.

8 "Statement commenced at 1215 hours on Friday the 27th March
9 1998 at Defence Headquarters building State Avenue
10 Freetown. I have been asked if I wish to say anything and
11 cautioned that I am not obliged to say anything unless I
12 wish to do so but whatever I say will be given in
13 evidence."

14 There are three signature blocks and one is for Alfred Abu
11:31:48 15 Sankoh, alias Zagalo, and the date underneath is 27 March 1998.
16 Do you see that?

17 A. Yes.

18 Q. I do not propose to read the whole of the statement to you.
19 Instead, I propose to read portions of the statement to you and
11:32:13 20 ask for your comments on those portions. Now, at the bottom of
21 the statement, there are actually page numbers. So I will refer
22 to the page number at the bottom of the statement, for example,
23 1, 2, 3, 4, 5, to indicate where I'm reading from.

24 A. Yes.

11:32:38 25 Q. If you could first turn to page 4. I will read to you from
26 the end of the fifth line.

27 "After the N.P.R.C. handed over power to the S.L.P.P.
28 Government however I went back to the Army Engineering Unit
29 in Wilberforce as a Sergeant. Whilst I was at the Army

- 1 Engineers around this time, I was now attached to the
2 office of a Civilian Employee, Mr Omaro Deen Sisay who was
3 then the Chief Store Keeper at the Army Engineers. At the
4 same time I was appointed as Coach for the Army Football
11:33:51 5 Team which was then camped and trained at the
6 Wilberforce Military Football grounds."
- 7 Just pausing there, you would agree that the army football
8 team was camped and trained at the Wilberforce military football
9 grounds at the time of this statement?
- 11:34:21 10 A. Which year was this statement obtained?
- 11 Q. This statement was obtained, and if we go to the final
12 page, which is page 21, where it has signed by Alfred Abu Sankoh
13 (alias Zagalo), 31 March 1998.
- 14 A. Yes, I have seen it.
- 11:34:51 15 Q. I didn't catch your answer.
- 16 A. No. The page that you referred me to, I have seen it. The
17 name that you referred me to, I have seen the name.
- 18 Q. Well, at this time, if you listen to what I read, it was
19 when the SLPP government was in power, and that was after the
11:35:12 20 NPRC government?
- 21 A. No.
- 22 Q. So the army football team, according to you, were not
23 camped and trained at the Wilberforce military barracks during
24 the SLPP regime?
- 11:35:42 25 A. The time that you mentioned here, I don't know whether the
26 team was camped on 31st March 1998. I do not know whether there
27 was any football team at the Wilberforce Barracks.
- 28 Q. I will try and explain to you, Mr Brima, and break it down.
29 The date of March 1988 is a date when the statement --

1 PRESIDING JUDGE: You are into 1988, now, Mr Agha.

2 MR AGHA:

3 Q. The date 1998, which we referred to at the end, and is
4 signed - signature block - is the date when the statement was
11:36:26 5 made. Now, the contents of the statement refers to matters prior
6 to that date. So everything I will be reading from this
7 statement is prior to 31st March 1998. Do you understand that?

8 A. Yes.

9 Q. Coming back again, just for clarification, do you agree
11:37:05 10 with me that when the SLPP government came into power, the army
11 football team was camped and trained at the Wilberforce military
12 football grounds?

13 A. I will still ask you which year? Are you referring to this
14 date? If you are referring to this date, then I will answer you.
11:37:31 15 If you are referring to the date.

16 Q. Well, when did the NPRC government come to an end?

17 A. I cannot recall the right date, but I know that it was in
18 1996.

19 Q. Would you agree with me that the SLPP government was
11:37:57 20 overthrown on 25th March 1997?

21 A. I won't agree with you, because I do not understand any
22 government that has that name, SLPP government.

23 Q. I will put it another way, the government of President
24 Kabbah was overthrown on 25th May 1997.

11:38:23 25 A. All I know is that AFRC came into power on 25th May 1997.

26 Q. And they replaced the Kabbah government; correct?

27 A. Well, that was the government that I saw that year, which
28 was the AFRC government.

29 Q. Let me put it to you quite bluntly: was the Kabbah

1 government in power before the AFRC government; yes or no?

2 A. Yes.

3 Q. So the time period we're talking about is 1996 when the
4 NPRC government handed over power to the Kabbah government, which
11:39:13 5 ended on 25 May 1997. So are we clear about the time period?

6 A. Yes.

7 Q. During that time period, was the army military football
8 team camped and trained at the Wilberforce military football
9 grounds?

11:39:37 10 A. Like what you said, they usually camped there.

11 Q. Thank you. Now, I would like to move on on the same page.
12 I will count the lines down from where we last left off. So the
13 last part I read to you was "camped and trained at the
14 Wilberforce Military Football grounds." If you go six lines down
11:40:12 15 in the middle, we have with the word "however."

16 A. I have got it.

17 Q. You found it?

18 A. Yes.

19 Q. I will read for you.

11:40:26 20 "However before this appointment I had made up my mind to
21 resign from the army for the reasons that (1) soldiers in
22 the other ranks Cadre were not been paid."

23 THE INTERPRETER: Your Honour, could counsel take that more
24 slowly so that I could do the interpretation.

11:40:48 25 MR AGHA: I apologise to the interpreter. I will try to go
26 a little bit more slowly.

27 Q. "(1) soldiers in the other ranks Cadre were not being paid
28 a good salary unlike the Senior Officers who enjoyed fringe
29 benefits. (2) we the other ranks i.e. from the rank of

1 Regimental Sergeant-Major to the lowest private soldier
2 were completely denied of so many privileges we should have
3 been enjoying whilst serving in the army. Examples of
4 those privileges were," it says then says (a) which I will
11:41:38 5 skip and I'll move straight to (b), which is two lines
6 down, "there were cases of soldiers killed in action at the
7 rebel war front and in no time families of those poor
8 victims would be ejected and removed from the barracks
9 quarters such soldiers had stayed before meeting their
11:41:59 10 deaths and following that, their families will have no
11 further encouragement from the army. (c) there was also
12 the burning issue of the monthly rice supply to the forces
13 which was inherited by the NPRC and SLPP governments from
14 the APC government. According to practice the army Private
11:42:29 15 soldier who earned a very small basic salary of Sixteen
16 thousand Leones initially got a bag of rice per month
17 whilst a full Corporal got two bags and three bags was the
18 usual supply for the rank of a Sergeant to which I had
19 reached. It reached a stage during the SLPP government
11:42:55 20 where no Junior soldier was now getting his normal supply
21 of rice and sometimes we got whatever amount of bags that
22 were made available to us very late. The same thing
23 happened with the payment of our salaries. Which were also
24 delayed and as for me, it reached a stage after the
11:43:16 25 Civilian government of President Ahmad Tejan Kabba took
26 over power. I was now only getting two bags of rice as a
27 Sergeant."
28 Now I will stop reading Mr Zagalo's statement there and I
29 will ask you: Do you agree with his comments about how the other

1 ranks in the Sierra Leone Army were being treated during the
2 period of the Kabbah government which we have already determined
3 is 1996 until 25th May 1997?

4 A. Well, I was not treated like that.

11:44:08 5 PRESIDING JUDGE: Mr, interpreter, I did not hear you could
6 you speak up, please. What was that answer?

7 THE WITNESS: Well, I was not treated like that.

8 MR AGHA:

9 Q. So you had no complaints about no salary, did you?

11:44:34 10 A. No.

11 Q. You had no complaints about how the families of those
12 soldiers who were killed at the front were being treated, did
13 you?

14 A. I did not have that complaint.

11:44:54 15 Q. You had no complaint about the fact that your rice
16 allowance was being reduced, did you?

17 A. When I used to get my own normal rice quota per month, they
18 used to give me. I don't know about the soldier who made this
19 statement but for me they gave me mine.

11:45:17 20 Q. I will continue reading another part of that statement and
21 where we left off - we had sergeant two bags of rice as a
22 sergeant - and if we read three lines down at the end we have the
23 reasons. Do you have that?

24 A. Yes.

11:45:39 25 Q. I will read that for you.

26 "The reasons outlined above brought about much
27 disgruntlement within the sector of the other ranks in the
28 army and added to this issue -- to this, the issue of the
29 Kamajors was another thing that finally discouraged we, the

1 soldiers under the regime of the SLPP. I recall that
2 initially when the Kamajor Civil Defence unit was formed by
3 the government, its members helped us pursue the rebel war
4 and we in fact fought side by side with them. However, it
11:46:27 5 reached a stage when the Kamajors turned their guns against
6 us and soldiers were now being killed by Kamajors. The
7 reason for this was simple, because the Kamajors as a Civil
8 Defence unit tried to equate their stand in the government
9 to ours and now treated us as if they thought we were no
11:46:57 10 more than a constituted army of Sierra Leone. It came to a
11 time when a Kamajor killed a soldier, no action will be
12 taken by the authorities but when a soldier killed a
13 Kamajor, that soldier will definitely be taken to the
14 Pademba Road Prisons."

11:47:25 15 So, would you agree with Mr Zagalo that there was
16 disgruntlement in the other ranks during the SLPP government?

17 A. Yes.

18 Q. Would you agree that one of these factors was that the
19 Kamajors were now trying to equate their stand to that of the
11:47:52 20 constituted army of Sierra Leone?

21 A. Well, all I know is that Kamajors used to kill soldiers and
22 I knew of one soldier who was hurt on his face and his eye got
23 bust and his name was Corporal French.

24 Q. So you as a soldier, you must have been angry that a
11:48:20 25 Kamajor could attack a soldier; weren't you?

26 A. Individually when I was at college, I had all facilities, I
27 particularly never was never angry about that.

28 Q. You did not mind the fact that a Kamajor could just go and
29 injure an SLA soldier and get away with it?

1 A. Well, it is not that I don't mind some of these things, see
2 I did not know about them.

3 Q. I would like to move on and read you another part from this
4 statement and where we finished last time it was to be taken to
11:49:14 5 the Pademba Road Prison. If we could then now move, ten lines
6 down from there and start at the eleventh which starts with "most
7 of the soldiers."

8 A. Yes.

9 Q. I will read for you. "Most of the soldiers retired had
11:49:45 10 served the army for more" --

11 THE INTERPRETER: Could learned counsel take that line
12 again, please.

13 MR AGHA: Certainly.

14 "Most of the soldiers retired had served the army for more
11:50:00 15 than thirty years and after their retirement, they were not
16 paid any salary for a number of months and when their
17 retirement benefits were finally paid, it was a mere Four
18 thousand Leones and four bundles of zinc to each retired
19 soldier and nothing more. There was a lot of grumbling
11:50:29 20 from both the retired soldiers and members of the their
21 families and even serving members were not happy about the
22 way the old men who had suffered in the army were treated."

23 Q. I will pause there. You have already told the Court that
24 your father served had 30 years in the army, hadn't you?

11:50:57 25 A. Yes, more than 30 years.

26 Q. And he had retired after a distinguished military career,
27 hadn't he?

28 A. Yes.

29 Q. I put it to you you felt your father was not getting decent

1 treatment by the government, just as Mr Zagalo is saying about
2 other retirees?

3 A. My and my father did not sit together and discuss that and
4 I told you that my father was a disciplined man. He was a man of
11:51:42 5 his own way.

6 Q. But you grew up in Wilberforce Barracks, didn't you?

7 A. Yes.

8 Q. Your father was living in Wilberforce barracks wasn't he?

9 A. Yes.

11:51:59 10 Q. Many of the soldiers of the other ranks you knew were
11 living in Wilberforce Barracks, weren't they?

12 A. It was not Wilberforce alone.

13 Q. Some were living in Wilberforce, weren't they?

14 A. Yes.

11:52:11 15 Q. Some of those soldiers also had parents who were living at
16 Wilberforce Barracks didn't they?

17 A. Yes.

18 Q. So your telling me that you didn't discuss amongst your
19 fellow soldiers from Wilberforce about the poor treatment which
11:52:32 20 your retired fathers were receiving from the government?

21 A. At all not. I was not at Wilberforce Barracks. I would
22 come to visit my father once in awhile -- I was.

23 THE INTERPRETER: Your Honours, would the witness repeat
24 the last bit of his testimony.

11:52:54 25 PRESIDING JUDGE: The last bit from where, Mr interpreter?

26 THE INTERPRETER: From the peninsula.

27 PRESIDING JUDGE: Mr Brima, the interpreter did not get all
28 of your last answer. From the word "peninsular" onward, could
29 you say again what you just said.

1 THE WITNESS: I said I was not based at Wilberforce
2 Barracks, I was based at 7 Battalion, there I had a quarter.
3 That is the Goderich Barracks which was at the western part of
4 Freetown going to the peninsula. There I was staying.

11:53:42 5 Q. You went to Wilberforce Barracks though to visit, didn't
6 you?

7 A. Once on awhile I would go and visit my dad.

8 Q. You had brothers serving in the army at that time, didn't
9 you?

11:53:59 10 A. Yes.

11 Q. So you are telling me that no other soldier or brother ever
12 grumbled to you about the poor treatment which their retired
13 parents were receiving from the government, never raised?

14 A. I and no one did not stand together and discuss this sort
11:54:26 15 of things.

16 Q. No one raised it with you at all, none of your colleagues?

17 A. I will not be able to recall that.

18 Q. I would like to move on and read you another portion of
19 Mr Zagalo's statement. Last time we were on page 5 and if I can
11:54:55 20 kindly move you to the next page which is page 6?

21 A. Yes.

22 Q. If you can count from the seventh line from the top, it
23 starts with the word "after I was appointed."

24 A. Yes.

11:55:17 25 Q. I will read for you. This is Mr Zagalo, it's his statement
26 so it's his words.

27 "After I was appointed as Coach for the army team I carried
28 out a series of test matches at the Wilberforce football
29 field and from their performances a total of twenty-five

1 men were finally selected to form the army football team.
2 These footballers were a combination of soldiers and a few
3 civilians employed by the army in various sections. After
4 the selection exercise, the 25 selected players were
11:56:11 5 finally camped in one of the billets at the Wilberforce
6 Barracks and also held their practice matches at the nearby
7 football field in the said barracks. Whilst this exercise
8 was going on, grumbling by the soldiers continued and the
9 footballers also who were mostly soldiers were deprived of
11:56:41 10 many privileges they were supposed to have been enjoying."

11 Now, I will stop there. Now, you were one of those 25
12 selected footballers, weren't you?

13 A. No.

14 Q. You were one the footballers who was grumbling and was
11:57:17 15 disgruntled about your treatment, weren't you?

16 A. No.

17 Q. I will take you further on in the statement. We were at
18 page 6 when I was last reading and I would then like you to turn
19 over to page 7. And you will see about 17 lines from the top,
11:57:49 20 which is about halfway down the page, and it starts "I had
21 known."

22 A. Yes.

23 Q. I will read to you what Zagalo says.

24 "I had known Sgt. Alex Tamba Brima and Lance-Corporal Tamba
11:58:19 25 Gborie as colleague soldiers in the army for quite a long time.
26 Both soldiers have been my friends and I used to see them quite
27 frequently. In fact, they were always with me at the training
28 camp in Wilberforce. I even remember seeing them on the 23rd of
29 May 1997 at the Wilberforce football camp."

1 So, Mr Brima, what do you have to say about that?

2 A. This statement -- what this -- it was not like that. I did
3 not go to the football match 23 May 1997 at all.

11:59:18

4 Q. You were not there at any football match. Let's break it
5 down one by one. You were a colleague soldier of Zagalo; is that
6 correct?

7 A. Ask me that question again.

8 Q. You were a colleague soldier with Zagalo; correct?

11:59:53

9 A. No, he wasn't my friend. He was more -- he was an elderly
10 man compared with me.

11 Q. So he wasn't your friend, according to you?

12 A. At all. I, when I was going to school I knew him when he
13 had been in the army. He is an elderly man.

12:00:17

14 Q. So Zagalo didn't see you or Gborie on 23 May 1997 at the
15 Wilberforce football camp; is that what you are saying?

16 A. This is what I'm saying.

17 Q. So Gullit, a football nickname and Zagalo, a football
18 nickname, but you are not friends?

12:00:47

19 A. Gullit is not my name, I have told you that, that that name
20 belonged to my late brother, Komba. I and Abu Sankoh, who you
21 are talking about, we were not best friends or friends.

22 Q. I will continue to read where I left off. We were at the
23 football camp and if we then move four lines down on the same
24 page? We just discussed about the 23 --

12:01:15

25 A. Yes.

26 Q. So now I will read for you.

27 "The following morning May 24th 1997, which was on a
28 Saturday, I called up a total of seventeen men, including
29 Sgt. Alex Tamba Brima, Lance-Corporal Tamba Gborie and members of

1 the army football team, and whilst we were gathered in the billet
2 at the Wilberforce Barracks, where the footballers were camping,
3 I took my time and explained my dream to them. No sooner I
4 finished explaining this dream, Cpl. George Adams suggested to us
12:02:09 5 that we must go for the Senior officers. In reply to his
6 suggestion, I enquired as to how we were going to do this without
7 having arms. I continued by saying that we should first of all
8 arrest the Senior officers at the Military headquarters in
9 Cockerill and suggested that we should move on the following
12:02:39 10 morning May 25th which was on a Sunday. Everyone in the group of
11 seventeen agreed to this suggestion."

12 So, if we break this down, you were one of the 17 members
13 of the football team who met Zagalo on 24th May 1997; weren't
14 you?

12:03:11 15 MS THOMPSON: Your Honour, I object to that question. My
16 learned friend is asking questions of something he's read out and
17 he doesn't say anything about Sergeant Alex Tamba Brima who I
18 assume my learned friend is saying is this witness was a member
19 of the football team. The sentence is "who" if I start: The
12:03:28 20 following morning, May 24th, 1997, which was on a Saturday, I
21 called upon a total of 17 men including - he names two people of
22 which Sergeant Alex Tamba Brima is one and members of the army
23 football team. He does not say they were members of the army
24 football team, he says "and" which means, in my humble
12:03:55 25 submission, these two people and then the members of the football
26 team, not that they were included as members of the football
27 team.

28 PRESIDING JUDGE: Yes, Mr Agha.

29 MR AGHA: I stand corrected and I am sure the point of

1 whether Sergeant Alex Tamba Brima is a footballer will be come
2 across later, so I will rephrase the question, Mr Brima.

3 Q. On the morning of 24th May, 1997, were you one of the 17
4 men who was gathered by Zagalo in the billet at the Wilberforce
12:04:33 5 Barracks?

6 A. I have told you that I am not a footballer and that I was
7 not one of the people who were gathered by Abu Sankoh at
8 Wilberforce Barracks.

9 Q. So Zagalo is lying then when he is saying this?

12:04:50 10 A. Yes.

11 Q. Okay. I will continue to read where I left off. That was
12 after the word "suggestion" at the bottom of the page. Do you
13 have that?

14 A. Yes.

12:05:13 15 Q. "The 17 of us who met at the billet in Wilberforce Barracks
16 and made this arrangement were as follows (1) WO II Franklyn
17 Conteh w0 II Samuel Kargbo (3) Sgt. Alex Brima (4) Sgt. Ibrahim
18 Bazy Kamara (5) Sgt. Brima Kamara (6) Sgt. Moses Kabia alias
19 Rambo (7) Sgt. Sullay Turay (8) Cpl. Mohammed Tarnue, alias 55
12:06:19 20 (9) Cpl. Momoh Bangura (10) L/Cpl. Foday Kallay (11) L/Cpl. Papa
21 Bangura alias Batuta (12) L/Cpl. Tamba Gborie (13) Cpl. George
22 Adams (14) Ex. SSD Officer Hector Lahai (15) Civilian Bioh Sisay
23 (16) Abdul Sisay, who was a civilian worker in the army and (17)
24 myself, Abu Sankoh, alias Zagalo. During this meeting all the
12:07:19 25 members named above unanimously agreed to go to the Military
26 Headquarters in Cockerill early in the morning of 25th May 1997
27 and we also decided that we will get the arms for this operation
28 at Cockerill."

29 In this statement Zagalo names as number three Sergeant

1 Alex Brima. That is you, isn't it?

2 A. I have told this Court that I am not Alex Brima. You see
3 how the names are coming? Alex Brima Tamba, Alex Brima, so you
4 should know that, really, the way -- how they play with the name
12:08:09 5 that is not what's my name. And I was not the one that held the
6 meeting with him.

7 Q. So according to you, you were not one of the 17 who met
8 Zagalo at Wilberforce Barracks, as I just read?

9 PRESIDING JUDGE: He has already said that before, that he
12:08:29 10 wasn't one of those 17.

11 MR AGHA:

12 Q. What about number four, Sergeant Ibrahim Bazy Kamara;
13 that's accused number two, isn't it?

14 A. The second accused, I did not know him by this name. I
12:08:52 15 have told you that I knew him as Sergeant Ibrahim Kamara and he
16 was a driver in the army.

17 Q. What about number 8, Corporal Mohammed Kanu, alias
18 Five-Five, that is accused number three, isn't it?

19 A. No. This accused number three his name is not Mohammed,
12:09:13 20 and when they -- the person who made the statement said that we
21 held a meeting, this accused number three, when he left Liberia,
22 he came to Mile 91 at Camp Charlie, and his name is not Mohammed
23 Kanu, alias Five-Five. You yourself have seen now the way people
24 give us different names.

12:09:42 25 Q. Earlier, before I started reading Mr Zagalo's statement, I
26 read through the list [microphone not activated] coup plotters as
27 named as witness TF 334 being members of the army football team?
28 Do you remember that.

29 A. I can recall when he read that, but the names that you

1 called, I'm telling you that I was not a member of the football
2 team.

3 Q. I'm only asking you if you remember, so you remembered;
4 right?

12:10:18 5 A. Yes.

6 Q. Now would you agree with me that the names of most of those
7 people who I read out to you from witness TF 334 are almost the
8 same as these names which I have just read out to you in
9 Mr Zagalo's statement number one to 17?

12:10:49 10 A. No.

11 Q. How many are different? All are different names?

12 A. Yes. Here I see Mohammed Kanu, Corporal Mohamed Kanu and
13 here I see Lance-corporal as S/Corporal Tamba Gborie. I did not
14 know him as Tamba Gborie, so what you have there and what is here
15 are two different things that you read.

12:11:11

16 Q. I put it to you that both of those names, according to the
17 Prosecution, the third accused and Tamba Gborie were both names
18 which were read out earlier by me to you from the evidence of
19 witness 334. That is right, isn't it?

12:11:33

20 MR MANLY-SPAIN: May it please, Your Honour. Earlier the
21 name read as that of the third accused was Corporal Santigie
22 Kanu, not Corporal Mohammed Kanu. So it is not right for my
23 learned friend to put that question that the same name had been
24 read before.

12:11:56

25 PRESIDING JUDGE: All right. Thank you, Mr Manly-Spain.
26 Yes Mr Agha.

27 MR AGHA: Point taken.

28 Q. I think the easiest way to do it: you see the names of the
29 17 listed in front of you by Mr Zagalo? You can see them there?

1 Which one of those names was not a part of the name read out to
2 you in the evidence of witness TF-334; all of them, half?

3 A. Please ask that question again. And I want to know what
4 you meant by the word half. I will answer you, sir.

12:12:40 5 Q. Half is 50 per cent. Do you understand 50 per cent?

6 PRESIDING JUDGE: I'm just wondering where this is going,
7 Mr Agha. Is this a memory test for the witness? Are you asking
8 him to remember what was said some time ago and compare 17 names?
9 Now you are asking him to nominate percentages of the names that
10 tally with the previous list that was read out.

12:13:13

11 MR AGHA: It may be easier if I re-read to him the names
12 that TF-334 read out in his evidence and ask him whether any of
13 those tally with any of the names in this statement.

14 PRESIDING JUDGE: What are you hoping to prove when he said
15 he was wasn't part of the group, anyway? Is it just an exercise
16 in his powers of observance?

12:13:29

17 MR AGHA: It is an exercise in the credibility of 334 that
18 he is also corroborating the statement of Zagalo of who were the
19 footballers who made up the coup. Because it is denied
20 categorically by the accused that the footballers and he were
21 never coup makers. Whereas witness TF-334 has named those
22 people, and other witnesses also name they were footballers.
23 This is a statement of Mr Zagalo, a footballer. So it is to see
24 if there is any link between the two.

12:13:52

25 PRESIDING JUDGE: Surely the most expeditious way to do
26 that is for you to simply put to him the differences that he says
27 he doesn't observe, rather than try to get him to remember from
28 that previous list.

12:14:12

29 MR AGHA: I can do that, Your Honour.

1 MS THOMPSON: Before my learned friend goes on. Just on
2 that point, I think the evidence of this witness has been
3 throughout that he does not know who these coup plotters are.
4 Whether my learned friend reads names to him and tells him which
12:14:46 5 one is, it does not take us further as far as the evidence is
6 concerned. He is trying to compare the names that 334 said with
7 the names Zagalo had said before. If the witness is insistent he
8 wasn't part of it and he does not know who was part of it, then
9 I'm not sure what my learned friend is seeking to gain by this.

12:15:04 10 MR FOFANAH: Excuse me, Your Honours.

11 PRESIDING JUDGE: Let's deal with one objection at a time.
12 Mr Fofanah, we'll come back to you. Ms Thompson is now objecting
13 on the grounds of relevance, Mr Agha.

14 MR AGHA: I would say, Your Honour, it is highly relevant
12:15:20 15 because another main issue in this case is who carried out the
16 coup. Now, according to the accused, he was not one of the
17 people who plotted the coup. He was not one of the people who
18 carried out the coup, and he had nothing at all whatsoever to do
19 with the coup. The Prosecution's case was that he was indeed one
12:15:41 20 of members who plotted the coup, carried out the coup, and
21 assumed a senior role in the AFRC government pursuant to that.

22 The Prosecution is leading evidence from numerous sources
23 to show that there are numerous witnesses who controvert the
24 position of the accused, and that he was actually a coup plotter.
12:16:03 25 We are putting these pieces of evidence to the accused to see if
26 time and time, and time and time again he is going to continue to
27 reject them. We are putting the Prosecution's case to him in
28 that way.

29 PRESIDING JUDGE: So far you haven't really put involvement

1 to him. You are just asking him to compare two lists of names.
2 It is going to go on further from there, is it?

12:16:42 3 JUDGE SEBUTINDE: Mr Agha, let me also add that the list
4 stated by witness TF-334 is a matter of record; it is already on
5 the record. The names you have now read out from this statement
6 are also a matter of record. Now, to ask this witness to
7 compare, to me, is really not adding value, if you like. This is
8 something the Bench can do. We have these names listed. We can
9 compare and see the differences, if any. Maybe some of these are
12:17:06 10 things you can bring out in your submissions later, to say
11 whether this witness corroborated the other or didn't. Really,
12 to ask this witness now to agree with you that they corroborate
13 each other, I think, is not adding value. That is my opinion.

14 MR AGHA: Thank you for your guidance, Your Honours. I
12:17:30 15 will move on.

16 PRESIDING JUDGE: We are not out of the woods yet, Mr Agha.
17 We won't permit that line of questioning any further. But we now
18 revert back to Mr Fofanah, who has an objection as well.

19 MR FOFANAH: Thank you very much, Your Honour. It is just
12:17:42 20 on this point of my learned friend colleague consistently
21 referring to what is before the witness as a statement of a
22 certain Mr Abu Sankoh, alias Zagalo.

23 What we have before us is just what I would call a document
24 that is purported to be made by a certain person by the name of
12:18:07 25 Alfred Abu Sankoh, alias Zagalo. It has not been ascertained by
26 this Court, as a matter of fact, as to whether he was in fact the
27 maker of that statement. It is not in evidence. It has not been
28 exhibited. It is unsigned, and we have a number of problems with
29 this particular document. At the very least, he has given the

1 impression that this is a statement which was made by somebody
2 whose name has come up before this Court by several witnesses and
3 that it is, as a matter of fact, his statement. I mean, it is
4 not in evidence. We will submit, most respectfully, if counsel
12:18:48 5 is going to be referring to this statement in the future, at
6 least the word alleged be added to reference the statement,
7 because it has not been admitted as a statement of Mr Abu Sankoh,
8 alias Zagalo.

9 PRESIDING JUDGE: Mr Fofanah, do you say that the
12:19:13 10 Prosecution cannot ask the witness if he agrees with facts in the
11 statement?

12 MR FOFANAH: No, I'm not saying that My Lord.

13 PRESIDING JUDGE: Because that is all that Mr Agha has been
14 doing. He has simply been reading out various passages and
12:19:23 15 asking the witness if he agrees.

16 MR FOFANAH: Your Honour, with every respect, I can recall
17 not once or twice Mr Agha putting to the witness as to whether
18 Abu Sankoh was lying, or whether he was not saying the truth.

19 PRESIDING JUDGE: Isn't that another way of asking him if
12:19:41 20 he agrees or not?

21 MR FOFANAH: As Your Honour pleases. I'm just saying that
22 at least that has to be noted, that this particular document is
23 not an exhibit before this Court, and it has just been brought
24 from somewhere strange.

12:19:55 25 PRESIDING JUDGE: All right. Mr Fofanah, I have noted your
26 submission. What do you say to that, Mr Agha?

27 MR AGHA: As Your Honour rightly observed, I'm just reading
28 to the accused portions of his statement and I'm asking him for
29 his comments on the portions of that statement. We haven't yet

1 reached the stage where I have asked for this document to be
2 tendered as an exhibit. I would have thought that would be the
3 appropriate time to raise any objections there may be regarding
4 whether it ought to be admitted as an exhibit or not. The
12:20:31 5 accused can simply say he agrees or doesn't agree.

6 PRESIDING JUDGE: Yes. I must confess, I have lost track
7 of the exact question you were objecting to, Mr Fofanah. What
8 was it again?

9 MR FOFANAH: Your Honour, I was saying that on a number of
12:20:54 10 occasions, my colleague on the other side has been referring
11 to --

12 PRESIDING JUDGE: I'm sorry, rather than get you to repeat
13 it again, I'm with you now. Thank you, Mr Fofanah.

14 MR FOFANAH: As Your Honour pleases.

12:21:07 15 PRESIDING JUDGE: I find that Mr Agha has not been making
16 any improper use of this statement. He is simply asking the
17 witness if he agrees with certain allegations that are mentioned
18 in the statement. It is up to the witness to answer yes or no;
19 whether he agrees or not. So I will not rule that you can't do
12:21:32 20 that, Mr Agha.

21 MR AGHA: Thank you, Your Honour. I shall proceed. Sorry,
22 I forget where I was.

23 PRESIDING JUDGE: We had got to the stage where I had said
24 you cannot ask this witness to compare two lists. As Justice
12:22:07 25 Sebutinde pointed out, the other list from 334 is a matter of
26 record, in any event, and the Court is quite capable of making
27 its own comparisons.

28 MR AGHA: Thank you, Your Honour. I think the last word I
29 mentioned was Cockerill, and that is still on page 8. It is

1 approximately 11 lines from the top.

2 Q. I would now like to read to you, witness, three lines on
3 from Cockerill which starts, "On Sunday."

4 A. Yes.

12:22:49 5 Q. "On Sunday morning 25th May 1997 at about 6 a.m. we all met
6 at Cockerill. We all went through the main gate and met
7 Cpl Gborie who was then on duty. After we assembled, the
8 seventeen of us were all present and we wasted no time in
9 heading toward the arms store. We met no soldier at the
10 arms store and the door was not locked with padlock and key
11 we simply walked in and collected the arms we needed."

12 Mr Brima, what do you have to say about that?

13 A. All I have to tell is that it is a lie. The time that this
14 individual mentioned, I was in my house with my wife at the 7th
15 Battalion.

12:23:54

16 Q. Okay. I would now like to read to you another portion from
17 the statement on the same page. If we go from the bottom of the
18 page, it is five lines from the bottom which starts: "When the
19 operation."

20 A. Yes.

12:24:16

21 Q. "When the operation started all the soldiers were taking
22 orders from me and L/Cpl Gborie in fact went to the SLBS on
23 my instruction whilst Sgt Alex Tamba Brima was posted at
24 Wilberforce Military Barracks."

25 What do you have to say about that?

12:24:46

26 A. I have to tell you that is a lie. The time that was
27 mentioned, which you have read saying that I was posted, I was at
28 the 7th Battalion.

29 Q. Just away from the statement a moment, didn't also witness

1 153 say he saw you at the Wilberforce Barracks on 25th May?

2 A. I did not go to Wilberforce barracks on 25th May.

3 Q. So witness 153, who knew you from childhood, he was
4 mistaken when he saw you at Wilberforce Barracks on 25th May?

12:25:39 5 A. I told you that that man was mad. I know he did not come
6 here to say the truth, because he did not see me there.

7 Q. I will move on with the statement of Mr Zagalo. We are now
8 on page 9. Just at the top of the page I will read:

9 "After deploying some of the coup leaders, I collected a
12:26:12 10 large group of soldiers which included Sgt. Ibrahim Bazy
11 Kamara, Cpl Foday Kallay and we headed for Pademba Road
12 Prisons at around 7.00 am."

13 What do you have to say about that?

14 A. What I will say first is that it is a lie. Because this
12:26:40 15 first page that you read, it said Lance-Corporal Foday Kallay.
16 Now I see Corporal Foday Kallay here. I do not have any idea
17 about this which you are reading.

18 Q. What about Sergeant Ibrahim Bazy Kamara? Do you know that
19 person?

12:26:57 20 A. I do not know Ibrahim Bazy Kamara. I know him as Sergeant
21 Ibrahim Kamara. I have been telling this Court that I do not
22 know him by that name Bazy.

23 PRESIDING JUDGE: Look, Mr Agha, you have obtained from the
24 witness his very definite denials that he was part of the 17 who
12:27:25 25 took part. I think you should move on from this line of
26 questi oning.

27 MR AGHA: I would now like to show the witness another
28 statement with the permission of the Court. But prior to moving
29 on to that statement, I would request that this Court exhibit

1 that last statement which I have been reading from Mr Zagalo.

2 PRESIDING JUDGE: Does Defence have anything to say on
3 that?

4 MS THOMPSON: Yes, Your Honour. We object to this
12:28:23 5 statement being exhibited for the following reasons. Firstly,
6 this is an extraordinary confessional statement of a capital
7 offence made by a person this Court has heard evidence about that
8 was tried, found guilty and executed for treason. The origin of
9 this statement is unknown. I can guess that it was taken by
12:28:55 10 police officers, but it was not taken at a police station but at
11 the Defence headquarters. The statement alludes to the planning
12 and execution of the coup, which is directly related to the
13 indictment, particularly paragraphs 23, 26 and 29 of the
14 indictment. Having said that, this accused person and the two
12:29:21 15 others are not here being tried for treason. One assumes that
16 the whole issue about who took part in the coup is merely here as
17 some sort of preparatory work as to their role in the later
18 events.

19 The pages are unsigned and they contain evidence of things
12:29:43 20 which have already been before this Court in detail by witness
21 334, alluded to by witnesses 184, 153 and 167. They say who in
22 their view were the people involved and my learned friend has
23 himself acknowledged that this has been before this Court,
24 certainly in relation to witness 334.

12:30:12 25 The fact that this material goes to the indictment and goes
26 to issues which were disclosed to us earlier, much earlier before
27 this trial started, means that, in my humble submission, this
28 statement could have been obtained before and should have been
29 disclosed to us. Rather, it is not new information. It is

1 repetitive, it is cumulative and, in my submission, it adds
2 nothing to the charges, especially bearing in mind, as I said
3 before, this witness is not being tried for treason.

4 I would refer Your Lordships to the international criminal
12:30:57 5 evidence, in particular paragraph 7.83 at page 240 on cumulative
6 and repetitive evidence and it reads: "Trial Chambers have
7 repeatedly affirmed that cumulative or repetitive evidence will
8 not be admitted. Thus, in Kordic and Cerkez, the Trial Chamber
9 refused to admit documentary evidence that had come into the
10 Prosecutor's possession late in the trial. The Prosecution had
11 been given access to these documents" --

12 THE INTERPRETER: Your Honour, could counsel please take
13 that carefully so we could interpret it to the witness.

14 MS THOMPSON: I beg your pardon. Is there a particular
12:31:51 15 point I could start from?

16 THE INTERPRETER: Last two lines, Your Honour.

17 MS THOMPSON: Thank you. "Thus in Kordic and Cerkez, the
18 Trial Chamber refused to admit documentary evidence that had come
19 into the Prosecutor's possession late in the trial." And then
12:32:16 20 goes on to say how it had come to the Prosecutor's possession.
21 The important thing in that same paragraph is that the Prosecutor
22 argued that the documents were pertinent to establish an
23 international armed conflict. However the Trial Chamber found
24 many of them cumulative and repetitive and found that they did
12:32:38 25 not add anything to the voluminous material already in evidence.

26 In my humble submission, Your Honours, this material is
27 cumulative and repetitive. We have heard long evidence on who
28 was involved, who was a member of the football team, who was
29 there, who wasn't, who made announcement. We have been served

1 documents on this before. Your Honour, in my submission, this
2 adds nothing to it.

3 Also, in my submission, I will say that this -- I started
4 off by saying for a capital offence it is an extraordinary
12:33:16 5 confessional statement. In my humble submission, it is
6 unreliable and its authenticity has not been ascertained. Unless
7 Your Honours wish me to say anything further. That is all I wish
8 to say at the moment.

9 PRESIDING JUDGE: Thank you, Ms Thompson. Do you wish to
12:33:33 10 reply, Mr Agha?

11 MR MANLY-SPAIN: May I please, Your Honour.

12 PRESIDING JUDGE: Yes, Mr Manly-Spain.

13 MR MANLY-SPAIN: Your Honour, I wish to make a point on
14 behalf of the third accused. I wish to submit that proper
12:33:42 15 foundation has not been laid for the tendering of this document.
16 The Court does not know its origin. Secondly, the statement
17 apparently refers to the third accused who would not have any
18 opportunity of cross-examining the maker or the taker of this
19 statement. And finally, I respectfully submit that it is -- it
12:34:20 20 would be more prejudicial to the third accused than having
21 regards to its probative value. Therefore, I respectfully submit
22 that it should not be admitted.

23 PRESIDING JUDGE: Yes, thank you. Yes, Mr Agha.

24 MR AGHA: Yes, Your Honour. Firstly, I would deal with the
12:34:45 25 observations made by learned counsel for the third accused. This
26 Court has already ruled that because this is a joint trial and
27 that the various aspects of this trial overlap and affect each of
28 the accused, that on that basis all of the Defence counsel can
29 cross-examine the witness even if he is not their own witness.

1 So on that basis I do not believe --

2 PRESIDING JUDGE: No, I wasn't quite sure that we said
3 that. Because they did not call the witness, they can
4 cross-examine, but what we ruled was that because the evidence of
12:35:32 5 this witness can impact on all three accused, they all had a
6 right to object to questions put by the Prosecution in
7 cross-examination.

8 MR AGHA: Yes, Your Honour, I stand corrected. But at
9 least, I think, it is found that the evidence can impact upon all
12:35:49 10 three accused and that is a legitimate reason as to why they all
11 have the ability to object.

12 Now, turning back to the question of admissibility,
13 relevance and other issues, the Prosecution would submit that
14 this statement is a highly relevant document. One of the reasons
12:36:15 15 why it is a highly relevant document is because it is the first
16 evidence from actually one of the individuals who actually took
17 part in the coup. It is a first hand account of how it came
18 about. We have heard evidence that there was a coup and it was
19 by various individuals, but as the learned Defence counsel have
12:36:45 20 pointed out, those individuals were not there. This is the first
21 piece of evidence given by someone who was present. It is,
22 therefore, directly relevant and I would actually put this
23 particular statement in the same category of the statement that
24 arose after the Fofana -- which actually led to the Fofana Appeal
12:37:17 25 Decision. This is an unsigned statement. It is correct. When
26 he says it has no foundation, that is not true. It is referred
27 to in the Truth and Reconciliation report. That is how we
28 managed to track it down. It is new evidence for the Prosecution
29 that has come at a late stage. The learned Defence counsel have

1 a right to cross-examine on any aspect of that document they feel
2 they want to.

3 And my final submission is that ultimately under Rule 89(C)
4 the question is: Is it relevant? The reliability, the weight
12:38:09 5 and other such matters, professional judges sitting in that
6 capacity can determine. The key question as laid down by the
7 Fofana Appeals Decision and indeed followed by this learned
8 Chamber is that evidence is admissible once it is shown to be
9 relevant. The question of its reliability is determined
10 thereafter and is not a condition for its admission.

11 It is a Prosecution submission that there is no doubt that
12 this issue of who committed the plot of the coup is very
13 relevant, but it also goes to the credibility of the witness. He
14 has been saying throughout he is not a footballer; he is not a
12:38:52 15 part of the coup; he had nothing to do with it; he was sitting at
16 home. That is a key issue. If it is found that he was one of
17 the coup makers, it is not the Prosecution's case that we want to
18 try him for treason. What we are saying is, he has been lying.
19 If he has been lying throughout, that it will effect the whole
12:39:14 20 body of his evidence. The Prosecution submission is that that
21 document is highly relevant for that purpose and it ought to be
22 admitted and it is for the Honourable Trial Chamber to determine
23 whatever weight should be given to that document.

24 PRESIDING JUDGE: Yes, thank you, Mr Agha.

12:39:28 25 MS THOMPSON: May I just say something in reply to my
26 learned friend. He mentioned that this was a first hand account.
27 That only goes to reinforce the point I was trying to make on the
28 best evidence rule. If it is a first hand account, and on the
29 face of it when one reads it it appears to be so because it

1 appears to be by someone who says he was part of the coup who is
2 no longer living. Paragraphs 23, 26 and 29 allege that these
3 three men were members of the group that staged the coup, all the
4 more reason why it is a document which should have been seen
12:40:03 5 before. But also the witness 334 gave extensive evidence and
6 this adds nothing to it and if they could only have tracked it
7 down through the TRC report, the TRC report has been out for over
8 a year. They could have tracked it down earlier. Given this to
9 us for us to make our own investigations to look into it and then
12:40:23 10 be able to weigh up the information contained therein. At the
11 moment we have just seen this for the first time today. We have
12 never seen it before and if it is that important to their case,
13 and was [indiscernible] report which has been out for a year,
14 this should have been done earlier and my respectful submission -
12:40:37 15 I am repeating what I said before - it is cumulative and
16 repetitive.

17 PRESIDING JUDGE: That is all right. We're going to break
18 for lunch now. Mr Brima, do not speak about the evidence to
19 anyone.

12:40:58 20 THE WITNESS: Yes, My Lord.

21 PRESIDING JUDGE: We'll adjourn the Court until 2.15.

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

23 [AFRC29JUN06B-RK]

24 [Upon resuming at 2.35 p.m.]

14:33:08 25 PRESIDING JUDGE: We note the Defence objections to the
26 admission of the document in question and we also note the
27 Prosecution reply. It was said by the Appeals Chamber in the
28 Fofana Appeal against a decision refusing bail. The decision
29 dated 11 March 2005. "The fact that a statement is

1 unauthenticated does not make it necessarily unreliable.
2 Especially where the identity of its maker and the fact that she,
3 he, made it are not in dispute, but the fact that both documents
4 were relevant meant that they should have both been admitted for
14:34:20 5 what they were worth when their probative value could be assessed
6 in the context of all other evidential material. Rule 89(C)
7 ensures that the administration of justice will not be brought
8 into disrepute by artificial or technical rules often devised for
9 jury trial which prevent judges from having access to information
14:34:54 10 which is relevant. Judges sitting alone can be trusted to give
11 second hand evidence appropriate weight in the context of the
12 evidence as a whole and according to well understood forensic
13 standards. The rule is designed to avoid a sterile legal debate
14 over admissibility."

14:35:24 15 We find that the document is relevant and in view the
16 interpretation put on Rule 89(C) by the Appeals Chamber we are of
17 the view that we are not entitled to reject it.

18 As we have already mentioned, we have noted all of the
19 submissions of the parties and we will give the document the
14:35:48 20 appropriate weight in the light of the evidence as a whole at the
21 end of the trial.

22 Accordingly, the document headed Sierra Leone Police Force
23 00019842 in the name of Alfred Abu Sankoh, alias Zagalo, will be
24 admitted into evidence as Exhibit P88.

14:36:26 25 [Exhibit No. P88 was admitted]

26 PRESIDING JUDGE: Yes, Mr Agha.

27 MR AGHA: Thank you, Your Honours. Good afternoon, Your
28 Honour, good afternoon, Mr Brima.

29 Q. Before we broke for lunch we were going through a statement

1 which has now been exhibited by alias Zagalo before the Sierra
2 Leone police force and I had asked you for your comments on that
3 document. I would now like you to have a look at another
4 document, also before the Sierra Leone police force and ask your
14:37:18 5 comments on that document with the permission of the Chamber. I
6 believe the learned Defence counsel have already been provided
7 with copies and when we look at this statement, Mr Brima, when it
8 is placed before you, I will be using the numbering at the bottom
9 of the statement which starts with the number 69 and 70.

14:38:16 10 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

11 MR AGHA:

12 Q. Mr Brima do you have a copy of this statement before you?

13 A. Yes.

14 Q. And it says at the front of the document Sierra Leone
14:38:34 15 police force and the name is Tamba Gborie, spelled G-B-O-R-I-E;
16 is that correct?

17 A. Yes.

18 Q. Under that after the address we have occupation, soldier,
19 SLA 18164384 L/Cpl; is that correct?

14:39:11 20 A. Yes.

21 Q. I would just read the first part of the statement
22 "Statement commenced at 1345 hours on Sunday 22nd March
23 1998 at the Defence Headquarters building State Avenue
24 Freetown. I have been asked if I wish to say anything and
14:39:38 25 cautioned that I am not obliged to say anything unless I
26 wish to do so but whatever I say will be taken down in
27 writing and may be given in evidence."

28 There is a signature block bearing the name Tamba Gborie
29 dated 25 March 1998. Does that accord with the document that you

1 have in front of you?

2 A. No.

3 Q. Perhaps you could read me what your document says at
4 statement commenced?

14:40:21 5 A. Well, the document I see here I have not seen any signature
6 here. I only see names.

7 Q. Witness, I didn't say there was a signature and I didn't
8 ask you about a signature. I said there was a signature block.
9 Can you kindly answer me yes or no whether what I read for you

14:40:41 10 about the statement is correct as written?

11 A. Yes.

12 Q. Now, I would like to read you other portions of this
13 statement and seek your comments on those. If you could kindly
14 turn to page 75 of the statement, please. Have you found that?

14:41:36 15 A. Yes.

16 Q. Just like Mr Zagalo's statement I read to you before lunch,
17 this relates to events prior to 25 March 1998. Are you clear on
18 that?

19 A. Yes.

14:41:56 20 Q. Now, at page 75 I will read for you the first line, the
21 final word "they obviously," do you have that in?

22 A. Yes.

23 Q. "They obviously felt very bad about it and since that
24 month of April 1997, things now started going from bad to
14:42:24 25 worse in the areas of rice supply and salaries, in fact
26 there was no more control in the army. During this
27 disgruntled state of the Junior ranks in the army, a number
28 of Military Personnel studying at the Milton Margai College
29 of Education came down to collect their monthly allowances

1 from military headquarters but this allowance was not given
2 to them by the authority responsible, and because of this
3 they too were disgruntled."

4 I would ask you to comment on that part of Mr Gborie's
14:43:13 5 statement which I read to you and ask you whether you agree that
6 there was disgruntlement in the army at that time, the month of
7 April 1997?

8 A. Well, since I was not working, so I didn't know whether
9 there was disgruntle in the army, because purely I was on study
14:43:39 10 leave.

11 Q. Didn't you go to muster parades and collect your payments
12 of your cheque?

13 A. They never gave me cheque in the army, never and I never
14 went to muster parade to go and collect cheque. Never in the
14:44:00 15 army.

16 Q. Did you attend muster parades when they were called whilst
17 you were still studying?

18 A. When I go for my salary, I attend parades in order to
19 collect my salary.

14:44:29 20 Q. When you went to collect your salary you attended parades
21 and you were mixing with other soldiers; is that correct?

22 A. I just have to meet with my work-mates because the salary
23 you collect it by seniority.

24 Q. So you were the only one in the parade were you or were
14:44:52 25 there other soldiers in the parade when you the went to get your
26 salary?

27 A. I told you salary business in the Sierra Leone Army is a
28 pay parade, you have to fall in. Every month I go for my salary
29 I fall in so that it is given to me. I cannot just get up like

1 that and go to the army headquarters and collect my salary, he
2 would refuse me. I go there. Some months when they have paid, I
3 go there until they have paid all the soldiers or I send
4 somebody, any of my friends to collect my salary.

14:45:30 5 Q. So whilst you were studying and you went to collect your
6 salary, you had the opportunity to meet your colleagues in the
7 army, didn't you?

8 A. Yes.

9 Q. When you met your colleagues in the army at parade to
14:45:46 10 collect your salary, was any disgruntlement expressed by your
11 colleagues?

12 A. Well, for me they did not say it before me.

13 PRESIDING JUDGE: I think he answered that.

14 MR AGHA: I am sorry, I missed the answer, I don't know
14:46:20 15 what was said.

16 PRESIDING JUDGE: You asked him did you see any
17 disgruntlement from his colleagues and he said I did not see it
18 before me.

19 MR AGHA: Thank you, Your Honour, I just did not get an
14:46:32 20 interpretation.

21 Q. Now, we have just read that portion of the statement
22 regarding the disgruntlement and I will pick up from the same
23 place where it continues "these students." Do you have that?

24 A. Read it again.

14:46:59 25 Q. The last part I read to you was "and because of this they
26 too were disgruntled" and now I want to continue with the words
27 "these students." Do you have that part?

28 A. Yes.

29 Q. I will read that to you.

1 "These students who were headed by one Alex Brima then went
2 away and threatened to come back. In fact before they left
3 Alex Brima openly remarked that the Senior Officers must be
4 arrested and tied up. The other students numbered about
14:47:41 5 fifteen but I did not know any of them except Alex Brima.
6 I was present when Alex Brima made the comments to the
7 other students but I did not say anything in reply. At
8 this stage, I now recall that the students from Milton
9 Margai College of Education led by Alex Brima came to the
14:48:10 10 military headquarters in Cockeril on 22nd of May 1997."

11 Mr Brima, what do you have to say about that statement made
12 by Corporal Tamba Gborie?

13 A. This statement is a lie and I was not a student at Milton
14 Margai College of Education. The college in which I was was
14:48:45 15 Freetown Technical Institute, but I was never a student at Milton
16 Margai College of Education. So this tells us that the statement
17 is not true and this statement that you read to me is not true.
18 I never went with students to army headquarter and alter this
19 statement at army headquarter, never.

14:49:16 20 Q. But you were a student at that time, weren't you?

21 A. Yes.

22 Q. You also just told us that you used to go and collect your
23 salary, haven't you?

24 A. Yes. But I was not a student at Milton Margai College of
14:49:36 25 Education.

26 Q. Now, Mr Brima, I would like to read you another portion of
27 Corporal Gborie's statement and when we last finished off it was
28 about midway through on 22 May 1997. If we could just then move
29 down, approximately nine lines and I think on the tenth line it

1 starts "at the Fornah Bay College." Have you found that?

2 A. No, no, no.

3 PRESIDING JUDGE: Was that where you were going to start?

4 It is halfway through a sentence.

14:50:41 5 MR AGHA: I was directing at Fornah Bay College and then I
6 was going to pick up before the coup.

7 THE WITNESS: Yes.

8 Q. I'm going to read you again a part of Corporal Gborie's
9 statement.

14:50:57 10 "Before the coup of 25 May 1997, I was staying at Block No.
11 C84 Wilberforce military barracks with my wife Beatrice
12 Gborie and three children, Sahr Gborie, Princess Gborie,
13 and Victoria Gborie whose present whereabouts I don't know.
14 While staying in this barracks I came to know a few
14:51:31 15 military personnel who were members of the military
16 football team camping at the said barracks and among them
17 was Sergeant Abu Sankoh (alias Zagalo) who was their Coach,
18 Captain Johnny Moore the team manager, and Alex Brima who
19 was at that time a student of the Milton Margai College of
14:51:59 20 Education."

21 How would you comment on this statement made by Corporal
22 Gborie?

23 A. This statement you made is a lie. I'm still telling you
24 that I was not a student at Milton Margai College of Education
14:52:25 25 and the name you are calling Alex Brima, I am Tamba Brima and the
26 college in which I was was the Freetown Technical Institute.

27 Q. Mr Brima I would then like to continue reading on from
28 where we left off from, again from Corporal Gborie's statement
29 and after I read that seek your comments.

1 "I returned home at Wilberforce Military Barracks at about
2 1.00 p.m. on 23 May, 1997. At about 3.30 p.m. on the same
3 day (23/12/97) I was sleeping in my room when Alex Brima
4 came to my house and told my wife to wake me up. My wife
14:53:34 5 woke me up and told me that Alex Brima wanted to see me. I
6 came to the parlour and met Alex Brima sitting down, he
7 told me to go with him at the Wilberforce football field.
8 I asked him what we were going to do and in reply, he
9 simply told me to go with him."

14:54:00 10 How would you comment on that part of Corporal Gborie's
11 statement?

12 A. This part is a lie. I never went to Corporal Gborie and
13 asked him to go to Wilberforce football field.

14 MR AGHA: Your honours, I'm having some trouble with the
14:54:29 15 interpretation. I am actually receiving the replies. I wonder
16 if anyone else is in the same position?

17 JUDGE SEBUTINDE: Could you check your channel. Maybe you
18 are not on the interpretation channel. If you are on the floor
19 channel, you will not get the interpretation.

14:54:49 20 MR AGHA: I will try some new headphones to see if they
21 help the situation.

22 Q. Thank you, Mr Brima. I would now like to continue on in
23 Mr Gborie's statement, what I have just read to you. It
24 continues as follows:

14:55:10 25 "I followed him and on arrival at the football grounds, he
26 took me to the side of the football grounds where we found
27 Abu Sankoh alias Zagalo, eating rice from a big bowl with
28 some members of his football team. Alex Brima asked me in
29 Zagalo's presence whether I knew him and I told him that I

1 know Zagalo. I had known Zagalo as a footballer of the
2 Fisheries Football Club. When Zagalo saw me, he invited me
3 to eat with them and after we finished eating Zagalo called
4 seventeen (17) of us together and among those I know were
14:55:55 5 Alex Brima, Foday Kallay, Adams, Mohamed Kanu, Abdul Sesay
6 and Abu Sankoh himself alias Zagalo. He took us inside a
7 billet near the football grounds where the football team
8 was camping and he (Abu) spoke to us. Abu told us that he
9 had called us together so that we could make plans to tie
14:56:29 10 up all the Senior Military Officers."

11 What do you have to say about that statement?

12 A. This statement you have made is a lie. I never -- I was
13 never in any meetings where we planned to tie up senior officers
14 in the army, and I was never in a meeting at Wilberforce football
14:56:56 15 field. I've told you, it was very seldom for me to come to
16 Wilberforce, because I was not staying at Wilberforce. I was
17 staying at 7 Battalion, Goderich.

18 Q. Thank you, Mr Brima. If we can just move down from where I
19 left off from all the senior military officers. Fifteen lines
14:57:15 20 further down, approximately, starting towards the end of the line
21 on 24 May.

22 A. Yes.

23 Q. Again, I will read to you from Corporal Gborie's statement.
24 "On 24 May 1997 in the morning hours I went to work as
14:57:44 25 usual at the military headquarter in Cockerill. Whilst I
26 was there, Alex Brima met me at about 10 a.m. and told me
27 that the mission we had discussed with Zagalo was going to
28 take place that night towards the early hours of Sunday, 25
29 May 1997."

1 How would you comment on that?

2 A. This never happened. It's a lie. I've never met Corporal
3 Gborie and we were told 24, 25 at his working place. Corporal
4 Gborie, I knew him as a provost at 1st Battalion Wilberforce. So
14:58:38 5 I never knew him as a worker at army headquarters, which is at
6 Cockerill.

7 Q. I will continue reading what Corporal Gborie also had to
8 say.

9 "A total of seventeen (17) of us both Junior and Senior Non
14:58:59 10 Commissioned officers (NCOs) with Staff Sergeant Abu Sankoh
11 (alias Zagalo) the most senior amongst us had carried out
12 the plan to initially attack and tie up our senior
13 officers, namely Staff Sergeant Abu Sankoh, alias Zagalo,
14 Sergeant Alex Brima, Sergeant Ibrahim Bazy Kamara,
14:59:29 15 Sergeant Ibrahim Kamara, WO II Franklyn Conteh, L/Corporal
16 Foday Kallay, L/corporal Papa Batuta, Corporal Mohamed Kanu
17 alias 55, Corporal Bio Sesay, WO II Sammy Kargbo, Corporal
18 Sullay Kamara, Pte Adams, Sergeant Moses Kabia alias Rambo,
19 Civilian Abdul Sesay, Civilian Hector Lahai, Sergeant
15:00:28 20 Sullay Turay and myself Lance-Corporal Tamba Gborie. Both
21 civilians were footballers attached to the army football
22 team and played for the team."

23 What do you have to say about that?

24 A. This is a lie. I don't know any Papa Batuta. I don't know
15:00:56 25 any Corporal Mohammed Kanu whom you referred to as Five-Five, and
26 Corporal Bioh Sesay. The Bioh I know was not a soldier.

27 Q. So you deny what's written in this statement and what I've
28 just read out to you; correct?

29 A. Yes, I am denying it, because it never happened that way.

1 Q. Now, if we move, four lines further down from where we
2 were, we have towards the end of that sentence, "Before 24th
3 May."

4 A. Yes.

15:01:48

5 Q. I will read to you.

6 "Before 24th May 1997 when Alex Brima (who is also Sergeant
7 Alex Tamba Brima) came to visit me and brief me about the
8 position of things, nobody had briefed me on how the
9 operation was to be carried out. So on that morning
10 24/5/97, Sergeant Alex Tamba Brima finally told me that the
11 operation was to be carried out by organising various
12 groups amongst the seventeen (17) member group listed above
13 on strategic points in the township of Freetown."

15:02:18

14 Please, can I have your comments on that portion of

15:02:50

15 Gborie's statement I have just read to you?

16 A. Well, my comment is that it is a lie. I was not a
17 sergeant. My name is not Alex Tamba Brima. The person whom made
18 this statement, Corporal Gborie, he was more senior than me in
19 the army. I was not in a position to say that. He was senior
20 for me. I have never had this kind of discussion with him
21 before.

15:03:12

22 Q. So you deny that part of statement which I just read;
23 correct?

24 A. This part of the statement you are talking about is not
25 true. The one you have read to you me is not true.

15:03:31

26 Q. Thank you, Mr Brima. I would now like to proceed
27 approximately five lines further down where I stopped reading,
28 and towards the end of the line, it starts, "According to
29 Sergeant Alex".

1 MR FOFANAH: Excuse me, Mr Agha. May it please Your
2 Honour, may the second accused be excused to use the convenience?

3 PRESIDING JUDGE: Certainly, Mr Fofanah. The second
4 accused can be excused.

15:04:06

5 MR AGHA:

6 Q. Have you found that, Mr Brima?

7 A. Yes.

8 Q. I shall read to you:

15:04:17

9 "According to Sergeant Alex Tamba Brima's briefing, the
10 Ordinance Section was to be taken care of by Private Adams
11 whilst arrangements were also made for the RDF in Sumbuya
12 and Camp Charlie in Mile 91."

13 How would you comment on that briefing?

15:04:47

14 A. This one also a lie. I was not involved in any arrangement
15 or I did not give any Private Adams any order for any
16 arrangements for either Camp Charlie or RDF at Sumbuya, or Camp
17 Charlie at Mile 91.

18 Q. I will continue, Mr Brima, with Mr Gborie's statement.

15:05:04

19 "As regards the weapons to be used on the operation,
20 Sergeant Alex Tamba Brima told me that each one of us was
21 to use his personal weapon. I had in my position one AK-47
22 rifle with two magazines full ammunition of sixty rounds."
23 Do you remember?

15:05:34

24 A. I can't recall that I had such a discussion with him at any
25 point in time. And I did not have any personal rifle with me
26 when I was in college. I never had any personal rifle with me.

27 Q. If we can now skip from page 77 and go to the next page,
28 which is page 78. I will read from the third line down, towards
29 the end, where it starts, "Sergeant Alex Tamba."

1 A. Yes. I have seen it.

2 Q. Okay. I will read for you:

3 "Sergeant Alex Tamba Brima then left me and returned with
4 the assurance that I was going to play my own role. Before
15:06:27 5 he went away, he informed me that a faction of the
6 operational group would join me at Cockerill and throughout
7 the night I was on the alert until the early morning hours
8 of Sunday 25th May 1997. At about 5 a.m. that morning, I
9 heard a sound around the area of the Heliport at Cockerill
15:06:54 10 and soon after, I saw Sergeant Alex Tamba Brima, Sergeant
11 Moses Kabia, Staff Sergeant Abu Sankoh alias Zagalo and
12 many other soldiers whom I cannot now remember because the
13 place was still dark. They were all well armed with AK-47
14 rifles and some of them were in military combat uniforms
15:07:23 15 while some were in plain clothes. I joined them and no
16 sooner I did so, we straight away moves to the Airforce
17 office and the HQ Security Office where we later placed the
18 soldiers we found on duty under gun point, forced open the
19 doors and seized all the weapons and ammunition we found
15:07:47 20 in both offices."

21 What do you have to say about that statement by Corporal
22 Gborie?

23 MS THOMPSON: Your Honour, before the witness answers, I
24 raise a concern. In fact, it is probably an objection, but I put
15:08:03 25 it no stronger than a concern at the moment. What is being asked
26 of the witness now is what transpired around 24, 25 May, an
27 account of which is different which was put to the witness
28 earlier from the statement of Zagalo. It seems to me that my
29 learned friend is on a fishing expedition to see which version of

1 events the witness will accept or not accept. He has put one
2 version to the witness. He has another version. He has to make
3 up his mind which version is the Prosecution accepting was the
4 version of events that happened. At the moment, what we have are
15:08:42 5 the two different versions of the same events being put to the
6 witness for the witness to accept one or the other. Your Honour,
7 I would object to that line of cross-examination.

8 PRESIDING JUDGE: I will overrule that objection. Go
9 ahead, Mr Agha.

15:09:03 10 MR AGHA:

11 Q. Please, Mr Brima, can I have your comment on that paragraph
12 I just read out to you?

13 A. I don't have any idea about that, about that statement or
14 the paragraph that you read out to me. And not a day did I stand
15:09:36 15 by or command Staff Sergeant Sankoh. I was a corporal. A
16 corporal cannot command a staff sergeant or a sergeant.

17 Q. So you deny what I just read out in Gborie's statement; is
18 that correct?

19 A. I don't have any idea about what you read out. All what
15:09:59 20 you read out are lies.

21 Q. Now, Mr Brima, if we could kindly move on to the next page,
22 which is page 79. I'd like to read to you from about halfway
23 down. It is around line 17, and it starts, "For setting me free,
24 no sooner." Do you have that?

15:11:06 25 A. No. Please read it again.

26 Q. The passage I'm going to read to you starts, "No sooner he
27 said so, Zagalo told us that from that moment."

28 A. Yes, I have seen it.

29 Q. Okay. I will read for you.

1 "No sooner he said so, Zagalo said that from that moment we
2 should now take orders from Johnny Paul Koroma who was now
3 our Leader. This order was supported by Sergeant Alex
4 Tamba Brima and Sergeant Moses Kabia (Rambo) who also spoke
15:12:02 5 to us by turn. They also told us that they will brief
6 Major Johnny Paul on the trend of events."

7 What do you have to say about that statement by Corporal
8 Gborie?

9 A. It's a lie. I did not ever support. And that day you are
15:12:28 10 talking about, myself ask Corporal Gborie were not in the same
11 place, or even Staff Abu Sankoh that you are talking about, we
12 were not in the same place. I was at my house at 7 Battalion,
13 Goderich.

14 Q. Thank you, Mr Brima. If now we could turn over to page 81.
15:12:56 15 We are nearly through going through Corporal Gborie's statement
16 in a moment, you will be pleased to hear. If we go, roughly,
17 about halfway down, on around line 14 or 15 from the top, it
18 starts "At this stage Zagalo."

19 JUDGE SEBUTINDE: What page is this?

15:13:28 20 MR AGHA: Page 81, Your Honour.

21 THE WITNESS: Yes.

22 MR AGHA:

23 Q. I will read for you:
24 "At this stage, Zagalo and Sergeant Alex Tamba Brima
15:13:56 25 suggested to Major Johnny Paul Koroma that I should make
26 the first radio broadcast to the nation. Major Johnny Paul
27 Koroma consented. It was not a prepared speech, and it was
28 not written, I did not in fact take any juttings for the
29 purpose of this broadcast, I simply acted on the advises of

1 Tamba Alex Brima and Major Johnny Paul Koroma who suggested
2 some of the things I was going to say."

3 How would you comment on that, Mr Brima?

4 A. It is a lie because the statement that the man made, if,
15:14:44 5 just as he said, I gave him a statement, or that I gave him
6 advice, it did not happen that way. I was not there and I did
7 not give him any advice to do anything. And I am more learned
8 than him, so I cannot advise him to make any kind of funny
9 statements that he made. So the sentence you have read to me is
15:15:10 10 a lie. Myself, Corporal Gborie, and Zagalo and Johnny Paul did
11 not ever stand one in a particular place to discuss this kind of
12 statement.

13 Q. Mr Brima, Corporal Gborie did make an announcement over the
14 radio, didn't he?

15:15:32 15 A. Yes.

16 Q. Now, if we then move on to three lines further down. This
17 is the final part I will read to you. It starts, "Whilst I was
18 about to make the speech."

19 A. I have seen it.

15:16:00 20 Q. I will read for you:

21 "Whilst I was about to make the speech, Major Johnny Paul
22 Koroma and Sergeant Alex Tamba Brima came in and stood by
23 me. In making this first broadcast to the nation that
24 morning, I started the speech in English and introduced
15:16:20 25 myself with the title and rank I still maintain. I
26 continued by telling by the nation that we the other ranks
27 of the Sierra Leone military forces had on that day over
28 thrown the Sierra Leone People's Party Government under the
29 leadership of President Ahmad Tejan Kabbah."

1 What do you have to say about that?

2 A. Now he has said other ranks, so the other ranks that he is
3 referring to, I was not an other rank who was with him. And not
4 a day that myself and Major Johnny Paul Koroma or Corporal Tamba
15:17:03 5 Gborie stood in one place where Corporal Gborie was making a
6 statement.

7 Q. What was Corporal Gborie meaning, according to you, when he
8 said "we, the other ranks"?

9 A. I don't know what he means about that. Maybe if he were
15:17:21 10 here, maybe he would have told you. But all I know is that he
11 was an other rank like myself. Probably there are some other
12 ranks that he is referring to, but not I.

13 Q. But you are an other rank, aren't you?

14 A. Yes, I am an other rank. That is what I'm saying. He had
15:17:41 15 the other ranks that he was referring to, but not me.

16 Q. I'm putting to you that you were one of the other ranks who
17 took part in the coup on 25 May 1997. What do you have to say
18 about that?

19 A. I have to tell you that is a lie. Just as you have been
15:18:02 20 asking me in this Court, I can read and write. I cannot go and
21 advise somebody to make a nonsense statement like what he made
22 and what I heard. I have never been together with him. I did
23 not plan anything with him. I did not execute any operation
24 together with him that he has alleged in here. Not a day. And I
15:18:22 25 am telling you now that the May 25th that he is referring to, I
26 was at home at 7 Battalion.

27 Q. So according to you, the first statement we went through by
28 Zagalo, that is a lie; correct?

29 A. I did not get you clearly.

1 Q. The first statement we went through before lunch by Abu
2 Sankoh, Zagalo, according to you, that statement was a lie; is
3 that correct?

4 A. Ask the question again.

15:19:01 5 Q. Before lunch, I read to you extracts of a statement from
6 Abu Sankoh, Zagalo; do you remember that?

7 A. Well, I cannot recall the exact one you -- maybe if I can
8 see it again I can recall. You read out plenty statements to me
9 which regards Abu Sankoh's statements. So I cannot recall the
10 page or the extract that you are referring to, or the statement
11 that you are referring to amongst Abu Sankoh's statement that you
12 read out this morning.

15:19:31 10

13 Q. I will put to you very simply then. Those parts of your
14 statement where Abu Sankoh alleged that you took part in the coup
15 on May 25, 1997, you deny; is that correct?

15:19:50

16 A. I did not take part in any May 25 coup or the planning or
17 any orders that were executed at that time.

18 Q. So you deny those allegations by Zagalo that you did; yes
19 or no?

15:20:15 20 A. Well, you cannot force me like you are doing now. You are
21 talking about allegations. In the Krio language, what you mean
22 about allegations, it means plenty of allegations.

23 Q. The allegation, in particular, is did you or did you not
24 take part in the 25th May 1997 coup, which overthrew the Kabbah
25 government, as alleged by Zagalo; yes or no?

15:20:41

26 MS THOMPSON: Your Honour, asked and answered. He said he
27 did not take part. That's denying that it did take part. My
28 learned friend has asked this question several times. He has got
29 the answer: I did not take part. It is not the first time that

1 we have had the same question.

2 PRESIDING JUDGE: That is so, Mr Agha.

3 MR AGHA: I will move on, Your Honour.

4 Q. Now if we turn to the statement we just looked at, which
15:21:10 5 was the statement of Corporal Gborie -- you remember we've just
6 gone through this statement?

7 A. Ask the question again.

8 Q. The statement in front of you, we have just gone through
9 parts of, was made by Corporal Gborie; correct?

10 A. From what I have seen in the paper, I can see Corporal
11 Gborie's name in the paper. But I cannot tell you whether it is
12 correct or not correct because I did not see him sign. Because
13 on the paper, if where there is Tamba Gborie's, the place is
14 blank. And I was not there where he was making this and if,
15:21:54 15 indeed, he made it, I cannot accept whether he made it.

16 Q. Mr Brima, in front of you, do you have a Sierra Leone
17 Police Force statement with the name on it, Tamba Gborie?

18 A. Yes.

19 Q. We have just read parts of it.

15:22:09 20 A. We read some sentences that you read out to me.

21 Q. Now, in some of those sentences, it's suggested by Tamba
22 Gborie that you took part in the 25th May 1997 coup. Did you or
23 did you not take part in the 25th May 1997 coup, according to
24 Tamba Gborie?

15:22:38 25 A. According to what you read to me, that he said this is
26 Tamba Gborie's statement. I have never been together with him
27 either before the 25th May to plan anything whatsoever. And the
28 other soldiers name you called, Staff Sankoh, I never had any
29 business with him planning before the 25th or on 25th May. I

1 told you that I was at college by then. It was very difficult
2 for me to even go to Wilberforce. I only go there once in a
3 while. The 7th Battalion, where I was staying, was Goderich.

15:23:25 4 MR AGHA: Thank you. May I kindly ask that this document
5 also be exhibited before the Court?

6 PRESIDING JUDGE: Yes. Do the Defence wish to say
7 anything?

8 MS THOMPSON: No, Your Honour. Our concerns about this one
9 are the same as the first one.

15:23:42 10 PRESIDING JUDGE: As regards the first one, Ms Thompson, I
11 have noted your objections in that regard. The photocopy of the
12 document entitled Sierra Leone Police Force, in the name of Tamba
13 Gborie, bearing the number on the front page 00019816, will be
14 admitted as Exhibit P89.

15:24:22 15 [Exhibit No. P89 was admitted]

16 PRESIDING JUDGE: Go ahead, Mr Agha.

17 MR AGHA:

18 Q. So, Mr Brima, according to you, people who admitted taking
19 part in the coup, Mr Zagalo and Mr Gborie, are wrong when they
15:24:36 20 say that you took part in it; correct?

21 A. I am still saying to you that myself and those people did
22 not sit down to plan anything. The statement that you read out
23 to me the two people you are talking about are lies. I did not
24 ever at a time sit down together with them to plan anything. The
15:25:02 25 statement is not correct.

26 Q. TF1-334 also said that you took part in the coup. Was he
27 lying as well?

28 A. I don't want us to put TF1-business here, because I went
29 together to Pademba Road with him [Overlapping speakers].

1 Q. Just kindly tell the Court --

2 A. I have to tell you.

3 Q. No, you answer the question that is put to you. Was he
4 lying or was he not, it's quite simple?

15:25:32 5 A. He is lying.

6 Q. Thank you. What about witness TF1-046 who also said you
7 took part in the coup, was he lying or was he telling the truth?

8 A. I do not know the witness you are talking about 046 except
9 you show me the witness's name, but I do not know him, 046.

15:25:55 10 Q. Certainly. Actually I can say the name, apparently. It's
11 Mr Gibril Massaquoi.

12 A. Ask the question now.

13 Q. Was Mr Gibril Massaquoi, when he gave his evidence and said
14 you took part in the coup, was he lying or was he telling the

15:26:20 15 truth?

16 A. He was lying, he is an RUF member, he does not know
17 anything about the army so the statement he came here to make was
18 a lie.

19 Q. What about Junior Lion when he said you took part in the
15:26:34 20 coup, was he lying or was he telling the truth?

21 A. He is a civilian, he came here to lie. He lied here. I
22 did not take any part in the coup that he came here to lie
23 against me that I took part in the coup. He is a civilian. He
24 has come to this Court and lied that he is was a soldier.

15:26:54 25 Q. And what about TF1-114, did he come and lie when he said
26 you took part in the coup or were involved in it?

27 A. Can I know his name?

28 Q. Yes, I can pass you the sheet of paper with the permission
29 of the Court?

1 PRESIDING JUDGE: Yes.

2 MR AGHA: And in fact, with the Court's permission I would
3 like to read a very small portion of the transcript which witness
4 114 mentioned -- gave in evidence. It is rather short because we
15:27:36 5 have referred to it before, and that is with the Court's
6 permission?

7 PRESIDING JUDGE: Can you identify that transcript.

8 MR AGHA: Yes, it's 14 July, 2005, witness TF1-114, page
9 118 and 119 and it is from line 14 on page 118 to line 119 --
15:28:01 10 sorry, to line four on page 119.

11 PRESIDING JUDGE: Didn't you put that to him on a previous
12 occasion.

13 MR AGHA: Yes, I have.

14 PRESIDING JUDGE: Why do we need to hear it again.

15:28:13 15 MR AGHA: Let us have his confirmation that it's the same
16 one.

17 PRESIDING JUDGE: He has answered the question.

18 MR AGHA: Thank you, Your Honour. There is no need to put
19 that.

15:28:26 20 Q. So according to all the witnesses who have come before this
21 Court who said you took part in the coup were lying?

22 A. Let me say something about this witness, this 114. You did
23 not put this statement in front of me.

24 Q. No I did not put the statement because we have already been
15:28:46 25 through the statement, so if you could kindly answer this
26 question I have for you. All the witnesses who came before this
27 Court who said that you took part in the coup on 25 May 1997 were
28 lying; correct?

29 A. Yes. They were all lying.

1 Q. Well, I put it to you that your evidence about being at
2 home at the time of the coup is a lie?

3 A. Well, I am not telling you that I am saying the truth and
4 what you are telling me that you want me to accept, you want me
15:29:26 5 to lie. These statements that you read out to me having to with
6 the coup that I was involved, were all lies.

7 Q. I put it to you that your evidence about being in your
8 house at the time of the coup and reporting to Captain Thomas at
9 the time of the coup is also a lie.

15:29:48 10 A. Well, you are a lawyer. You say that I am lying, I am also
11 telling you that it did not happen that way. The way you are
12 putting it to me is a lie. I did not take part and I was at
13 home.

14 Q. The second accused took part in the coup on 25 May 1997,
15:30:09 15 didn't he?

16 A. I don't have any idea about that that he was part and
17 parcel of that coup planning or the execution. All I know is
18 that the second accused is a driver, was a driver in the army and
19 they said they were footballers those who made the coup. I have
15:30:31 20 never known him to be a footballer in the army.

21 Q. Thank you. You don't know about him. Now, the third
22 accused I put it to you that he was one of the members who took
23 part in the coup on 25 May 1997, wasn't he?

24 A. No, I am saying to you that is a lie. The third accused
15:30:50 25 was not even in Freetown. The third accused was at Mile 91. It
26 was when his wife died, my brother who was his platoon mate was
27 the one who sent message for him to come to Freetown, when he
28 came from Liberia he was posted to Camp Charlie at Mile 91.

29 Q. Is that your brother Komba who sent message for him?

1 A. Yes.

2 Q. Now Major Johnny Paul Koroma had been imprisoned in Pademba
3 Road jail prior to 25 May 1997 for his involvement in an earlier
4 failed coup. Did you know that?

15:31:42 5 A. I knew that he was locked up at Pademba Road, but I did not
6 know he was in prison, I only knew he was locked up at Pademba
7 Road.

8 Q. Did you know that he was locked up because he had taken
9 part in a failed coup?

15:32:01 10 A. Well, I knew he was locked up, but I never knew whether he
11 was locked up for a coup.

12 Q. Your squad mate Tito was also in prison in Pademba Road
13 jail for his involvement in the same planned coup by JPK, Johnny
14 Paul Koroma, wasn't he?

15:32:24 15 A. I don't know about that, that he was locked up.

16 Q. Corporal Foday Kallay's brother was also imprisoned in
17 Pademba Road jail for his involvement in the same failed coup
18 attempt by Johnny Paul Koroma as well, wasn't he?

19 A. I don't know about that. I don't know about Kallay's
15:32:51 20 brother you are talking of.

21 Q. You are a trained soldier, now you would agree with me that
22 if a small group of soldiers were carrying out a coup in
23 Freetown, a good source of reinforcements would be the Pademba
24 Road jail, wouldn't you?

15:33:17 25 A. Since I was not there when the plan was going on, I was not
26 there when the execution of the coup. I never knew that they had
27 good source from Pademba Road. All I'm saying is I was not in
28 any planning, I never knew of any good source, you are talking of
29 Pademba Road.

1 Q. I'm not asking you about planning I'm asking you as a
2 soldier. If you had a small group of people and you wanted to
3 get reinforcements, the jail would be a good place to start
4 looking, wouldn't it?

15:33:49 5 A. No because you have barracks, we have soldiers --

6 PRESIDING JUDGE: You objecting, Ms Thompson.

7 MS THOMPSON: Your Honour, this calls for speculation of
8 opinion evidence. I'm not sure what a jail has to do with the
9 military. I cannot make the connection. I don't know whether

15:34:05 10 the witness can in fact -- the way he has answered it seems to me
11 that he could not make the connection either. That having been
12 said it seems to me that what my learned friend is doing is
13 asking him to express an opinion or at least speculate on where
14 one would get reinforcement if soldiers were to plan a coup today
15 or whenever.

15:34:25 16 PRESIDING JUDGE: Yes, Mr Agha. What is your reply to that
17 objection.

18 MR AGHA: Well I was simply asking the accused whether a
19 jail, being a place which had a number of detainees, including
15:34:42 20 Johnny Paul Koroma, would be in his experience as a soldier, a
21 good place to go and find reinforcements for that coup.

22 MS THOMPSON: Your Honour, if I might just reply to that.
23 It wasn't time specific, it was a general question as to whether
24 Pademba Road Prisons would be a good source of reinforcement.

15:35:00 25 There was nothing about whether at the time Johnny Paul Koroma
26 was in Pademba Road Prison, the prison would have provided some
27 form of reinforcement for coup plotters. We are only just
28 hearing that now. But when the question was put, it was quite
29 general. It could have been today, whenever or last week,

1 whenever anybody is planning a coup, if anybody is planning a
2 coup.

3 PRESIDING JUDGE: Yes, I disallow that question, Mr Agha.

4 MR AGHA:

15:35:27 5 Q. Mr Brima. Based on your experience as a soldier in May
6 1997, knowing that Johnny Paul Koroma, an officer in the SLA was
7 in Pademba Road jail, you would agree with me that it would be a
8 good place for you to get more reinforcements from?

9 A. Well, I am answering you, if you want a reinforce of
15:35:51 10 soldiers it is not at Pademba Road. There are people have been
11 locked there. Go to the barracks, if the 1st Battalion has gone
12 through a battalion, they go back to force battalion for
13 reinforcement. Pademba Road it was meant for criminals or people
14 who are detained who have cases to answer to. This is not a
15:36:11 15 soldiers place.

16 Q. So according to you people who carry out coups then are not
17 criminals?

18 MS THOMPSON: Objection.

19 THE WITNESS: Well with, I cannot tell you that.

15:36:27 20 PRESIDING JUDGE: It has been answered any way.

21 MR AGHA:

22 Q. Now, I put it to you that you, as one of the coup makers,
23 arranged for the release of Johnny Paul Koroma from Pademba Road
24 Prison on 25 May, 1997?

15:36:50 25 MR MANLY-SPAIN: We don't like getting up but we believe
26 that this witness has never admitted to be one of the coup
27 makers. It is unfair for counsel to put to him as one of the
28 coup makers. He has always rejected that accusation.

29 PRESIDING JUDGE: Yes, I will not allow it in that form, Mr

1 Agha.

2 MR AGHA:

3 Q. I put it to you, Mr Brima, that one of the alleged coup
4 plotters on 25 May 1997, you arranged the release of Johnny Paul
15:37:26 5 Koroma from Pademba Road Prison?

6 A. I am not one of them. I don't have any idea about that
7 coup. I never arranged the release of Johnny Paul at Pademba
8 Road.

9 Q. I put it to you that the second accused was one of the
10 alleged coup plotters who arranged the release of Johnny Paul
11 Koroma from Pademba Road jail in May 1997.

12 A. I am also telling you now the people you called that they
13 are footballers, the second accused he would not tell you, I will
14 not tell you but I know that the second accused was a driver in
15:38:12 15 the army. He was one of the soldiers who lived, because he had a
16 truck, he was driving.

17 Q. So far as you are aware was he or was he not one of the
18 alleged coup plotters who released Johnny Paul Koroma from
19 Pademba Road Prison on 25 May 1997?

15:38:31 20 MR FOFANAH: Objection, double barrelled. First of all, it
21 is not certain as to whether the second accused was one of the
22 coup plotters and this witness has consistently denied that. The
23 second limb of the question as to whether he was one of those who
24 released Johnny Paul Koroma even makes it worse, it is double
15:38:54 25 barrelled.

26 PRESIDING JUDGE: What do you say to that, Mr Agha?

27 MR AGHA: Well, I stand to be corrected but I thought I
28 used the word alleged coup plotter.

29 PRESIDING JUDGE: Yes, that is your reply.

1 MR AGHA: Yes, and I think I can put that question on that
2 basis.

3 PRESIDING JUDGE: Yes, I will allow the question, go ahead.

4 MR AGHA:

15:39:14 5 Q. I put it to you that the second accused was one of the
6 alleged coup plotters on 25 May, 1997 who arranged the release of
7 Johnny Paul Koroma from Pademba Road Prison?

8 A. I am speaking to you. I want you to repeat that question
9 again because I am getting problem with the interpretation. From
15:39:39 10 what you said and what told me, they are not the same, so I want
11 you to repeat it again.

12 Q. Mr Brima, are you ready?

13 A. Yes.

14 Q. I put it to you that the second accused was one of the
15:39:59 15 alleged coup plotters who arranged the release of Johnny Paul
16 Koroma from Pademba Road Prison on 25 May 1997?

17 A. I don't have any idea about it that the second accused was
18 accused was one of those people.

19 Q. I put it to you that the third accused was one of the
15:40:32 20 alleged coup plotters who arranged for the release of Johnny Paul
21 Koroma from Pademba Road Prison in May 1997.

22 A. I'm also telling you that that was a lie. The third, he
23 accused was not in Freetown. I knew him because we all lived at
24 7 Battalion Barracks. That is the place he had his quarters. He
15:41:06 25 was outside deployment when he was at Camp Charlie and he was not
26 a member or planning coup or to remove Johnny Paul from Pademba
27 Road. He only came to Freetown when I saw him in June after a
28 message was sent to him. When he came, he showed me the message
29 at the hospital. He showed me the message that your brother sent

1 this message to me that your wife is dead, please come.

2 Q. You will agree with me that the coup which overthrew the
3 Kabbah government on 25 May 1997 was illegal, wouldn't you?

4 A. Well, that one I think you want to drag me into politics.

15:41:53 5 What I told this Court was that this case was highly, highly
6 political because this Tamba Brima alone he has been alleged to
7 be a member of the coup. He was brought for a coup again at
8 Pademba Road. Everything they talk about him was a lie. Now he
9 has been brought to the Special Court.

15:42:14 10 Q. Mr Brima, can you listen to the question and answer the
11 question I asked you, please?

12 A. I am listening to it.

13 Q. And can you answer the question.

14 A. Repeat the question.

15:42:36 15 Q. The coup which overthrew the Kabbah government in May 1997
16 was illegal. Would you agree with that?

17 A. Well, I cannot determine that.

18 Q. So according to you, are you saying that it is a legal
19 thing to - military or other people - to overthrow democratically
20 collect elected governments?

15:43:02 20 collect elected governments?
21 MS THOMPSON: Your Honour, the witness did not say that.

22 He said he cannot determine that. I'm not even sure -- there has
23 to be some finality to this at some stage. He said he cannot
24 determine that. I do not know what my learned friend is getting

15:43:18 25 at whether he wants an yes, it can be legal, yes, it was legal --
26 it is illegal. The fact is that he has asked this question
27 several times and got the same answer and also he is asking this
28 witness to give a specific knowledge of the legalities, of the
29 legal niceties of coups. I am not sure that this witness is

1 equipped to determine whether coups are legal or illegal. He has
2 asked the question; he has got his answer. I'm not sure why he
3 keeps asking the same question. There has to be finality to this
4 at some stage. It is an objection, Your Honour.

15:43:57 5 PRESIDING JUDGE: Yes, thank you, Ms Thompson. What do you
6 say, Mr Agha?

7 MR AGHA: I asked the witness whether he thought it was
8 legal -- I believe I asked him whether he thought it was legal
9 for a democratically elected government to be overthrown by a
10 15:44:17 10 coupe. He said he could not determine that, so I then followed
11 up by asking him whether if a democratically elected government
12 was overthrown, was that a legal thing or not was that a usual
13 thing? What I am trying to ascertain from the accused is does he
14 think that it is a normal, routine thing. I'm not asking
15 15:44:43 15 specific areas of the law.

16 PRESIDING JUDGE: I take it your last question was aimed at
17 determining his reason for not being able to determine what you
18 asked him. What you have done is instead of asking him for what
19 reason can't you determine it, you put an answer to him that is
20 15:45:13 20 of your conclusions, not perhaps of his own. So why not rephrase
21 the question.

22 MR AGHA: Thank you for your guidance, Your Honour.
23 Q. So you mentioned that you couldn't determine whether a coup
24 on 25 May 1997 to overthrow the Kabbah government was illegal.
25 15:45:42 25 Why are you not able to determine that?

26 A. I was not there during the coup. I don't have any hands
27 with coup. Because I am sitting here, it is not a coup that
28 brought me here. So I don't even know whether it is legal or
29 illegal in any coup affairs.

1 Q. Let me put to you this way: If a coup took place by the
2 military and overthrew a government, whether or not you were part
3 of it, would that be right in your mind?

4 MR FOFANAH: May I object at this stage. Firstly, on the
15:46:22 5 grounds that the indictment is very clear on the offences with
6 which the witness and the other accused, including the second
7 accused that I represent, are charged. Treason does not form any
8 part of the offences alleged against the said accused persons.
9 Over and above that, the question, as it is phrased, seems to be
10 seeking the opinion of the witness. I think from my point of
11 view the issue of coup plot was entertained purely from the
12 perspective that it had been canvassed before in this Court by
13 other witnesses. In any case, the witness before the Court at
14 the moment has sufficiently exhausted questions posed to him on
15:46:48 15 the question of coup plots as it related to May 25, 1997
16 incident. Any further attempt, without clearly restricting that
17 to the indictment, would be unfair and, in my humble submission,
18 superfluous.

19 PRESIDING JUDGE: What do you say to that objection?

15:47:39 20 MR AGHA: It is a true that is not a crime of the Special
21 Court that someone attempts to overthrow the government, but the
22 accused continually denies that he did or was a part thereof. So
23 we are trying to establish his credibility by showing whether or
24 not he was involved in that exercise. So that is part of the
15:48:01 25 question and they are quite central to his credibility. And
26 going beyond that, if the accused were to know that it was an
27 illegal act to overthrow a democratically elected government,
28 then that would go to his criminal intent and many of the matters
29 which he is subsequently charged with in the indictment require

1 criminal intent. So we are looking at exploring it from those
2 areas, Your Honour.

3 PRESIDING JUDGE: Yes, I will allow the question. Perhaps
4 you better repeat it, Mr Agha.

15:48:47 5 JUDGE DOHERTY: Mr Agha, according to my notes, you were
6 asking if a coup by the military, whether you were a member of it
7 or not, it was illegal.

8 MR AGHA: That would be my recollection, Your Honour.

9 Q. I will ask you again, Mr Brima, if there was a military
15:49:04 10 coup in a country to overthrow a democratically elected
11 government by force, whether or not you were a part of it, would
12 that be a perfectly fine thing to do?

13 MS THOMPSON: Your Honour, I object again and this time I
14 object because that question, in my humble submission, requires a
15:49:31 15 certain kind of knowledge. This is a witness who was in an
16 institution in a country that has had a series of coup. Not all
17 of them resulted in treason trials. Which coup is he asking this
18 witness? The ones that were accepted or not accepted? He is
19 requesting the witness to give a specific opinion about something
15:49:53 20 which requires technical knowledge and, Your Honour, on that
21 basis I think this question should not be allowed.

22 PRESIDING JUDGE: Well, I think the question could be a bit
23 more specific. I won't allow it in that form, Mr Agha. You will
24 have to be more specific as to the coup.

15:50:17 25 MR MANLY-SPAIN: May it please, Your Honour, I believe the
26 question that my learned friend asked was repeated to him by your
27 sister on your left. When it was being put by the counsel, it
28 was put in a different form. The question was whether it is
29 legal when he put it, it was whether it was fine thing to do.

1 They are two different things.

2 PRESIDING JUDGE: Yes, that is quite right, Mr Manly-Spain.
3 That wasn't the question I allowed, Mr Agha. If you could repeat
4 the question that was objected to and allowed, I would agree with
15:51:00 5 you if you repeated that question that it is relevant as a
6 criminal intent.

7 MR AGHA: Thank you, Your Honour.

8 Q. Mr Brima, I'm going to ask you again that question. So
9 according to you, if a military force overthrew a democratically
15:51:25 10 elected government, as in May 1997 in Sierra Leone, whether or
11 not you took part in that coup, would you regard that act as
12 being legal?

13 A. Well, I cannot be able to tell you whether it is legal or
14 illegal.

15:51:57 15 Q. So does that mean you don't know?

16 A. Really, what you are saying that whether it is legal or
17 illegal, I don't know.

18 Q. You are aware that some of those who were accused of taking
19 part in the coup on 25 May 1997 were executed, weren't you?

15:52:28 20 A. Yes.

21 Q. And one of them was Tamba Gborie?

22 A. Yes.

23 Q. And one of them was Abu Sankoh, Zagalo?

24 A. With some other senior officers.

15:52:49 25 Q. And why were they tried?

26 A. Well, they said they overthrew the government, the SLPP
27 government. That was why they were tried and they were killed.

28 Q. So they were executed for allegedly overthrowing the SLPP
29 government. That is right, isn't it?

1 A. That was what I heard.

2 Q. So anyone who was involved in the coup would want to make
3 sure they weren't caught, wouldn't they?

4 A. I beg your pardon?

15:53:35 5 Q. Anybody --

6 PRESIDING JUDGE: I really think that is objectionable,
7 Mr Agha. I will not allow that question.

8 MR AGHA:

9 Q. Now, we discussed the coup in some detail as My learned
15:53:58 10 friend has observed. It is the case of the Prosecution that that
11 you were part of that coup. For my own benefit or the benefit of
12 the Prosecution, can you tell me who did carry out the coup?

13 MS THOMPSON: Asked and answered, Your Honour. This
14 question was, if I recall, it was whether Corporal Gborie --
15:54:20 15 whether this witness had asked Corporal Gborie about who had
16 carried out the coup. That has been exhausted. And again, Your
17 Honour, I think there has to be finality.

18 PRESIDING JUDGE: Yes, Mr Agha.

19 MR AGHA:

15:54:37 20 Q. I put it this way to you, you say when Corporal Gborie
21 visited you in hospital you didn't ask him and you were not
22 curious, did you ever learn, now that is it 2006, who took part
23 in the coup of 25 May 1997?

24 A. Please ask me at that question again.

15:55:06 25 Q. Today's date, is a year actually, 2006, so that is quite a
26 considerable time after the 25th May coup. Have you ever learned
27 subsequently who carried out the 25th May 1997 coup to remove the
28 Kabbah government?

29 A. Well, from what I saw from the clip of the SLBS TV, or

1 video clip of the SLBS TV which I watched, they killed 24
2 soldiers for overthrowing the SLPP government. That is all I
3 knew, including the two peoples' name you have called including
4 some other officers in the Republic of Sierra Leone Army.

15:56:03 5 Q. Up to today that is all you learned about who carried out
6 the coup on 25 May 1997?

7 THE INTERPRETER: My Lord, can the lawyer repeat the
8 question again.

9 MR AGHA:

15:56:25 10 Q. So up until today that is the only knowledge you have about
11 who carried out the coup on the 25th May; is that correct?

12 A. Repeat the question.

13 Q. Until today, year 2006, the only knowledge about the people
14 who carried out the coup were those who you saw about on TV and
15:56:50 15 you just mentioned; isn't that correct?

16 A. I didn't say TV. I said SLBS TV video clip.

17 Q. So it is only that source that you have any knowledge about
18 who carried out the coup?

19 A. Because I watched the clips as a film and I saw them and
15:57:15 20 the lawyer who was talking to them said it is because they
21 overthrew the government. That was why. It was because they
22 overthrew the government that the two people that you've called
23 and some other senior officers.

24 Q. So as far as you are concerned, those were the people who
15:57:34 25 carried out the coup on 25 May 1997?

26 A. From what I saw I heard and the film that I looked at, they
27 were the people.

28 MR AGHA: Thank you. I think with Your Honours' permission
29 this would be quite a useful time to break for the day, because I

1 am going to move on to a new topic tomorrow.

2 PRESIDING JUDGE: Thank you, Mr Agha. Would the Court
3 Attendant please take delivery of the documents within Mr Brima's
4 possession.

15:58:20 5 Once more, Mr Brima, we are going to break for the day.
6 You are not allowed to discuss this evidence or the case with any
7 other person.

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: We will adjourn the Court until 9.15
15:58:38 10 tomorrow morning.

11 [Whereupon the hearing adjourned at 4.02 p.m.
12 to be reconvened on Friday, the 30th day of
13 June, 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P86	24
Exhibit No. P87	27
Exhibit No. P88	78
Exhibit No. P89	97

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA	2
CROSS-EXAMINED BY MR AGHA	2