



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

WEDNESDAY, 20 SEPTEMBER 2006
9.19 A.M
TRIAL

TRIAL CHAMBER II

Before the Judges:	Richard Lussick, Presiding Teresa Doherty Julia Sebutinde
For Chambers:	Ms Carolyn Buff
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Karim Agha Ms Maja Dimitrova (Case Manager)
For the accused Alex Tamba Brima:	Ms Glenna Thompson
For the accused Brima Bazy Kamara:	Mr Mohamed Pa-Momo Fofanah
For the accused Santigie Borbor Kanau:	Mr Geert-Jan Alexander Knoop Mr Silas Cherchera

10:02:04

1 [AFRC20SEP06A - MD]

2 Wednesday, 20 September 2006

3 [Open session]

4 [The accused present]

09:18:04 5 [The witness entered court]

6 [Upon commencing at 9.19 a.m.]

7 PRESIDING JUDGE: Yes. Well, this witness in the box
8 now, is that DAB-095?

9 MR KNOOPS: That's correct, Your Honour.

09:19:36 10 WITNESS: DAB-095 [Sworn]

11 [The witness answered through interpreter]

12 EXAMINED BY MR KNOOPS:

13 THE INTERPRETER: Good morning, Your Honours.

14 PRESIDING JUDGE: Good morning, Mr Interpreter.

09:21:02 15 THE INTERPRETER: Yes, during the -- when the oath was
16 being administered we discovered that the witness was responding
17 in English, so we are just wondering whether he is speaking
18 English or Krio?

19 PRESIDING JUDGE: Yes, I noticed that too. What is the
09:21:16 20 situation, Mr Knoops?

21 MR KNOOPS: Your Honours, that's correct. It's my
22 understanding that the witness prefers to be examined in Krio,
23 although he is, to a limited extent, skilled in the English
24 language.

09:21:37 25 PRESIDING JUDGE: All right, thank you. Did you hear that,
26 Mr Interpreter?

27 THE INTERPRETER: Yes, I do, Your Honour. Thank you.

28 PRESIDING JUDGE: We might mention to you too, Mr Knoops,
29 you referred to a document that was being filed yesterday. As

1 far as we know, that motion you referred to has not been filed.

2 MR KNOOPS: Your Honours, that's correct. My learned
3 colleague informed me that the document was filed but it was sent
4 back because of a defect filing by the first and the second
09:22:10 5 accused. It's been refiled this morning and, on behalf of the
6 third accused, the required filings will also be administered
7 today.

8 PRESIDING JUDGE: All right. Thank you. Yes, well, go
9 ahead, Mr Knoops.

09:22:32 10 MR KNOOPS: Much obliged, thank you, Your Honour. Your
11 Honours, this is witness DAB-095, indeed.

12 Q. Mr Witness, good morning.

13 A. Good morning, sir.

14 Q. Mr Witness, I am going to ask you several questions on
09:22:52 15 various topics. I respectfully request you to listen carefully
16 to the questions and answer them as concise as possible. First
17 of all, I'm going to take you to your personal history. You are
18 a Sierra Leonean and a Kono by tribe from Kono District in the
19 Sandor Chiefdom; is that correct?

09:23:21 20 A. Yes, sir, that's correct.

21 Q. You were born in Koidu Town on the 5th of March 1972; is
22 that correct?

23 A. It is correct.

24 Q. You went to the primary school in Koidu Town; is that
09:23:39 25 correct?

26 A. It is correct.

27 Q. And you attended up to class 7 and then sat to the
28 selective entrance examination with a pass to the Koidu secondary
29 school?

1 A. Yes, sir. It is correct.

2 Q. You stopped your education in form 2?

3 A. Yes, sir.

4 Q. And this was in 1987 -- can I be correct?

09:24:22 5 A. It is correct.

6 Q. After schooling, you left your parents in Koidu Town and
7 you went to your aunt in Kenema; correct?

8 A. Yes, sir.

9 Q. You were with your aunt up to 1992 when you were finally
10 enlisted to join the Sierra Leone Army?

11 A. Yes, sir.

12 Q. Thank you, Mr Witness. This concludes the evaluation of
13 your personal history. Mr Witness, did you undergo any form of
14 training when you were enlisted to join the Sierra Leone army?

09:25:14 15 A. Yes, sir.

16 Q. Could you recall in which year this training was given to
17 you?

18 A. Yes. I could recall the year.

19 Q. Could you please tell the Court which year you recall?

09:25:46 20 A. Yes. I could recall in 1992.

21 Q. Did you undergo your training directly at the beginning of
22 your enlistment?

23 A. Yes, sir.

24 Q. How long did this training last?

09:26:09 25 A. It lasted for three months.

26 Q. Can you remember where you underwent this training, meaning
27 which location?

28 A. Yes. It was at the Daru Barracks depot.

29 Q. Could you explain what this training was about?

1 A. Yes. The training was about for me to become an infantry
2 soldier.

3 Q. And could you inform us how you were trained?

4 A. Yes.

09:27:09 5 Q. Please do so.

6 A. Well, I was trained -- I was a basic soldier in -- in -- in
7 small arms. I attended parades, patrols, and other details that
8 concerns the military.

9 Q. Did you receive any training how to fight?

09:27:38 10 A. Yes. I was basically trained how to fight.

11 Q. Could you please explain what this training about fighting
12 was about?

13 A. Well, I was trained as an infantry soldier to defend lives
14 and properties in this country during the RUF war.

09:28:15 15 Q. At the time of this training, Mr Witness, were you given
16 any books or military manuals to study?

17 A. No, we were not given books.

18 Q. Were your trainers giving you any laws, military laws or
19 other laws to obey?

09:28:47 20 A. The only laws given to us was how to change your details
21 and the time to go for your details and when we are prepared to
22 go for patrols. Those were the laws given to us.

23 Q. Mr Witness, could you please explain for the Court what you
24 mean with the word "details"?

09:29:14 25 A. Well, details, I meant if you are, say, 10 to 12, and
26 somebody was to replace you for the next details. Or sometimes
27 we would be appointed to be on a standby to go on a patrol.

28 Q. What was told, Mr Witness, to you by your trainers what
29 would happen if you would violate the law of your country?

1 A. Well, we were not told about that.

2 Q. Mr Witness, did you --

3 A. Yes, sir.

4 Q. -- Sorry. Mr Witness, did you hear about the laws of
09:30:27 5 warfare?

6 A. No.

7 Q. Did you hear about international conventions, how to
8 conduct a war?

9 A. No.

09:30:46 10 Q. You ever heard about the Geneva Conventions?

11 A. No.

12 Q. When was it, the first time, that you heard about the
13 Geneva Conventions?

14 A. Well, it was after the war I started receiving information
09:31:12 15 about those kinds of things. I never -- I have never come across
16 it.

17 Q. During your training, did you speak with your colleagues or
18 trainers about the laws of war?

19 A. No. The only laws given to us was how to go and fight; how
09:31:38 20 to guard; and how to go on patrols.

21 Q. Mr Witness, after these three months training in Daru
22 Barracks --

23 MR KNOOPS: Your Honours, Daru is D-A-R-U, barracks.

24 Q. Did you receive any additional training within the Sierra
09:32:01 25 Leone Army?

26 A. No.

27 Q. Were you, after completing your training to become a
28 private soldier, were you ever promoted?

29 A. I was never promoted.

1 Q. Mr Witness, you -- were you given an SLA number?

2 A. Yes. I was given a number.

3 Q. Are you able, Mr Witness, to write this number on a piece
4 of paper? I'm not asking you to mention it.

09:32:42 5 A. Yes.

6 Q. I'm not asking you --

7 A. I can write it.

8 Q. Yes, because if you would say it in the microphone, people
9 could hear it and it could reveal your identity; that's why I'm
10 asking, with the permission of the Court and my learned friend
11 from the Prosecution side, whether the witness is allowed to
12 write down, on a piece of paper, his --

09:32:56

13 PRESIDING JUDGE: Yes. The Court attendant will assist.

14 MR KNOOPS: Thank you, Your Honour.

09:35:39

15 PRESIDING JUDGE: Yes. Did you want that back, Mr Knoops?

16 MR KNOOPS: Your Honour, I'm asking leave to tender this as
17 an exhibit, to be attached, if possible, under seal, to the
18 statement of the accused -- of the witness.

09:35:56

19 PRESIDING JUDGE: Well, the witness statement is not in
20 evidence yet. Do you have any objection to the tender?

21 MR AGHA: No, Your Honour.

22 PRESIDING JUDGE: All right. Well, that will be admitted
23 as Defence Exhibit D26. It will be marked confidential under
24 seal.

09:36:18

25 [Exhibit No. D26 was admitted]

26 MR KNOOPS: Thank you, Your Honour.

27 PRESIDING JUDGE: Go ahead, Mr Knoops.

28 MR KNOOPS: Thank you, Your Honour.

29 Q. Mr Witness, at the time of your training at Daru Barracks,

1 did you have a commander?

2 A. Yes. We had a commander called Major Sesay.

3 Q. Thank you. Mr Witness, after your training, what happened
4 with your assignment within the army?

09:37:25 5 A. Well, I was sent to the war front.

6 Q. Could you please explain what you mean with the war front?

7 A. Yes.

8 Q. Please do.

9 A. Well, after the training, we were organised into section,
09:38:03 10 platoons and companies, and sent to Zimmi to create a barricade
11 in front of the rebels who were about to attack from that end.

12 Q. How long did you stay in Zimmi?

13 A. Well, in Zimmi, I took almost some months there.

14 THE INTERPRETER: Your Honours, can the witness be asked to
09:38:42 15 speak louder?

16 MR KNOOPS:

17 Q. Mr Witness --

18 PRESIDING JUDGE: Sorry, Mr Knoops. You will need to speak
19 louder. The interpreter is having trouble hearing you.

09:38:55 20 MR KNOOPS:

21 Q. Mr Witness, also [microphone not activated].

22 PRESIDING JUDGE: Your microphone is not on, Mr Knoops.

23 MR KNOOPS:

24 Q. Mr Witness, could you please wait with answering the
09:39:12 25 question before the interpreter concludes the interpretation of
26 the question. Could you please do that?

27 A. Yes.

28 Q. Thank you, sir.

29 MR KNOOPS: Zimmi, Your Honours, Z-I -- Z-E-M-E [sic].

1 Zi mmi .

2 Q. Mr Witness, after your assignment in Zi mmi, what happened?

3 A. We were there for quite some time. Then I was removed from
4 there and sent to Tongo on another assignment.

09:40:04 5 Q. What happened after Tongo?

6 A. In Tongo, it was the same deployment, because we heard that
7 the rebels had wanted to infiltrate there, so they took us there
8 and deployed there.

9 Q. Mr Witness, if you speak about rebels, what do you mean
09:40:26 10 with rebels?

11 A. Well, it -- I mean the RUFs.

12 Q. Can you recall which time period you went to Tongo?

13 A. I can't recall the time.

14 Q. Can you recall the time period you were in Zi mmi ?

09:41:06 15 A. I can't recall any longer.

16 Q. How long you were in Tongo, Mr Witness?

17 A. In Tongo -- from when I left Zi mmi, I was in Tongo for
18 almost two years.

19 Q. Can you recall, Mr Witness, whether you had a commander
09:41:35 20 when you were in Tongo?

21 A. Yes. We had a battalion commander there.

22 Q. Can you recall his name?

23 A. Yes. We had Mamadi Keita there and Chin Cham. He was
24 changed. We had another commander there called Sam Mboma.

09:42:12 25 Q. What happened after Tongo, Mr Witness?

26 JUDGE SEBUTINDE: No, no, No. We need all those names
27 spelt.

28 MR KNOOPS:

29 Q. Mr Witness, I'm sorry. Could you please repeat the names

1 you just mentioned?

2 A. Yes, sir. We had Mamadi Keita. He was a battalion
3 commander and then, later, we had Sam Mboma as battalion
4 commander.

09:42:45 5 Q. Please pause, Mr Witness. Could you please spell --

6 MR KNOOPS: Mamadi is M-A-M-E-D-I [sic]. Keita is
7 K-E-I-T-A. And Sam Mboma is S-A-M M-B-O-M-A.

8 Q. Mr Witness, what happened after your assignment in Tongo?

9 A. I was transferred to Rotifunk, later.

09:43:47 10 MR KNOOPS: Rotifunk, Your Honours, is R-O-T-I-N-F-U-N-K

11 [sic]. Rotifunk.

12 Q. How long did you stay, Mr Witness, in Rotifunk?

13 A. In Rotifunk, I spent some time there, but I can't recall
14 the length of time I spent there.

09:44:21 15 Q. What was the purpose, Mr Witness, of your assignment in
16 Rotifunk?

17 A. In Rotifunk, it was the same military job. We were
18 transferred from one place to another, so I was transferred to
19 Rotifunk to work there.

09:44:47 20 Q. Did you have any commanders in Rotifunk?

21 A. Yes. We had commanders there.

22 Q. Who was the commander you worked for?

23 A. I was with Lieutenant GM Bangura.

24 MR KNOOPS: Bangura, Your Honours, B-A-N-G-U-R-A.

09:45:28 25 JUDGE SEBUTINDE: Was that GM or JM?

26 THE WITNESS: GM

27 MR KNOOPS:

28 Q. Mr Witness, when you speak about "to work there," could you
29 please specify what you mean with work?

1 A. Yes.

2 Q. Could you please tell the Court what you mean with work?

3 A. We had section deployments divided by guard post and for
4 security purposes on the ground. Then we were there also
09:46:04 5 conducting security patrols.

6 Q. Was there any adversary at the time?

7 A. No. We were only on the ground there, to defend there.

8 Q. What happened with the RUF rebels at that time, according
9 to your recollection?

09:46:37 10 A. Well, I can't recall exactly what was going on there at the
11 time.

12 Q. Thank you. After Rotifunk, what was your next assignment,
13 if any, within the military?

14 A. Well, from Rotifunk, we heard about the change of
09:47:06 15 government so we were brought to Freetown to work in Freetown.

16 Q. Mr Witness, within this period from the moment of your
17 training till your assignment in Freetown, could you describe
18 whether you received salary from the army?

19 A. Yes, sometimes we received salaries, but sometimes not.

09:47:50 20 Q. Why did you receive sometimes not a salary, Mr Witness?

21 A. Well, sometimes they would tell us our numbers are not
22 included in the pay sheet, so it would take some two -- sometimes
23 two months, three months before our salaries would come as a draw
24 back.

09:48:15 25 Q. Was this -- how were the salaries paid, to the soldiers?

26 A. Well, we had a pay -- a paymaster that would take our
27 salaries to us. Then, he will have a -- a voucher like, from
28 there they would look for your number. If your number was not
29 included then they would tell you well, the coming month, you

1 will be a month, your number would be included. But if your
2 number is not included during that same month then they would
3 defer you to another month.

09:49:03 4 Q. Mr Witness, were you at that time satisfied with the
5 payments within the army?

6 A. No, I was not satisfied because sometimes I see people
7 receiving salaries. Then I don't receive. So I was not happy
8 with that.

09:49:27 9 Q. Did you see or hear whether the same happened with your
10 colleague, colleagues from the military?

11 A. Yes.

12 Q. Did they say anything about that to you?

13 A. Yes. Some -- some -- some of our colleagues who did not
14 receive, we managed the little we have to survive.

09:50:03 15 Q. Mr Witness, did you -- do you recall whether the military
16 service men asked for food from their commanders during the
17 period you just mentioned, the period after your training to your
18 assignment in Freetown?

09:50:33 19 A. Well, we were entitled to a bag of rice but we were not
20 given it. They would always say the -- the -- the rice is in
21 Freetown. There -- there was no vehicle to convey it, so we were
22 not receiving it.

23 Q. According to your recollection, was such a bag of rice part
24 of the official salary within the army?

09:50:55 25 A. Yes, it was part of my salary. That was my own quota for
26 every month.

27 Q. Was there a distinction, Mr Witness, between the amount of
28 rice to be received by the other ranks and the officers?

29 A. Yes, sir. There was a difference. For the private

1 soldiers, they would get a bag of rice. The corporals would get
2 two. The sergeants would get three. So that's what I knew of.
3 I never knew about the officers, what they used to receive.

09:51:50

4 Q. And from what you at that time saw, Mr Witness, did the
5 corporals and the sergeants receive their quantum of rice every
6 month?

7 A. Few of them received theirs but there were some who didn't
8 receive. They, too, were going about grumbling about it.

09:52:23

9 Q. Was there anything done, Mr Witness, about these -- this
10 situation, namely, that you didn't receive at all times a bag of
11 rice?

09:52:46

12 A. Yes. It came a time, they went around and took all the
13 numbers and said they would come down to Freetown with those
14 numbers, and see the way they would go about it, so that we will
15 start receiving ours over there.

16 Q. Mr Witness, what was for you the reason to stay within the
17 army, despite the fact that you didn't receive at all times
18 salary or rice?

09:53:17

19 A. Yes, because I was born in the provinces. The time I
20 joined the military our parents had dispersed. We had nowhere to
21 go, so we were only in the military to see to it that we
22 survived. We had nothing else to do.

23 Q. According to your estimation, you think you were treated
24 with respect as a private soldier by your superiors?

09:53:43

25 A. We were not treated with respect.

26 Q. Mr Witness, I'm taking you now back to your assignment in
27 Freetown. At that moment, did you know about the three accused
28 namely, Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor
29 Kanu?

1 A. Well, I never knew about them. I never came across them.

2 MR AGHA: Your Honour, could we have clarified what time
3 period this is, when he's returned to Freetown?

4 PRESIDING JUDGE: Well, I think he's mentioned it, but
09:54:42 5 what -- what do you say, Mr Knoops?

6 MR KNOOPS: I have no objection to ask that of the witness,
7 Your Honour.

8 Q. Mr Witness, can you recall which time frame you came to
9 Freetown from Rotifunk?

09:54:55 10 A. Well, it was during the time there was that change of
11 government, but I can't recall the exact month I came to
12 Freetown, but it was in 1997.

13 Q. Thank you. How did you become aware of the change of
14 government?

09:55:22 15 A. Well, there were -- how I came to know about the change,
16 when I was brought to Freetown, I was deployed at the State
17 House. At State House I used to see military men in most of the
18 offices, so by then I realised there was a change.

19 Q. Mr Witness, did you get to learn who was behind the change
09:56:03 20 of government, in 1997?

21 A. I didn't get that clearly.

22 Q. Mr Witness, did you get to learn who was behind the change
23 of government in 1997?

24 A. Well, the person I knew about was JP because it was to him
09:56:36 25 I went and stayed. He was the only person I -- I came to know
26 about, that he was one of the persons that changed the
27 government.

28 Q. Mr Witness, can you recall how long after the change of
29 government you --

1 JUDGE SEBUTINDE: Mr Knoops, who -- who is JP? Shall we
2 just for the record say JP?

3 MR KNOOPS: You are right, Your Honour. Sorry.

4 Q. Mr Witness, could you explain the abbreviation or the
09:57:10 5 letters JP for the Court, please?

6 A. Yes. JP Koroma.

7 Q. Do you know what the letters JP stand for?

8 A. Yes.

9 Q. Could you please say what these letters stand for?

09:57:39 10 A. The J is for John. The P is Patrick.

11 Q. Thank you. Mr Witness, how long after the change of the
12 government were you transferred to Freetown; can you recall that?

13 A. Yes. It was almost a year. From '97 to '98.

14 Q. Mr Witness, I think you misunderstood the question. My
09:58:26 15 question was: Were you transferred to Freetown directly after
16 the change of government or was there a certain time lapse
17 between this change of government and your transfer to Freetown?

18 MR AGHA: I object to that question, Your Honour. I don't
19 think he's clarified whether he actually came to Freetown before
09:58:52 20 the change of government or after.

21 PRESIDING JUDGE: I think he's made that clear in his
22 evidence, Mr Agha. But -- but what do you say, Mr Knoops?

23 MR KNOOPS: I have no objection to clarify that, Your
24 Honour.

09:59:05 25 Q. Mr Witness, were you transferred to Freetown before the
26 change of the government or after the change of the government?

27 A. It was after the change of government I was transferred to
28 Freetown.

29 Q. And can you recall how much time there was between this

1 change of government and your transfer to Freetown?

2 A. Well, a month.

3 Q. Mr Witness, you just stated that you were posted at the
4 State House. For which reason you were posted there at the State
10:00:05 5 House?

6 A. Well, we were securities for the State House. We were the
7 personnel. So we were posted there for security.

8 Q. Mr Witness, did you at that time have a commander?

9 A. Yes, I -- I had a commander but I -- I can't recall his
10:00:28 10 name any longer.

11 Q. Can you recall, Mr Witness, until when you were posted at
12 the State House?

13 A. No, I can't recall.

14 Q. Can you recall whether you were still there during -- I
10:01:04 15 withdraw the question. Mr Witness, were you in Freetown in
16 February 1998?

17 A. Yes, I was in Freetown.

18 Q. How do you know so sure that you were in Freetown, in
19 February 1998?

10:01:26 20 A. Well, in February 1998, it was during February 1998 that
21 the intervention took place in Freetown, to recapture Freetown.

22 Q. Mr Witness, what do you mean with "intervention"?

23 A. Well, I don't have an understanding about intervention.
24 The only understanding I have, it was during the time ECOMOG
10:02:05 25 intervened to recapture Freetown.

26 Q. Can you recall whether you were still in the position as a
27 guard at the State House at that time, of the intervention?

28 MR AGHA: Objection, Your Honour, on leading. I think
29 there is another way in which such a question can be put.

1 MR KNOOPS: I withdraw the question.

2 Q. Mr Witness, can you recall what your position was in
3 February 1998, during that intervention?

10:02:51

4 A. Well, I was an ordinary security, attached to JP at the
5 time.

6 Q. Mr Witness, you referred to this same JP as just a few
7 minutes ago?

8 JUDGE SEBUTINDE: Mr Knoops, it would be nice if you would
9 refer to names, rather than initials. You, yourself.

10:03:20

10 MR KNOOPS: I understand.

11 Q. Mr Witness, you just clarified the name JP. I recall you
12 saying John Patrick Koroma. The person you just referred to as
13 JP, is that the same person as you referred to before?

14 A. Yes. It's the same person.

10:03:50

15 Q. Mr Witness, can you explain what ECOMDG, in February 1998,
16 did in Freetown?

17 A. Yes, I can recall.

18 Q. Could you please describe what the activities of ECOMDG at
19 that time were, according to your recollection?

10:04:19

20 A. Yes. During that time ECOMDG were over Tagrin and then
21 they just flew over the city dropping bombs.

22 Q. Did you see --

23 JUDGE SEBUTINDE: Sorry. Mr Interpreter, what was that
24 word? A place over what?

10:04:46

25 THE INTERPRETER: Tagrin.

26 JUDGE SEBUTINDE: Is that a place?

27 THE INTERPRETER: A place over the sea, going to Lungi.

28 The name of a place, where the ferry anchors.

29 MR KNOOPS: Your Honours, the spellings are T-A-G-I-R --

1 G-R-I, sorry. Tagir -- T-A-G-R-I -- I-N. T-A-G-R-I-N.

2 Q. Mr Witness, did you see, yourself, the jets dropping bombs?

3 A. Yes. Even one of the bombs drops around the Spur Road
4 area. I went there and saw it.

10:06:07 5 MR KNOOPS: Spur Road is S-P-U-R-R [sic] Road.

6 Q. Mr Witness, did you witness any devastations occasioned by
7 these bombings?

8 A. Yes.

9 Q. [Microphone not activated]?

10:06:33 10 A. I could recall an incident at Mabela, where a ground
11 missile killed people there. We went there and saw the people.

12 MR KNOOPS: Mabela is M-A-B-E-L-A-A [sic], Your Honour.

13 Q. How many occasions you were able to see, in life, these
14 bombings?

10:07:01 15 MR AGHA: Your Honour, I'd object to that question, on the
16 grounds of relevance. We have had, on a number of occasions from
17 other witnesses, that there were bombings over Freetown during
18 the intervention in February 1998, and other, perhaps, crimes
19 were committed by the ECOMOG forces. The Prosecution hasn't
10:07:19 20 challenged that evidence and doesn't feel the relevance to these
21 particular elements of the indictment against the accused.

22 PRESIDING JUDGE: What do you say, Mr Knoops?

23 MR KNOOPS: Your Honour, I'm just interested in finding out
24 the potential scale of the devastations caused by ECOMOG, in
10:07:37 25 light of the establishment of which devastations were potentially
26 caused by civilians or by forces.

27 PRESIDING JUDGE: Well, as I understand Mr Agha, he is
28 saying that the Prosecution concedes that, during this period,
29 there was devastation caused by ECOMOG and therefore your

1 pursuing this line of questioning is irrelevant; is that right,
2 Mr Agha?

3 MR AGHA: Yes, Your Honour. It's not part of the
4 indictment. Correct.

10:08:14 5 PRESIDING JUDGE: That's the objection, Mr Knoops.

6 MR KNOOPS: All right. I'll move on. Thank you.

7 Q. Mr Witness, from your personal knowledge, do you know why
8 ECOMOG was dropping bombs or what the reason for the intervention
9 was?

10:08:42 10 MR AGHA: Your Honour, again, I would object to that
11 question on the grounds of relevance, because why ECOMOG
12 intervened or not, has no bearing -- or the reason for that has
13 no bearing on the charges or the crimes alleged in the
14 indictment.

10:08:56 15 PRESIDING JUDGE: Yes. Do you wish to reply to that
16 objection, Mr Knoops?

17 MR KNOOPS: Your Honour, I'm hoping to test the knowledge
18 of this witness, in terms of whether or not he has direct
19 knowledge on these events. But I'm willing to move on. It's,
10:09:16 20 for me, not a crucial point.

21 Q. Mr Witness, during the intervention, you told us that you
22 were still in your function as guard for the State House post.
23 How long did you stay in Freetown during the intervention?

24 A. Sooner the intervention took place, it was not even -- I
10:09:53 25 didn't take up to two weeks in Freetown.

26 Q. What happened with you, Mr Witness, after the intervention?

27 A. Well, the intervention made me to leave Freetown. Together
28 with JP, we went through the peninsula, to go to the provinces.

29 Q. You are still referring to John Patrick Koroma, speaking

1 about JP?

2 A. Yes, sir. Yes, I'm still talking about him

3 Q. Mr Witness, could you please explain how you left Freetown
4 with Johnny Patrick Koroma?

10:10:49 5 A. Yes. I was with some women, children, our relatives. We
6 left together from Freetown. We went through the peninsula. We
7 went and cross the river at Tombo and went to Four Mile and then
8 Masi aka.

9 Q. Mr Witness, how many of whom were you at that time?

10:11:27 10 A. I can't state the specific amount, because so many families
11 and other people were with us en route.

12 Q. Were any SLAs, meaning soldiers of the Sierra Leone Army,
13 present when you left Freetown with your group you just
14 mentioned?

10:11:55 15 A. Yes. So many soldiers were with us, and their families.

16 Q. Why is it, Mr Witness, that they left Freetown?

17 A. Because -- because -- because ECOMOG bombs killed people,
18 civilians, so that's the reason why some people were afraid to
19 stay in Freetown, and left with us.

10:12:28 20 Q. Do you know of any individuals who tried to surrender, or
21 did surrender, to ECOMOG?

22 A. Well, so many soldiers surrendered, but I can't recall. We
23 heard the news.

24 Q. Mr Witness, was there any order to leave Freetown in place
10:13:05 25 at that time?

26 MR AGHA: I object. It's a leading question, Your Honour.

27 PRESIDING JUDGE: Yes, there's an objection to leading,

28 Mr Knoops.

29 MR KNOOPS: Thank you, Your Honour.

1 Q. Mr Witness, could you please tell the Court, describe to
2 the Court, how the pull-out went?

3 A. Yes, I can explain.

4 Q. Please do.

10:13:35 5 A. Well, at night, I went to the Wilberforce to see my wife.
6 Before returning back, I met the doors open. I didn't meet
7 people in the compound, so I decided to follow the roads they
8 took, went through the peninsula. En route, I saw so many people
9 on the route with their families and soldiers. I went and met
10:14:08 10 John Patrick Koroma on the way and -- John Patrick Koroma and
11 others on the way. I joined them. We left Freetown. We went
12 through the peninsula. We went to Tombo, Fogbo and then to Four
13 Mile. From Four Mile, we went to Masiaka. From Masiaka, we went
14 to Makeni. From Makeni, we went to Kamabonkani [as interpreted]
10:14:31 15 which was John Patrick Koroma's village.

16 Q. Please pause, Mr Witness. Please pause there. We will
17 come to that later. Did you see, Mr Witness, whether the people
18 who left Freetown after the intervention took their personal
19 belongings with them?

10:14:54 20 MR AGHA: Again, I'd object to that. It's leading, Your
21 Honour.

22 PRESIDING JUDGE: Yes, it is leading, Mr Knoops.

23 MR KNOOPS:

24 Q. Mr Witness, what happened with your personal belongings
10:15:07 25 when you left Freetown?

26 A. Well, I cannot tell, because I had left Freetown at that
27 time. Because I cannot recall the people who actually took it,
28 whether they took it or not.

29 Q. Mr Witness, can you recall whether any vehicles were

1 available to take you from Freetown?

2 A. Well, some people had vehicles but we did not have
3 vehicles. We walked on foot to go.

4 Q. Mr Witness, you just testified that amongst the people who
10:16:02 5 left Freetown, SLAs were present. Could you please describe to
6 the Court whether the SLAs did bring anything with them?

7 A. No. They only had on them their weapons and some did not
8 even have weapons on them.

9 Q. What happened with their families?

10:16:45 10 A. Well, about their families, they decided to recruit some of
11 them and, some of them, their fathers were soldiers, so they
12 decided to bring them on board.

13 Q. What happened with their wives and children?

14 A. Well, some of them, we did not leave them behind. We took
10:17:12 15 them along with us and some went their own -- their own ways
16 because everybody dispersed at that time.

17 Q. Mr Witness, can you recall any names of SLA soldiers who
18 were with you when you left Freetown?

19 A. Yes, I can recall some of them, that were with JP.

10:17:47 20 Q. Could you please describe those individuals, or mention
21 their names, sorry?

22 A. Well, we had Saidu Khemolai. We had Sallu. Then there
23 were others whose names I cannot recall now.

24 MR KNOOPS: Your Honours, Khemolai is K-H-E-M-O-L-I-A
10:18:27 25 [sic].

26 Q. Mr Witness --

27 JUDGE SEBUTINDE: What was the second name?

28 THE WITNESS: Sallu.

29 MR KNOOPS:

1 Q. Could you please spell it for the Court?

2 A. No, I cannot spell it.

3 MR KNOOPS: I have the spellings here, Your Honour.

4 S-A-L-L-U, Sallu.

10:19:06 5 Q. Mr Witness, can you recall whether any leaders during the
6 pull-out were present, other than the person you mentioned as JP,
7 referring to Johnny Patrick Koroma?

8 A. Yes, some -- there was another leader that was called SAJ
9 Musa.

10:19:36 10 Q. Did you see him during this pull-out?

11 A. Yes. That was at the time we had now reached Masiaka I saw
12 him, whilst we were pulling out.

13 Q. But when you directly left Freetown, did you see him?

14 A. No. It was when we had reached Masiaka, when we decided to
10:20:09 15 rest there a little, because we had walked on foot and that was
16 where we now met him.

17 Q. Did you come to know how Mr Musa left Freetown?

18 A. No, I did not ask anybody about that.

19 Q. Did you at that time know who was Mr Musa?

10:20:36 20 A. No, I never knew who was him, but I only knew that he was a
21 military man. He was a soldier that had rank.

22 Q. Mr Witness, did you at that time, meaning the pull-out from
23 Freetown, know or heard about the whereabouts of the -- the three
24 accused, the names of whom I just mentioned?

10:21:10 25 A. No.

26 Q. Mr Witness, when you would have to make a rough estimation
27 of the amount of people you were with when you left Freetown,
28 what would your answer be?

29 A. Well, I cannot tell because there was too much of crowd on

1 the way, because you can see people walking on the way from one
2 edge to the other.

3 Q. Mr Witness, did you discuss any routing before you left
4 Freetown?

10:22:05 5 MR AGHA: Objection, Your Honours. It's a leading question
6 again.

7 MR KNOOPS: Okay, I will withdraw that.

8 Q. Mr Witness, the next town you arrived was Masiaka Town.
9 What happened there?

10:22:19 10 A. Well, at -- when we reached at Masiaka we decided to head
11 towards Makeni, and the Guineans gave some vehicles to their
12 soldiers that they were supposed to use, to help their families
13 in Makeni.

14 Q. How many vehicles were made available by the Guineans,
10:22:56 15 according to your recollection?

16 A. Well, it was over two.

17 Q. Were all individuals who left Freetown able to continue
18 their travel with the vehicle?

19 MR AGHA: Objection, Your Honour. Again, that's leading.

10:23:23 20 PRESIDING JUDGE: Yes, there is an objection, Mr Knoops.

21 MR KNOOPS:

22 Q. Could you please describe, Mr Witness, how the vehicles
23 were used, which were made available by the Guineans?

24 A. Well, the vehicles were simultaneously used. When they
10:23:52 25 normally take people from there, they would take them direct from
26 Masiaka to Makeni and then they will convey them and then come
27 back and re-collect some other people and take them back to
28 Makeni.

29 Q. Were you able to see whether everyone who arrived in

1 Masiaka Town was able to be transported with one of those
2 vehicles?

3 A. Well, just as we reached there, we met -- we realised some
4 people were already preparing themselves to go on board the
10:24:35 5 vehicle to go to Makeni.

6 Q. Do you know what the reason was that the Guineans were
7 present in Masiaka Town?

8 A. Well, that was their deployment place. Even before the
9 intervention took place. They were the people who were there for
10:25:00 10 a very long time.

11 Q. Mr Witness, how did you leave Masiaka Town?

12 A. Masiaka, we left there to go towards Makeni because we had
13 wanted to escort JP to his village, from Masiaka.

14 Q. How did you go to Makeni?

10:25:43 15 A. Well, we walked on foot to get to Makeni.

16 Q. Mr Witness, when you refer to "we," what do you mean with
17 the word "we"?

18 A. Well, I was not the only person who travelled to go. That
19 was why I said us, or we, because we were about one -- if it is
10:26:14 20 above one, two, three or four people, then you say "we."

21 Q. When you refer to the word "we," do you refer to SLAs or
22 do you refer to civilians?

23 A. Both civilians and SLAs.

24 Q. At that time, Mr Witness, when you arrived in Masiaka Town,
10:26:39 25 and left for Makeni, did you have any person to obey, as a
26 military man?

27 A. Yes.

28 Q. Can you please tell the Court which person it is?

29 A. Yes. It was John Patrick Koroma who was the commander with

1 whom we were staying.

2 Q. At that time do you recall that there were any other
3 commanders, aside from John Patrick Koroma?

10:27:36

4 A. Some other commanders were there, like SAJ Musa, and some
5 other officers, whose names I cannot recall now.

6 Q. Did you see Mr Musa at that time yourself?

7 A. Yes, I saw him.

8 Q. How did you become to know about his position?

10:28:15

9 A. Well, he had some securities with him at that time, and at
10 that particular time, when you see an authority, even if you
11 never knew him before, but you would see him with securities
12 around him, and that will help you to be able to identify him
13 that he is an authority.

14 Q. Did you at that time know about his military rank?

10:28:40

15 A. No, I never knew about his military rank.

16 Q. How long did you stay in Makeni Town, Mr Witness?

17 A. Well, we didn't stay in Makeni Town. It was at Magbonkinah
18 Village, after Makeni.

19 MR KNOOPS: Magbonkinah, M-A-G-B-O-N-K-I-N-E-H.

10:29:24

20 Q. Mr Witness, can you please tell the Court where exactly
21 Magbonkinah Town is situated from the perspective of Makeni Town?

22 A. Yes. Magbonkinah Village is just somewhere after Binkolo.
23 That is, along the Kabala Highway.

10:29:58

24 Q. In your estimation what is the distance between Makeni Town
25 and Magbonkinah Town?

26 A. Well, I can estimate it at 7 to 8 miles.

27 Q. Mr Witness, I just noted that you told the Court that you
28 left by foot to Makeni Town. Can you please tell the Court
29 whether any form of communication was administered between the

1 people you were with?

2 MR AGHA: Objection, Your Honour. It's a leading question.

3 PRESIDING JUDGE: Yes, what do you say to that objection?

4 MR KNOOPS: I'll rephrase it, Your Honour.

10:30:55 5 Q. Mr Witness, during your travel from Masiaka Town to Makeni,
6 did you receive any messages from other SLAs?

7 A. Well, the only message we had was for us to pull out of
8 Freetown and go to the provinces.

9 Q. Were you able to send yourself any messages to other people
10:31:32 10 during the pull-out?

11 A. No. I -- I was not able to send any message to anybody.

12 Q. Now, why is that?

13 A. Because if I had decided to send any message to anybody I
14 would have found it difficult to get anybody and, therefore, I --
10:32:00 15 I was not able to send any message to any of my family members.

16 Q. You just testified, Mr Witness, that a message was sent to
17 pull out. Can you recall who exactly forwarded this message?

18 A. Well, the message that made us understand that we should
19 all pull out of Freetown, it came from John Patrick Koroma. He
10:32:35 20 was the person who gave out the message and as the message was
21 going around, anybody who heard it will leave the Freetown area.

22 Q. Were you able to detect why John Patrick Koroma distributed
23 that message?

24 MR AGHA: Objection, Your Honour. That would be
10:33:01 25 speculation on the part of the witness.

26 PRESIDING JUDGE: I think that's a matter of rephrasing
27 that question.

28 MR KNOOPS:

29 Q. Mr Witness, are you aware whether there was a specific

1 reason for conveying such a message?

2 MR AGHA: Similar objection, Your Honour.

3 PRESIDING JUDGE: You can rephrase that, Mr Knoops. I
4 appreciate you are just testing whether it was in his knowledge
10:33:30 5 or not, but the way you are putting it is objectionable.

6 MR KNOOPS: Okay. Thank you, Your Honour.

7 Q. Mr Witness, do you have any knowledge, yourself, or you
8 heard about why this message was given?

9 A. Yes, I knew. I knew myself. It was because they were
10:33:55 10 killing soldiers, who had surrendered or relatives of soldiers
11 who were burnt down and that was, in fact, the reason why most of
12 us decided to pull out, besides the message that met us.

13 Q. Who are you referring to as the word "they" when you say
14 "they were killing soldiers"?

10:34:33 15 A. I am talking about the civilians and ECOMOG.

16 Q. Mr Witness, did you see yourself that ECOMOG, or civilians,
17 killed soldiers during the time of the pull-out?

18 A. Yes. Along the way we saw some corpses.

19 Q. What do you mean with corpses?

10:35:12 20 MR AGHA: Again, Your Honour, I'd object to this line of
21 questioning on the basis of relevance. There are no charges in
22 the indictment anywhere that the civilians were killing soldiers
23 and it certainly has no relevance. It has been well recorded in
24 evidence that ECOMOG did attack and there were bombings and that
10:35:30 25 they forced back the troops. I don't see how this is relevant to
26 the indictment.

27 PRESIDING JUDGE: What's your reply, Mr Knoops?

28 MR KNOOPS: Well, Your Honour, I think that in our opening
29 statement we have made clear that we think it's relevant to

1 establish how the pull-out was conducted, the reason for it, and
2 in line of the Defence opening statement that the SLAs
3 predominantly operated in defensive operations and positions
4 after the pull-out, I think it's fair to ask this witness about
10:36:15 5 his direct knowledge as to how the pull-out was conducted and,
6 secondly, what the reasons therefore was. If the Defence is able
7 to establish that there was a kind of persecution of SLA
8 soldiers, that may, of course, affect not only the reasons for
9 certain operations after the pull-out in the jungle, but it can
10:36:46 10 also, of course, have an effect on the mental element with
11 respect to the certain alleged crimes in the indictment and
12 certain defences which we have announced in our opening
13 statement. I also refer to the announced defence on military
14 necessity, and to the fact that, and you can find it also in our
10:37:11 15 opening statement, that, in our humble opinion, the military
16 operations, if any, conducted by former SLAs in the jungle were
17 predominantly on the defensive.

18 Now, the question, of course, is why would the force go
19 into the defensive? There must be a reason for that. And, in
10:37:34 20 our humble opinion, the reason can be established right at the
21 beginning of the period of the indictment, namely, the pull-out
22 from Freetown. So, of course, we acknowledge that this is not
23 part of the indictment, as such, but, in our humble opinion, the
24 defences which we have announced are, of course, not only
10:38:02 25 confined to the activities in the indictment, as such, and may
26 also have a reflection on the specific mental stages of the SLA
27 soldiers later on, and specific for these three accused.

28 So in my humble submission, it's relevant to get knowledge
29 on the exact whereabouts of this pull-out, and why the pull-out

1 was conducted at this specific moment. And the reason why the
2 SLA was apparently regrouping, in the provinces.

3 PRESIDING JUDGE: Yes. Just pardon me for a moment.

4 [Trial Chamber conferred]

10:39:35 5 PRESIDING JUDGE: What exactly were you objecting to? Was
6 it the whole line of questioning or simply whether the fact that
7 this witness had said that he saw corpses?

8 MR AGHA: I was objecting to the relevance of the fact that
9 he saw corpses. We've heard plenty of evidence about the retreat
10:39:53 10 from Freetown.

11 PRESIDING JUDGE: Yes. All right. That's all. We have
12 heard your objection, Mr Agha. I just wanted to clarify the
13 question you are objecting to. You are objecting to seeing -- I
14 don't want to -- we are not going into protracted arguments on
10:40:08 15 this. We've heard submissions. You are objecting on the grounds
16 of relevance the fact that this witness said he saw corpses.

17 MR AGHA: And the continued what he saw en route, et cetera
18 during the retreat. I think a lot of time could be saved, Your
19 Honour.

10:40:25 20 MR KNOOPS: Your Honour --

21 PRESIDING JUDGE: We overrule the objection. Go ahead,
22 Mr Knoops.

23 MR KNOOPS: Just to be complete, my learned friends this
24 side of the Bench indicated correctly that several of the
10:40:39 25 Prosecution witnesses have extensively --

26 PRESIDING JUDGE: Look, we don't need to hear you. We've
27 allowed your question. So go ahead.

28 MR KNOOPS: Thank you, Your Honour.

29 Q. Mr Witness, were you able to identify these corpses which

1 you saw during or shortly after the pull-out?

2 A. Yes, I was able to identify some. Some were our colleague
3 soldiers, and sometimes even the youths who connived with ECOMOG
4 and who were killing soldiers in some corners, and most of the
10:41:23 5 time the routes that were used, in fact, join the peninsula road,
6 those bypass roads and areas around Kissy area, there were
7 corpses that were soldiers. That, in fact, did not give us the
8 courage to stay in Freetown. Therefore, we decided to pull out.

9 Q. When you speak, Mr Witness, about corpses of your
10:41:46 10 colleagues, how do you know that these were your colleagues?

11 A. Well, I was able to identify them facially. Some -- some
12 of them even had their uniforms on and even some of them I knew
13 them facially that they were my colleagues. We all worked
14 together.

10:42:18 15 Q. When I would ask you now whether you recall the names of
16 colleagues you saw there lying, could you mention one or several
17 other names?

18 A. Yes. I can recall two of them. I can recall their names.

19 Q. Could you please mention these names?

10:42:44 20 A. Yes.

21 Q. Mr Witness, if you feel, in any way, you have difficulty
22 with mentioning the names, I have no objection you write those
23 names down on a piece of paper.

24 A. Well, I can write it on a paper.

10:43:17 25 PRESIDING JUDGE: Well, just before he does, why would he
26 need to write it on paper, if they are the names of two dead
27 soldiers in the SLA; how would that go towards identifying the
28 witness?

29 MR KNOOPS: No, I agree Your Honour, but I just thought

1 that the witness is hesitating to mention it. That is the only
2 thing. I have no objection to letting the witness mention the
3 names in open session, of course.

4 JUDGE SEBUTINDE: Mr Knoops, sometimes this witness
10:43:47 5 hesitates because you have asked "can you do such and such," and
6 then he simply tells you "yes, I can," and then he waits for you
7 to ask him to do such-and-such.

8 MR KNOOPS: Okay.

9 Q. Mr Witness, are you willing to mention the names today in
10:44:02 10 open session?

11 A. Yes, I can call them

12 Q. Please do.

13 A. There was one that was referred to as Tamba; he was a Limba
14 boy. And there was another who was called Sasku.

10:44:23 15 Q. That is S-A-S-K-U, Sasku. Tamba Limbo, T-A-M-B-A,
16 L-I-M-B-O [sic]. Mr Witness, if you would have to make an
17 estimation --

18 JUDGE SEBUTINDE: Mr Knoops, Limba is the title of a tribe,
19 I think. It's not a name of somebody. He said a Limba boy.
10:44:51 20 That is L-I-M-B-A, as in the tribe.

21 MR KNOOPS: Thank you, Your Honour.

22 PRESIDING JUDGE: Well, I think, Mr Knoops, would this be
23 an appropriate time to take our normal morning break?

24 MR KNOOPS: Your Honour, I have just two short questions to
10:45:11 25 finish this topic, then after the break I could continue with the
26 next topic.

27 PRESIDING JUDGE: Go ahead, Mr Knoops.

28 MR KNOOPS: Thank you, Your Honour.

29 Q. Mr Witness, just two short questions. First, if you would

1 have to make an estimation of the number of corpses you saw
2 during your pull-out which you would be able to identify as your
3 colleagues, what would your answer be?

4 A. Well, my answer -- in my answer I can be able to estimate,
10:46:57 5 but I cannot tell you that I can identify them all, because I saw
6 some of them, their faces, and not all of them, but those two I
7 saw them and I knew them and I was able to identify them, like
8 Pasko [as interpreted] and the other I have spoken about. I saw
9 some other corpses, but I did not go very close to them

10:46:57 10 Q. The number of corpses, irrespective of any identification
11 by you, you saw lying alongside the streets, what is your
12 estimation about the number you can recall?

13 PRESIDING JUDGE: So just to clarify that, Mr Knoops. You
14 previously asked him the number of corpses of his colleagues.
10:46:57 15 Are you now simply asking him generally the number of corpses?

16 MR KNOOPS: That's correct, Your Honour. Yes.

17 Q. Mr Witness, could you give an estimation, in general, how
18 many corpses you saw during your pull-out?

19 A. Well, I saw over eight.

10:46:57 20 JUDGE SEBUTINDE: Mr Knoops, is this eight soldiers or
21 eight including civilians, or what?

22 MR KNOOPS: I'm asking the witness whether, in general, how
23 many corpses he saw.

24 JUDGE SEBUTINDE: Does that include soldiers and civilians
10:47:15 25 or just soldiers.

26 MR KNOOPS:

27 Q. Mr Witness, does this number of eight include the two
28 colleagues you just mentioned?

29 A. Yes.

1 Q. So that number of eight includes soldiers, your two
2 colleagues and other people?

3 A. Yes. I want to believe that they were the soldiers and
4 their relatives.

10:47:57 5 MR KNOOPS: Does that clarify your question, Your Honour?

6 Q. Mr Witness, my last question regarding this topic is the
7 following: You just stated that a message was going around
8 conveyed by John Patrick Koroma to pull out from Freetown; how
9 was this message brought around?

10:48:29 10 MR AGHA: Asked and answered, Your Honour. I'd object to
11 that question.

12 PRESIDING JUDGE: What was the answer, Mr Agha?

13 MR AGHA: He said he heard it amongst the group he was
14 travelling with.

10:48:36 15 MR KNOOPS: And I'm specifically asking whether, but that
16 of course would be a leading question, I'm asking how -- to
17 which --

18 PRESIDING JUDGE: Yes, I understand. You are asking how it
19 got to the group in the first place; how it got around? Well,
10:48:51 20 all right. I will allow that question.

21 MR KNOOPS:

22 Q. Mr Witness, how did you get the message to pull out from
23 Freetown?

24 A. Well, the first message was when I had left my wife's place
10:49:09 25 from Wilberforce, and when I went home I never saw anybody in
26 there. That was the time I came to realise that we were really
27 ready to pull out of Freetown and then, after that --

28 PRESIDING JUDGE: You are not answering the question,
29 Mr Witness.

1 MR KNOOPS:

2 Q. Mr Witness, did you hear the message from other people or
3 did you directly hear from John Patrick Koroma that you had to
4 pull out?

10:49:38 5 A. Well, I heard it first from my comrades.

6 MR KNOOPS: Thank you. Your Honour, that concludes this
7 subject for this moment.

8 PRESIDING JUDGE: Thank you, Mr Knoops. Well, we will take
9 our normal morning break. You have something to say,

10:50:06 10 Ms Thompson?

11 MS THOMPSON: Yes, Your Honour. The first accused has just
12 passed a note over to me saying that he's not feeling well and he
13 would like to see the doctor during the break. It may mean that
14 he may not be able to attend the rest of the session today.

10:50:21 15 PRESIDING JUDGE: Well, is he going to entrust his
16 representation to you in Court?

17 MS THOMPSON: Yes, Your Honour.

18 PRESIDING JUDGE: All right. He will let you represent him
19 in his absence?

10:50:31 20 MS THOMPSON: If he were to be absent, yes, Your Honour.

21 PRESIDING JUDGE: All right. Thank you, Ms Thompson. We
22 will take a note of that.

23 MS THOMPSON: Thank you.

24 PRESIDING JUDGE: Now, Mr Witness, we are going to take a
10:50:41 25 very short break. In the meantime, I caution you not to discuss
26 this case or your evidence with any other person; is that clear?

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: Thank you. We will adjourn the Court
29 until five past 11.00.

1 [Break taken at 10.50 a.m.]

2 [Upon resuming at 11.09 a.m.]

3 [The accused Brima not present]

4 PRESIDING JUDGE: Yes. Go ahead, Mr Knoops.

11:07:20 5 MR KNOOPS: Thank you, Your Honour.

6 Q. Mr Witness, to your recollection, were any meetings held,
7 either in Masiaka or Magbonkineh, with the SLA soldiers?

8 A. No, I cannot recall that.

9 Q. Mr Witness, what happened after your stay in Magbonkineh?

11:08:12 10 A. Well, it was Patrick's village. He went there so that he
11 could hide himself there.

12 Q. What was, to your recollection, the reason for Patrick to
13 hide?

14 MR AGHA: Objection again, Your Honour. That would be
11:09:02 15 speculation as to the reason why Patrick hid.

16 MR KNOOPS: I will rephrase.

17 PRESIDING JUDGE: It's also leading, Mr Knoops.

18 MR KNOOPS: I will rephrase, Your Honour. Thank you.

11:09:17 19 Q. Mr Witness, first of all, when you speak about Patrick,
20 you're referring to the same John Patrick Koroma, as mentioned
21 before?

22 A. Yes, sir.

23 Q. Mr Witness, is it within your knowledge why this John
24 Patrick Koroma was intending to hide?

11:09:47 25 MR AGHA: It's leading again, Your Honour. The witness has
26 not said what the intentions of Johnny Patrick were.

27 PRESIDING JUDGE: Well, I'll allow the question but it --
28 there is an objection against leading, Mr -- Mr Knoops.

29 MR KNOOPS: Your Honour.

1 PRESIDING JUDGE: You're -- you're asking if -- does he
2 know why John Patrick went there to hide; is that the question?

3 MR KNOOPS: Yes.

4 Q. Mr Witness, do you know why Mr Patrick -- John Patrick went
11:10:48 5 there?

6 A. Yes. Because everybody was running away from the ECOMOG
7 people. And someone will go to his own families in the
8 provinces. That was the reason why he also decided to go there.

9 Q. What was for you the reason to go with him?

11:11:32 10 A. My reason was because he was the person I was attached
11 with, up to the intervention, and I could not separate myself
12 from him any longer.

13 Q. Was your own family, Mr Witness, present with you when you
14 went --

11:12:02 15 A. Yes, they were with me.

16 Q. Mr Witness, what do you mean with the words you were
17 attached to him?

18 A. Well, I was a serving personnel to him. I was part of his
19 security, anywhere he went to.

11:12:36 20 Q. Can you recall how long you stayed in the village of Johnny
21 Patrick Koroma, Magbonkinah?

22 A. Yes. It was more than a week.

23 Q. Did anything happen in that week?

24 A. Within that week, nothing happened there, whilst we were
11:13:09 25 there.

26 Q. What happened after that week, Mr Witness?

27 A. Well, after the passage of that week, we moved from there
28 and went to Kono, together with him, John Patrick Koroma.

29 Q. Were there any other individuals who went with you to Kono?

1 A. Yes, some other people were there.

2 Q. Can you please specify what you mean with "some other
3 people"?

4 A. Yes, I'm talking about us, the soldiers and our families,
11:14:02 5 including him, John Patrick Koroma, his wife and his children.

6 Q. How many of the SL soldiers were there?

7 A. Well, we were well over ten.

8 Q. When you would count the family members of those soldiers,
9 how many of you were present when you left to Kono?

11:14:48 10 A. Well, I cannot be able to estimate the amount, because some
11 were moving whilst we were there, and whilst we were moving, some
12 other people were preparing to move after us.

13 Q. Mr Witness, how did you go to Kono?

14 A. Well, we used a vehicle to go to Kono.

11:15:28 15 Q. Can you recall whether Johnny Patrick Koroma was in any
16 contact with other individuals outside the group of ten SLAs you
17 just mentioned?

18 A. Well, I cannot tell.

19 Q. Do you know what, exactly, the reason was for Johnny
11:16:08 20 Patrick Koroma to move to Kono?

21 PRESIDING JUDGE: Mr Knoops, you've mentioned this name
22 Johnny Patrick Koroma several times. This witness has never
23 referred to him as that. He has said that the JP stands for John
24 Patrick Koroma.

11:16:35 25 MR KNOOPS: Thank you, Your Honour.

26 Q. Mr Witness, are you in a position to tell the Court why
27 John Patrick moved to Kono?

28 A. Yes. The reason why he moved to Kono was because he had
29 wanted us, together with the RUF, to go and meet there and then

1 we would converge there into our headquarters.

2 Q. Can you recall the time and the year when you went to Kono?

3 A. I cannot recall the month but I can recall the year.

4 Q. What year was it, Mr Witness, that you went to Kono?

11:17:50 5 A. It was in 1998.

6 Q. Have you any recollection whether that was at the beginning
7 of 1998, mid-1998 or late-1998?

8 A. Well, it was mid-1998.

9 Q. Can you recall the season it was?

11:18:20 10 A. It was in the dries, approaching the rainy season.

11 Q. Mr Witness, to which town, specifically within Kono
12 District, you went?

13 A. Well, we were in Koidu Town.

14 Q. What happened in Koidu Town when you arrived?

11:18:55 15 A. When we reached Koidu Town, we went and we stayed within an
16 area called Sokogbeh around Gandorhun. That was where we were.

17 Q. Please pause, Mr Witness.

18 MR KNOOPS: Sokogbeh is S-O-K-O-G-B-E-H. Sokogbeh. And
19 Gandorhun is G-A-N-D-O-R-H-U-N. Gandorhun. Thank you.

11:19:50 20 Q. Mr Witness, did you meet anyone in Koidu Town, apart from
21 your own people you were with?

22 A. Yes, we met the RUFs there.

23 Q. What do you mean with "the RUFs"?

24 A. Well, they are the rebels, the RUF rebels that I mean. We
11:20:29 25 met them there in Kono.

26 Q. Do you remember any names of these RUF rebels?

27 A. Yes, I can recall some of their names.

28 Q. Could you please mention those names?

29 A. Yes, I can recall Komba Gbundema. I can recall Titus. I

1 can recall Denis Mingo, who is Superman. I can recall --

2 Q. Mr Witness, can you please repeat the first name?

3 A. Yes.

4 Q. Please do.

11:21:39 5 A. I can recall Titus, Komba Gbundema. And then Denis Mingo,
6 aka Superman.

7 Q. Please pause, Mr Witness.

8 MR KNOOPS: Komba Gbundema, it's K-O-M-B-A. Gbundema is
9 G-B-U-N-D-E-M-A. Titus, the second name is T-I-T-U-S. Denis
11:22:19 10 Mingo, D-E-N-N-I-S [sic]. Mingo, M-I-N-G-O.

11 Q. Thank you, Mr Witness. Mr Witness, can you please describe
12 the situation when you arrived in Koidu Town?

13 A. Yes, I can be able to describe the situation.

14 Q. Can you please do that for the Court, Mr Witness?

11:22:59 15 A. Well, the situation, whilst we arrived in Kono, I can say
16 most of the commanders whose names I have called, they were in
17 various areas with a group of their boys. So that was how the
18 town was like.

19 Q. You refer to commanders; who do you mean, with commanders?

11:23:25 20 A. That is the ones that were leaders of the boys that we met
21 there in Kono.

22 Q. How do you know, Mr Witness, that these were commanders?

23 A. Well, when we went there at Sokogbeh, we used to go there
24 and then also -- we also used to walk about the town. Sometimes
11:23:55 25 we'd go to their various areas of assignments, where they stayed
26 with their men, and it was during those times I was able to
27 identify them as commanders. That is, when we met in those
28 places.

29 Q. Mr Witness, were there any civilians in Koidu Town at that

1 moment?

2 A. Yes, few civilians were there with them

3 Q. To whom did these civilians have to obey?

4 MR AGHA: I object to that question. It's leading.

11:24:33 5 PRESIDING JUDGE: I won't allow it in that form, Mr Knoops.

6 MR KNOOPS: Yes.

7 Q. Mr Witness, to the best of your knowledge, was there anyone
8 in Koidu Town, at that moment, to whom the civilians had to obey?

9 MR AGHA: Objection again. It's the same question.

11:24:52 10 PRESIDING JUDGE: Yes, it's leading, Mr Knoops. We won't
11 allow it in that form

12 MR KNOOPS:

13 Q. Mr Witness, can you tell the Court what the position was of
14 the civilians within Koidu Town?

11:25:09 15 A. Well, most of the civilians who were there, they never had
16 anywhere to go to. Therefore, they decided to stay there in
17 Koidu Town. Anyone who went there at that time, you would be
18 there, waiting.

19 Q. Did you see any SLAs, apart from the ten SLAs and Johnny
11:25:42 20 Patrick you mentioned?

21 PRESIDING JUDGE: He only ever mentioned John Patrick,
22 Mr Knoops.

23 MR KNOOPS: Sorry. John Patrick.

24 Q. Mr Witness, do you know whether there were any other SLAs
11:25:58 25 present, except of the --

26 MR AGHA: I object to that question, Your Honour. Again,
27 it's leading. There are other ways to phrase that.

28 PRESIDING JUDGE: Do you wish to reply to that, Mr Knoops?

29 MR KNOOPS: I can rephrase it.

1 Q. Mr Witness, was anyone else present in Koidu Town, except
2 from the people you mentioned?

3 A. Yes. Some other SLA officers were there, who were there in
4 Koidu Town.

11:26:41 5 Q. Do you know whether they were there when you arrived?

6 A. No. Most of them, we all went together, but it was when we
7 have stayed there for some days that we later came to realise
8 that some of the SLA officers had now entered Koidu Town, who
9 also came from Freetown.

11:27:10 10 Q. Are you in a position, Mr Witness, to mention these names?

11 A. Yes.

12 Q. Could you please mention the names, and pause after the
13 first name, so that I can spell the names for the Court, please.
14 Could you please mention the first name?

11:27:31 15 A. Yes. We had Lieutenant Gbondo.

16 MR KNOOPS: That's, Your Honours, G-B-O-N-D-O.

17 Q. Mr Witness, do you recall any other names?

18 A. Yes. I can recall Shaka Zulu, who was Lieutenant Marouf.

19 MR KNOOPS: That's, Your Honours, S-H-A-K-A. Zulu, Z-U-L-U.

11:28:23 20 Marouf, M-A-R-O-U-F.

21 Q. Mr Witness, do you recall any other names?

22 A. And there was another Lieutenant T. We also had another
23 Lieutenant King.

24 MR KNOOPS: Your Honours, T, the letter T. And King,

11:28:59 25 K-I-N-G.

26 Q. Mr Witness, can you please say whether you know what the
27 relationship was, if any, between the RUF commanders there and
28 the SLAs you just mentioned?

29 A. Well, there wasn't any relationship, because there was

1 harassment against the officers. And, later, they left Koidu
2 Town and we never came to know their whereabouts, where exactly
3 they went to.

4 Q. Who do you mean with "they," in this specific context?

11:30:04 5 A. I mean Lieutenant T, Lieutenant Marouf and Lieutenant
6 Gbondo.

7 Q. Mr Witness, what do you mean with the word "harassment"?

8 A. Well, they sometimes go and meet the officers. They disarm
9 them and their men. They take them to the war front.

11:30:34 10 Q. I think, Mr Witness, could you -- you should probably
11 clarify the word "they" in this context. Who do you mean with
12 "they," "they disarmed"?

13 A. The RUFs. The RUFs would go and disarm the SLA officers
14 and their men, and then they would force them to go to the war
11:31:01 15 front. That is what I mean.

16 Q. Did you see this yourself?

17 A. Yes, it happened to me, myself. At a point in time, they
18 took me under harassment and took me to the war front.

19 Q. Do you know whether there was a specific reason for this
11:31:32 20 harassment?

21 A. Yes. It was because they wanted to take them to the war
22 front forcefully, so that the ECOMOG will not be able to
23 penetrate into Kono.

24 Q. Mr Witness, you just testified that the RUF were disarming
11:32:00 25 the SLAs in Koidu Town; how were they able to fight at the war
26 front?

27 A. Please repeat the question.

28 Q. I will rephrase it differently. Do you know, Mr Witness,
29 whether the SLAs who were disarmed were given weapons at the war

1 front?

2 A. I'm -- I'm not talking about the front line. I'm talking
3 about Koidu Town; Koidu Town was the safe area.

4 Q. Did the RUF give weapons to the SLAs?

11:32:57 5 MR AGHA: Object as leading, Your Honour.

6 PRESIDING JUDGE: Yes, I won't allow that, Mr Knoops.

7 MR KNOOPS:

8 Q. Mr Witness, what happened after the disarmament of the
9 SLAs?

11:33:07 10 A. After they had disarmed the SLAs, those that were willing
11 to go to the war front, they would be given a weapon. Those who
12 were not willing were going about without.

13 Q. At that time, Mr Witness, was there an SLA commander you
14 had to obey to?

11:33:31 15 A. No. We were obeying the RUFs.

16 Q. What happened with, at that moment, the SLA commanders you
17 mentioned, Mr Gbondo, King, Marouf --

18 MR AGHA: Objection, Your Honour. That's been asked and
19 answered; he said they left.

11:34:05 20 MR KNOOPS:

21 Q. Did you ever see them back again?

22 MR AGHA: I'd object to the question, Your Honour. It's
23 been asked and answered.

24 PRESIDING JUDGE: Yes.

11:34:15 25 MR KNOOPS: I don't believe the last question, Your Honour,
26 was --

27 JUDGE DOHERTY: Mr Knoops, I noted the witness to say they
28 left and he didn't -- never knew of their whereabouts.

29 MR KNOOPS: Thank you, Your Honour. I'll move on.

1 Q. What happened with John Patrick, Mr Witness, at that time,
2 in Koidu Town?

3 A. Well, the RUFs went and met him and asked him to go to
4 Kailahun, which was their headquarters, that he should go there
11:34:53 5 and stay there.

6 Q. Do you know anything about the relationship between John
7 Patrick and the RUF at that time?

8 MR AGHA: Objection, Your Honour. That's pure speculation
9 on account of the witness.

11:35:11 10 PRESIDING JUDGE: Well, no, he wasn't asked to speculate.
11 He was asked if he knew. He can answer that. What's your
12 answer, Mr Witness?

13 THE WITNESS: Well, we were operating as People's Army.
14 The SLAs and the RUF came together and formed the People's Army.
11:35:42 15 That was the reason why Johnny Paul had the confidence to go with
16 them to Kailahun.

17 MR KNOOPS:

18 Q. Mr Witness, did you see, during your stay in Koidu Town,
19 anything happen to the civilians?

11:36:23 20 A. No, I didn't see things happening to civilians in Koidu, at
21 the moment when I was there.

22 Q. Did you come to know about what happened -- if anything
23 happened in Koidu Town after you left there?

24 MR AGHA: Your Honour, could we have a time frame, please,
11:36:57 25 because many things happened in Koidu over many periods of time.

26 PRESIDING JUDGE: Mr Knoops?

27 MR KNOOPS: I'll come back to that later.

28 Q. Mr Witness, how long did you stay in Koidu Town?

29 A. We spent months in Koidu.

1 Q. What did you do in Koidu Town during these months?

2 JUDGE SEBUTINDE: Sorry, was that months or month?

3 MR KNOOPS: Months. Months.

4 JUDGE SEBUTINDE: That's in plural?

11:37:38 5 MR KNOOPS: Yes, Your Honour.

6 PRESIDING JUDGE: Witness, the question was: What did you
7 do in Koidu Town?

8 THE WITNESS: In Koidu, we were there to stay for there to
9 become our headquarters, since we were dislodged from Freetown.

11:38:31 10 PRESIDING JUDGE: Go ahead, Mr Knoops.

11 MR KNOOPS: Yes, thank you.

12 Q. Mr Witness, to whom you had to obey in Koidu Town? Which
13 specific person?

14 A. We -- we obeyed Denis Mingo, at the time, because by then
11:38:58 15 JP had left for Kailahun; we were under Superman.

16 Q. Were you in a position to obey him, since you were an SLA
17 officer -- sorry, since you were an SLA soldier?

18 A. Yes. Because if you had refused to obey him when we were
19 in Koidu, you can either be killed or do something else, but
11:39:39 20 mostly, you'd be killed.

21 Q. Did you see Denis Mingo doing anything when you were in
22 Koidu Town?

23 A. Yes. Even the time the jets flew over Koidu, he gave
24 orders to his men to burn down houses, so that the jets would not
11:40:09 25 see objects.

26 Q. How did you become to know about this order?

27 A. Well, they used to invite us for musters. We do go for
28 musters.

29 Q. Whom ordered these musters?

1 A. It was Denis Mingo, Superman.

2 Q. And who attended these musters?

3 A. All of us attended it, with the People's Army; SLAs and RUF
4 attended the musters.

11:41:21 5 Q. Did you see the burnings yourself?

6 A. Yes, I saw the burning. Even my father's house in Koidu
7 was burnt.

8 Q. Mr Witness, were yourself involved in these burnings?

9 A. No.

11:41:37 10 Q. Did you see any SLAs involved in these burnings?

11 MR AGHA: Leading question, Your Honour. I'd object to
12 that.

13 PRESIDING JUDGE: Yes, it goes to the indictment, Mr Agha.
14 I'll allow that question. Could you repeat it for the witness,
11:42:05 15 please?

16 MR KNOOPS: Thank you.

17 Q. Did you see any SLAs involved in these burnings?

18 A. No, I didn't see SLA partaking in that.

19 Q. Can you recall in which period these burnings started,
11:42:28 20 speaking about the period you were in Koidu Town?

21 A. I can't recall the month any longer.

22 Q. Was it at the beginning, in the middle or at the end of
23 your stay in Koidu Town?

24 A. Well, towards the end of the days we were in Koidu Town.
11:43:04 25 By then, Johnny Paul had gone to Kailahun.

26 Q. Can you recall any --

27 PRESIDING JUDGE: Just a minute. Who is Johnny Paul? You
28 were talking about John Patrick.

29 THE WITNESS: I mean John Patrick.

1 MR KNOOPS:

2 Q. You're speaking, Mr Witness, about the same John Patrick as
3 you referred to before in your previous testimony?

4 A. Yes, I'm speaking about the same person.

11:43:52 5 Q. Mr Witness, can you recall any names of SLA soldiers who
6 were present in Koidu Town during the burnings?

7 A. I can't recall their names any longer.

8 Q. If you had to make an estimation about how many houses were
9 burnt down in Koidu Town; what would your answer be?

11:44:32 10 A. I can't give the exact estimate of houses, because I didn't
11 go to every places.

12 Q. Apart from burning of houses, did you see anything happen
13 in Koidu Town during your stay there?

14 A. No, I didn't see anything happening, besides the houses
11:45:00 15 being burnt.

16 Q. Mr Witness, what happened after this period in Koidu Town?

17 A. Well, after this period, I left Koidu Town for Kurubonla.
18 Myself, my friends and their families, together with my own
19 families, for us to avoid being -- being harassed by the RUFs in
11:45:39 20 Koidu.

21 MR KNOOPS: Please pause, Mr Witness. Kurubonla. That's
22 K-U-R-U-N-B-O-L-A [sic]. Kurubonla.

23 Q. Mr Witness, if you would have to make a rough estimation,
24 at this time, about how many SLAs joined the RUF, what would your
11:46:20 25 answer be?

26 MR AGHA: Objection, Your Honour. I don't think he said
27 SLAs joined the RUF.

28 PRESIDING JUDGE: I -- I don't recall that evidence either.

29 MR FOFANAH: Respectfully, Your Honours. I think he did.

1 He said they joined and formed the People's Army, if I can
2 recall.

3 PRESIDING JUDGE: He never said they joined and formed the
4 People's Army. He said, "All of us attended, we, the People's
11:46:44 5 Army, SLAs and RUF."

6 MR FOFANAH: Grateful, if that is what you have.

7 PRESIDING JUDGE: Yes, that question is not allowed,
8 Mr Knoops.

9 MR KNOOPS: Thank you, Your Honour.

11:46:52 10 Q. Mr Witness, what happened in Kurubonla? Mr Witness, you
11 are fine?

12 A. What happened at Kurubonla, whether it was fine? Is that
13 the question?

14 Q. Sorry, I'm asking you whether you feel all right. Because
11:47:19 15 I was just looking at your face. You're -- you're feeling all
16 right, Mr Witness?

17 A. Yes, I'm all right. I have no problems.

18 Q. Mr Witness, could you please tell the Court what happened
19 in Kurubonla?

11:47:45 20 A. Yes.

21 Q. Please do.

22 A. Well, when we arrived at Kurubonla, SAJ Musa called us to
23 muster and introduce the officers that we met there, and then he
24 divided us into various groups that we met at Kurubonla.

11:48:17 25 Q. Thank you. Please pause. Was there for you a specific
26 reason for you to leave Kurubonla?

27 MR AGHA: Asked and answered, Your Honour; it was to --

28 PRESIDING JUDGE: Yes.

29 MR AGHA: -- avoid RUF harassment.

1 PRESIDING JUDGE: Yes, he's already explained, Mr Knoops.

2 MR KNOOPS: I'll move on.

3 Q. Mr Witness, at the time you were in Kurubonla, and you saw
4 SAJ Musa, Mr Musa, who were there else except from SAJ Musa from
11:48:58 5 the SLA?

6 A. FAT Sesay was there, that I stayed with at Kurubonla, and
7 Marouf, who was called Shaka Zulu.

8 MR KNOOPS: Please pause. FAT Sesay is F-A-T S-E-S-A-Y.
9 And the other is --

11:49:30 10 PRESIDING JUDGE: Yeah, we have the other one, thanks.

11 MR KNOOPS: Thank you.

12 Q. Mr Witness, do you recall whether any SLA stayed behind in
13 Koi du Town?

14 A. Well, I can't recall, because the time we left, I was
11:49:50 15 unable to go around to check those that left behind or not.

16 Q. How many of you were in Kurubonla, if you would have to
17 make an estimation?

18 MR AGHA: Is this the civilians or just the soldiers? If
19 we could perhaps have a clarification.

11:50:14 20 MR KNOOPS: Sorry. The soldiers, soldiers.

21 Q. So, Mr Witness, if you were to make an estimation now, how
22 many SLA soldiers were in Kurubonla when you met Musa?

23 A. Well, I can't say, because we were mixed up. SLAs and the
24 civilians, so I -- I wasn't -- I -- I'm unable to say exactly
11:50:42 25 those that were civilians or SLAs, because it was difficult to --
26 to see the difference.

27 Q. Do you know whether there was a specific reason for Musa to
28 make these groups?

29 A. Yes.

1 Q. Could you please tell the Court?

2 A. Yes, I can explain.

3 Q. Please do.

4 A. Well, the reason why SAJ Musa went to Kurubonla and

11:51:32 5 assembled the soldiers there, because he had wanted to reinstate
6 the military, so that our people would not go into the bush and
7 struggle there.

8 Q. Was this directly told to you --

9 THE INTERPRETER: Correction, interpreter. Correction,
11:52:05 10 interpreter. The witness did say to reinstate the national army,
11 not just the army, the national army.

12 MR KNOOPS:

13 Q. Mr Witness, was this said to you directly by Musa?

14 MR AGHA: Objection, Your Honour. Leading.

11:52:30 15 PRESIDING JUDGE: Yeah, I must say, Mr Knoops, you are
16 continually leading. We won't allow that question.

17 MR KNOOPS:

18 Q. Mr Witness, can you please tell the Court how you became to
19 know that the national army had to be reinstated?

11:52:53 20 A. Please repeat, I did not understand.

21 Q. How did you become to know that the army had to be
22 reinstated?

23 PRESIDING JUDGE: Well, he never did say that. He just
24 said that that's what SAJ Musa wanted.

11:53:36 25 MR KNOOPS:

26 Q. Mr Witness, how do you know that this is what SAJ Musa
27 wanted?

28 A. Because when we used to attend the muster, he would say
29 that to us. He would say, "This army should be reinstated again.

1 So we should try and assemble ourselves together. "

2 Q. At the time of the muster, were any individuals of the RUF
3 present?

4 MR AGHA: Leading, Your Honour. Objection.

11:54:07 5 PRESIDING JUDGE: Yes. Not allowed, Mr Knoops.

6 MR KNOOPS:

7 Q. Mr Witness, could you please tell the Court who were
8 present during this muster by Musa?

9 A. I can't say.

11:54:42 10 Q. At one point, Mr Witness, were you able to speak with any
11 of the SLA officers in Kurubonla?

12 A. Yes. Like, Shaka Zulu, who was called Marouf. He was my
13 friend. I used to go to him to keep some time.

14 Q. During your stay in Kurubonla, were any other people coming
11:55:27 15 in from other districts to Kurubonla?

16 A. Yes. While we were there, Superman went there, together
17 with RUFs, and said they were to organise a combined operation
18 with the men at the Northern Jungle.

19 Q. Do you know how Superman came to Kurubonla?

11:56:01 20 A. Yes. Superman left Koidu Town, went through Yomandu and
21 Kayima and Masofiniya, and met us at Kurubonla. Because that was
22 the main highway that is used to go to Kurubonla.

23 MR AGHA: Your Honour, may I request for some foundation as
24 to how he knew that that was a route taken by Superman?

11:56:52 25 PRESIDING JUDGE: Yes, Mr Knoops?

26 MR KNOOPS: Yes.

27 Q. Mr Witness, how do you know that this was the route taken
28 by Superman?

29 A. Well, many of them that came, we asked them how they

1 travelled to the place. They said that was the road they used.
2 We asked and they started naming the areas they went through, up
3 to Kurubonla.

11:57:22 4 Q. Mr Witness, did you see Superman doing anything at that
5 time in Kurubonla?

6 A. No.

7 Q. Were you able to speak with him directly?

8 A. No.

11:57:45 9 Q. Do you know whether any meetings were held between the SLAs
10 and Superman at that time?

11 A. I don't know about that.

12 Q. Do you know whether the operations you mentioned actually
13 took place between RUF and SLA?

11:58:14 14 MR AGHA: I object to that, Your Honour. I don't think he
15 actually mentioned that, any specific operations.

16 JUDGE DOHERTY: Mr Agha, I noted the witness to say they
17 were to organise a joint operation to the Northern Jungle; is my
18 record incorrect?

11:58:35 19 MR AGHA: No. I believe -- no, I don't suggest it's
20 incorrect at all -- I stand to be corrected. I believe that he
21 came to the Northern Jungle to organise a joint operation with
22 the troops in the Northern Jungle but, beyond that -- but I can
23 withdraw the objection. It's a small matter.

24 PRESIDING JUDGE: Repeat the question.

11:58:59 25 MR KNOOPS: Your Honour, I can directly rephrase the
26 question in that whether --

27 Q. Mr Witness, do you know whether any form of co-operation
28 was established between RUF and the SLAs in Kurubonla?

29 A. Yes. Because when the RUFs went, they went directly to

1 SAJ Musa, so I believe discussion must have taken place between
2 them, but I was not there.

3 Q. Did you see whether this co-operation actually took place?

4 A. Yes, they did organise patrols. The RUFs and the SLAs,
11:59:53 5 they went and returned.

6 Q. In which period of time this happened, Mr Witness?

7 A. I can't recall the month.

8 Q. Did you personally attend such patrols?

9 A. No.

12:00:24 10 Q. Do you know how long Superman was in Kurubonla?

11 A. No.

12 Q. Do you know whether he was on his own or was with other
13 people?

14 MR AGHA: Asked and answered, Your Honour. I believe he's
12:00:44 15 already answered; he came with RUF troops.

16 PRESIDING JUDGE: Do you mean beside his troops, Mr Knoops?

17 MR KNOOPS: Yes.

18 PRESIDING JUDGE: Well, you better ask that.

19 MR KNOOPS:

12:01:00 20 Q. Mr Witness, when Superman came to Kurubonla with his RUF
21 troops, was anyone else there with him?

22 A. Yes. He arrived there with some RUF men, but I don't know
23 their names.

24 Q. Okay. Mr Witness, you testified about a muster parade
12:01:37 25 convened by Musa. Did you see any other muster parades in that
26 time frame?

27 A. No.

28 Q. Mr Witness, did you, at that time of your stay in
29 Kurubonla, see the presence of the three accused?

1 A. No.

2 Q. Mr Witness, what happened after Superman left Kurubonla?

3 MR AGHA: Objection. I don't think he said Superman has
4 left yet, has he?

12:02:29 5 PRESIDING JUDGE: It's also a leading question. I won't
6 allow it.

7 MR KNOOPS:

8 Q. Mr Witness, in the period you were in Kurubonla, did you
9 hear Musa saying anything more specific about the -- this

12:02:59 10 reinstating of the army?

11 A. Yes.

12 Q. Could you please testify what you recall Musa saying about
13 that?

14 A. Yes.

12:03:26 15 Q. Please do.

16 A. Well, SAJ Musa used to say this military had taken a long
17 time since we were colonised. The Nigerians would not just come
18 and stage a fight with us, so we should fight to reinstate the
19 military.

12:04:06 20 Q. Mr Witness, can you recall whether Musa put anyone, except
21 from himself, in charge of this -- for this task?

22 A. Yes.

23 Q. Can you please clarify that?

24 A. Like FAT Sesay, then we have Shaka Zulu, who was Marouf,
12:04:44 25 and another officers he appointed, that I cannot recall their
26 names.

27 Q. Do you know what their exact position was, of these three
28 individuals, FAT Sesay, Shaka Zulu and Marouf.

29 MR AGHA: Objection, Your Honour. I don't know the witness

1 is qualified to speak about the exact military position, bearing
2 in mind his rank that he gave at that time.

3 THE PRESIDING JUDGE: Well, what do you say to that?

4 MR KNOOPS: Well, I'm not asking the witness to say
12:05:20 5 something about military expertise, but just ask whether he knows
6 whether any position was given to them and what, exactly, this
7 position was.

8 PRESIDING JUDGE: Yes, I'll allow that question.

9 MR KNOOPS:

12:05:46 10 Q. Mr Witness, could you please explain to the Court what
11 exactly their position was, according to your own knowledge?

12 A. Well, I knew FAT Sesay to be the administrative officer.
13 That was the only thing I knew about. I never knew about the
14 other appointments.

12:06:20 15 Q. Mr Witness, what happened with the SLA troops in Kurubonla?

16 A. Well, the SLA troops at Kurubonla, we were there, then we
17 decided to leave Kurubonla for Freetown.

18 Q. Who made that decision to leave Freetown -- to leave for
19 Freetown?

12:06:53 20 MR AGHA: I object to that question. It's leading,
21 Your Honour.

22 MR KNOOPS: I'll rephrase it.

23 Q. Was there any decision made to leave Freetown, according to
24 your knowledge?

12:07:10 25 PRESIDING JUDGE: No, you mean Kurubonla, don't you?

26 MR KNOOPS: Kurubonla.

27 THE WITNESS: Yes. SAJ Musa gave orders to leave
28 Kurubonla. Even before I arrive at Kurubonla, they had sent
29 people ahead, an advance party, Eddie, who came and discovered

1 Eddie Town, and they said we should leave Kurubonla and come to
2 Eddie Town.

3 Q. Mr Witness, first of all, what do you mean with "an
4 advance"?

12:07:54 5 A. Well, it was leaving one place to go to another.

6 PRESIDING JUDGE: Mr Witness, I probably don't understand
7 you. Are you saying that SAJ Musa sent orders in advance to you
8 to leave Kurubonla, before you had even arrived in Kurubonla?

9 THE WITNESS: Yes. When I arrived there, I received the
12:08:28 10 information that he had sent some men ahead before we came and
11 met them at Kurubonla.

12 MR KNOOPS:

13 Q. Mr Witness, you mentioned the name of Eddie. Can you
14 please clarify this name?

12:08:53 15 A. Eddie?

16 Q. Yes, the name Eddie.

17 A. Well, it was that name I met people calling him, so I can't
18 give a meaning to that name.

19 Q. Did Eddie belong to any group?

12:09:24 20 A. Well, he was the advance team commander. They were the
21 first people who left and went ahead, together with 0-Five.

22 Q. You have the exact name of 0-Five?

23 A. No. That's what the name I knew. I have never come across
24 him being called another name.

12:10:06 25 Q. Mr Witness, the names you just mentioned, 0-Five and Eddie,
26 did these belong to RUF or SLA?

27 MR AGHA: Objection, Your Honour, to that question.

28 PRESIDING JUDGE: What's your objection?

29 MR AGHA: Well, perhaps the question could be phrased: Do

1 you know which group they belonged to?

2 PRESIDING JUDGE: You're objecting on the grounds of
3 leading.

4 MR AGHA: Yes, Your Honour.

12:10:34 5 PRESIDING JUDGE: Yes, what's your reply, if any,
6 Mr Knoops?

7 MR KNOOPS: I think I already asked the question to which
8 group Eddie belonged. I'm trying to be more specific.

9 PRESIDING JUDGE: Well, it is leading, Mr Knoops. It is a
12:10:52 10 very simple question to ask without leading.

11 MR KNOOPS:

12 Q. Mr Witness, you just testified that some men were sent
13 ahead. Could you please specify who these people were?

14 A. In which way?

12:11:27 15 Q. Can you mention names, except from the two persons you just
16 mentioned, O-Five and Eddie?

17 A. Yes. There were others that I can recall, like Junior
18 Lion.

19 Q. Any other names?

12:11:54 20 A. No. I can't recall.

21 Q. You testified that some men were sent ahead. Could you
22 please indicate; ahead where, to which direction?

23 A. Well, I don't know the direction they took.

24 Q. Do you know what happened with the RUF troops and Superman,
12:12:35 25 who were in Kurubonla?

26 A. Yes. They later returned to Koidu Town.

27 Q. Was anyone of the RUF present when or participated in the
28 group who went ahead to -- from Kurubonla?

29 MR AGHA: Objection. It's leading, Your Honour.

1 PRESIDING JUDGE: Mr Knoops?

2 MR KNOOPS: I'll rephrase it, Your Honour.

3 Q. Mr Witness, what was your position when the group left
4 ahead from Kurubonla?

12:13:38 5 A. Well, my position, I've told you people, I met those people
6 who had gone ahead, so I stayed with FAT. I carried his bags
7 where he had his documents.

8 Q. Did you, at some point, leave Kurubonla Town?

9 A. Yes. There was a time when -- I was not the only person
12:14:08 10 who left. We left, together with SAJ Musa, because we heard that
11 Eddie and others had arrived in a town called Eddie Town, so we
12 should go and join them there.

13 Q. How did you go to Eddie Town?

14 A. Well, we used a bypass route to go to Eddie Town, a bush
12:14:40 15 path.

16 Q. How many of you were there at that moment, taking that bush
17 path?

18 A. Well, all the troops that were at Kurubonla left together
19 to go to Eddie Town. I can't say exactly the total number of
12:15:12 20 people that were there. We left, together with our families.

21 Q. Can you recall when you arrived at Eddie Town?

22 A. Well, I could recall it was in November that we arrived in
23 Eddie Town.

24 Q. Of which year?

12:15:47 25 A. 1998.

26 Q. Can you recall what happened in Colonel Eddie Town when you
27 arrived?

28 A. Yes.

29 Q. Could you please tell the Court what happened in Colonel

1 Eddie Town?

2 A. Yes. Well, when we arrived at Colonel Eddie Town, 0-Five
3 and some other people that we met there, they even went and
4 showed us where the prisoners, that is the soldiers whom they had
12:16:38 5 said had wanted to run away to go and surrender, whom were
6 arrested by Junior Lion, were in the prison in a particular
7 house. So they took us there, we went there and they showed us
8 the particular house, and we saw the people who were in there.

9 Q. Mr Witness, did this happen directly after your arrival in
12:17:05 10 Eddie Town, or was a certain time lapse --

11 A. Yes. Because it was in the same day that we arrived in
12 Eddie Town, but it was within those days that we had arrived,
13 that they took us to that particular prison and showed us the
14 soldiers whom they had said had wanted to run away, to go and
12:17:32 15 surrender.

16 Q. Mr Witness, who do you mean "with us"?

17 A. Myself, another soldier, who was called Allie, and then
18 Bombor Kieoke. Those are the people I mean.

19 MR KNOOPS: Allie is A-L-L-I-E. And Bombor Kieoke is
12:18:09 20 B-O-M-B-O-R. Kieoke, K-I-E-O-K-E.

21 Q. Mr Witness, can you recall the people who showed you the
22 prison in Colonel Eddie Town?

23 A. Yes.

24 Q. Can you mention their names?

12:18:45 25 A. Sillah Bob and then Allie I have spoken about and Bombor
26 Kieoke. Because, in the case of Allie, he was one of the people
27 we met there at Colonel Eddie Town. He was staying with Tito,
28 Colonel Tito. He was the person who took us there and showed us
29 there.

1 MR KNOOPS: Your Honours, before I move on, the third
2 accused would like to use the lavatory -- the second accused,
3 sorry.

4 PRESIDING JUDGE: Yes, he can leave.

12:19:19 5 MR KNOOPS: Thank you, Your Honour.

6 Q. Mr Witness, would you please describe this prison you were
7 showed there?

8 A. Yes, I can describe it. It was a building, which was a
9 house. They had a room in there that was made the prison.

12:19:41 10 PRESIDING JUDGE: Just pause there, please, Mr Knoops.

11 Ms Thompson, I should have noted something for the record before
12 this, but I note that your client is, in fact, not in Court. He
13 has seen the doctor, has he?

14 MS THOMPSON: Your Honour, I didn't find out whether he had
12:19:58 15 seen the doctor. The plan was to see the doctor during the
16 break, so that may mean he may not join us for the rest of the
17 session.

18 PRESIDING JUDGE: In any event, you're here to represent
19 him. We will take it that he has waived his right to be present
12:20:14 20 pursuant to Rule 60.

21 MS THOMPSON: That is so, Your Honour.

22 PRESIDING JUDGE: Well, thank you, Ms Thompson.

23 Sorry, Mr Knoops. Go ahead.

24 MR KNOOPS: It's all right. Thank you, Your Honour.

12:20:24 25 Q. Mr Witness, please continue with the description of the
26 prison.

27 A. Well, the prison was a kind of house which was in the
28 centre of Eddie Town. And it was within the house one particular
29 room was made a prison, and the window had iron rods. And if

1 somebody is outside the prison, you cannot be able to identify
2 them

3 Q. Mr Witness, could you give us a description of this Colonel
4 Eddie Town?

12:21:16 5 A. Yes, I can be able to describe the town, how it was.

6 Q. Please do.

7 A. Well, it was a town that had something like a "Y" plan. At
8 the entrance, you get inside and at the Junction, you have a
9 street that goes towards the right, and another street that goes
10 towards the left. But, within the centre of the town, you had
11 the prison. But, if you use the right-hand side of the road, you
12 go towards the riverside. If you use the left side, you go
13 towards the forest. That was exactly how the town looked like.

12:21:43

14 Q. Mr Witness, when you arrived in Eddie Town, did you see any
15 civilians there?

12:22:08

16 A. Well, we met civilians there. In fact, it was they who
17 normally went to buy some small, small things that are normally
18 used in the town.

19 Q. Was there a specific reason, Mr Witness, why the prison was
20 shown to you?

12:22:43

21 A. Yes. It was because I also had wanted to see the prisoners
22 whom they had arrested and said they had wanted to go and
23 surrender. And, at that particular time, when you had wanted to
24 go and surrender, you can either be killed or you'd be jailed.

12:23:05

25 So at that time when I understood that I -- I equally had wanted
26 to go and see them, therefore, I went there and saw them

27 Q. Were you able to see who were inside of the prison?

28 A. Yes, I was able to see them. I was able to see them

29 Q. How many men were inside of the prison, whom you saw?

1 JUDGE DOHERTY: Mr Knoops, I don't recall it being
2 determined that there were men inside.

3 MR KNOOPS: Right, Your Honour. Yes.

4 Q. Mr Witness, could you please specify what you saw inside
12:23:52 5 the prison?

6 A. Yes. I saw men there. There were more than either two --
7 about that, or three, within the prison.

8 Q. Did you know them, these men inside the prison?

9 A. I never knew them before, except that particular day that I
12:24:22 10 saw them inside the prison.

11 Q. Did you become to know their names?

12 A. Yes. I was able to know their names later.

13 Q. How did you become to know their names?

14 A. Well, the securities who were there, that was Junior Lion's
12:24:57 15 men, and normally when you went there to see them, they will even
16 tell you that this man is called this way, and this other man is
17 called this way. So that was how I came to know the people who
18 were there in the prison.

19 Q. Can you recall, today, the names of these people you saw in
12:25:24 20 prison?

21 A. Yes, I can recall some of their names.

22 Q. Could you please tell the Court the names you can recall?

23 A. Yes.

24 Q. Please do.

12:25:47 25 A. Well, I can recall one Abdul Sesay who was a short, black
26 in complexion, fellow. And I can recall another, Santigie Kanu.
27 He was a fair in complexion guy, thin. And another one who was
28 called Tamba Brima.

29 MR KNOOPS: Your Honours want me to spell the names?

1 Q. Mr Witness, did -- were you able to speak to these
2 individuals in this prison?

3 A. Yes. I even told them that, "Look, fellows, even when
4 they -- we have been disbanded, they are saying we are going to
12:26:52 5 surrender. If you go there, they will kill you, for no reason.
6 In fact, that is, in fact, the more reason why you guys are in
7 the prison now, because I don't think that soldiers should go and
8 surrender." So that was exactly what I discussed with them.

9 Q. Mr Witness, you mentioned the name of Junior Lion. Do you
12:27:16 10 know whether he had any position, at that moment, in Colonel
11 Eddie Town?

12 A. Yes. He was the task force officer. In fact, he was
13 taking care of the prisoners and -- and his personnel. He was
14 the overall boss of task force but -- and the whole operation
12:27:44 15 that we met there at Eddie Town.

16 Q. Mr Witness, how did you know, at that time, that Junior
17 Lion had that position?

18 A. Well, during that time that my friend Allie took me to the
19 prison for me to see those people there, that was the time he
12:28:13 20 said that is the commander who is taking care of the prisoners
21 and he is the task force commander, and he is called Junior Lion.
22 But I didn't go close to him, because he was with his security,
23 very close to the prison. So we only went towards the window to
24 see the prisoners.

12:28:34 25 Q. Do you remember whether these prisoners were treated well?

26 MR AGHA: Objection. Leading, Your Honour.

27 MR KNOOPS: I'm grateful.

28 Q. Mr Witness, did the prisoners tell you anything about their
29 treatment in prison?

1 MR AGHA: Again, that's leading, Your Honour.

2 PRESIDING JUDGE: Mr Knoops.

3 MR KNOOPS:

4 Q. Mr Witness, can you recall the prisoners saying anything
12:29:14 5 else to you, except from what you've just said, that you heard
6 from them?

7 A. No. No.

8 Q. Mr Witness, are you in a position to say whether these
9 prisoners stayed for a long time in prison?

12:29:41 10 A. Yes, I want to believe so. Because, when we went, we met
11 them there and we also spent about two weeks there before we left
12 there. And, at that time, they were still under arrest.

13 Q. Mr Witness, what happened in these two weeks you were in
14 Colonel Eddie Town?

12:30:02 15 A. Well, we were divided into various groups and we were now
16 putting together the plan how to come to Freetown and reinstate
17 the army.

18 Q. Can you please explain to the Court how this regrouping
19 took place?

12:30:29 20 A. Yes.

21 Q. Could you please tell the Court how this was --

22 A. Yes.

23 Q. -- administered?

24 A. Yes.

12:30:44 25 Q. Please do.

26 A. Well, in the first place, we had a group which they
27 organised that was called the advance party; it led the troops.
28 There was another group called the reinforcement. And the third
29 group was called the headquarter group, where we had our

1 logistics and SAJ Musa himself. And there was another group at
2 the rear.

3 Q. Mr Witness, what was your own position, if any, at that
4 time?

12:31:24 5 A. My own position?

6 Q. Yes.

7 A. Well, I was a security to FAT. I was responsible for
8 carrying his logistics and his bag.

9 Q. What was the position of FAT Sesay at that time?

12:31:49 10 A. FAT was a colonel.

11 Q. Do you recall whether FAT Sesay was a colonel by himself?

12 A. FAT Sesay was a colonel for himself.

13 Q. Could you please explain to the Court the exact role of,
14 and the functions of, each group?

12:32:31 15 A. Yes, I can explain.

16 Q. Could you please start with the first group you mentioned?

17 A. Yes.

18 MR AGHA: Your Honour, before he proceeds, may we have some
19 foundation as to how he knows about the role and procedure of
12:32:51 20 each group?

21 PRESIDING JUDGE: Mr Knoops?

22 MR KNOOPS: That's fair.

23 Q. Mr Witness, before we ask these questions to you, do you
24 have any knowledge about the role or functions of these group, or
12:33:14 25 groups?

26 A. Yes.

27 Q. On what basis?

28 A. Well, in the case of the first group, it always led. For
29 instance, if they decided for us to go to anywhere, it was the

1 leading group. It went ahead first, and there -- it was the
2 advance party.

3 Q. Mr Witness, please pause. How do you know that three
4 groups were formed and what their functions were?

12:33:54 5 A. Well, they called for a muster parade. It was in three --
6 it was four.

7 PRESIDING JUDGE: Just a minute. Is that what you were
8 going to say, Mr Agha, there were four groups, not three?

9 MR KNOOPS: Sorry, four groups, correct. Thank you.

12:34:18 10 THE WITNESS: It was four. I called advance
11 reinforcements, headquarter, and the group at the rear.

12 MR KNOOPS:

13 Q. Mr Witness, you mentioned a muster parade. Please
14 continue. What happened during this muster parade?

12:34:39 15 A. Well, the muster parade was at the time that they divided
16 us into the four groups, when all the commanders knew their
17 individual groups, and each of us was distributed between those
18 groups, and that was the time that I came to understand that we
19 have been put into four different groups that was going to head
12:35:04 20 for Freetown.

21 Q. Mr Witness, who made that decision, or who announced the
22 division into four groups?

23 A. It was SAJ Musa, because at Colonel Eddie Town -- Colonel
24 Eddie Town was a small village, therefore, anything that you did,
12:35:31 25 even if you were just within the environs, you would overhear the
26 voice. It wasn't a big town.

27 Q. Could you now please explain, in short, the four different
28 groups in terms of their role and function?

29 A. Yes.

1 Q. And please start with the first group.

2 A. In the case of the first group, it was the group that
3 advanced to do the clearing of the route. They will first go
4 ahead and attack. If they cannot be able to push the enemies,
12:36:21 5 the second group will come, and they -- next -- the third group,
6 which is the headquarter group, will come; the prisoners and the
7 ammunition and the wounded men. And then the fourth group will
8 be at the rear to protect the headquarter, in case there were
9 enemies coming from behind. So that was how the four groups
12:36:43 10 operated.

11 Q. If you were to make a rough estimation, how -- how big were
12 these groups? First of all, the first group. As you -- you --
13 could you make an estimation on the number of people who joined
14 the first group?

12:37:14 15 A. Well, I cannot give you an estimate, because some men
16 sometimes can be within their own group when they are being put
17 aside. But, sometimes when they say, "This group, come this
18 way," you can realise that some guys will slide and move from
19 their own group and go to another group. Therefore, it can be
12:37:37 20 difficult to tell a rough estimate, at that particular time, of a
21 particular group. Because I never had the patience to do that.

22 Q. Do you know, Mr Witness, whether the first group had to
23 obey to somebody?

24 A. Yes, in the case of the first group, I knew their
12:38:04 25 commander. It was Colonel Eddie himself.

26 Q. With respect to the second group, do you know whether the
27 second group had to obey to somebody?

28 A. Yes. They also had Colonel Tito, who was their commander.
29 That was for the second group.

1 Q. Do you know whether this third group had to obey to
2 somebody?

3 A. Yes. The number three group was where SAJ Musa himself
4 was, and he was the overall commander, from whom everybody took
12:38:49 5 orders, and he was at the headquarter. And even the task force
6 commander, who was Junior Lion, he was within the headquarter
7 group.

8 Q. With respect to the fourth group, do you know whether there
9 was a specific person to whom one had to obey?

12:39:22 10 A. Yes, but I cannot recall his name.

11 Q. Mr Witness, do you know who were within these four groups;
12 what kind of people?

13 A. Yes. It was us, the soldiers and our relatives, our
14 children and our brothers.

12:39:46 15 Q. Anyone else, apart from soldiers and relatives?

16 A. Yes. At that time, very few RUF were with us, and they
17 were the people who also went with the first group. That was now
18 the time I came to know that few RUF were amongst, but I was not
19 able to know their names.

12:40:19 20 Q. Mr Witness, what happened with the prisoners you saw in the
21 house in Eddie Town?

22 MR AGHA: I object to that question. It's a leading
23 question, Your Honour.

24 PRESIDING JUDGE: Yes, it is leading. I won't allow it,
12:40:37 25 Mr Knoops.

26 MR AGHA: Also, Your Honour, I would like to bring to the
27 Court's attention every time it is a leading question, it tips
28 off the witness as to what actually is coming next, so they
29 should be restricted as much as possible.

1 PRESIDING JUDGE: That is the whole character of a leading
2 question, it suggests the answer to the witness, and that's why
3 Mr Agha has been objecting. I might say, he has been very
4 tolerant, Mr Knoops, because he's let a few questions go by, I
12:41:07 5 presume just to get the evidence flowing. I would prevail upon
6 you once more, please don't ask leading questions. It is
7 suggesting the answer to this witness.

8 MR KNOOPS: I apologise, Your Honour. I will.

9 Q. Mr Witness, could you please explain who exactly was in the
12:41:34 10 third group, the headquarter group?

11 A. Yes. That is why I have been telling you that the number
12 third group, which was the headquarter group, was where SAJ Musa
13 himself was, and FAT Sesay, who -- they were the overall
14 commanders, and then, together with Junior Lion. Those were the
12:42:03 15 people that we took orders from, within the third group.

16 Q. Can you recall, Mr Witness when the four groups left
17 Colonel Eddie Town, which time?

18 A. Well, it was the second week of November.

19 Q. Mr Witness, I asked you in which group you yourself were,
12:42:51 20 at the time you left Colonel Eddie Town.

21 A. I was in the third group, which was the headquarter group,
22 because that is where my boss was, who was FAT, that I was with.

23 Q. Did you see the other three groups during your -- when you
24 left from Eddie Town?

12:43:26 25 A. Yes. Because, sometimes, when the advance group moves, it
26 could probably take a day or 24 hours. In fact, the first group,
27 we don't normally meet them on the way. It is when they capture
28 a particular area, and then they will call for the second group.
29 Whilst we are coming, then we'll meet the first group who had

1 already gone ahead. And, as they clear the way, we come later.

2 That is normally how we moved.

3 Q. Could you please explain, Mr Witness, what happened during
4 the advance to Freetown, after you left Colonel Eddie Town?

12:44:18 5 A. Yes. When we left Colonel Eddie Town, we took a bypass and
6 came to a place called Mamusai a.

7 Q. Please pause, Mr Witness.

8 MR KNOOPS: That's M-A-M-U-S-A-I-A.

9 Q. Please continue, Mr Witness. That was your answer?

12:45:03 10 A. [No audible response].

11 Q. Okay. Do you recall how much time it took you from
12 Colonel Eddie Town to Mamusai a?

13 A. Well, I cannot recall the number of days?

14 PRESIDING JUDGE: We're getting towards the break,
12:45:26 15 Mr Knoops, so the next convenient passage, we'll adjourn.

16 MR KNOOPS: Thank you, Your Honour. I'll anticipate,
17 indeed, the break.

18 Q. Mr Witness, can you recall the time frame when you arrived
19 at Mamusai a?

12:45:52 20 A. Yes. It was within the same November month.

21 Q. Did anything happen on the way from Colonel Eddie Town to
22 Mamusai a?

23 A. No, nothing happened, because we were within the
24 headquarter group. That was where I was, so I could not tell

12:46:19 25 what happened ahead. So as they cleared the way, we continued to
26 travel, to go ahead.

27 MR KNOOPS: Thank you, Your Honour. I think this an
28 appropriate moment to conclude this topic.

29 PRESIDING JUDGE: Thank you, Mr Knoops. Yes, Mr Witness,

1 we're going to break now. We'll adjourn until tomorrow morning.
2 Our Court does other judicial functions this afternoon. So I
3 will caution you once more. You are not to discuss this case or
4 the evidence with any other person; is that clear?

12:47:00 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: Yes, Mr Agha.

7 MR AGHA: Before we end for the day's session, the
8 Prosecution would submit that there has, indeed, been extensive
9 leading by my learned friend on the other side, and I have
10 objected as far as I can. I would want the evidence to flow, but
11 just so the record reflects, we will be potentially using this as
12 a question of weight of the witness's evidence at the end, due to
13 the excessive amount of leading.

14 A second observation which the Prosecution would like is
15 really to bring to the attention of the Court some difficulties
16 it's facing, in that we have this witness today, who will
17 continue tomorrow. And there may be three other witnesses who
18 may come, who we're prepared for, but they may not come. But we
19 don't know who will be coming next, so we're not able to use the
12:47:36 20 time to prepare. So it's very hard for us to instruct
21 investigators, or even lawyers, to work on a witness who we don't
22 know will be coming, if at all. It is really just to alert
23 Your Honours to the fact that we may have to seek adjournments
24 whilst we investigate, because we're not really in a position to
12:47:56 25 anticipate who is next on the list.

26 PRESIDING JUDGE: All right. We'll note what you say,
27 Mr Agha. Surely -- we don't intend to hold direction's hearings
28 every time the Prosecution needs to know who the next witness is.
29 So perhaps you can talk amongst yourselves. I'm sure the Defence

1 will tell you the next witness coming up, without the Court
2 having to intervene.

3 On that same note, we would remind the Defence they are to
4 produce witness DBK-111 on Friday morning for cross-examination.

12:48:57 5 MS THOMPSON: Your Honour, if I can just say, my learned
6 friend and I had this conversation during the break. I did say
7 to him that this was something we're working on, as we speak.
8 I'm sure he was here when I was talking to the office about
9 getting witnesses trial ready. So there is dialogue between us.
12:49:15 10 He knows what I -- I explained everything to him; I haven't
11 hidden anything from him, so I'm surprised he's actually brought
12 it up in Court. I don't think there is a need for a direction,
13 of any sort. I have explained to him the difficulty. As soon as
14 we have one ready -- in the event that these three don't show up,
12:49:35 15 and we're still waiting for them, but in the event that they
16 don't show up, I have told him that we will actually let him know
17 as soon as we can, at least this afternoon, in any event.

18 PRESIDING JUDGE: Thank you, Ms Thompson.

19 MR AGHA: Just to clarify, Your Honour, the Prosecution
12:49:50 20 wasn't looking for a direction. We were just alerting the Court
21 to the fact that, indeed, we are working with the Defence very
22 carefully to try to get the witnesses, but if we don't have the
23 information, then we can't prepare. It's just to alert the Court
24 to that fact.

12:50:04 25 PRESIDING JUDGE: I understand. Thank you, Mr Agha. We've
26 taken into account what you've told us. We'll adjourn now until
27 9.15 tomorrow morning.

28 [Whereupon the hearing adjourned at 12.47 p.m.,
29 to be reconvened on Thursday, the 21st day of

1 September 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D26

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WITNESSES FOR THE DEFENCE:

WITNESS: DAB-095

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EXAMINED BY MR KNOOPS

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