

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

MONDAY, 3 JULY 2006
9.20 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 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

OPEN SESSION

1 [AFRC03JUL06A-RK]

2 Monday, 3 July 2006

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 WITNESS: ACCUSED ALEX TAMBA BRIMA [Continued]

7 [Witness answered through interpreter]

8 [Upon commencing at 9.20 a.m.]

9 PRESIDING JUDGE: Good morning. Before we start the
10 hearing today. I have an announcement. As you all know the
11 Secretary-General will be visiting the Court later today and
12 certain arrangements have to be made in relation to this
13 courtroom. We will adjourning for lunch earlier at 12.00. We
14 will be adjourning the Court from 12.00 to the normal lunch hour
15 return time which is 2.15. Hopefully we will be able to start in
16 the afternoon at 2.15 but no doubt, if we can't, there will be
17 word sent to us.

18 Now, Mr Brima, I remind you, you are still on your oath to
19 tell the truth.

20 THE WITNESS: Yes, My Lord.

21 PRESIDING JUDGE: Mr Agha.

22 CROSS-EXAMINED BY MR AGHA: [Continued]

23 Q. Good morning, Your Honours. Morning, Mr Brima.

24 A. Morning.

25 Q. Today I am going to start by looking at the first council
26 meeting which you attended. You were too afraid to refuse the
27 appointment to the council because you had heard that a Major
28 Yayah Kanu was killed under the NPRC government for refusing an
29 appointment; is that right?

- 1 A. Yes.
- 2 Q. Major Yaya who you referred to was offered an appointment
3 under the NPRC government, wasn't he? He was never offered an
4 appointment under the government, was he?
- 5 A. Ask the question again.
- 6 Q. The person you refer to as refusing an appointment was
7 never offered an appointment under the NPRC government, was he?
- 8 A. It was offered to him. It was offered to him. They
9 offered him an appointment.
- 10 Q. He was arrested not for refusing an appointment, but
11 because he told the BBC that he was not part of the Strasser
12 coup; that's right isn't?
- 13 A. It was not so. They offered him an appointment and I was
14 in Sierra Leone.
- 15 Q. At the time you attended, you were a trained soldier,
16 weren't you?
- 17 A. I beg your pardon?
- 18 Q. At the time of the first council meeting, which you
19 attended, you were a trained soldier, weren't you?
- 20 A. I was a soldier.
- 21 Q. You had earlier, as a soldier, experienced fighting with
22 the RUF, hadn't you?
- 23 A. I fought against the RUF.
- 24 Q. Other ranks were also present at the first council meeting,
25 weren't they?
- 26 A. I beg your pardon?
- 27 Q. At the first council meeting, which you attended, other
28 ranks of the Sierra Leone Army were also present, weren't they?
- 29 A. Other ranks were there. I myself, I that am answering you,

1 was amongst the other ranks.

2 Q. So you had no reason to be afraid at the first council
3 meeting, did you?

4 A. I had a reason to fear.

5 Q. There was no RUF to be afraid of at the first council
6 meeting, was there?

7 A. I did not see RUF who attended that first meeting.

8 Q. After joining the council, you were free to move around
9 Freetown, weren't you?

10 A. Well, before that, I used to move around, but since I told
11 this Court that I wasn't well, or I was in the hospital on and
12 off.

13 Q. Apart from going to the hospital you had freedom to move
14 around Freetown, didn't you?

15 A. I moved around Freetown, with my own freedom, but one thing
16 that I was conscious of was that the Nigerian invasion with the
17 Alpha Jets used to attack Sierra Leone. So at certain times when
18 I used to work, at least if the jets were up, I would not go.

19 Q. You were armed when you were wandering around Freetown,
20 weren't you?

21 A. Well, I personally, I was not armed. But all I knew was
22 that I had my personal rifle, and I left my personal rifle at the
23 arms store.

24 Q. So you had access to a weapon when you were in Freetown;
25 correct?

26 A. Every soldier in Sierra Leone during the war had an access
27 to a rifle, which was his personal rifle.

28 Q. You had access to a vehicle whilst you were in Freetown,
29 didn't you?

1 A. Yes, I used to move with a vehicle.

2 Q. You were able to occasionally practice volleyball at the
3 beach, weren't you?

4 A. That was to keep my health to a very good standard that I
5 wanted to, that is why I used to go and train.

6 Q. You were appointed as PL 2 to monitor various ministries,
7 weren't you?

8 A. Well, I did not say various ministries; only two ministries
9 that I mentioned here.

10 Q. You attended many council meetings, didn't you?

11 A. Well, I attended council meetings. I will not be able to
12 tell you the total number that I attended.

13 Q. But despite your alleged fears you said in your evidence
14 when you were invited to join the council, you didn't try to
15 escape after the first council meeting, did you?

16 A. I will not tell you that I escaped. I told you that I
17 wasn't well.

18 Q. But you didn't try to escape, did you?

19 A. I would not tell you that I tried or I did not try to
20 escape.

21 Q. But you remained in Freetown?

22 A. I was not in Freetown throughout. I was in Freetown, I was
23 in Kono.

24 Q. And after the first council meeting, you continued to
25 attend other council meetings with the other RUF people you
26 allegedly feared; correct?

27 A. After that council meeting, I attended other meetings.

28 PRESIDING JUDGE: Ms Thompson, what's your objection?

29 MS THOMPSON: I'm not sure the evidence is that he did not

1 attend the council meeting because he was afraid of the RUF. He
2 never said he was afraid of the RUF. The evidence was, in chief,
3 and I also think in cross-examination, was that he was afraid to
4 take up the appointment. He took up the appointment. If he had
5 refused, he was afraid of what would happen to him, and he gave
6 the example there, but there was no RUF about this.

7 PRESIDING JUDGE: Yes, Mr Agha.

8 MR AGHA: My understanding was, initially, when he was
9 asked from the hospital to go and join the council, one of his
10 initial reservations was that he had been fighting against the
11 RUF, and he didn't want to join a council with them. Anyhow, I
12 will continue.

13 PRESIDING JUDGE: Well, you don't have to base your
14 evidence on the previous evidence. You can ask him a direct
15 question.

16 MR AGHA: Okay.

17 Q. You attended council meetings with RUF present; correct?

18 THE WITNESS: Yes.

19 Q. Issa Sesay, an RUF leader, also made a personal visit to
20 your house, didn't he?

21 A. Ask me that question again.

22 Q. During the reign of the AFRC government, Issa Sesay of the
23 RUF also made a personal visit to you, didn't he?

24 A. Yes, he visited me once.

25 Q. Now, the distance of Freetown to Kono is about 200
26 kilometres, isn't it?

27 A. Well, I don't know when you say 200 kilometres, because I
28 do not understand kilometres. I understand mileage.

29 Q. Roughly how many miles would you say Freetown to Kono is?

1 A. Well, roughly they used to say it was, I think, 210 or 215
2 miles.

3 Q. Now, Kono District borders Guinea, doesn't it?

4 A. Yes, it borders Guinea.

5 Q. From Kono to Guinea is about 50 miles, isn't it?

6 A. I cannot tell you the estimation.

7 Q. But it's less than the distance from Freetown to Kono;
8 would you agree with that?

9 A. Well, I cannot tell you that.

10 Q. So you don't know whether it is further in miles from
11 Freetown to Kono, or from Kono to Guinea?

12 A. Well, why I said I will not be able to tell you because I
13 have never taken that route to go to Guinea. So I would not be
14 able to tell you that from Kono to Guinea or Freetown is further,
15 or Freetown to Kono is further. So I will not be able to tell
16 you.

17 Q. Well, you are a Kono man and you made the trip from
18 Freetown to Kono three times during the AFRC regime, didn't you?

19 A. Yes.

20 Q. Now, being a Kono man, you also know that Guinea borders
21 Kono.

22 A. I know that.

23 Q. So which is the further distance? Is it Freetown to Kono
24 or Kono to Guinea?

25 A. I cannot tell you roughly. The one that I know about is
26 the one I talked to you about.

27 Q. On your first visit to Kono, you did not attempt to flee
28 the country from the RUF; did you?

29 A. I did not tell you that I ran away from the RUF. My first

1 visit to Kono was to go in search of my, mummy.

2 Q. When you reached Kono you didn't leave Sierra Leone, did
3 you?

4 A. I came back. I did not go anywhere. I came back to
5 Freetown.

6 Q. You took your wife with you on that first visit, didn't
7 you?

8 A. I beg your pardon?

9 Q. Your first visit to Kono, you took your wife with you,
10 didn't you?

11 A. Yes. I did not take my wife the first visit.

12 Q. Which visit did you take her?

13 A. I took my wife on the second visit.

14 Q. Now, on your second visit to Kono, you didn't try and leave
15 Sierra Leone, did you?

16 A. I did not go for that in Kono. I told you that I did not
17 know the distance. I went there to do my marriage ceremony.

18 Q. But you didn't leave from Kono to outside of Sierra Leone
19 after your marriage ceremony, did you?

20 A. I came back to Freetown.

21 Q. Duration the entire nine months of AFRC regime prior to the
22 intervention, you did not try and leave Freetown, did you, or
23 Sierra Leone?

24 A. Ask the question again.

25 Q. During the regime of the AFRC government prior to the
26 intervention, you did not leave Sierra Leone, did you?

27 A. To go where?

28 Q. To go outside of Sierra Leone, to another country?

29 A. Well, I cannot tell you whether I can remember deciding to

1 go to another country.

2 Q. It is a simple question. I did not ask whether you decided
3 to go. I asked you, during the AFRC regime, did you leave Sierra
4 Leone; yes or no?

5 A. It is what I have told you. During the AFRC, I did not
6 leave Sierra Leone.

7 Q. It was only after the intervention, whilst you were in
8 Kono, that you decided to leave Sierra Leone, wasn't it?

9 A. Yes.

10 Q. The real reason you tried to flee Sierra Leone was because
11 the AFRC government, which you were a part of, had been from
12 power, wasn't it?

13 A. I cannot tell you that was the reason. But all I can say
14 is that I wanted to make my way out of Sierra Leone.

15 Q. Had it not been for the intervention, you would have still
16 remained a part of AFRC government, wouldn't you?

17 A. No, if it were not for the intervention, I would have still
18 gone.

19 Q. But you had nine months opportunity. Why didn't you go
20 during that nine months opportunity?

21 A. That nine-month opportunity that you are talking about, I
22 did not have any access to travel out, and Guinea is a place
23 where I would never attempt to go, because any soldier who goes
24 to Guinea would be arrested and locked up. Any soldier who goes
25 to Guinea would be arrested and locked up. So soldier, or the
26 relative of a soldier, or the AFRC, members and friends, if you
27 go to Guinea, you will be arrested; either they will kill you or
28 you will be jailed.

29 Q. You could go to Liberia, couldn't you?

1 A. I wanted to use the Liberia route to go out.

2 Q. During the nine-month period, you didn't try and escape to
3 Liberia, did you?

4 A. I did not tell you that I tried. I told you about my
5 health.

6 Q. But it was on account of your health after the intervention
7 that you did try to leave Sierra Leone?

8 A. I beg your pardon?

9 Q. After the intervention, you say you didn't want to stay and
10 fight because of your health, and that's why you were leaving
11 Sierra Leone, didn't you?

12 A. I said I left Sierra Leone. That was what I was thinking
13 about my life.

14 Q. You joined the council willingly, didn't you?

15 A. I told you that I was afraid.

16 Q. There was no question of you being afraid, was there?

17 A. There was a reason that I told this Court that I'm going to
18 repeat to you, which should make me to be afraid and I was
19 afraid.

20 Q. You became a member of the council willingly, and willingly
21 took up your duties as PLO 2, didn't you?

22 A. Well, I am telling you that it was not wholeheartedly. I
23 told you that the appointment that was given to me, I was afraid.

24 Q. It is a total lie that you were afraid to take up your
25 appointment as a council member, isn't it?

26 A. I am telling you that it is not a lie. It is the truth
27 that I'm telling you.

28 Q. Gibril Massaquoi was a member of the council, wasn't he?

29 A. Yes.

OPEN SESSION

1 Q. Roughly how many times did you see him at council meetings?

2 A. I cannot tell you.

3 Q. You said you only saw Gibril Massaquoi once before 1999 in
4 Makeni; is that right?

5 A. Well, 1991 or before 1991, I had not known Gibril
6 Massaquoi.

7 Q. So between 1997 - at one council meeting. You never saw
8 Gibril Massaquoi again until 1999 in Makeni, did you?

9 A. Well, to start with, I was not acquainted with Gibril
10 Massaquoi. It was in '99 --

11 Q. I didn't ask you whether you were acquainted with him --

12 A. It was in 1999 --

13 Q. Witness, will you please answer the question. I'm not
14 asking you whether you were acquainted with him. I'm asking you,
15 quite simply if you saw him at one council meeting and you did
16 not see him again until Makeni in 1999; is that correct?

17 A. Gibril Massaquoi, I'm telling you, I did not even know him.
18 I saw him in Freetown once and I saw him in Freetown. And Makeni
19 that is the time that I knew he was Gibril Massaquoi because in
20 Freetown, just like I told you, he attended one meeting once.
21 When he was there, I was not able to recognise him, in fact.

22 Q. I would like to read you a piece of transcript for you to
23 comment on, with the permission of the Court. Part of the
24 testimony of TF-046, and it should be on 11 October 2005, page 64
25 to page 65. I will lead from line 3.

26 "Q. Now, when you were, you said you went to State House
27 after your release?

28 "A. Yes.

29 "Q. And you spent a total of 11 days during the January

1 1999 incident. You spent a total of 11 days with him; not so.

2 "A. More than that.

3 "Q. More than that, okay. Immediately after your release
4 did you sleep at State House?

5 "A. No, I did not sleep there.

6 "Q. Where did you sleep?

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

10 "Q. Where was that?

11 "A. That was by Blackhall Road.

12 "Q. How often did you go to State House?

13 "A. I think almost on a daily basis. If I am not there
14 in the morning, perhaps in the evening or except if I am ill or
15 there was no vehicle by Lahai for me to use to go there

16 "Q. How long would you spend there at State House?

17 "A. Some hours. Sometimes I can be there for two, three
18 hours.

19 "Q. What did you go to do there?

20 "A. Initially when we are released we are told that State
21 House was the office and that was the place we are to report.
22 And after that while will in discussion with Gullit, while
23 working with him, he made me to know that there was an office and
24 we all should be meeting there.

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

26 "A. Yes.

27 "Q. To meet?

28 "A. Yes.

29 "Q. And did you take part in any meetings?

1 "A. One meeting, I have said.

2 "Q. What was that meeting about?

3 "A. That was a meeting of attacking Wilberforce."

4 Now, that is a part of the evidence of TF 046. You did
5 meet Gibril Massaquoi in January 1999 at State House during the
6 Freetown invasion, didn't you?

7 A. No, did I not come to Freetown. I did not meet Gibril
8 Massaquoi at State House.

9 Q. So according to you, Gibril Massaquoi is lying?

10 A. Yes.

11 Q. Now, coming back to the council, the council only made
12 recommendations not decisions; is that right?

13 A. Well, that is true.

14 MR AGHA: I would like to refer you to Exhibit P34 with the
15 permission of the Court. Our case manager has copies of the
16 exhibit for everyone if that would be of assistance.

17 JUDGE SEBUTINDE: Madam Court Attendant, I think you should
18 pick up the exhibit from the other side.

19 MR AGHA:

20 Q. Mr Brima, do you have a copy of that document?

21 A. Yes.

22 Q. Now, this is minutes of an emergency council meeting of the
23 AFRC held at State House on Monday, 11 August 1997. Do you see
24 that?

25 A. Yes.

26 Q. You will see that there is a list of those present. You
27 have Major JP Koroma as chairman; Captain SAJ Musa as chief
28 secretary of state; you have Staff Sergeant Abu Sankoh PLO 1; you
29 have Staff Sergeant Alex Tamba Brima as PLO 2, do you see that?

- 1 A. I see it, but that is not my rank, staff sergeant and that
2 is not my name Tamba Alex Brima. I am Tamba Brima.
- 3 Q. You are Staff Sergeant Alex Tamba Brima, PLO 2, aren't you?
- 4 A. No, I am not a staff sergeant, Tamba Alex Brima. I am
5 Corporal Tamba Brima.
- 6 Q. You attended this meeting?
- 7 A. Yes.
- 8 Q. And you will see if you go to the final page of this
9 document, which is number four, and in the bottom left-hand
10 corner, it says distribution, all members. Do you see that?
- 11 A. Yes, I see that.
- 12 Q. So why didn't you ask for your rank to be corrected?
- 13 A. Well, I did not have after this meeting, it is only now
14 that I am seeing this document and I had never been a paid a
15 staff sergeant in the army.
- 16 Q. But if you saw any document with an incorrect rank on it,
17 you would ask for it to be corrected, weren't you?
- 18 A. Yes, if I had seen it I would have made a complaint, but I
19 told you it is only now that I'm seeing this document.
- 20 Q. But you were PLO 2, weren't you?
- 21 A. Yes, I was PLO 2, but I am telling you that I was not that
22 effective because I was not able to work.
- 23 Q. Now underneath your name is Ibrahim Bazy Kamara, isn't it?
- 24 A. Yes. I see Ibrahim Bazy Kamara there.
- 25 Q. Listed as PLO 3?
- 26 A. Yes, I see the list as PLO 3.
- 27 Q. He is accused number two, isn't he?
- 28 A. Well, the accused number two, I do not know him by this
29 name, Bazy. I still tell this Court and when I look at this

1 document I see Ibrahim Bazy. If it had says Ibrahim Kamara I
2 would have said that it is his right name, because I know him by
3 that name - the second accused - that is the name I know him by.

4 Q. On the first page after the names you will see the heading
5 introduction. Do you see that?

6 A. Yes.

7 Q. If you turn to the next page you see aim?

8 A. Yes.

9 Q. Under aim we have item 1, general financial position, don't
10 we?

11 A. I see it.

12 Q. If you turn to the next page, we have decisions, don't we?

13 A. Yes.

14 Q. And then again under item 2 we have decision, don't we?

15 A. Yes.

16 Q. So the council did make decision, didn't it?

17 A. The council did not make decisions, I told you that, they
18 made a recommendations.

19 Q. So where it says --

20 A. They made recommendations.

21 Q. -- in this document that a decision has been made, it's
22 wrong. This document is wrong?

23 A. Well, look at the document. It says decision. The council
24 can say something. The Supreme Council will not do what it says.

25 Q. This document is a document from an emergency meeting of
26 the council. You just told us it has decisions in it. It is
27 signed purportedly at the bottom by AK Sesay, Colonel
28 Secretary-General. The council could make decision, couldn't it?

29 A. I told you the council could make recommendations.

1 MR AGHA: Is this document already exhibited, Your Honours?

2 I believe it is.

3 PRESIDING JUDGE: You said it was P34.

4 MR AGHA: Indeed it is, thank you, Your Honour.

5 Q. I would now like to, as we are on the questions of
6 decisions of Supreme Council and council, move and read to you a
7 portion of the statement made by Mr Zagalo for your comments,
8 which is Exhibit P88. Now, if we turn to page 11 and if we can
9 start from nine lines from the bottom of that page where it
10 starts "Before the staff." Do you have that Mr Brima?

11 A. Yes.

12 Q. I will read to you "Before the staff was even brought to
13 Major Johnny Paul Koroma we the seventeen leaders had unanimously
14 agreed that he should be the Chairman of our new government and
15 Head of State." [sic]

16 How do you comment on that?

17 A. I have to tell you that I am not a leader and I am not a 17
18 member that you are talking about here and I have never supported
19 these sort of things that are in the document.

20 Q. If you would kindly turn to the next page, which is page 12
21 and on the first line, I will start "On the day."

22 A. Yes.

23 Q. "On the day the coup was staged I had authority in
24 decision making but anyone's Major Johnny Paul Koroma had
25 infact assumed command as a the most senior officer he was
26 now the brains behind everything we did and he infact
27 conceived the idea of naming the council as the Armed
28 Forces Revolutionary Council which we all approved."

29 THE INTERPRETER: Your Honour, could counsel please take

1 that slowly.

2 MR AGHA:

3 Q. "Infact conceived the idea of naming the counsel as the
4 Armed Forces Revolutionary Council (AFRC) which we all
5 approved."

6 How do you comment on that?

7 A. What I will say about that comment or no comment. The man
8 who made this statement they were the ones that took that
9 decision. I was not a member of the 17 people that you are
10 talking about and I have never taken those decisions.

11 Q. Now if we turn to the next page, which is page 13 and
12 around 17 lines down, at the end of the line starting "after he
13 was sworn in." Do you have that?

14 A. I don't have it yet. I have got it now.

15 Q. I shall read for you?

16 A. Yes.

17 Q. "After he was sworn in, Major Johnny Paul Koroma then
18 formed a government and appointed his secretaries of State.
19 Following this development, we the coup leaders of May 25
20 were made Supreme Council members and we attended council
21 meetings to discuss policy matters and to determine the
22 fate of the country in the junta rule."

23 What do you have to say about that?

24 A. I am not a member of the 17 people who this Court allege
25 that I was among. And I was not a member of those kinds of
26 decisions. I was not a member of the Supreme Council and this
27 document that you are reading to me, the man whom gave you this
28 document, he had been killed by a firing squad.

29 Q. Now on it's same page if we move about ten lines further

1 down at the end of the line it starts, "No one among." Do you
2 have that?

3 A. No.

4 JUDGE SEBUTINDE: Mr Brima, it is six lines from the bottom
5 of page 13.

6 THE WITNESS: Thank you, My Lord, I have seen it.

7 MR AGHA:

8 Q. I will read for you.

9 "No one among the seventeen coup leaders was appointed as
10 Secretary of State, we were however honourable members of
11 the Supreme Council and three of us were appointed
12 Principal Liaison Officers, namely myself as PLO 1 with
13 responsibility to supervise the Ministries of Mines, Lands
14 Housing and Country Planning and Marine Resources. PLO 2
15 Sergeant Alex Tamba Brima and PLO 3 Sergeant Ibrahim Bazzay
16 Kamara but I do not know the Ministries that they
17 supervised."

18 How would you comment on that?

19 A. I would say it's a lie. He had brought a document before
20 me here, where he had staff sergeant. Here it's sergeant. And
21 my name is not Alex Tamba Brima. My name is Tamba Brima and I
22 was not among the 17 people who you said made a coup. And this
23 man who gave this statement I do not see that the statement is
24 relevant because it is not signed and it is not true what he is
25 saying.

26 Q. On the same page if you could from the bottom go 11 lines
27 up and you will find a sentence "As a member of junta."

28 A. Yes.

29 Q. "As a member of the junta and Supreme Council, I only had

1 one "V" boot Mercedes Benz car registered WU 25596 which I
2 commandeered from the Nigerian High Commissioner about two
3 months after the take over."

4 So according to Zagalo, he was a member of the Supreme
5 Council. What do you have to say about that?

6 A. I do not have anything to say about that. I cannot comment
7 about him. I am telling you that as I am sitting before you, as
8 Tamba Brima, I was not a Supreme Council member. This man who
9 made this statement I have told you that it was not a true
10 statement that he made because the man had been executed and this
11 statement that you are displaying before me, I do not see a
12 single signature on it.

13 Q. So the final page, page 21 of that statement, it readings:
14 "This is all, statement made in Krio recorded in English,
15 readover and explained in Krio, admitted to be true and
16 correct and concluded at 1615 hours on Tuesday, 31 March
17 1998. Breaks at 1840 hours on 27/3/98. Continued from
18 1135 hours on 28/3/1998 to 1830 hours continued on 30/3/1998
19 from 1330 hours to 1800 hours continued 1245 hours and
20 concluded 1840 hours on today's date as above."

21 And then we have a signature block, Alfred Abu Sankoh,
22 (alias Zagalo) and a date of 31 March, 1998. Do you see that?

23 A. I do not see the signature that you are talking about,
24 first of all because when you talk about block. I do not see any
25 block signature and I have not seen any signature on this
26 statement.

27 Q. So you see no words which say signed Alfred Abu Sankoh,
28 (alias Zagalo) 31/3/1998?

29 A. I did not tell you that I did not see where they indicated

1 sign. I have not seen a signature, that is one. Two, the man
2 who made this statement he had been killed. I'm telling you that
3 this statement that you are reading --

4 PRESIDING JUDGE: Mr Brima, the Prosecutor is simply asking
5 you can you see that. He has not asked you a question yet, he
6 has just asked you can you see it. Now you do have a question,
7 don't you, Mr Agha?

8 MR AGHA: That is all I read to him and I wanted him to
9 confirm that he saw the signature block. He disputes that.

10 PRESIDING JUDGE: Maybe you better explain what you mean by
11 a signature block. Mr Brima is saying that it is not signed and
12 he thinks you are implying to him that it is signed. What do you
13 mean by a signature block.

14 MR AGHA: I read the words at the bottom of the statement.
15 I'm happy to leave it at that, Your Honour, and move on.

16 PRESIDING JUDGE: All right, thank you.

17 MR AGHA: With the permission of the Court I would also
18 like to show you another document, and ask you to comment upon it
19 and this is Exhibit 89.

20 Q. And if we can turn to the last line on page 84, starting "I
21 was not one"; do you have that?

22 A. Yes.

23 Q. I will read for you. This is a statement of Tamba Gborie.
24 "I was not one of his body guard, and as a matter of fact
25 before Major Johnny Paul Koroma even formed his government
26 the first thing he did was to call the seventeen (17) of us
27 together who were leaders of the coup as already stated
28 above and addressed us on plans and proposals he had in his
29 minds for us."

1 THE INTERPRETER: Your Honours, could counsel take that
2 slowly the last part.

3 MR AGHA:

4 Q. "Who were leaders of the coup as already stated above and
5 addressed us on plans and proposals he had in mind for us.
6 He told us that none of us was going to be a Secretary of
7 State (SOS) in the new government but that he would select
8 and appoint some of us as Principal Liason Officers (PLO)
9 while some of us were to serve or work with the PLOs."
10 What would you have to say about that statement by

11 Mr Gborie?

12 A. I'm telling you that this statement is a lie. I never sat
13 where Johnny Paul or I never heard Brigadier Johnny Paul Koroma
14 utter these kinds of statements and these 17 members who they say
15 are the coup leaders, I am not a member of those 17 people.

16 Q. I will continue reading.

17 "When these divisions were prepared and subsequently
18 announced a Supreme Council was formed with five members from the
19 People's Army and 17 of us who were the coup leaders. Corporal
20 Foday Saybana Sankoh, Captain SAJ Musa, Colonel AK Sesay, of the
21 Sierra Leone Army and Major Johnny Paul Koroma himself as members
22 of the Supreme Council. The Supreme Council was to be the last
23 decision making body in running the affairs of state. Following
24 this Major Johnny Paul Koroma arranged a swearing in ceremony and
25 we took the oath of office before him as honourable Supreme
26 Council members."

27 How would you comments on that, Mr Brima?

28 MS THOMPSON: Your Honour, I rise because in that
29 statement, as in the one before, there are several allegations

1 there which this witness has constantly denied. One about being
2 one of the 17, he has denied; about being a member of the Supreme
3 Council, he has denied. And he has denied being part of any
4 meeting at which Johnny Paul Koroma presented these things. I do
5 not know what exactly my learned friend is putting to the
6 witness. My fear is he is putting things which have already
7 been denied and therefore my objection is there has to be some
8 finality at some stage. It does not matter whether the same
9 things are coming from different statements or different portions
10 of the same statement, the answer coming back is the same: I was
11 not one of the 17. I was not a member of the Supreme Council. I
12 was not a member of those who planned the coup. I think this
13 question has been asked and answered even if it is phrased in the
14 form that it is now for him to comment on a passage which has
15 about three or four allegations.

16 PRESIDING JUDGE: Yes, Mr Agha, what do you reply to that?

17 MR AGHA: The first statement was an allegation made by a
18 person who admits to be one of the coup plotters and he is naming
19 the accused in various roles and I have asked him to comment upon
20 those. He has denied them. The second statement is also from
21 one of the original coup plotters which has similarities to the
22 first statement. I am asking whether he agrees with any of
23 those. The reason is because the second statement will,
24 hopefully, corroborate the first statement and give it some
25 further weight. So that is the purpose of why I am reading it,
26 because these are two separate sources.

27 PRESIDING JUDGE: Yes, but it doesn't change the evidence
28 that he has denied it. You can use these documents, perhaps, as
29 a final argument, but inevitably by reading from these documents

1 you are going to ask him the same questions over and over again.

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

3 Q. Mr Brima.

4 A. Yes.

5 Q. I ask you a question now which is not related to those
6 documents in front of you, so you do not need to look at them any
7 more. In fact, if they could be collected from Mr Brima, that
8 would help.

9 PRESIDING JUDGE: Yes, please, court attendant.

10 MR AGHA:

11 Q. Mr Brima, according to you Mr Zagalo is lying in his
12 statement when he suggests that you were a member of the Supreme
13 Council?

14 A. Not the Supreme Council alone that I said he was lying
15 about, but even when he said in the statement that I was one of
16 the 17 members, it is a lie.

17 Q. Mr Gborie was lying in his statement when he suggested that
18 you were one of the members of the Supreme Council?

19 PRESIDING JUDGE: Well, Mr Agha, we realise we haven't
20 interrupted you before when asking questions of this nature. I
21 can tell you it is not helpful. Whether one is lying or telling
22 the truth is a matter we will have to decide. This witness's
23 opinion, on the veracity of somebody else, does not have any
24 probative value.

25 MR AGHA: I will move on.

26 Q. Mr Brima, I put it to you that you were appointed a member
27 of Supreme Council at the first meeting you attended sometime in
28 June?

29 A. No, I am telling you that it is a lie. What you are saying

1 it a lie. I was not a member of the Supreme Council of the AFRC.

2 Q. You had been appointed a member of the Supreme Council
3 before even the RUF nominees of Corporal Foday Sankoh had been
4 named, hadn't you?

5 A. No, that is not so. Nobody appointed me as Supreme Council
6 member of the AFRC. I was a council member.

7 MR AGHA: I would like to show the accused, with the
8 permission of the Court, a document.

9 PRESIDING JUDGE: Is this simply going to be another
10 allegation that he was a Supreme Council member?

11 MR AGHA: Well, when Your Lordship sees the document, it is
12 actually a document which shows the accused as a Supreme Council
13 member.

14 PRESIDING JUDGE: Are you going to put the allegation in
15 the document to the witness?

16 MR AGHA: I am going to ask him what he has to say about
17 that particular document.

18 PRESIDING JUDGE: All right. Go ahead.

19 MR AGHA:

20 Q. It is a newspaper cutting from the Pool newspaper, dated 11
21 July 1997. When the document is passed around you will see on
22 the front sheet an article headed "SAJ Musa appointed Prime
23 Minister." I would like you to turn to the second page which has
24 the full AFRC cabinet, and the paper is dated Friday, 11 July
25 1997 and at the top it says "Our government is not a rerun of the
26 NPRC". The main heading is "The full AFRC cabinet." Do you see
27 that, Mr Brima on the second page?

28 A. Yes.

29 Q. Now, if you look at the middle column, halfway down, you

1 will see a heading "Supreme Council."

2 A. Yes.

3 Q. The first person named is Johnny Paul Koroma, then the
4 second Corporal Foday Sankoh. If we come to the ninth person
5 named Staff Sergeant Sankoh, PLO 1. Do you see that?

6 A. Yes.

7 Q. The tenth person Staff Sergeant PLO 2 Alex Brima. That is
8 you, isn't it?

9 A. No. I have told you that I was not a staff sergeant; I was
10 a corporal. No, I am not Tamba Alex Brima. I am Tamba Brima. I
11 was not a Supreme Council member. I was a council in the AFRC,
12 and this document is a document made by a person.

13 Q. If you look at the this document it also has at number 11
14 Staff Sergeant Bazzy Kamara, PLO 3. That is accused number two
15 isn't it?

16 A. I have told you that the second accused I do not know him
17 for the rank staff sergeant. I know the second accused as a
18 sergeant and the name that I know about him is Ibrahim Kamara,
19 not Bazzy Kamara.

20 Q. The fifteenth person is listed is Sergeant Kanu SB, as a
21 member. That is the third accused, isn't it?

22 A. Well, I don't know where you are taking me. You are
23 talking about. When I come to the fifth now, I see Major
24 Tawarallie.

25 Q. It is number 15.

26 A. Yes, I have seen it.

27 Q. That is Sergeant Kanu SB, member. That is the third
28 accused, isn't it?

29 A. No, that third accused I do not know him as a sergeant; he's

1 corporal. He is Corporal Santigie Kanu.

2 Q. This document on the 11 July lays out the full AFRC
3 cabinet. That is, at least, what it says; correct?

4 A. I see it in the list, but what I'm telling you, I and the
5 two accused people we were not Supreme Council members.

6 Q. Now, on the first column on that page you will see a list:
7 Major Johnny Paul Koroma, Corporal Foday Sankoh, and Captain SAJ
8 Musa, in various positions; correct?

9 A. I see it.

10 Q. After that you have directorates. You see that?

11 A. I do not see directors. What I saw is directorate. I do
12 not know if that is what you referring to as director.

13 Q. Underneath directorates you see regional secretaries, don't
14 you?

15 A. Yes.

16 Q. Now, those are the regional secretaries you named in your
17 evidence, aren't they?

18 A. Yes.

19 Q. Under that you see PLOs?

20 A. Yes.

21 Q. These are the three PLOs, aren't they?

22 A. I beg your pardon?

23 Q. The three PLOs listed were the PLOs in the AFRC
24 government, weren't they?

25 A. Well, I cannot say that is true. I am still telling this
26 Court that I am not called Alex Tamba Brima. I am Tamba Brima
27 and I am not a staff sergeant.

28 Q. Let's deal with you. It says PLO 1, which is Staff
29 Sergeant Abu Sankoh; do you see that?

- 1 A. Which part are you reading?
- 2 Q. Under the heading PLOs it says one, Staff Sergeant Abu
- 3 Sankoh; do you see that?
- 4 A. I see Staff Sergeant Abu Sankoh.
- 5 Q. Number three, we see Staff Sergeant Alex Brima, works and
- 6 labour, SierraTel custom and excise cell post. Now, works and
- 7 labour SierraTel, customs and excise and cell post were bodies
- 8 which you said in your evidence you were supposed to supervise as
- 9 PLO 2; correct?
- 10 A. It is not correct.
- 11 Q. That is not correct that you didn't say in your evidence
- 12 that you were supposed to supervise works and labour?
- 13 A. It is correct in my own evidence, but what I see in the
- 14 paper it is not correct. They never gave me responsibilities to
- 15 supervisor or monitor cell post.
- 16 Q. Otherwise it is correct?
- 17 A. Well, from what I see in this paper, it is not correct
- 18 because I was not monitoring cell post.
- 19 Q. Now, I put it to you that based on this document as early
- 20 as July 1997 you were a member of the Supreme Council?
- 21 A. I myself is putting to you that I was not a member of the
- 22 Supreme Council. This document it is somebody that wrote it. It
- 23 is a newspaper. It is not all information that is in newspaper
- 24 that is true.
- 25 Q. According to you, which members of the Supreme Council,
- 26 which this newspaper lists, were not members of the Supreme
- 27 Council?
- 28 A. Well, I am one.
- 29 Q. Were any of the others listed under Supreme Council,

1 according to you, council members? Was Colonel AK Sesay a
2 council member, listed at number four?

3 A. Colonel AK Sesay was a council member.

4 JUDGE SEBUTINDE: Mr Agha, are we now talking about the
5 council or the Supreme Council?

6 MR AGHA: Well, I'm referring to the Supreme Council in
7 this document, but I'm asking whether those listed were council
8 members alone because, according to him, there was no Supreme
9 Council which he was apart of.

10 Q. Was number six, WO Conteh F, was he a council member?

11 A. Yes.

12 Q. Number seven, WO 2 Kargbo, was he a council member?

13 A. I do not know that WO Kargbo.

14 Q. Number eight, Sergeant Gborie was he a council member?

15 A. Gborie was a council member, but Gborie I did not know him
16 as a council member. From what I saw in this paper, I know
17 Gborie as a corporal.

18 Q. Staff Sergeant Sankoh, was he a council member?

19 A. Yes.

20 Q. You were a council member?

21 A. Yes.

22 Q. Second accused?

23 A. Yes, I Tamba Brima, I was a council member.

24 Q. Accused number 2 was a council member?

25 A. Yes, Sergeant Ibrahim Kamara was a council member.

26 Q. According you, Sergeant George Adams was he a council
27 member?

28 A. I did not know George Adams as a sergeant. I knew him as a
29 corporal and was a council member.

1 Q. Was Sergeant Brima Kamara a council member?

2 A. Yes.

3 Q. Sergeant Bangura H, was he a council member?

4 A. That Bangura I did not know him as a sergeant. I know him
5 as a corporal.

6 Q. And Sergeant Kanu SB, third accused, was he a council
7 member?

8 A. The third accused I did not know him as a sergeant. I know
9 him as a corporal. If you are referring to the third accused, he
10 was a council member, but I do not know him --

11 THE INTERPRETER: Your Honour, could the witness take the
12 last part of his testimony.

13 PRESIDING JUDGE: Mr Brima, the interpreter did not hear
14 what you said. Could you repeat your answer, please.

15 THE WITNESS: The name that the lawyer talked about as
16 Sergeant Kanu SB whom he said was the third accused, the third
17 accused I do not know him as a sergeant. I know him as Corporal
18 Santi gie Kanu and I did not know him as Colonel SB.

19 Q. Did you know him as a council member?

20 A. Yes, yes.

21 Q. Next Sergeant Kallay, did you know him as a council member?

22 A. I did not know Sergeant Kallay. I knew Corporal Kallay.

23 Q. As a council member?

24 A. Well, the Kallay that I knew, he was a council member.

25 Q. And Kabi a M, was he a council member?

26 A. This Kabi a that you are talking about, I did not know him
27 as a sergeant, but I knew him as a council member.

28 Q. And private Abu Sesay, did you know him as a council
29 member?

1 A. This Sesay that I knew as a council member was not a
2 soldier and if this Sesay is the one that they are referring to
3 here as a private, he was not a private. He was not a soldier.
4 This Sesay that I knew as a council member.

5 Q. Was Corporal Momoh Bangura a council member, according to
6 you?

7 A. Well, I'm looking at the rank, Corporal Momoh, I do not
8 know him as a corporal.

9 Q. And -- but did you know him as a council member?

10 A. Momoh Bangura, I knew him as a council member.

11 Q. Lance-Corporal Hector, did you know him as a council
12 member?

13 A. I knew Hector, but Hector was not a soldier and I did not
14 know him as a lance-corporal. The Hector that I knew was Hector
15 Bob Lahai.

16 Q. And the next one, lance-corporal Ibrahim Sesay. Did you
17 know him as a member of the council?

18 A. I did not know any Lance-Corporal Ibrahim Sesay as a member
19 of the council.

20 Q. According to you, numerous of these people I read out to
21 you who were council members have a lower rank than which they
22 are named in this newspaper; is that right?

23 A. Repeat that question again.

24 Q. According to you, a number of the people who I have just
25 read out in this newspaper held a lower rank than which they are
26 given in this newspaper?

27 A. Yes.

28 Q. I put it to you that that is because they were the 17 coup
29 plotters and they were all promoted immediately after the coup.

1 A. I am putting it to you again that it is a lie. The 17
2 members you are alleging that they were promoted, I Corporal
3 Tamba Brima, I am not among those people. From what I see in
4 this paper, most of the people that you called these are not
5 their ranks which I knew them for.

6 Q. Yes. They promoted, like you, from a corporal to a
7 sergeant immediately after the coup in recognition of the coup,
8 weren't they?

9 A. You, the very lawyer who said that I am a staff sergeant,
10 you are saying that I am a sergeant, so you see, I'm telling you
11 that I am not a sergeant and I am not a staff sergeant. Nobody
12 promoted me to those positions.

13 Q. Now moving on -- if I may kindly ask for that document to
14 be exhibited, Your Honour.

15 PRESIDING JUDGE: Yes. Do the Defence want to say
16 anything?

17 MS THOMPSON: No, Your Honour.

18 PRESIDING JUDGE: The photocopy of two pages from the
19 newspaper known as the Pool, the edition is dated July 11, 1997,
20 will be admitted into evidence as Exhibit P93.

21 [Exhibit No. P93 was admitted]

22 MR AGHA:

23 Q. Corporal Foday Sankoh, the leader of the RUF, also
24 appointed members to the Supreme Council, didn't he?

25 A. Ask the question again.

26 Q. The leader of the RUF, Corporal Foday Sankoh, also
27 appointed RUF members to the Supreme Council, didn't he?

28 A. Yes.

29 MR AGHA: Now, with the permission of the court, would I

1 I like to show the witness Exhibit P4. May I suggest that at the
2 same time the other exhibit is taken from him.

3 PRESIDING JUDGE: Madam Court Attendant, could you please
4 pick up the previous exhibit from the witness.

5 Yes, Mr Agha.

6 MR AGHA:

7 Q. Do you have this document in front of you, Mr Witness?

8 A. Yes, I have a document in front of me.

9 Q. And does it read: "Proclamation administration of Sierra
10 Leone Armed Forces Revolutionary Council proclamation 1997?

11 A. Yes.

12 Q. This is a proclamation making provision for the interim
13 administration for the Republic of Sierra Leone by the Armed
14 Forces Revolutionary Council. Would you agree with that?

15 A. Can me again.

16 Q. Would you agree that this document is a proclamation making
17 provision for the interim administration of the Republic of
18 Sierra Leone by the Armed Forces Revolutionary Council?

19 A. Well, I see it from what you have read. I see it in the
20 paper.

21 Q. I will from now on refer to this document as the
22 proclamation, for ease of reference. Now, if you could kindly
23 turn to paragraph 10, which is the final page on this document.
24 Do you have that?

25 A. Yes.

26 Q. You will see that this proclamation be deemed to have come
27 into operation on 25 May 1997; is that correct?

28 A. Which part are you reading?

29 Q. I'm reading paragraph 10 at the bottom.

1 A. Yes, I have seen it.

2 Q. So this proclamation will have deemed to be come into
3 effect on 25 May 1997; is that correct?

4 A. Well, I want to know the meaning of proclamation, because
5 the interpreter when he talked to me, I did not even know the --
6 what it meant by proclamation.

7 PRESIDING JUDGE: Mr Agha, what are you asking the witness?
8 Are you asking is that what he can read there or are you asking
9 as a question of fact this proclamation came into effect on 25th
10 May?

11 MR AGHA: Yes, that is what I am saying.

12 PRESIDING JUDGE: Can you make that clear to him, please.

13 MR AGHA:

14 Q. Mr Witness, you see at paragraph 10 this proclamation shall
15 be deemed to have come into operation on 25 May 1997. Are you
16 aware that this proclamation came into effect on this day?

17 A. I do not know. Today is my first time of seeing this
18 paper.

19 Q. The 25th May 1997 was the day when the Kabbah government
20 was overthrown; wasn't it?

21 A. Yes.

22 Q. Now, I would like to refer you to paragraph 1(1), which is
23 the second page of that document, do you have that?

24 A. Yes.

25 Q. And it readings, "There is hereby established a Council to
26 be known as the armed forces Revolutionary Council (hereinafter
27 referred to as 'the council')."

28 A. I see what you have read.

29 Q. So the Armed Forces Revolutionary Council was referred to

1 as the council, wasn't it?

2 A. Ask me again.

3 Q. Was the Armed Forces Revolutionary Council referred to as
4 the council?

5 A. Well, all that I know was that the council in which I was,
6 it was called the council, but I cannot say the Armed Forces
7 Revolutionary Council was the one that was called the council.
8 Because there was a Supreme Council. I do not know why the
9 writer or how he referred to both of them.

10 Q. You will see at paragraph 1(2) that "The Council shall
11 consist of (a) a Chairman, (b) a Deputy Chairman and (c) other
12 members, not exceeding 27 in number."

13 A. I see what you have read.

14 Q. Now, you were one of those original 27 council members,
15 weren't you?

16 A. You are telling me lies. I was not one of them.

17 Q. So you were not a council member, one of the original 27?

18 A. I am telling you that. The question which I heard that I
19 was one the 17 members. I'm telling you no. It was not 27 that
20 the interpreter told me about, he said 17.

21 Q. Well, it's council consisted of a chairman, do you agree
22 with that?

23 A. Yes. The council was headed by SAJ Musa but I told this
24 Court that Major Johnny Paul who was the head of state could call
25 council meetings, immediate council meetings.

26 Q. And would Johnny Paul Koroma also sit at those council
27 meetings?

28 A. At times.

29 Q. And there is a deputy chairman, who was the deputy

1 chairman?

2 A. All I know is that SAJ Musa was the chief secretary of
3 state.

4 Q. And then at 2(c) it says "Other members, not exceeding 27
5 in number." You were one of those 27 council member, weren't
6 you?

7 A. Well, I, the council which I was I cannot tell you the
8 number, there were so many and I was a council member in the
9 AFRC, but I cannot tell you that it was 27 or 38 or 7.

10 Q. May I please refer the witness to Exhibit P7. He may keep
11 this current exhibit in front of him. That is a government
12 notice 215 which has been issued pursuant to the proclamation we
13 have just read. And it lists the person who are members of the
14 council. I will briefly read the front part. Do you have it?
15 It is on the first page at the bottom right, starting "Armed
16 Forces Revolutionary Council Secretariat Government Notice 215."

17 A. I have seen it.

18 Q. It reads "The Administration of Sierra Leone (Armed Forces
19 Revolutionary Council) proclamation 1997 PN No. 3 of 1997.
20 Pursuant to subparagraph (2) of paragraph 1 of the Administration
21 of Sierra Leone Armed Forces Revolutionary Council Proclamation
22 1997, the following persons constitute the Armed Forces
23 Revolutionary Council with effect from 25th May 1997."

24 Do you see that?

25 A. I have seen it.

26 Q. You will see that the first person listed is Major Johnny
27 Paul Koroma as chairman. The second person is Corporal Foday
28 Sankoh as deputy chairman, the third is Captain SAJ Musa as
29 member. The fourth is Colonel AK Sesay as member. The fifth is

1 Star Sergeant Abu Sankoh, member. Number 6 is the Staff Sergeant
2 Alex T Brima. Is that is you, isn't it?

3 A. Well, so far, as far as I am concerned I was not a staff
4 sergeant and I am not Alex Tamba Brima. I am Tamba Brima.

5 Q. So both the newspaper we looked at earlier and this
6 document are both wrong in naming you staff sergeant; is that
7 correct?

8 A. Yes.

9 Q. The seventh member listed is Staff Sergeant Brima B Kamara,
10 that is accused number two, isn't it?

11 A. Well, I do not know accused number two by the name Brima B
12 Kamara, I know accused number two by the name sergeant and I know
13 him as Ibrahim Kamara, but this one that is put, I do not know
14 him by that.

15 Q. At number 21 you will see Sergeant SB Kanu, member, that is
16 the third accused, isn't it?

17 A. It's third accused I do not any him by Sergeant SB Kanu, I
18 know him by Corporal Santigie Kanu.

19 Q. Now that the RUF members had been added to the council, the
20 council was a mix between RUF and SLA, wasn't it?

21 A. Yes.

22 Q. Number 8 is Sam Bockarie, who was the leader of the RUF,
23 wasn't he?

24 A. Sam Bockarie, I do not know him as the leader of the RUF.

25 Q. Was he an RUF personnel?

26 A. Yes.

27 Q. At nine Major Morris Kallon?

28 PRESIDING JUDGE: Just before you go ahead. There are
29 original exhibits that you have there, Mr Brima, so do not write

1 on them.

2 THE WITNESS: Thank you, My Lord.

3 MR AGHA:

4 Q. Number nine Major Morris Kallon was an RUF personnel,
5 wasn't he?

6 A. Well, I did not know him as a major. I did not know the
7 RUF ranks. All I know is Morris Kallon.

8 Q. And he is an RUF personnel?

9 A. Yes. The Morris Kallon that I know is an RUF personnel.

10 Q. And number 11 is written Colonel Issa H Sesay, isn't it?

11 A. I told you I did not know the ranks in the RUF.

12 Q. I'm not asking you about the rank. I'm asking you about
13 what is written.

14 A. I know him as Issa Sesay.

15 Q. Number 11, is it written Colonel Issa H Sesay?

16 A. Well, that is how I see it there.

17 Q. Number 12, is it written Colonel Gibril Massaquoi?

18 A. That is how I see the writing.

19 Q. Colonel Gibril Massaquoi was an RUF personnel, wasn't he?

20 A. Well, I know that Gibril Massaquoi was an RUF, but I did
21 not know him as Colonel Gibril Massaquoi, because I did not know
22 anything about the RUF ranks.

23 Q. Number 13 is Colonel Mike Lamin, that is what is written
24 there, isn't it?

25 A. That is how it is written on the paper which is before me.

26 Q. He is an RUF personnel, isn't he, Mike Lamin?

27 A. Yes.

28 PRESIDING JUDGE: This has been proved time and time again,
29 Mr Agha and he has conceded that this council was a mixture of

1 RUF and SLA, so where is this going?

2 MR AGHA: If you allow me to go a little bit further, Your
3 Honour.

4 PRESIDING JUDGE: We will take our morning break now. We
5 will come back at 11.05.

6 [Break taken at 10.50 a.m.]

7 [Upon resuming at 11.07 a.m.]

8 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

9 MR AGHA:

10 Q. Mr Brima, before the break we were looking at the council
11 members. This body, which is referred to as a council, made all
12 the key decisions about the running of the country during the
13 AFRC government, didn't it?

14 A. No.

15 Q. In practice, after July, the council was a Supreme Council,
16 which you referred to in your evidence, wasn't it?

17 A. I did not get you clearly.

18 Q. After July, the council, which we have just discussed, was
19 and became the Supreme Council, which you refer to in your
20 evidence.

21 A. No, it was not this council, because they became the
22 Supreme Council.

23 Q. Witnesses TF-334, 046, 184, 033, all refer to you as being
24 a member of the Supreme Council, don't they?

25 A. Well, I don't refer to members like that. If 0334 referred
26 to them like that, all the other numbers that you called said
27 that they referred to it, well, it was not the truth that they
28 said, because they did not have the access to go to council
29 meetings.

1 Q. 334 referred to you as a council member.

2 A. I don't get you clearly.

3 Q. 334 referred to you as a council member.

4 MS THOMPSON: Your Honour, he has never denied being a
5 council member. I don't know exactly what my learned friend is
6 putting to the witness.

7 PRESIDING JUDGE: Yes, what are you putting to him?

8 MR AGHA: That was my mistake. I meant Supreme Council.

9 PRESIDING JUDGE: Isn't this a matter for final
10 submissions, Mr Agha? He's denied time and time again he's a
11 member of that. If you've got other evidence you can point to in
12 your arguments, then you're entitled to do so. What is the point
13 of continually asking him?

14 MR AGHA: Well, I am putting the Prosecution's case, but I
15 will move on from there, Your Honour.

16 Q. The council was a joint decision-making body consisting of
17 both SLAs and members of the RUF, wasn't it?

18 A. Ask that question again, sir.

19 Q. The council was a joint decision-making body consisting of
20 both SLAs and members of the RUF, wasn't it?

21 A. Well, the council was recommending. It was not a
22 decision-making body, you see. I've told you that the council
23 used to recommend. If they said anything which went to the
24 Supreme Council's knowledge, if the Supreme Council approved, it
25 would be a decision. If they did not approve, then it would not
26 be anything or anything of value.

27 Q. So it made no decisions?

28 A. Well, I did not show the council in which I was. It did
29 not make any decision. I only knew that it recommended.

1 Q. Now some of the members of the council were known as
2 honourables, weren't they?

3 A. I did not get you clearly.

4 Q. Some of the members of the council were known as
5 honourables, weren't they?

6 A. Yes.

7 Q. Were any honourables Supreme Council members?

8 A. According to the statement that I gave before, no
9 honourable who was a Supreme council member whom I knew of.

10 Q. On what basis was a person made an honourable?

11 A. I cannot tell you the basis on which they made somebody an
12 honourable. All I knew was that there were honourables in the
13 council.

14 Q. So according to you, despite all the council meetings you
15 attended, you never asked anyone why they were called an
16 honourable?

17 A. Never. I did not ask them.

18 Q. It didn't interest you at all to know?

19 A. Well, except now that you are bringing it to me, but I had
20 never thought about that, to ask people why you were made or why
21 you were called an honourable.

22 Q. The original coup plotters were given a title of
23 honourables for carrying out the coup, weren't they?

24 A. Well, I will not tell you that they are original coup
25 plotters. What I am telling you, we had an honourable at the
26 AFRC.

27 Q. You were referred to as an honourable, weren't you?

28 A. Well, I -- all I know, is that I was the PLO 2. I did not
29 feel that anybody -- or I did not understand that I was referred

1 to as a -- or if he referred to me. That was the way he decided
2 to refer to me.

3 Q. So you admit that you were referred to as an honourable
4 during the AFRC government; is that correct?

5 A. Well, is not to my knowledge.

6 Q. Now, the second accused, he was also an honourable, wasn't
7 he?

8 A. Yes.

9 Q. Didn't you ever ask him why he was an honourable as he was
10 your squad mate and friend?

11 A. No. I and the third accused were not -- he asked me
12 whether the third accused was an honourable and I said yes. It's
13 the second accused that was squad mate. And the question which
14 you asked, the third accused was an honourable; I said yes. So
15 if you had problems with the interpreter, you have to tell me.
16 Because now you are asking me whether this man was my squad mate.
17 You are referring to the second accused.

18 Q. Was the second accused an honourable?

19 A. Well, he was not an honourable. He was PLO 3. That was
20 the name. That was the title that I knew that he carried.

21 Q. Now, you mentioned that the third accused was an
22 honourable; is that correct?

23 A. Yes.

24 Q. You didn't ask the third accused why he was an honourable?

25 A. Never. I had not asked him that question.

26 Q. Now, I'd like to show you another document.

27 MR AGHA: It is Exhibit 69, and it is under Rule 92bis,
28 with the permission of the Court. We've already look at it this
29 morning. Actually, we haven't looked at it this morning.

1 JUDGE DOHERTY: Sorry, Mr Agha, I did not hear the number.
2 Could you give it to me again, please.

3 MR AGHA: Exhibit P69, which was admitted under Rule 92bis.

4 Q. Mr Brima, do you have a copy of that document?

5 A. Yes.

6 Q. This is a document from the AFRC secretariat and it's
7 headed "Minutes of Meeting Held on 7 December 1997". Do you see
8 that?

9 A. I see it written there.

10 Q. And you will see those present, at number one is Honourable
11 Abu Sankoh, PLO 1; do you see that?

12 A. I see it.

13 Q. At number two, directly under the word "Honourable," we
14 have Tamba Alex Brima PLO 2?

15 A. I see it, but if they are referring to me, I am not Tamba
16 Alex Brima. I am Tamba Brima.

17 Q. Now in inverted commas underneath the "Honourable" on Abu
18 Sankoh's name, what do you think that refers to?

19 A. Maybe it may refer to bracket; brackets open, brackets
20 close.

21 Q. I put it to you that it refers to you being an honourable?

22 A. The reference is one thing, but I'm telling you that I was
23 not an honourable. I couldn't refer to you as mister so, so.
24 But if it's not your title, or it's not your name, or if it's to
25 your knowledge, okay. But this paper that you've brought to me,
26 I've never seen it, sir.

27 Q. Now, you will see on the second page at the bottom,
28 distribution to all counsel members, Attorney-General. Do you
29 see that?

- 1 A. I beg your pardon?
- 2 Q. On the second page at the bottom left, it says,
3 "Distribution - all council members. Attorney-General," and then
4 over on the right, it has "AK Sesay, Colonel Secretary-General,"
5 written. Do you see that?
- 6 A. I see both sides that you reading.
- 7 Q. If you go up two paragraphs from the bottom, you will see
8 "Decision." Do you see "Decision"?
- 9 A. I see "Decision."
- 10 Q. So the council could make decisions, couldn't it?
- 11 A. I told you the council made recommendations. I did not
12 know that the council made decisions.
- 13 Q. But you attended the meeting, didn't you?
- 14 A. The meeting that you are referring to, I told you that I
15 attended meetings. I did not attend every meeting and I cannot
16 recall every meeting. And I told you that the person that he
17 referred to here as Tamba Alex Brima, I am not Tamba Alex Brima.
18 I am Tamba Brima.
- 19 Q. So, according to you, you don't remember attending this
20 meeting where these minutes were taken?
- 21 A. I cannot tell you that I can recall. I do not recall. I
22 attended a lot of meetings, but I cannot recall all the meetings.
- 23 Q. If you refer to page 2, at the top you will see paragraph
24 5.
- 25 A. I have seen it.
- 26 Q. It reads he drew the attention to the PLO 2, to the
27 misguided rumours about the rice business his wife is alleged to
28 be involved in.
- 29 A. I see it, I see it.

1 Q. If you were not at that meeting, why would it be necessary
2 to draw the PL0's s attention to those rumours?

3 A. I did not tell you that I was not in this meeting. I told
4 you that I attended meetings in of the AFRC council. It is not
5 every meeting that I can remember.

6 Q. So you attended this meeting?

7 A. I am telling you that it is not every meeting that I can
8 recall that I attended. That is one thing that I want you to
9 know. It is not every meeting that I attended that I can recall
10 that I attended.

11 Q. I accept that you did not attend every meeting, you have
12 made that clear. I'm saying to you you attended this particular
13 meeting where your attention was drawn to the misguided rumours
14 about the rice business of your wife, didn't you?

15 MS THOMPSON: Your Honour, perhaps my learned friend can
16 take the witness to the minutes of the meeting before putting the
17 question. The witness said he does not recall. If one looks at
18 first glance, the first paragraph is the chairman
19 [indiscernible]. There is nothing about chairman being present.
20 We don't know who the chairman of this meeting is. My learned
21 friend is asking the witness about a meeting, some - God knows -
22 nearly 10 years ago now. He says he cannot recall every meeting
23 he was present at, and you cannot rely on those present because
24 it is referring to someone having said something who's not
25 amongst the list of people present.

26 PRESIDING JUDGE: Yes, Mr Agha.

27 MR AGHA: I would have thought that would be a matter for
28 re-examination, Your Honour.

29 PRESIDING JUDGE: I think he did say that he doesn't recall

1 being at every meeting. Perhaps you'd better ascertain whether
2 he really does remember this is meeting or not.

3 MR AGHA:

4 Q. Do you recall attending a meeting where your wife was
5 discussed?

6 A. I cannot recall.

7 Q. So if you weren't present, it would be usual for comments
8 about a member who was not present to be directed generally?

9 PRESIDING JUDGE: I won't allow that question.

10 MR AGHA: I will move on, Your Honour. Could I kindly ask
11 that this -- it is already exhibited.

12 Q. Before moving on, I put it to you, Mr Brima, that you did
13 in fact attend that meeting?

14 A. Well, I told you that I cannot recall all the meetings that
15 I attended and are referring to me. But I'm telling you that I
16 cannot recall all the meetings that I attended.

17 Q. And according to you the original coup plotters were not
18 made honourables; is that correct?

19 A. Well, like I keep telling you, I did not ask people whether
20 they were the original coup makers or whether the person was a
21 new coup maker. I am not particular about that.

22 Q. So I can take it from the number of meetings you attend in
23 the counsel you had no curiosity as to why people held positions
24 as PLO, honourable, whether they took part in the coup or how at
25 all they came to be on the council?

26 A. I was not too particular about that.

27 Q. I would look to move on to another area, if I may, Your
28 Honour and this is different in respects to witness TF-334: Now,
29 you indicated -- well me start by first saying, are you familiar

1 with who witness TF-334 is? Do not say his name?

2 A. I know him.

3 Q. Am I correct in saying that according to you, witness 334
4 would not know about what was going on in council meetings,
5 because he was not a member of the council and could not attend
6 council meetings?

7 A. I am still telling this Court that as long as -- that man
8 was not a council member, he would not go to council meetings.

9 Q. But according to you, witness TF1-334 was a driver of the a
10 council member, wasn't he?

11 A. Yes.

12 Q. So that council member could have discussed with witness
13 TF-334 what went on at the council meetings whilst TF-334 was
14 driving that council meeting --

15 JUDGE DOHERTY: You are asking him to speculate, Mr Agha.

16 MR AGHA: Thank you, Your Honour.

17 Q. Now, moving into a different area. We've discussed the
18 Supreme Council and the council in the AFRC government and we
19 would like just to see what powers the council had. Now the AFRC
20 government remained in power roughly from 25 May 1997 until 14
21 February 1998, didn't it?

22 A. Yes.

23 Q. Would you agree with me that stealing other people's
24 property is an illegal act?

25 THE INTERPRETER: Your Honour, could counsel go over that
26 last statement, please.

27 MR AGHA:

28 Q. Would you agree with me that stealing other people's
29 property is an illegal act?

1 A. Stealing generally is bad and I do not know whether other
2 people's property that they stole or whether you are trying to
3 say that I stole somebody's property. But generally, stealing
4 people's property is something that is bad.

5 Q. Stealing property is sometimes referred to as looting,
6 isn't it?

7 A. I have told you that stealing is bad.

8 Q. But stealing is sometimes referred to as looting; did you
9 know that?

10 A. Well, I know that stealing has a lot of names by which it
11 is called.

12 Q. Is one such name looting?

13 A. Well, I will say yes.

14 Q. Now, some of the honourables who were AFRC council members
15 were involved in such looting of property in Freetown, weren't
16 they?

17 A. According to my own intelligence that I got from the
18 council meetings, I did not feel the honourable members were
19 involved. They said they were either the guards that were with
20 them or their close associates that are with them who are the
21 ones who went and stole.

22 Q. With the permission of the Court I would like to show the
23 witness a document.

24 MR AGHA: As we are waiting for this document to be passed
25 around, I will briefly inform the Court that it is a newspaper
26 cutting from the Point newspaper, dated Friday September 19, 1997
27 and I will be reading a portion of it out to the witness and ask
28 for his comments.

29 Q. Now this newspaper heading is "honourables or outlaws. And

1 you will see a picture of Corporal Gborie on the right. Is that
2 Corporal Gborie as you recognise him?

3 A. According to the picture, he is.

4 Q. But you have seen Corporal Gborie, haven't you?

5 A. Yes, I have seen him before.

6 Q. So is that him in the photograph in the newspaper?

7 A. I am referring to the name that is there. I do not know
8 whether it is his own face.

9 Q. I did not quite catch that. Is that the Gborie you knew or
10 not?

11 A. I said the name which is there says Corporal Gborie and the
12 name that is there it's the one that I'm referring to do that it
13 is Corporal Gborie but the face I wouldn't be able to tell
14 whether it is face or not.

15 Q. I will just read for you on the first column of the second
16 paragraph of the newspaper. And it says:

17 "Investigations conducted have revealed that, since 25th
18 May coup there has been continuous massive looting,
19 harassment unlawful and arbitrary arrest of people, some of
20 whom are still detained at the Pademba Road Prisons.
21 Further investigations have shown that most of the
22 so-called honourables, who are the real coup makers are
23 presently seen riding vehicles not belonging to them.
24 Vehicles that they have been looted or" --

25 THE INTERPRETER: Your Honours, could the counsel be more
26 careful in reading so that we can interpret properly to the
27 witness.

28 MR AGHA: I apologise, Mr Interpreter.

29 Q. "Seen riding vehicles not belonging to them. Vehicles

1 that have either been looted or carted away from some
2 peaceful citizens."

3 What would you comment on that?

4 A. This is a newspaper. And it is not everything that is in
5 the newspaper that is true.

6 Q. So you say what is in this newspaper is incorrect, the
7 parts I just read to you?

8 A. I'm telling you that is it the newspaper and from what you
9 read from this newspaper, it is not to my knowledge that from May
10 25 people went and looted civilian's property.

11 Q. Honourables I'm talking about, honourables?

12 A. The only looting that I know of was the Iranian embassy
13 when it was alleged that the some honourable did it and when the
14 investigation went on they found out that it was not them, that
15 it was the men that were with them who did it.

16 Q. So you say it wasn't the honourables who carried out the
17 looting of the Iranian embassy?

18 A. I'm telling you that from the investigation, they said that
19 when they investigated they said that it was not they, it was
20 their followers who were with them. They were the ones that did
21 it. Like 334. He was one.

22 Q. Can I kindly ask the Court that this document be exhibited?

23 PRESIDING JUDGE: Yes, do Defence wish to say anything.

24 MS THOMPSON: No, Your Honour.

25 PRESIDING JUDGE: Thank you. The photocopy of it looks
26 like the front page of the newspaper known as the Point dated the
27 Friday, September 19, 1997 will be admitted as Exhibit P94.

28 [Exhibit No. P94 was admitted]

29 MR AGHA:

1 Q. Mr Brima, Hassan Papa Bangura, aka Bomb Blast was an
2 honourable, wasn't he?

3 A. I did not know him by that name that you called, Papa. I
4 knew that man as Hassan Bangura.

5 Q. Hassan Bangura was an honourable, wasn't he?

6 A. Yes.

7 Q. Hassan Bangura was a member of the Supreme Council, wasn't
8 he?

9 A. No.

10 Q. With the permission of the Court, I would like to show the
11 witness a document which is Exhibit P78 admitted under Rule 92?

12 PRESIDING JUDGE: Yes.

13 MR AGHA:

14 Q. Now, Mr Brima, you have already mentioned that the Iranian
15 embassy was looted. Do you have the document in front of you?

16 A. Yes.

17 Q. This is an AFRC press release dated 3 January 1998. It
18 concerns the looting of the Iranian embassy and I will read from
19 the 4th paragraph down which starts the "The government however,"
20 do you have that?

21 A. Yes.

22 Q. I will read for you "The government however expresses its
23 regret, anger and shock at the involvement of some senior
24 government personnel in the looting of the Iranian embassy at
25 Wilkinson Road, Freetown on 31 December 1997. Based on the
26 report from the committee set up by His Excellency,
27 Lieutenant-Colonel John-Paul Koroma, the Under-Secretary of
28 State, Defence, Colonel ABY Kamara has taken the following
29 disciplinary measures: The following People's Revolutionary

1 Leaders and State Monitors have been sacked from the Supreme
2 Council of State, the Armed Forces Council, and the armed forces
3 with immediate effect." [sic]

4 MS THOMPSON: Your Honour, if my learned friend would read
5 the second line again. He missed a word out, armed forces.

6 MR AGHA:

7 Q. With immediate effect?

8 MS THOMPSON: No, Armed Forces Revolutionary Council.

9 MR AGHA:

10 Q. The Armed Forces Revolutionary Council and the armed forces
11 with immediate effect, and it then lists number one people's
12 revolutionary leader Hassan Bangura. So would you agree with me
13 that Hassan Bangura was a member of the Supreme Council who was
14 sacked, based on this press release?

15 A. He was not a member of the Supreme Council. But this
16 person whom he called was sacked, and I knew him as council
17 member. He was not a member of the Supreme Council.

18 Q. This is an AFRC press release, and it names Hassan Bangura
19 as the Supreme -- as being sacked from the Supreme Council or
20 state. So according to you --

21 MR MANLY-SPAIN: Objection, Your Honour.

22 PRESIDING JUDGE: Yes, Mr Manly-Spain.

23 MR MANLY-SPAIN: Your Honour, this document does not say
24 that. This document speaks about people being sacked from three
25 bodies: the Supreme Council of State, the Armed Forces
26 Revolutionary Council and the armed forces.

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

28 MR AGHA: I'm saying he has been sacked from all of them.

29 I'm saying he's Supreme Council; member of the Supreme Council of

1 State; he's a member of the Armed Forces Revolutionary Council,
2 and a member of the armed forces. All of them, all one to five.

3 PRESIDING JUDGE: It certainly reads that way on the
4 wording that has been employed, I'm not sure whether there is
5 some mistake in the wording or not. But, in any event, I
6 wouldn't put it to the witness as foregone conclusion that he
7 knows all that.

8 MR AGHA: Okay.

9 Q. So you wouldn't agree that Hassan Bangura was a member of
10 the Supreme Council of State?

11 A. Hassan Bangura, he was not a member of the Supreme Council.

12 Q. Now, according to you, Gborie wasn't a member of the
13 Supreme Council either, was he?

14 A. Yes.

15 Q. Now, if you look at paragraph 6, it says, "People's
16 revolutionary leader, Tamba Gborie, was been reduced in rank from
17 sergeant to lance-corporal and he has been sacked from the
18 Supreme Council and the AFRC government, with immediate effect."
19 Would you agree with now that Gborie was a member of the Supreme
20 Council?

21 A. Me, from what I knew, he was not a member of the Supreme
22 Council. And when you are talking about people's revolutionary
23 leader, except now that I'm seeing it, I had never known where
24 these people's revolutionary leader came from.

25 Q. Well, honourables were converted into people's
26 revolutionary leaders. That's where it came from.

27 MS THOMPSON: Your Honour, is my learned friend giving
28 evidence, because we don't have that.

29 PRESIDING JUDGE: Yes.

1 MR AGHA: I can produce the document. I'm just trying to
2 reduce the number.

3 Q. At any rate, according to you, this AFRC press release in
4 respect of Gborie is incorrect?

5 A. Well, from what I see here, people's revolutionary leader,
6 I do not come across that name, people's revolutionary leader.

7 Q. Is it incorrect that Tamba Gborie was sacked from the
8 Supreme Council, so far as you are aware?

9 A. As far as I know, he was a council member and he was sacked
10 from the council. I did not know of him to be a member of the
11 Supreme Council.

12 Q. So this AFRC press release is incorrect regarding that
13 statement about Gborie being a member of the Supreme Council;
14 correct?

15 MS THOMPSON: Your Honour, he hasn't said that. He says he
16 does not know that was a Supreme Council member. He cannot
17 actually comment on the correctness or not of this document, not
18 unless my learned friend is putting it to him that he was
19 responsible for making the document.

20 PRESIDING JUDGE: Yes, Mr Agha. What do you say to that?

21 MR AGHA: If it is possible just to read back what I
22 actually asked -- no, it's not possible. He has denied. As far
23 as I am concerned, and I may be wrong, that Tamba Gborie was a
24 member of the Supreme Council.

25 JUDGE SEBUTINDE: He has not denied. He simply says he has
26 not known him to be a Supreme Council member. There is a world
27 of a difference, Mr Agha, between the two - world of a
28 difference.

29 MR AGHA: I think in the past I'd asked him whether Gborie

1 was a member of the Supreme Council and council, and he made it
2 clear that Gborie was a council member only. On the basis of his
3 previous evidence that Gborie was a council member, and nothing
4 more than that, this is the basis on which I'm asking him this
5 question.

6 JUDGE SEBUTINDE: Mr Agha, he has answered your immediate
7 question, in that he has never known Gborie to be a council
8 member. He has answered that now, one minute ago. Sorry,
9 Supreme Council member.

10 MR AGHA: With the permission of this Court, may I ask this
11 document be exhibited.

12 PRESIDING JUDGE: It is already Exhibit P78.

13 MR AGHA: Thank you, Your Honours.

14 Q. So far as you are aware, was any action taken against
15 Mr Bangura for his alleged involvement in the looting of the
16 Iranian Embassy?

17 A. An action was taken against Mr Bangura, but I did not tell
18 you that he looted the Iranian Embassy. I said that the man that
19 he referred, 334, from the [indiscernible] that you had was the
20 one that looted when he was with this man.

21 Q. So the council had the ability to take action against
22 people, who it believed had carried out illegal conduct?

23 A. Well, it was not the council that decided. I have told
24 you, the people that they mention here, secretary of state
25 under-secretary of defence was not in the council. He was a
26 Supreme Council member.

27 Q. So the government had the ability to take action against
28 those who had committed crimes?

29 A. I do not get you clear.

1 Q. The AFRC government had the ability to take action against
2 those like Bangura who, it believed, had committed crimes; is
3 that correct?

4 A. I told you that it was the Supreme Council that sat and
5 took that decision. The man that you mentioned, his name, who
6 you said he did the investigation and the report, was a Supreme
7 Council member.

8 Q. Was the Supreme Council a part of the AFRC government?

9 A. I do not get you clear.

10 Q. Was the Supreme Council a part of the AFRC government?

11 A. Yes.

12 Q. Now, the AFRC, as a government, would you agree with me,
13 had an obligation to prevent illegal acts being carried out
14 against the citizens in Freetown?

15 A. Well, the government of the day has that right.

16 Q. But should a government take measures to prevent illegal
17 acts against civilians?

18 A. I did not get you clear.

19 Q. Should a government pass laws to take action against
20 civilians who commit crimes?

21 A. Well, as I have told you, every government that was in
22 existence in Sierra Leone has right over the country.

23 Q. I'm asking you: should a government enact laws to stop
24 civilians from having crimes committed against them?

25 A. It is what I'm telling you. I'm saying that the government
26 is what makes laws in the country.

27 Q. And it should make laws to protect civilians against
28 crimes, shouldn't it?

29 A. Yes, it makes laws to protect everybody in the country.

1 Q. The AFRC council had the ability to make laws, didn't it?

2 A. I have told you that the AFRC council recommended.

3 MR AGHA: Can I again ask this Court that we look at
4 Exhibit P4.

5 PRESIDING JUDGE: Is that still with the witness or has it
6 been returned?

7 MR AGHA: It should be the proclamation.

8 Q. Now, do you have a copy of that document, Mr Brima?

9 A. Yes.

10 Q. Now, could you kindly turn to page 3, which is marked
11 00007673 on the top.

12 A. Yes.

13 Q. Do you have that?

14 A. Yes.

15 Q. I will read to you 3.1: "The council shall have power for
16 such purposes as it may think fit and in the national interest to
17 make laws which shall be known as decrees."

18 So it is the council who made laws, wasn't it?

19 A. I have told you that the council was not making laws. The
20 council recommended, and the Supreme Council made laws.

21 Q. Now, coming back to the making of laws, I put it to you
22 that you, as council member, were in a position to make laws and
23 did pass laws, known as decrees?

24 A. I am putting it to you also that you are telling me
25 something that is not true. I was not in any committee that was
26 making laws and passing laws.

27 Q. But according to this decree, this proclamation, the
28 council is a body which makes laws, isn't it?

29 A. I am telling you that the council did not make laws. It

1 recommends. It always recommends. It is the Supreme Council
2 that made the laws.

3 Q. Paragraph 3.1 of the proclamation where it says, "The
4 council shall have power for such purposes as it may think fit
5 and in the national interest to make laws, which shall be known
6 as decrees," is wrong?

7 PRESIDING JUDGE: That is not a fair question, Mr Agha.

8 MR AGHA: That didn't happen in practice.

9 PRESIDING JUDGE: No, he is saying that, in practice,
10 something else happened.

11 MR AGHA: I would like to move on to another exhibit, with
12 the permission of the Court, and that is Exhibit P10.

13 PRESIDING JUDGE: Mr Agha, we might make this the last
14 reference to documents before lunch. I understand that Court
15 Management needs this Court fairly promptly at 12.00.

16 MR AGHA: Yes, Your Honour, I shall do.

17 Q. Do you have a copy of this document, Mr Brima?

18 A. Yes.

19 Q. This document is the Armed Forces Revolutionary Council
20 Anti-Looting Decree (1997). I will just read to you the start of
21 it:

22 "Armed Forces Revolutionary Council Anti-Looting Decree
23 (1997) being a decree to provide for the establishment,
24 functions, powers and duties of an anti-looting squad to make
25 provision for the protection of persons against harassment and
26 intimidation and other related matters."

27 If we turn to page 0007668 --

28 A. Yes.

29 Q. You will find 15 offences, and you will find 16 penalties.

1 At 16 -- I will just read 16.1:

2 "Any person who is found guilty of an offence under
3 subsections 1, 2 and 5 of section 15 shall be sentenced to death
4 by a firing squad."

5 Do you see that?

6 A. I see what you have read.

7 Q. If you just go above, which is offence, 15:

8 "Any person who shall engage in or actively prepare to be
9 engaged in the looting of any property or the commandeering of
10 any vehicle or other property without authority shall be guilty
11 of an offence."

12 A. I see what you have read.

13 Q. So this law was passed by the council to stop illegal
14 behaviour of looting, wasn't it?

15 A. I have told you that the council did not pass laws. The
16 council recommends. It is the Supreme Council that passed laws.

17 Q. That is notwithstanding the case that if I read to you the
18 top part of 00007664, which reads - the basis for which this
19 decree is made:

20 "Pursuant to paragraph 3 of the proclamation entitled
21 Administration of Sierra Leone Armed Forces Revolutionary Council
22 Proclamation (1997), published in the Gazette on 28th day of May
23 1997, the Armed Forces Revolutionary Council hereby makes and
24 issues the following decree."

25 A. I have seen what you have just read.

26 Q. But, according to you, these decrees were made by the
27 Supreme Council?

28 A. It was the Supreme Council that made laws. The council
29 recommended.

1 MR AGHA: Would this be a good time?

2 PRESIDING JUDGE: Yes, thank you, Mr Agha. Court
3 attendant, could you please take possession of those documents in
4 front of the witness.

5 Mr Brima, I will remind you once again you are not to
6 discuss this case with anybody.

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: For the reasons given this morning, we're
9 going to adjourn early today for lunch. We will adjourn now and
10 we will reconvene at 2.15.

11 [Luncheon recess taken at 12.00]

12 [AFRC03JUL06B-RK]

13 [Upon resuming at 2.35 p.m.]

14 PRESIDING JUDGE: Yes, you are still on oath, Mr Brima.
15 Yes, Mr Agha.

16 MR AGHA: Yes, Your Honours, it was raised in the morning
17 about the people's revolutionary leader.

18 PRESIDING JUDGE: I'm sorry, I missed that. Could you
19 start again, please, Mr Agha.

20 MR AGHA: Sorry, Your Honour. This morning it was raised
21 the question of hearing the word People's Revolutionary leader
22 for the first time in one of newspaper cuttings and I said I
23 would bring a document so that that could be explained. With the
24 permission of the Court I would like to pass around another
25 newspaper cutting from Unity Now, dated Wednesday 17 December.
26 Now, on the first page of the sheet, which there should be two,
27 it is headed "Reshuffle" and then if we turn to the second page
28 we have the "Reshuffle Contd" and on the first column we have at
29 about three quarters of the way down, "Change of Titles" and it

1 reads: "With effect from 15 December, the title Honourable is
2 changed to People Revolutionary Leader." At two, "The Title PLO
3 1 is changed to co-ordinating officer." [sic] Then again in the
4 middle column about halfway down, we have "All council members
5 are also referred to as People Revolutionary Leaders and not
6 Honourables." This is the document from which I understand the
7 term people's revolutionary leader flows.

8 PRESIDING JUDGE: Yes, Mr Agha.

9 MR AGHA:

10 Q. Witness, have you seen those parts of the document which I
11 have read out?

12 A. No.

13 Q. If you return to the second page of your sheet, where it
14 says "reshuffle"?

15 A. Yes.

16 Q. If you look at the first column, about three quarters of
17 the way down it mentions "change of titles"?

18 A. Yes.

19 Q. At one it reads, "With effect from 15 December, the title
20 Honourable is changed to People Revolutionary Leader." Is that
21 correct, as far as you are aware?

22 A. Just as I see it on the paper.

23 Q. Number two, "The Title PLO 1-3 is changed to Coordinating
24 Officer(CO 1-3); are you aware of that change?

25 A. No, I'm not aware about that change.

26 Q. If we come to the second column on the reshuffle, about
27 halfway down, we have "All council members are also referred to
28 as People Revolutionary Leaders and not Honourables." Were you
29 aware of that change?

1 A. I can't see it. I have not seen it in fact.

2 Q. If we go to the second column on the reshuffle --

3 A. Yes.

4 Q. At the top it has number two, C0 2, then after that, number
5 three, C0 3, and then after that there is a paragraph which
6 reads: "All council members."

7 A. I have seen it.

8 Q. So it says "all council members also referred to as people
9 revolutionary leaders and not honourables." Were you aware of
10 that?

11 A. I'm not aware of that.

12 MR AGHA: May I request that this document be exhibited,
13 Your Honours.

14 PRESIDING JUDGE: Do the Defence wish to say anything to
15 that tender?

16 MS THOMPSON: No, Your Honour.

17 PRESIDING JUDGE: Yes, the photocopy, two pages of the
18 newspaper called Unity Now for Wednesday, 17 December 1997 will
19 be admitted as Exhibit P95.

20 [Exhibit No. P95 was admitted]

21 MR AGHA:

22 Q. Mr Brima, before the lunch-break we were discussing the
23 AFRC making an anti-looting law; do you remember that?

24 A. I recall.

25 MR AGHA: Can the witness please be shown Exhibit 8, with
26 the permission of the Court.

27 PRESIDING JUDGE: You said P8?

28 MR AGHA: Exhibit P8, yes, Your Honour. I apologise.

29 Q. Mr Brima, you have a copy of that document?

1 A. Yes.

2 Q. You will see that the document is entitled "AFRC Decree No.
3 7, The Constitution of Sierra Leone, 1991 (Amendment) Decree,
4 1997." Do you see that?

5 A. Yes.

6 Q. Would you agree with me that this is a decree to amend the
7 Constitution of Sierra Leone in 1991?

8 A. No, this one is not to my knowledge.

9 Q. Now, if you turn to the next page, you will find heading
10 number one with the rubric Repeal and Replacement of Section 156.
11 Do you have that?

12 A. Yes.

13 Q. I will read for you one, it says "Section 156 of the
14 Constitution of Sierra Leone, 1991 is hereby repealed and
15 replaced by the following new section." And the new section in
16 the rubric Establishment of Police Council reads, "section 156
17 (1), There is hereby established a body to be known as The Police
18 Council which will then consist of..." the following members. Do
19 you see that?

20 A. Yes.

21 Q. Would you agree with me that this document has added this
22 new section dealing with the police council to the constitution
23 of Sierra Leone?

24 MS THOMPSON: Your Honour, I object [indiscernible] repeal
25 and replace is not an addition to the constitution.

26 MR AGHA: I will rephrase that question, Mr Brima. Are you
27 aware that this documentary repeals and replaces the old section
28 156 of the Sierra Leone constitution with a body to be known as
29 the police council?

1 A. That is not to my knowledge.

2 Q. But do you agree with me this is the effect of this
3 document?

4 A. From what you have read in this document and from what you
5 have asked me, I am saying that this document is not even to my
6 knowledge.

7 Q. The document may not be of your knowledge, but what I have
8 read to you, is it your understanding that the effect of the
9 document would be to repeal and replace the old constitution of
10 Sierra Leone with a body known as the police council?

11 MS THOMPSON: Your Honour, I rise because --

12 PRESIDING JUDGE: I think I know what you are going to
13 object to, Ms Thompson. You will have to rephrase that. It is
14 not admissible in that form.

15 MR AGHA:

16 Q. I put it to you that the AFRC amended the 1991 Sierra Leone
17 constitution by establishing a body to be known as the police
18 council?

19 A. What I'm saying to you is just today that I've been able to
20 know about this police council. During the AFRC I never knew
21 about this document in fact. I didn't know about anybody that
22 was formed that was called the police council.

23 Q. If we now turn to the next page, which is 167, section 167,
24 it is actually on the opposite page, I think, as they are copied?

25 A. Yes.

26 Q. It reads: "Section 167 of the Constitution of Sierra Leone
27 1991 is hereby repealed and replaced by the following new
28 section. There is hereby established a body to be known as the
29 Defence council which will consist of various people."

1 I put it to you that the AFRC government amended --
2 repealed and replaced section 167 of the constitution of Sierra
3 Leone and established a body known as the Defence council?

4 A. I am also putting it to you that it has never been to my
5 knowledge whether they replaced, amended or formed any body,
6 except today that I'm seeing this document. But what you are
7 asking me now is never to my knowledge. I have never known about
8 it.

9 Q. Although it is not to your knowledge, would you agree we me
10 that this is what this document tries to do?

11 A. Well, I cannot know that. I don't know where the document
12 is from. What I have said to you is that it is not to my
13 knowledge, except today that I have seen it. I don't know
14 whoever made this document. I don't know the time they made it,
15 and I don't even know the thing you are talking about, that they
16 formed a body. I don't even know about it. It is not to my
17 knowledge.

18 Q. But do you accept this document as being a real document,
19 or do you say it is a made-up document?

20 MS THOMPSON: Your Honour, I object to that question.

21 PRESIDING JUDGE: What is the basis for asking that when he
22 said he doesn't know anything about the document, Mr Agha?

23 MR AGHA: I'm asking him whether he accepts that this
24 document is actually a true document, a valid document.

25 PRESIDING JUDGE: What is the value in that evidence? The
26 document is already in evidence. It speaks for itself. Whether
27 he wants to make observations or not, regarding the validity of
28 the document, bear no relevance at all.

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

1 Q. Mr Brima, would you agree with me that the policing of a
2 country is an important matter?

3 A. I know that the police is a force in the country.

4 Q. But is it important to have an effective police force in a
5 country?

6 A. Well, from the time I was given back to, I know the police
7 has been existing, just as the army had been existing, all the
8 one in Sierra Leone.

9 Q. According to you, is it important to have an effective
10 police force?

11 A. According to me, I know the police is there. I don't know
12 about their effectiveness or what -- much about it, but I know
13 there had been a police force. And since I was born, I have seen
14 a police force exist in this country.

15 Q. Would you agree with me that the defence of a country is an
16 important matter?

17 A. I didn't get you clear.

18 Q. You are a soldier. Would you agree with me that the
19 defence of a country is an important matter?

20 A. Well, I can only tell you that it is Sierra Leone that I
21 can talk about. If I know it is Sierra Leone that has a defence
22 force.

23 Q. Is defending Sierra Leone an important matter, according to
24 you?

25 A. Well, for me, that is what I know that the army is there
26 for.

27 Q. So it is important to defend Sierra Leone; yes or no?

28 A. Well, you cannot ask me that kind of question, for me to
29 say yes or no. I know that the army that I was part of was

1 fighting against people who brought fight against Sierra Leone.

2 Q. I'm asking you, as a soldier, didn't you think it was
3 important to defend Sierra Leone against the people who were
4 fighting against Sierra Leone?

5 A. I knew that, as a soldier, I was fighting to defend the
6 country. That is all that I knew. Against the rebels.

7 Q. Did you regard that as an important matter to defend your
8 own country?

9 A. I took it to be a reason for which I laid my life down to
10 defend the people.

11 Q. I put it to you that both the constitutional amendments
12 relating to the police and the defence were made to strengthen
13 the grip of the AFRC government over the people?

14 MS THOMPSON: Your Honour, I object.

15 PRESIDING JUDGE: Yes. Not allowed.

16 MR AGHA:

17 Q. Moving on to the AFRC regime, the council was the only body
18 which could make laws in Sierra Leone, wasn't it?

19 A. Please ask that question again.

20 Q. During the AFRC regime, the council was the only body which
21 could make laws in Sierra Leone, wasn't it?

22 PRESIDING JUDGE: Well, that is contrary to the evidence he
23 has given, Mr Agha. Didn't he say that the council could only
24 make recommendations and that the actual implementation of the
25 law is made by the Supreme Council?

26 MR AGHA: I have referred the witness to various decrees
27 which I regard as laws.

28 PRESIDING JUDGE: I think you are asking him to change his
29 previous evidence.

1 MR AGHA: Well, I want to give him the opportunity to do
2 that, Your Honour.

3 PRESIDING JUDGE: I think you should challenge him in a
4 clearer way than you are doing now. You are putting words into
5 his mouth as though that's what he said before.

6 MR AGHA: Okay.

7 Q. According to you, Mr Brima, it was only the Supreme Council
8 which could make laws in Sierra Leone during the AFRC regime?

9 A. Well, during the AFRC regime, I knew that the people who
10 made the laws were the Supreme Council members. If there was any
11 other body, it is not to my knowledge, because the council does
12 not make laws. When something is suggested, it goes to the
13 Supreme Council. If they say yes, it is yes. If they say no, it
14 is no.

15 Q. I put it to you that what you refer to as the council, was
16 the Supreme Council?

17 A. Well, I am also telling you that it is a lie. What I told
18 you that was the council is the council. When I say Supreme
19 Council, it is the Supreme Council because it was quite
20 different.

21 MR AGHA: Your Honour, with your permission, can we please
22 refer to Exhibit 34. It is a document which, I believe, we have
23 already seen this morning and is the minutes of an emergency
24 meeting of the council.

25 Q. Mr Brima, do you have a copy of that document?

26 A. I have a copy of a document in front of me.

27 Q. Now, is this document entitled minutes of an emergency
28 council meeting of the AFRC, held at State House on Monday, 11
29 August 1997?

1 A. Yes.

2 Q. Now present is Major JPK Koroma, who you have mentioned is
3 a member of the Supreme Council; is that right?

4 A. Yes.

5 Q. Then Captain SAJ Musa, is a member of the Supreme Council;
6 is that right?

7 A. Yes.

8 Q. Then we have, as we've mentioned before, Staff Sergeant
9 Alex Tamba Brima, PLO 2, Ibrahim Bazzy Kamara and then squadron
10 leader BL King. Then we come to Colonel Mike Lamin. According
11 to you, he was a member of the Supreme Council, wasn't he?

12 A. Who is that?

13 Q. Mike Lamin, RUF personnel?

14 A. Yes.

15 Q. He was a member of the Supreme Council, wasn't he?

16 A. Yes.

17 Q. Now, I'd like to turn to the third page, marked page 3, and
18 at the top right-hand corner, it bears the number 00009774. I
19 would like to refer you to item 4, discipline, which is the
20 second paragraph from the bottom.

21 PRESIDING JUDGE: You mean item 14.

22 MR AGHA: I think it is item 4 -- 14, I beg your pardon.

23 PRESIDING JUDGE: I'm confusing the paragraph numbers with
24 the item headings.

25 MR AGHA: I believe it is item 4, paragraph 14,
26 "Discipline."

27 Q. Have you found that, Mr Brima?

28 A. Yes.

29 Q. I will read it to you:

1 "Chairman and council members were extremely concerned
2 about the attitude and conduct of some council members. It was
3 noted that, as members of the highest council of the land,
4 members must conduct themselves with respect and honesty."

5 Do you agree that the council was the highest council of
6 the land?

7 A. I don't agree. I have told you that I said in this Court
8 that the chairman, who was Major Johnny Paul Koroma, he attended
9 council meetings. He calls meetings that are emergency meetings
10 and, from what you have read, I have not seen anything like he is
11 talking about the council. The Supreme Council, what they had
12 said there, it has been brought down to the council.

13 Q. I don't understand that. Are you saying that -- what is
14 this comment about discipline, about the council being the
15 highest council of the land at a council meeting? What does that
16 mean?

17 A. From my own point of view, I knew that the Supreme Council
18 was the highest body. Major Johnny Paul Koroma, he is coming
19 sometimes to the council and sometimes when there are complaints
20 like this, he will come and advise that those who are up there,
21 they don't like what has happened.

22 Q. So, according to you, members of the -- you are not a
23 member of the highest council of the land?

24 A. I am not a member of it.

25 Q. I put it to you that you were, once again, one of the most
26 senior figures in the AFRC government?

27 A. I am also putting it to you that you are telling the Court
28 lies. I have told you that the chairman had powers to come down
29 and advise and warn. He had powers to come from the Supreme

1 Council, come down and call council meeting, then warn people, or
2 warn any member, or general warning. But I was not a member of
3 the Supreme Council.

4 Q. I'd like to look at the actual functioning of the AFRC
5 government. So far we've discussed the council and the Supreme
6 Council. I would like to look at, with you, the council of
7 secretaries which, I believe, is Exhibit P5.3. With the
8 permission of the Court, could the witness be shown Exhibit P5.3?

9 PRESIDING JUDGE: Go ahead, Mr Agha.

10 MR AGHA:

11 Q. Do you have a copy of this document, Mr Brima?

12 A. I have a copy of a document in front of me.

13 Q. And does it read "AFRC Decree No. 2, Armed Forces
14 Revolutionary Council (Establishment of Council of Secretaries)
15 Decree, 1997"?

16 A. Yes.

17 Q. I would kindly like you to look at the next page of the
18 document on the --

19 A. Yes.

20 Q. -- left-hand side it's 00007651. It reads --

21 A. Yes.

22 Q. Do you have paragraph two?

23 A. Yes.

24 Q. It reads: "There is hereby established a Council to be
25 known as a Council of Secretaries which shall be directly and
26 collectively responsible to the Armed Forces Council." [sic]

27 PRESIDING JUDGE: Armed Forces Revolutionary Council it
28 says.

29 MR AGHA: I beg your pardon. Armed Forces Revolutionary

1 Council.

2 Q. Mr Brima, were aware of a council of secretaries?

3 A. I only knew that there were secretary of states.

4 Q. Now, before we come to the secretary of state at three, do
5 you have three which is underneath, it says "The Council of
6 Secretaries shall consist of (a) the Chief Secretary of State who
7 shall be the head of the Council of Secretaries." Do you see
8 that?

9 A. Yes.

10 Q. The chief secretary of state was SAJ Musa, wasn't it.

11 A. Yes.

12 Q. Now, under (b), which is underneath what I've just read, we
13 have other secretaries of state which you said you were aware of.
14 Now, who were these other secretaries of state?

15 A. What do you mean? What do you actually mean by other
16 secretaries of state? Let me know that.

17 Q. You mentioned that you knew of secretaries of state; is
18 that right?

19 A. I said I knew, but about secretary of state.

20 Q. Okay. So what do you know about the secretary of state?

21 A. I never knew about anybody or about the secretary of state,
22 I only knew that the ministers were called secretaries of states,
23 secretary of state finance, secretary of state [indiscernible],
24 secretary of state Eastern Province, secretary of state Southern
25 Province, so on.

26 Q. So when you say secretary of state Eastern Province, that
27 would be Eddie Kanneh, initially; is that right?

28 A. Yes.

29 Q. Now, during the regime of AFRC Sierra Leone was divide into

1 three administrative areas, wasn't it?

2 A. Well, if you break that one down, maybe I will understand
3 what you mean.

4 Q. Was there an administrative area known as east in Sierra
5 Leone during the AFRC regime?

6 A. No. Ask me that question again.

7 Q. You say Eddie Kanneh was secretary of state for east. Was
8 there an area in Sierra Leone known as the east?

9 MS THOMPSON: Your Honour, I think my learned friend has to
10 make himself very clear. I, myself, do not understand the
11 question. I think the witness's evidence has been that the
12 secretary of states for the Eastern Province and I think it came
13 from my learned friend about Eddie Kanneh being secretary of
14 state for the Eastern Province [indiscernible] was there an area
15 for east, I do not know east of Freetown. I do not what you are
16 talking about and I'm not sure the witness knows either.

17 PRESIDING JUDGE: The witness does seem a bit confused
18 Mr Agha if you could rephrase that question..

19 MR AGHA: I will try and clarify, Your Honour.

20 Q. Eddie Kanneh was secretary of state for the Eastern Region
21 of Sierra Leone?

22 A. Those times he was the secretary of state for the Eastern
23 Province of Sierra Leone.

24 Q. Who was the secretary of state for the Southern Province of
25 Sierra Leone?

26 A. It was Major AF Kamara.

27 Q. Who was secretary of state for the Northern Province of
28 Sierra Leone?

29 A. Well in the Northern Province it was not an individual who

1 was there, just like the east. We had Major Abdul Masa Kama
2 Koroma and later he was changed.

3 Q. Now, would you agree with me that these three secretaries
4 for Eastern Province, Northern Province and Southern Provinces
5 were a part of the council of secretaries?

6 A. I knew that there were secretaries of state and I knew that
7 they were Supreme Council members.

8 Q. And do you know whether in their capacity as secretaries of
9 state they reported to the chief secretary, SAJ Musa?

10 A. Well, I don't know about that.

11 Q. Now, if you refer to paragraph 4 of the document, which is
12 still on the same page at 4 (b), I read " The council of
13 secretaries shall execute the policies and directives of the
14 Armed Forces Revolutionary Council." Do you see that?

15 A. I have seen it.

16 Q. So what were the policies and directives which the council
17 of secretaries were executing on behalf of the Armed Forces
18 Revolutionary Council?

19 PRESIDING JUDGE: That is really not fair.

20 THE WITNESS: I don't know anything.

21 PRESIDING JUDGE: Just a minute, Mr Brima. That is not a
22 fair question. You asked him can he see it written in front of
23 him. Your question presupposes that there were actual policies
24 and directives executed.

25 MR AGHA: Yes, Your Honour.

26 Q. Mr Brima, are you aware of any of the policies and
27 directives of the Armed Forces Revolutionary Council?

28 A. No.

29 Q. Now, did SAJ Musa, in his position as chief secretary, ever

1 provide any reports to the Armed Forces Revolutionary Council?

2 A. I don't know.

3 Q. But he never made any reports when you were attending any
4 council meeting?

5 A. I have told that you SAJ Musa was a Supreme Council member.
6 Therefore he cannot come and report to me and SAJ Musa was a
7 highly important person.

8 Q. I'm sorry, I will try and explain that more. Rather than
9 report to you, did SAJ Musa inform the council members about the
10 information he was receiving from the other secretaries of state?

11 A. SAJ Musa never reported to me. I want you to get that
12 clear and I have not told you that SAJ Musa reported to me. I
13 told you that SAJ Musa was council member. He was a Supreme
14 Council member. And you are asked me where the PLO 1, PLO 2
15 report normally; I report to SAJ Musa.

16 Q. But when SAJ Musa attended council sessions he never passed
17 on any information to the council?

18 A. Well, that is why I have told you that the council normally
19 recommends. If they give SAJ Musa to take it to the Supreme
20 Council, if they accept, then we will know that have accepted.
21 If they don't accept it then he will tell us that they have not
22 accepted. But he does not come to report to the council, neither
23 he reporting to me, no.

24 Q. No, but he does come back to the council and tell you
25 whether or not your recommendations have been accepted?

26 A. I have told you that if they accept the recommendation, we
27 will know, if they don't accept it, again we will know.

28 Q. So you received no briefings from SAJ Musa about what was
29 going on in the provinces while you sat on the council?

1 A. Well, SAJ Musa does not come to report to me.

2 Q. Were there any briefings given to the council by anyone
3 about what was going on in the provinces?

4 A. Well, to me particularly, it is not to my knowledge,
5 because he never reported to me.

6 Q. Well, let's imagine you are in a council session now.
7 There are other council members there. Now, did any Supreme
8 Council member come and tell you about what was happening in the
9 country?

10 A. I have told you that when it comes to emergency meetings,
11 the chairman, who was Major Johnny Paul Koroma, would come and
12 warn, because that is how I would call it in the military. He
13 would warn us against so-so so things that are happening. He
14 would say I do not like it but to say SAJ Musa normally comes to
15 report to me, no.

16 Q. So if you were receiving no briefings about what was going
17 on in the country, what kind of recommendations were you making?

18 A. I have not told you that we were making some other type of
19 recommendations. I told you that anything that is going on, that
20 is to our knowledge or that we are noticed about, we would
21 explain that to SAJ. And when he comes from the Supreme Council
22 and if chairman Johnny Paul Koroma has anything to tell us,
23 generally he will call an emergency meeting. That is what I'm
24 telling, that he normally comes to warn us. He will say the
25 things that are going on, whether it is this or that, I don't
26 like it.

27 Q. What are the recommendations you are making, can please
28 give us an example of a recommendation the council made?

29 A. I cannot recall.

1 Q. I put it to you that the council was not just making
2 recommendations, it was also making decisions?

3 A. Well, I'm also telling you that is a lie. The council was
4 not making decisions because even when the looting incident took
5 place around the Iranian embassy, it was the Supreme Council that
6 took up the investigation and they took the decisions.

7 Q. I would like to move to a different area, Mr Brima, and
8 that is your position within the council. Now, according to you,
9 you did not have a very important position within the AFRC
10 government; is that right?

11 A. I did not get you clear.

12 Q. According to you, you didn't have a very important position
13 in the AFRC government, did you?

14 A. Yes.

15 Q. Yes, you did have an important position or no you didn't?

16 A. No, I have told you I was not well. The position I was
17 holding since I was not well, they took it from me.

18 Q. But did you consider that while you were a part of the AFRC
19 government that you had an important position or not?

20 A. Well, for me the position I held it was not too important
21 to me as I see the Supreme Council's positions.

22 Q. You didn't regard your own position as important?

23 A. Well, I do not understand the positions I had because I
24 have told you I was not working. I was not well.

25 Q. We will come to your illness, Mr Brima. But let me ask
26 this: You didn't consider being appointed a member of the
27 council as an important position within the AFRC; is that right?

28 A. I told you when I was appointed, all I knew was I was a
29 council member in the AFRC.

1 Q. But you didn't come to consider that as an important
2 position?

3 A. Not really, because I was not able to do anything on my
4 own.

5 MR AGHA: With the permission of the Court, could I ask the
6 witness to look at Exhibit P7.

7 Q. Now, this is a document which we've seen before, this
8 morning, and it is government notice 215 of the Armed Forces
9 Revolutionary Council secretariat which lists the names of the
10 members of the counsel. Now, Mr Brima, if you could kindly turn
11 to page 2. Do you have that?

12 A. Yes.

13 Q. You will see Major Johnny Paul Koroma is the chairman; yes?

14 A. Yes.

15 Q. Under him is Corporal Foday S Sankoh, deputy chairman?

16 A. Yes.

17 Q. Under him is three, Captain SAJ Musa?

18 A. Yes.

19 Q. SAJ Musa was also chief secretary, wasn't he?

20 A. I have not seen it here. He's secretary of state, I
21 remember.

22 Q. Number four is Colonel AK Sesay?

23 A. Yes.

24 Q. Colonel AK Sesay acted as the Secretary-General of the
25 AFRC, didn't he?

26 A. Yes.

27 Q. Number 5 Staff Sergeant Abu Sankoh?

28 A. Yes.

29 Q. That is Zagalo the PLO 1, isn't it?

1 A. Yes.

2 Q. Number 6 is Staff Sergeant Alex T Brima. That is you isn't
3 it?

4 A. Well, I am not Alex T Brima. I am Tamba Brima. I am not a
5 staff sergeant.

6 Q. You were PLO 2, though, weren't you?

7 A. As far as I am concerned I was PLO 2, but the rank and the
8 name that is there is not me. That is not my name.

9 Q. I put it to you that this is a list of the seniority and
10 the membership of the AFRC council and you are only behind JPK -
11 Johnny Paul Koroma, Foday Sankoh, SAJ Musa, AK Sesay, PLO 1
12 Zagalo?

13 A. I am also putting to you that it was not by seniority this
14 list was made. I will tell you somebody was very important,
15 Major Carter-Tawarallie.

16 Q. Now, most of the ordinary council members only had a
17 maximum of one Ministry or area under their control; is that
18 correct?

19 A. I did not get you clear.

20 Q. Most of the ordinary council members only had one ministry
21 or area under their control or supervision or which they had to
22 monitor; is that right?

23 A. I do not know that. If you ask me about myself, I will
24 tell you.

25 Q. You don't know that.

26 MR AGHA: Could I kindly ask the witness, with the
27 permission of the Court, to be shown Exhibit P5.2, and the other
28 exhibit can be taken away from him, please. Do you have a copy
29 of that document, Mr Brima?

1 A. Yes.

2 Q. This is: "AFRC decree number 3, Armed Forces Revolutionary
3 Council, Establishment of Office of Principle Liaison Officer,
4 Decree, 1997."

5 Is that what the document says in front of you?

6 A. Yes.

7 Q. Could you please turn to the next page which is 00007657.

8 A. Yes.

9 Q. We want to look at this document and you will see at
10 paragraph 2(1) -- do you have that?

11 A. No, I have not seen it.

12 Q. You have page 00007657?

13 A. Yes.

14 Q. Do you see paragraph 2?

15 A. Yes.

16 Q. I will read this:

17 "(1) There is hereby established the office of the
18 principle liaison officer.

19 "(2) The Armed Forces Revolutionary Council may appoint
20 from among its numbers such number of principle liaison
21 officers as the council may think fit?"

22 There were roughly 30 or so members of the council, wasn't
23 there?

24 A. Well, I cannot tell you the exact number.

25 Q. Well, was it more than 20?

26 A. I said I will not be able to tell you the exact number.
27 The numbers are many.

28 Q. I think it is found -- many. Well, of the many, you will
29 see that at "(2) The Armed Forces Revolutionary Council may

1 appoint from among its members such number of principle liaison
2 officers as the council may think fit."

3 So out of the many only three principle liaison officers
4 were appointed, weren't there?

5 A. Well, I don't know whether it was made by the council, all
6 I know is that it was the chairman, Johnny Paul Koroma, who made
7 it.

8 Q. How many PLOs were there in total?

9 A. The PLOs were three.

10 Q. So being one of the PLOs out of all the other council
11 members, didn't you consider being appointed a PLO as an
12 important position?

13 A. Well, it is good that you said they appointed me. The
14 appointment of PLO 2 I was not even there when it was done. It
15 was done on my behalf.

16 Q. Where were you when you were appointed PLO 2?

17 A. I was not there, I was not there when -- I cannot remember
18 where I was. I was in Freetown.

19 Q. Who told you you were appointed PLO2?

20 A. It was when I went for a meeting, that was the time I knew.

21 Q. Was that the first council meeting?

22 A. I cannot tell.

23 Q. But it was some time in month of June?

24 A. Well, I cannot remember the exact month, you see what I'm
25 saying is, I was appointed as PLO 2.

26 Q. Well, according to your evidence, the first council meeting
27 PLOs were appointed, but not you. Why would the other PLOs have
28 been appointed?

29 A. I did not get you clearly.

1 Q. At a council meeting you attended, you said PLOs were
2 appointed, didn't you?

3 A. I did not say. I said they spoke about the appointments of
4 PLO, the first meeting I attended. When I was introduced, they
5 said they introduced Supreme Council members to us and they
6 talked about that appointment, but the appointment wasn't done.

7 Q. So they didn't introduce you to any PLOs at that first
8 meeting?

9 A. Well, during that time, I never knew whether a PLO existed.

10 Q. And no PLOs were ever appointed at that meeting?

11 A. Well, for me from that meetings I never saw any appointment
12 of PLOs.

13 Q. Did you hear of your appointment as a PLO at a council
14 meeting or outside the council meeting?

15 A. I heard about appointment of PLOs. They said they will
16 have to appoint PLOs.

17 Q. When were you told that you had been appointed a PLO?

18 A. Well, I cannot remember the time. I cannot remember, but
19 it was in 1997.

20 Q. Was it before May 1997?

21 A. No.

22 Q. So it was sometime between June or July or August 1997?

23 A. I cannot remember the exact month. I don't want to guess.

24 Q. The appointment of a PLO was one the most senior positions
25 in the AFRC government and you can't remember when you were
26 appointed to that position; is that what you are saying?

27 A. Well, that position to me it was not an important position.

28 Q. You were only three of the other council members who held
29 that position. You did not regard that as an important position?

1 MS THOMPSON: Asked and answered.

2 PRESIDING JUDGE: Mr Agha, just because only three were
3 appointed does not make it important. Maybe it was the most
4 undesirable position and they appointed the least qualified. We
5 don't know and you can't tell from this document either.

6 MR AGHA:

7 Q. Who appointed you as PLO?

8 A. It was from the Secretary-General I knew that I was PLO.

9 Q. Now, if we move to the role of PLO, that is at number
10 three, and the role is essentially, I will read three:

11 "A principle liaison officer shall be responsible for
12 supervising, monitoring and co-ordinating the operations of
13 any department of state or such other business of
14 government as may from time to time be assigned to him by
15 the Armed Forces Revolutionary Council."

16 Now, you have already told this Court that you had some
17 supervising, monitoring and co-ordinating ministries under you.
18 So my question to you is: What role -- what role -- sorry, I
19 will ask that again, just so we are clear. What did the role of
20 supervising, monitoring and co-ordinating the ministries under
21 your control actually involve?

22 A. I did not get you clearly, Mr interpreter.

23 Q. I will repeat the question. What did the role of
24 supervising, monitoring and co-ordinating the ministries under
25 your control actually involve?

26 A. Well, sincerely speaking this appointment that was given to
27 me I was not able to perform my duty when they say supervise,
28 co-ordinate, monitor because of my health deterioration, so they
29 appointment was not long to co-ordinate. So it was removed for

1 me.

2 Q. What would you have actually had to do?

3 A. Well, I cannot tell you that I had to do this or that, it
4 was because I was sick. I had the appointment -- I was given the
5 appointment but I was not able to work.

6 Q. Didn't Zagalo tell you what he had to do in his role as PLO
7 1?

8 A. No.

9 Q. You didn't discuss with your squad mate Bazy what he had
10 to do in his role as PLO 3?

11 MR FOFANAH: Your Honours, I have long restrained myself
12 from -- at this stage I will certainly object. I don't think it
13 is within the domain of this witness's opinion to give evidence
14 on what the second accused as PLO 3 would have done.

15 PRESIDING JUDGE: Yes, thank you.

16 MR FOFANAH: Over and above that he has categorically
17 stated that he does not know the second accused as Bazy.

18 PRESIDING JUDGE: What is your reply to that, Mr Agha?

19 MR AGHA: Well, Your Honour, I asked him if he ever
20 discussed with PLO 3 what PLO 3's role entailed. Now, he would
21 have had that discussion or he would not have had that
22 discussion.

23 PRESIDING JUDGE: What was his answer to that? I think he
24 said he didn't.

25 MR AGHA: I thought the objection came before the answer,
26 but I'm not sure. Perhaps the stenographer can help.

27 JUDGE SEBUTINDE: Furthermore, Mr Agha. Is there a
28 difference? Are you trying to put across a difference between
29 the role of these PLOs, as stated in the document -- in the

1 instrument that established them and what actually happened on
2 the ground? Because their role is already stipulated in the
3 instrument that appointed them. Is your point that the role, as
4 stated, differed from what they did in actual practice? Is that
5 your line of question?

6 MR AGHA: No, it is not, Your Honour. I'm just trying to
7 find out what they did.

8 JUDGE SEBUTINDE: If it is already on the record that these
9 were their duties, this was their role, we're having difficult in
10 understanding where 20 minutes of questioning along these lines
11 is taking us. Is it adding value? If it is already written in
12 the instrument what their role was, we don't know what else you
13 are asking.

14 MR AGHA: The contention of the Prosecution is that he was
15 able to fulfil his role and we want to know what he was actually
16 doing. Did it entail doing nothing, or did it entail going an
17 office?

18 JUDGE SEBUTINDE: Mr Agha, the point is, this witness has
19 said on no less than five occasions he was ill, he never
20 accomplished any of his functions as PLO 2. Now, from there I am
21 personally having difficulty understanding where 20 minutes of
22 cross-examination along that same line is taking us.

23 MR FOFANAH: May it please, Your Honours, just to take it
24 from that point and as an extension of my objection, it doesn't
25 seem to clear to me, in particular, and I think I'm also talking
26 on behalf of my colleagues as to why counsel is persistently
27 putting legal documents to this witness and these documents are
28 exhibits before this Court. They are documentary evidence. He
29 is not a lawyer. He is putting legal documents to him and asking

1 his opinions on them when he is clearly not a professional and he
2 is not testifying as an expert. Over and above that, Your
3 Honours, the issue of the witness's opinion on documents that are
4 already before the Court, which are clearly legal documents, in
5 my humble estimation, cannot fall within his domain because he is
6 not an expert.

7 PRESIDING JUDGE: The next instance that you think that
8 that type of question comes up, you can object, Mr Fofanah. I
9 myself have not noticed the Prosecutor putting any legal
10 questions to this witness about these documents. If it comes up
11 again, you can certainly object, but the evidence is on record up
12 to this time.

13 MR FOFANAH: As Your Honour pleases. I was just trying to
14 save time because I can very well recall him talking about repeal
15 and replace of those things. I will save it.

16 PRESIDING JUDGE: Very well, thank you, Mr Fofanah.
17 Mr Agha, the fact remains as Justice Sebutinde said, we can see
18 what the duties of a PLO are simply by reading this document. It
19 has not been established whether this witness was ever given
20 anything to do and, in fact, I took him to say that he didn't do
21 anything. So where do we go on from there?

22 MR AGHA: If I may carry on from there, Your Honour, I will
23 take the point from the bench.

24 Q. So, Mr Brima, according to you, you were too unwell to
25 supervise, monitor and co-ordinate any of your ministries?

26 A. At all, no. I was not going to work because I was sick and
27 I was admitted in the hospital.

28 Q. But you were not confined to hospital the whole time during
29 the AFRC government, were you?

- 1 A. Yes.
- 2 Q. I thought you earlier mentioned in your evidence that you
3 were going in and out of hospital?
- 4 A. Yes, I was not there all the time.
- 5 Q. You also made three trips to Kono, didn't you?
- 6 A. Yes.
- 7 Q. Now, you suffered from blood pressure and hypertension,
8 didn't you?
- 9 A. Yes.
- 10 Q. Now, these illnesses didn't prevent you from playing
11 volleyball during the AFRC regime, did they?
- 12 A. Even up to now when I'm at detention, I play volleyball but
13 I know at which pace I play. If I play too much and -- it leads
14 to palpitation, that is my heart beats so fast.
- 15 Q. So you played volleyball during the AFRC regime despite
16 your illness?
- 17 A. At my own time I go to the beach to play volleyball.
- 18 Q. These illnesses did not prevent you from attending the
19 council meetings, you say you attended, did they?
- 20 A. Well, not all council meetings I attended. Times when we
21 go to meetings, I would fall there and they take me to the
22 hospital.
- 23 Q. These illnesses did not prevent you from going to army
24 headquarters at Cockerill to see the destruction which the Alpha
25 jets had caused, did they?
- 26 A. Well, during that time I cannot tell you that I was sick or
27 not sick, but I was able to do there later. It was not the very
28 day the thing happened, because I myself wanted to see there.
- 29 Q. These illnesses didn't prevent you from going to the

1 communications station at Signal Hill in Wilberforce to see the
2 destruction which the Alpha Jets had caused, did they?

3 A. I'm telling you that before I went to that place, the
4 appointment you see they had given had been removed all from me,
5 because that was the complaint that this man was not working
6 because he was sick?

7 Q. So you were well enough to go and see the sights?

8 A. Well, that is the same way I am well enough to come to
9 court here, but when I come here again, I develop some illness or
10 at times my pressure rises.

11 Q. How far is Waterloo from State House, roughly?

12 A. I will not be able to tell you the mileage.

13 Q. 3 miles, 5 miles, 100 miles?

14 A. No, I will not be able to tell you the mileage, because
15 Waterloo is out of Freetown. That is all I knew.

16 Q. Despite your illnesses, it did not prevent you from
17 travelling out of Freetown to Waterloo to see the destruction
18 which the Alpha jets had caused, did it?

19 A. I was not in Waterloo.

20 Q. You went to Waterloo to see the destruction which the Alpha
21 jets caused, didn't you?

22 A. It was not for that that I went to Waterloo. I was going
23 to the provinces in looking out for my mother. And I used the
24 peninsula route and that was where I was able to see the
25 destruction on my way, but I never told that I was in Waterloo.

26 Q. You went to Kono three separate times during the AFRC
27 regime despite your illness, didn't you?

28 A. Yes.

29 Q. Now, as you were so unwell, how did you have such a busy

1 schedule?

2 A. What kind of schedule?

3 Q. Going to Kono, going to bomb sites, going to play
4 volleyball, that kind of schedule?

5 A. Well, for me to go to Kono, I wanted to see my mother. I
6 will not tell [indiscernible]. That was the first time I saw my
7 mother. I wanted to know her. So my going to Kono I was too
8 happy to go in there in order to find my mother.

9 MR AGHA: With the permission of the Court, could I kindly
10 show the witness a newspaper cutting which showed the full AFRC
11 cabinet, the one which we looked at this morning.

12 PRESIDING JUDGE: It is Exhibit P93.

13 MR AGHA: Thank you, Your Honour. I was just checking
14 that.

15 Q. If we look at page 2 which is the full AFRC cabinet. Do
16 you have that in front of you?

17 A. Yes.

18 Q. Now, you were too unwell to go to your ministries and
19 attend to your work; right?

20 A. Yes.

21 Q. Now, why didn't you have your advisor look after your work
22 when you were so unwell?

23 A. The advisor himself that I saw here, PLO 2, that was not my
24 advisor. If you want me to call the advisor, I will write his
25 name down and call it. But this name I see here as advisor to
26 PLO 2, he was not the PLO 2's advisor.

27 Q. Who was your advisor?

28 A. My advisor was Kande Bangura, who was the deputy inspector
29 general.

1 Q. Why did you not ask him to mind your ministries when you
2 were too unwell to go?

3 A. To begin with, when he knew that I was sick, he never told
4 me to go out, because he knows I was not well. Only that he will
5 send little things for us, but he knew that I was sick. He goes
6 to the hospital to visit me.

7 Q. My question to you was: Why didn't you ask him to mind
8 your ministries when you weren't feeling well?

9 A. Well, I don't feel I can be able to ask him.

10 Q. Why not?

11 A. Well, that man was a policeman. He was working. Being an
12 advisor, I never knew or tell him "Go and take care of that
13 ministry."

14 Q. But you could have done, couldn't you?

15 A. Well, for now you are asking me, I'm telling you that I did
16 not do it. All I knew was that he was a policeman.

17 Q. You were too unwell to supervise, monitor and co-ordinate
18 your ministries, so what I would like to ask you is: What were
19 you regularly reporting to in writing to SAJ Musa about your
20 ministries?

21 A. One funny thing about me I can write, but I am not able to
22 write all at times and I cannot ever remember that I had written
23 to SAJ Musa.

24 Q. Well, with the permission of the Court I would like to read
25 transcript which is from Mr Brima page 17 and 18 on 20 June. It
26 is 20 June 2006, page 17 and it continues on page 18, 20 June.

27 MR AGHA: Do you have a copy, Your Honour?

28 PRESIDING JUDGE: No, we don't. Was it one that was given
29 earlier, Mr Agha.

1 MR AGHA: No, Your Honour, it is a new one. My case
2 manager is printing out a copy. It starts at line 27. Or I can
3 start from line 22, it may be easier.

4 "Q. Then please tell us who would the PL0 1 normally
5 report to?

6 "A. He reported to chief secretary of state of the AFRC.

7 "Q. Who was?

8 "A. It was late Captain Solomon Anthony James Musa who
9 was called SAJ Musa.

10 "Q. And who would PL0 2 report to? Who would you report
11 to?

12 "A. I used to report to the chief secretary of state, the
13 same person by the name of Solomon Anthony James Musa who
14 was called SAJ Musa.

15 "Q. And who would the second accused report to in his
16 capacity as PL0 3?

17 "A. He himself was reporting to the chief secretary of
18 state who was late Captain Solomon Anthony James Musa who
19 was called SAJ Musa.

20 "Q. How do you know this?

21 "A. Well, it was something that we used to do regularly
22 too when we went to report. If the PL0 3 was going to
23 report to the PL0 1 or 2, mostly the three of us would go
24 and report. And it was he that was the direct boss man to
25 whom we were assigned and they said that we were to report
26 to him.

27 "Q. How would you normally report to SAJ Musa? Would it
28 be verbally or documentation, please let us know

29 A. Well, for my own part, mostly I would just report

1 verbally. And since I write, I would report by paper."

2 Now that is your own evidence. So if you didn't ever go to
3 your ministry, what were you reporting to on paper to SAJ Musa?

4 A. I never told you I reported to him in paper. I said if I
5 write from the [indiscernible] from the statement you have read,
6 if I write I report to him on paper, my report was verbal and I
7 tell him I was sick. He would ask me why you are not going to
8 work and I will tell him that I am not well.

9 Q. I will read to you again line 15 on page 18. "

10 "A. Well, for my own part, mostly I would just report
11 verbally. And since I write," it says "and since I write,"
12 not if I write "I would report by paper."

13 A. Well, I did not say I would report by paper. I told you I
14 report verbally to SAJ. I was telling him why I was not going to
15 work. I would tell him I was not well. And he himself was
16 visiting me in the hospital.

17 Q. So even if you were not, if it is to be believed, reporting
18 on paper, what were you verbally reporting to him about your
19 ministries?

20 A. He was asking me about the ministry, but I want to tell
21 this Court that it was not too long from the time I was given
22 this appointment and removed from it. He asked me why I was not
23 going to work, I told him I was not well. He said but you are at
24 hospital and at your house at the same. I said yes, I am not
25 well, I come to my house when I feel better. Maybe in the space
26 of 15 or 20 minutes an Alpha Jet comes or the Nigerian Alpha Jet
27 comes, that will lead me to palpitation until they take me back
28 to the hospital.

29 Q. I will refer you again to page 18, which is at line 8 and I

1 will read it to you. I will start with 7.

2 "Q. How do you know this?

3 "A. Well, it was something that we used to do regularly
4 too when we went to report."

5 You reported regularly to SAJ Musa, didn't you?

6 A. When I say regularly, it is not as if water is flowing
7 where there is no space at all. How I was reporting to him not
8 on every day, every week or every month, no. When he calls or
9 when he comes to me why I was not going to work, I explained to
10 him that I am sick, I am not well.

11 Q. What could you possibly report to him about your ministries
12 if you never went there?

13 A. He asked me why I was not going to my ministries. I told
14 him that captain, I am sick, I am not well. And since I am not
15 well, I cannot force to go to the office and he himself was
16 somebody who would reason out with me, because at one time he was
17 able to provide me medicine.

18 Q. So, if you were reporting to SAJ Musa that you were unwell,
19 why didn't he remove you from your post, as PLO 2?

20 A. Well, I have told you that the appointment they said I had
21 to monitor this ministry, that ministry and government parastatal
22 department, they removed all from me and gave to other members.

23 Q. I put it to you that you were never removed, either as
24 PLO 2 or as you're later referred to as co-ordinating officer,
25 were you?

26 MS THOMPSON: Your honour, he did not say he was removed as
27 PLO 2.

28 MR AGHA: Well in the context I am wondering what else he
29 could have been removed as.

1 MS THOMPSON: Perhaps my learned friend should put the
2 question to him but the evidence is not that he was removed as
3 PLO 2.

4 PRESIDING JUDGE: Yes, I think you should rephrase that,
5 Mr Agha.

6 MR AGHA:

7 Q. Mr Brima --

8 A. Yes.

9 Q. When did SAJ Musa remove you as PLO 2?

10 A. SAJ Musa did not remove me as PLO 2, never. I tell you the
11 ministries, they told me to monitor or supervise, co-ordinate
12 with the parastatals or the departments -- the department, they
13 removed all from me. They gave their appointment to other
14 council members.

15 Q. So are you saying that someone other than SAJ Musa removed
16 you as PLO 2?

17 A. I did not tell you that I was removed as PLO 2. I have
18 never told this Court that way that I was removed as PLO 2, it
19 was the ministries and the parastatals which they said I should
20 monitor, those were the ones taken off of me and given to other
21 council members.

22 Q. So what you were doing as PLO 2?

23 A. I am still telling you that I was sick. I was not
24 effective.

25 Q. I put it to you that you worked as PLO 2 and supervised and
26 monitored all your ministries throughout the AFRC regime?

27 A. I am also telling you that what you are saying is not true.
28 I was not supervising. I was not co-ordinating or I never
29 monitored because I was not well and most of all, all these

1 ministries, these parastatals were withdrawn from me.

2 Q. I put it to you that you were not so seriously unwell that
3 you could not have attended your duties as PLO 2?

4 A. I was seriously sick. That was the first -- my first
5 experience. Ever since I got or I developed hypertension, that
6 was the first experience I had and I told this Court that to
7 conclude, the mother who gave birth to me was feeling that it was
8 a power struggle fighting or black magic.

9 Q. So, what was the difference between an honourable and a
10 PLO?

11 A. Well, that is the name, the one is PLO and the other is
12 honourable. That is the difference I know.

13 Q. So the honourable had no responsibility such as supervising
14 any government ministry or body?

15 A. I did not say that to you and I do not have any idea about
16 it to say I have ever told this Court that the honourable was not
17 the supervisor or co-ordinate any ministry.

18 Q. Did honourables supervise any ministry or play any role
19 within any government ministry?

20 A. I can only tell you about two honourables. When they took
21 their appointments of SierraTel and customs excise department,
22 they were the people to whom it was reassigned to.

23 Q. And the people who had ministries which were to be
24 supervised or monitored and co-ordinated under the PLO, they
25 reported to the PLO, didn't they?

26 A. Well, I never had a ministry that was reporting to me. I
27 told you that the appointment that was given to me was taken away
28 from me again.

29 Q. But we have just read a passage where you, PLO 1, Zagalo,

1 PLO 3, the third accused, used to meet regularly to discuss with
2 SAJ Musa. Did you not ever discuss with them how they got their
3 information about their ministries?

4 A. Never did I have any discussion like that with them.

5 Q. As PLO you reported directly to SAJ Musa, didn't you?

6 A. Yes.

7 Q. So after Johnny Paul Koroma and SAJ Musa, the PLOs were the
8 next most senior in the AFRC government, weren't they?

9 A. I cannot agree with that.

10 Q. Through your added responsibilities that the PLOs had, you
11 had greater seniority than other ordinary members of the council,
12 didn't you?

13 A. I didn't get you clear.

14 Q. Through your added responsibilities of supervising and
15 co-ordinating more than one ministry, the PLOs had greater
16 seniority than other ordinary members of council?

17 MS THOMPSON: Your honour, I thought we had been over this
18 ground about who was more senior than the other. My learned
19 friend has asked this question, I know he is now doing it in a
20 roundabout [indiscernible] the question seems to me to be the
21 same whether the PLOs were more senior than the other members and
22 whether they had greater power in the AFRC than the others, and
23 my objection is finality.

24 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha.

25 MR AGHA: Well I'm trying to explore whether through his
26 position as a PLO or a council member, he had seniority or
27 whether through the added responsibilities that he had, he had
28 greater responsibilities than other council members.

29 PRESIDING JUDGE: I, frankly, don't want to waste time

1 going back through the transcript, it seems to me he has answered
2 this, but if you say he hasn't, then I will allow you to go on.

3 MR AGHA: I will ask you another question.

4 Q. Mr Brima, through your closeness in the chain of command to
5 Johnny Paul Koroma and SAJ Musa, this reflected your greater
6 seniority within the council, didn't it?

7 A. I was not close to them in chain of command, because you
8 had senior officers, like the under-secretary of state defence.
9 There were senior, senior officers, like the flight lieutenant
10 who was also Lieutenant King. They were senior, senior people.
11 There was the resident minister or the secretary of state south,
12 east, north and west in the province of the Sierra Leone. They
13 were also senior people, but from what I am saying in this Court,
14 you say I'm senior and if not me, it is Sergeant Kamara, if not
15 Sergeant Kamara, then Corporal Kanu. I was not a senior man in
16 the AFRC.

17 Q. So according to you, you were a lowly corporal?

18 A. That was my rank.

19 Q. So how was it that you had the luxury of having a medical
20 orderly, who had a higher rank than you, accompany you on trips
21 to Kono?

22 A. I would have wished the doctor were here who assigned that
23 man to me, because I have told you that even when I used to come
24 to my house when I come from the hospital, the medical orderly
25 would come and check on me regularly. Because from the advice I
26 used to get from the doctor, I was too small to develop
27 hypertension and from my own family side they never believed that
28 it was hypertension. They took it to be black magic.

29 Q. Corporals do not usually get accompanied on long journeys

1 by sergeants who are medical orderlies, do they?

2 A. I did not get you clear.

3 Q. You were a corporal?

4 A. Yes.

5 Q. You went on a long journey to Kono?

6 A. Yes.

7 Q. Senior ranked officers, sergeants, don't usually accompany
8 lower ranked corporals, do they?

9 MS THOMPSON: Your Honour, I think this witness can only
10 speak for himself. My learned friend can ask the question
11 directly as to how a sergeant can accompany a corporal. I think
12 that would be better, but to ask him what is usual, I'm not sure
13 that is a question that this witness should answer.

14 PRESIDING JUDGE: Why don't you apply it to his own
15 situation, Mr Agha? That is more relevant than what other people
16 were doing.

17 MR AGHA:

18 Q. Why would a corporal like yourself be accompanied by a
19 sergeant, who is a more senior officer than you, to Kono?

20 A. I have not told this Court that a sergeant accompanied me
21 to go to Kono.

22 Q. So you didn't say Staff Sergeant Komba Magboi, M-A-G-B-O-I
23 accompanied you?

24 A. I said that, but I did not say sergeant. When you say
25 sergeant, would I say no. I have not told this Court that it was
26 a sergeant. I told this court that it was a staff sergeant, but
27 since you are now asking me whether it was a sergeant, that is
28 why I'm saying it is not a sergeant.

29 Q. A staff sergeant is more senior than a sergeant, isn't he?

1 A. Yes.

2 Q. Why is a staff sergeant accompanying a lower ranked
3 corporal an a long distance to Kono because he has high blood
4 pressure?

5 A. He was the one who normally tested my pressure on a regular
6 basis and it was because of the language barrier, because he was
7 the only person that spoke Kono. I have told this Court before
8 that there are certain things that exist in the army. If you
9 are -- if there is an operation in the Mende land, they will look
10 out for people who speak Mende, because any civilian that you
11 come across, the man who knows the Mende language would be the
12 person to speak to him. If it is the Temne land, it would be the
13 same thing. So he went with me to the Kono because he was the
14 Kono man, and the colonel told me that it was because he was a
15 Kono that he sent me with him and he speaks the Kono better than
16 I.

17 Q. Despite the fact that he was a staff sergeant and you were
18 a corporal?

19 A. Yes.

20 Q. You've told us you are a Kono man. Are you saying that you
21 don't speak the Kono language very well?

22 A. Who said so? Who is that? You mean me or the staff
23 sergeant?

24 Q. You. Aren't you originally from Kono?

25 A. Yes, I speak the Kono, but not effectively. If I give you
26 an example, my wife speaks better Kono than I. She can say
27 something that I will understand, but to say I can respond
28 equally, no. Up to this moment I have the same problem. I
29 cannot understand everything or respond adequately, but the staff

1 sergeant speaks Kono.

2 Q. So you can't even speak Kono well enough to have got
3 medical treatment in Kono?

4 A. No. I am telling you about the language barrier. It is
5 traditional medicine that they were going to subject me to and
6 the army always told me to be prepared. So they gave me that
7 staff sergeant take me along, because he speaks the Kono, so that
8 we will not meet anybody on the way who will probably want to get
9 me some medicine or a herbalist to get me some medicine that
10 would be communicating to me that I would not understand. And in
11 case they give me some medicine that I need to take, except I
12 listen to the staff sergeant's advise.

13 Q. Why would someone be offering you medicine on the way to
14 Kono? You are going to Kono to receive medical treatment?

15 A. I did not get you clear.

16 Q. Why would someone be offering you, on the way to Kono,
17 medicine in a language you don't understand when you are going to
18 Kono to get treatment?

19 A. I told you that my mother, who gave birth to me, never
20 believed that it was a natural thing. She thought it was black
21 magic. That was why she advised me, though I did not listen
22 initially, but later I listened for me to go and get traditional
23 treatment. But I did not tell you that somebody gave me medicine
24 for me to go to Kono.

25 Q. Why didn't you get your family members in Kono to translate
26 for you?

27 A. This was purely military affairs and the staff sergeant I'm
28 talking about from Freetown here he was the one who was testing
29 my pressure. If they gave me any medicine that was not okay for

1 me, he would say no. He would say this one is too much. Don't
2 drink it this way, drinking so-so much of it.

3 Q. So black magic is military affairs, is it?

4 A. I didn't tell you that it is military affairs. I have
5 never told you that a day. I only told you that that was the
6 belief that my family had. But the treatment that I used to get
7 here at the hospital was not from black magic, from the military
8 hospital.

9 Q. It is a total lie, isn't it, that a sergeant accompanied
10 you for medical reasons? He accompanied you because you held a
11 very senior position in the AFRC government, didn't he?

12 A. I'm also telling you that you are telling me a lies. He
13 was not a sergeant. He was a staff sergeant that accompanied me.
14 He accompanied me through the order of the former senior medical
15 officer, who was Dr Colonel Allieu Kanu. He was the one who saw
16 him fit for me to be given a staff sergeant.

17 Q. Why on earth would a corporal be given a staff sergeant,
18 senior in rank, to go all the way to Kono to check his blood
19 pressure.

20 MS THOMPSON: Asked and answered, Your Honour.

21 PRESIDING JUDGE: Yes, he has answered that, Mr Agha.

22 MR AGHA: Now, I would like to refer to Exhibit P34, if I
23 may.

24 PRESIDING JUDGE: We had that earlier, didn't we?

25 MR AGHA: Yes, I believe so.

26 PRESIDING JUDGE: Go ahead, Mr Agha.

27 MR AGHA: I seem to have a lot of documents lying around.
28 Is this the minutes of an emergency council meeting?

29 PRESIDING JUDGE: Yes, correct.

1 MR AGHA: Could a copy be placed before Mr Brima, please.

2 PRESIDING JUDGE: I think he has one.

3 MR AGHA:

4 Q. Mr Brima, do you have a copy of the minutes of an emergency
5 council meeting?

6 A. I have a copy of emergency council meeting.

7 Q. Could you kindly turn to paragraph 16 of the minutes?

8 A. Yes.

9 Q. Now, I will read this to you. It is a decision and it
10 says, "All principle liaison officers must have effective control
11 over the honourable members within council."

12 PRESIDING JUDGE: What paragraph is that?

13 MR AGHA: That is decision 16, the final paragraph on page
14 4, Your Honour.

15 PRESIDING JUDGE: It seems there are two paragraphs 16.

16 MR AGHA: Shall I read again?

17 Q. Mr Brima, you have that decision at paragraph 16?

18 A. I have decision on paragraph 16, but there is not just one
19 paragraph 16.

20 Q. I will read the decision for you. This is from the
21 emergency council meeting again. "Decision 16, all principle
22 liaison officers must have effective control over the honourable
23 members within the council."

24 This means that the PLO was senior to the honourable
25 members of the council, doesn't it?

26 A. No. This never happened that PLO had control over council
27 members, no.

28 Q. So this decision written down here is incorrect then,
29 according to you?

1 A. I have not told you that the decision is not correct. I
2 have told you that I as PLO never had an honourable member under
3 me.

4 Q. I put it to you that you did have honourable members under
5 you and once again, I put it to you, that you were one of the
6 most senior members of the AFRC government?

7 MS THOMPSON: Which one is he putting, Your Honours.

8 MR AGHA:

9 Q. I am putting it to you that you did have honourable members
10 underneath you as a PLO?

11 A. I'm also putting it to you that the thing that you are
12 telling me is not true. It is a lie. I never had any honourable
13 member under me as PLO.

14 Q. I put it to you once again that you were one of the most
15 senior members of the AFRC government?

16 A. I'm also telling you that what you are saying is a lie. If
17 you were here, you would have known that I was not a senior -- I
18 was not one of the senior men in the AFRC.

19 Q. As a PLO, according to you, you were too unwell to carry
20 out your duties; correct?

21 A. Yes.

22 Q. That didn't stop you in engaging in illegal activities as
23 PLO 2, did it?

24 A. What to you mean by illegal things?

25 Q. What I mean is you used your position as PLO supervising
26 customs to harass traders bringing goods into Sierra Leone,
27 didn't you?

28 A. Did any trader tell you that I arrested him or her? I told
29 you I was not well. To arrest a trader or to go and supervise

1 any trader, I was not well. I never did anything.

2 MR AGHA: With the permission of the Court, I would like to
3 show the witness a document. This is a new document, Your
4 Honour. And you will be relieved to hear I'm coming to the end
5 of this line of questioning.

6 JUDGE DOHERTY: Incidentally, Mr Agha, I notice the witness
7 interpreted your word of "harassing," as arresting.

8 MR AGHA: I shall clarify that.

9 JUDGE DOHERTY: Thank you.

10 MR AGHA: While we are waiting for copies of this document
11 to be distributed to at court. It is a newspaper clipping from
12 the Point newspaper, dated 5th November 1997.

13 Q. Mr Brima, do you have a copy?

14 A. Yes.

15 Q. I will refer you to the article in the middle of the page
16 and it reads: "PLO 2 in cigarette scandal." Do you have that?

17 A. Yes.

18 Q. I will read for you a part. "In depth investigations
19 conducted by The Point have revealed that the PLO II, Sergeant
20 Tamba Brima, is in the habit of harassing traders trying to bring
21 goods into the country."

22 What do you have to say about that?

23 A. It is a newspaper, but I'm telling you it is a lie. I
24 never harassed anybody for cigarette, never.

25 Q. I will continue reading on the third paragraph along, which
26 is second line from the bottom and it start: "The PLO 2." Do
27 you have that?

28 A. Yes.

29 Q. "...the PLO II seized a large consignment of cigarette

1 estimated about Le 15.5 million. Mr Brima Bangs went further to
2 say that one of the security men of the PLO II Felix and one RSM
3 Dove usually arrest traders on behalf of the PLO II."

4 A. I have not got that clearly. Please read it again.

5 Q. "...the PLO II seized a large consignment of cigarettes
6 estimated at about Le 15.5 million. Mr Brima Bangs went further
7 to say that one of the security men of the PLO 2 Felix and one
8 RSM Dove usually arrest traders on behalf of the PLO II."

9 What do you have to say about that?

10 A. That is what I'm going to tell you. They said one RSM was
11 arresting somebody for [indiscernible] the PLO 2 or this. That
12 is not to my knowledge. I'm telling you I have never held
13 anybody for cigarettes.

14 MR AGHA: I would kindly ask that this document be
15 exhibited.

16 PRESIDING JUDGE: Yes, does the Defence wish to say
17 anything?

18 MS THOMPSON: No, Your Honour.

19 PRESIDING JUDGE: Thank you. The photocopy of The Point
20 newspaper, looks like page 1 and it is dated November 5th 1997
21 will be admitted as Exhibit P97.

22 [Exhibit No. P97 was admitted]

23 PRESIDING JUDGE: That is the end of your particular line
24 of questioning?

25 MR AGHA: If I could have one more final to carry on, I
26 could close that chapter for tomorrow.

27 PRESIDING JUDGE: Go ahead.

28 MR AGHA:

29 Q. I put it to you that it is a complete lie that you were too

1 unwell to carry out your functions as a PLO 2 during the AFRC
2 government?

3 A. I'm also putting it to you that the word you are saying is
4 untrue. It is a lie. I was unwell. I was not able to perform
5 any duty.

6 Q. Now, apparently, and I may be mistaken, you just told the
7 Court that one of the reasons why the sergeant medical orderly
8 accompanied you on your trip to Kono when you were unwell was
9 because you don't speak the Kono language that well; is that
10 right?

11 A. I told you that that was one of the reasons.

12 Q. The fact of the matter is you can speak Kono very well,
13 can't you?

14 A. No.

15 Q. With the permission of the Court I would like to show the
16 Court page 14 of Mr Brima's transcript 14 June 2006?

17 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

18 MR AGHA:

19 Q. Now, I would like to read from page 10 -- sorry, line 10 on
20 page 14 through to line, I think -- just maybe leave it at page
21 14. Now it is your own evidence, Mr Brima.

22 "A. When we found Tamba Ngauja, we discovered him -- we
23 discovered that his two hands had already been cut off. Since he
24 was a soldier and he was a Kono man --

25 "Q. How do you know he was a Kono man?

26 "A. His name, then I spoke with him. He told us that it
27 was the RUF that cut off his hands. And, up to now, that soldier
28 is alive.

29 "Q. Mr Brima, you just made reference to "us". Who is

1 "us"?

2 "A. I'm referring to us, the SLA soldiers.

3 "Q. Thank you. Please continue.

4 "A. Okay. So I, who was a Kono man, who speaks Kono, I
5 was chosen to speak with the soldier."

6 That is your evidence.

7 A. I agree that it is my evidence.

8 Q. So you can speak Kono very well, can't you?

9 A. It is not in the statement that I speak Kono very well. In
10 that scene I was fortunate to be one of the Kono men around that
11 place and can talk. I told you I speak Kono, but I am not too
12 fluent in it.

13 Q. You were clearly fluent enough for your commanding officer
14 on this occasion weren't you?

15 A. For what? Why should I be clear to my commanding officer?
16 When somebody speaks Kono, I hear I'm able to interpret it, but I
17 am not fluent in speaking it. That is what I'm telling you. To
18 say somebody speaks Kono and I don't understand, yes, I know, but
19 I'm not fluent. There are certain words if you talk them in
20 Kono, if you know Krio, I will ask you what does it mean?

21 Q. I put it to you that you can speak Kono perfectly well and
22 there was no need for a sergeant who could speak Kono to company
23 you on your trip to Kono?

24 MS THOMPSON: Two questions in one, Your Honour. Asked and
25 answer, as well.

26 PRESIDING JUDGE: You are putting this as your case, to
27 finish off the topic? All right. Go, ahead. I would ask one
28 the at a time, Mr Agha.

29 MR AGHA:

OPEN SESSION

1 Q. I put it to you that you can speak Kono perfectly well?

2 A. I am also disagreeing with you that I don't speak Kono
3 perfectly well. I speak it, but I am not fluent in it and I
4 don't speak it well. But if you talk, I will hear.

5 Q. I put it to you that there was no reason for a sergeant who
6 spoke Kono to accompany you on your trip from Freetown to Kono,
7 was there?

8 A. I did not tell you that a sergeant accompanied me. I never
9 made that statement in this Court. I said a staff sergeant.

10 Q. But there was no reason for him, this staff sergeant,
11 senior in rank to you, to accompany you to Kono because he spoke
12 Kono, was there?

13 A. There is a reason for that. I have told you that it was
14 the SMO who chose this man, who was a senior medical officer. I
15 did not choose him. It was the SMO and the soldier he was taking
16 my pressure regularly and he speaks Kono.

17 MR AGHA: I have no further questions for today for this
18 witness. This ends this particular topic.

19 PRESIDING JUDGE: Thank you, Mr Agha, it is an appropriate
20 time. Does the witness have any documents that should be
21 retrieved, Mr Court Attendant?

22 MR AGHA: I apologise to the Court for going over time.

23 PRESIDING JUDGE: No, we did intend to go over today,
24 Mr Agha, because of that lost hour in the lunch break.

25 MR AGHA: I, of course, apologise to my learned friends and
26 all the other court staff.

27 PRESIDING JUDGE: Thank you, Mr Agha. Mr Brima, once more
28 we're going adjourn so please don't discuss the case or the
29 evidence with anybody else.

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: We will now adjourn to 9.15 tomorrow
3 morning.

4 [Whereupon the hearing adjourned at 4.33 p.m.
5 to be reconvened on Tuesday, the 4th day of
6 July, 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. P93	31
Exhibit No. P94	49
Exhibit No. P95	61
Exhibit No. P97	104

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ALEX TAMBA BRIMA	2
CROSS-EXAMINED BY MR AGHA	2