



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

WEDNESDAY, 27 SEPTEMBER 2006
9.20 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Richard Lussick, Presiding
Teresa Doherty
Julia Sebutinde

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Charles Hardaway
Ms Maja Dimitrova (Case Manager)
Mr Sean Morrison (intern)

**For the accused Alex Tamba
Brima:**

S Glenna Thompson

**For the accused Brima Bazy
Kamara:**

Mr Andrew William Kodwo Daniels

**For the accused Santi gie Borbor
Kanu:**

Mr Geert-Jan Alexander Knoops

1 [AFRC27SEP06A-RK]
2 Wednesday, 27 September 2006
3 [The accused present]
4 [The witness entered court]
09:17:01 5 [Open sessi on]
6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Morni ng. Thi s gentlemen in the witness
8 box is now DAB-110; is that right?

9 MS THOMPSON: No, Your Honour, DAB-111. Your Honour,
09:20:49 10 before the witness is sworn, and I think the witness's microphone
11 ought to be turned off. Perhaps I need to appraise the Court of
12 the latest developments. Shortly before we came to Court, Your
13 Honour, I received a telephone call from WVS to say that DAB-110
14 and 109 are, apparently, ill this morning.

09:21:21 15 Thi s gentlemen is DAB-111, and he will be giving evidence
16 first this morning. DAB-059 who, in my mail yesterday, was
17 backup, will then follow DAB-111. As far as update on DAB 156
18 and 157 are concerned, we received a mail yesterday from the
19 psychologist giving us an update on their medical condition. One
09:21:59 20 of them is going to have a minor -- well, some form of medical
21 intervention this morning. She will then need 48 hours to
22 recuperate. That will happen at 11.00 a.m. this morning and she
23 will then need 48 hours to recuperate. The other one has been
24 given some treatment, but is not up to giving evidence yet. I'm
09:22:29 25 told the medication that they are on are more antibiotics rather
26 than sedative. Therefore, it should not actually affect the
27 quality of the evidence, it's just a question of when they will
28 be physically fit to come to Court. My estimation is that, given
29 what the psychologist has told us, then it may well be that they

1 will have to -- we cannot get them to Court before Friday. One
2 of them perhaps on Friday, the other maybe later. So therefore,
3 I think they will be taken out of the equation for today and
4 tomorrow.

09:23:06 5 As far as today is concerned, it is DAB-111 and DAB-059.
6 DAB-100 came in yesterday and the plan is now to take him
7 tomorrow, after cross-examination and then, as before, DAB-093
8 Friday afternoon. I don't know what the prognosis is for DAB-110
9 and 109, as I think they only complained of their illness this
09:23:46 10 morning, and I don't know whether they have seen any medical
11 personnel or what their opinion is of the medical personnel at
12 the moment. What I shall do, Your Honour, is to continue with
13 DAB-111 and then, perhaps during the break, find out from WVS the
14 medical position of these other two witnesses, because if they
09:24:13 15 are well enough later, if they do recover, then they can
16 obviously come in the afternoon.

17 PRESIDING JUDGE: Yes, thank you, Ms Thompson. Well, it is
18 good that there are some witnesses to give evidence today. I
19 would just like to comment that I find it extraordinary that
09:24:33 20 there is such a percentage of illness amongst the Defence
21 witnesses. Are they recruited to give evidence while they are
22 ill, or do they come to the WVS and fall ill?

23 MS THOMPSON: Your Honour, the time the statements were
24 taken from them, they were not ill. When they came in -- for the
09:24:55 25 two ladies, I'm aware that one of them there is definitely
26 something that happened to her before and which was not cleared
27 up and kind of exacerbated when she got into the witness house.
28 That is all I can say, is that this is a mystery -- apart from
29 these two who seem -- well, there is a medical intervention, so I

1 guess there was something seriously wrong there. The other
2 illness is a mystery to me, as it is to you, Your Honour. I'm
3 not a medical personnel so I can't actually comment on that.

09:25:39 4 PRESIDING JUDGE: No, I would not expect you to,
5 Ms Thompson, and I'm not suggesting for one moment that you've
6 got any control over this whatsoever. But apart from that, we've
7 now got four out of the last six witnesses who are receiving
8 medical attention and there was at least one or two last week,
9 from memory, who needed medical attention. I hope it is not the
09:25:57 10 fact that these witnesses are coming into the WVS to receive free
11 medical attention.

12 MS THOMPSON: I don't know, Your Honour. It does cross
13 one's mind from time to time but I can't actually say. I'm
14 amazed, Your Honour, and, in fact, I thought well, if it was
09:26:21 15 April, I would have thought it was a late April Fool's day joke,
16 but it wasn't.

17 JUDGE SEBUTINDE: Of course the other issue is, isn't it
18 possible for these people to receive medical attention after
19 their testimonies? Are these life-threatening conditions?

09:26:38 20 MS THOMPSON: Your Honour, I, in fact, did put that
21 proposal to -- when I received the phone call from WVS this
22 morning, I did mention that they could actually say to them that
23 if they are physically fit, and perhaps one does get a headache
24 or something from time to time, then they could actually give
09:26:50 25 evidence this morning and then receive whatever medical attention
26 that is required after, because I'm sure WVS wouldn't throw them
27 out if they are ill. But I'm told that even though that was put
28 to them, they still insisted that they were not feeling well
29 enough to come to Court.

1 PRESIDING JUDGE: Well, to me, and admittedly I'm saying
2 this without having any medical certification at all, but it
3 seems to me that these people had these conditions, surely,
4 before they came to the WVS as witnesses; certainly psychological
09:27:26 5 problems would probably take some time to develop. Now, if they
6 could have borne these illnesses out until such time as they are
7 taken into the WVS and receiving free medical treatment, why
8 couldn't they have gone another day or two longer to give their
9 evidence and then receive the treatment?

09:27:46 10 MS THOMPSON: Your Honour, I think the best I can do at
11 this stage is perhaps ask the psychologist from WVS to have a
12 word with them and see whether there is some underlying factor,
13 the fear of coming to Court, or I don't know whether -- sometimes
14 people get intimidated with court procedures. Perhaps that's an
09:28:07 15 underlying factor, I don't know, but it may be a good idea for
16 the psychologist to have a word with them and see whether there
17 is something there, or whether they will be fit enough to come to
18 Court and then receive their medical evidence. I think at the
19 moment what I am -- even though I put that proposal in and it was
09:28:24 20 put to them, it was them saying that they are not well enough to
21 come to Court. Perhaps if someone else intervenes, a
22 psychologist for example, might be able to convince them come to
23 Court and then have their medical treatment, whatever that might
24 be.

09:28:43 25 PRESIDING JUDGE: Well, I hope the Defence is working on
26 other witnesses to step in and take their place. This absence of
27 these witness seems to be indefinite at the moment, so I would
28 like you to have other witnesses ready to step in and take their
29 place in the list.

1 MS THOMPSON: Your Honour, 059 was one such witness. 100,
2 I dare say, I don't think will be ready to come to Court today.
3 But this is the list for the Brima defence and, basically, we are
4 exhausting the list now, because these are all the witnesses for
09:29:18 5 the Brima defence. We weren't intending to call any more. And
6 it would mean having to go back to the dropped list and having
7 perhaps to prepare people who we'd sort of told well, may not --
8 will not be needed and I'm not sure that that is something I want
9 to do. I think the Defence case has gone on one particular line
09:29:41 10 and these are the witnesses we felt would -- evidentially would
11 be of value to the Defence and we have dropped others who may
12 have longish witness statements but perhaps have a paragraph of
13 what we need. And I'm not sure there's much mileage in bringing
14 witnesses whose evidential value is next to nil. This is the
09:30:06 15 entire list.

16 PRESIDING JUDGE: All right. Thank you, Ms Thompson. I
17 know you are aware of the Court's concerns and we will see what
18 develops overnight with the other witnesses.

19 MS THOMPSON: Thank you, Your Honour.

09:30:21 20 PRESIDING JUDGE: Anything you wanted to add, Mr Agha?

21 MR AGHA: Obviously no. The situation is regrettable, Your
22 Honour, and there is not really anything the Prosecution can say
23 at this point in time, only to thank my learned friend for
24 keeping us informed of the developments, and it may be as,
09:30:38 25 depending on the order of the witnesses to come, if the
26 Prosecution does find itself in some difficulty, as before, it
27 might have to request a small adjournment, but we'll see how
28 things go.

29 PRESIDING JUDGE: Yes. Well, thank you, Mr Agha. Well, my

1 Last -- yes, Mr Daniels.

2 MR DANIELS: I just wanted to reassure the Court that on
3 behalf the second defendant, most of his witnesses are present in
4 the witness house, and we are anticipating giving evidence early
09:31:02 5 next week and most of them are fit and healthy. So, you know,
6 let's hope that it will continue in that manner.

7 PRESIDING JUDGE: Let's hope so.

8 MR DANIELS: And I have also informed my colleague on the
9 other side that by the end of today we shall take a definite
09:31:19 10 decision as regards the common witnesses.

11 PRESIDING JUDGE: Thank you, Mr Daniels. I appreciate
12 that. Well, Madam Court Attendant, will you turn the witness's
13 microphone on, please.

14 JUDGE DOHERTY: Ms Thompson, is this a common witness,
09:31:48 15 DAB-111?

16 MS THOMPSON: No, Your Honour. We are still on the Brima
17 defence individual witnesses.

18 JUDGE DOHERTY: The reason I ask is he appears to be on
19 page -- his synopsis appears to be on page 37 of the document
09:31:58 20 filed on 21 August 2006 and I note that page is headed "Common
21 Defence Witnesses Summaries."

22 MS THOMPSON: Your Honour, these are witnesses who were
23 interviewed very early on and at that stage they were grouped
24 into the common witness list. It was only later on that they
09:32:15 25 were actually redesignated individual witnesses. But his summary
26 falls under the common witnesses.

27 JUDGE DOHERTY: Right. Thank you for that clarification.

28 WITNESS: DAB-111 [Sworn]

29 [Witness answered through interpreter]

1 JUDGE SEBUTINDE: What language might that be?

2 MS THOMPSON: Your Honour, this witness is in Kono.

3 THE WITNESS: Yes, I am a Kono man.

4 EXAMINED BY MS THOMPSON:

09:33:31 5 Q. Mr Witness, good morning.

6 A. Yes, good morning.

7 Q. Mr Witness, I'm going to ask you some questions this
8 morning. Listen to them carefully and then answer the questions.

9 A. Speak the Kono word very well to me, please.

09:33:55 10 Q. I will start again. Mr Witness, I'm going to ask you some
11 questions this morning. Listen to them carefully and then give
12 your answers.

13 A. Okay.

14 Q. Please bear in mind that when you talk, someone is
09:34:19 15 interpreting what you say.

16 A. Okay. It will be for a little while then before I speak.

17 Q. And then, when that person interprets, we have to write
18 down what you say.

19 A. Okay.

09:34:44 20 Q. When I finish asking you questions, my colleagues on this
21 side might ask -- might have some questions for you.

22 A. It is not too bad.

23 Q. And then my colleague on the other side might also have
24 some questions for you.

09:35:09 25 A. Okay.

26 Q. Okay, Mr Witness, thank you. Now we will start.

27 A. Praise be to God.

28 Q. Mr Witness, you are a farmer?

29 A. Yes, I am a farmer.

1 Q. You were born in Yarya Vi llage?

2 A. Yes, I was born in Yarya Town.

3 Q. That was in 1950?

4 A. What?

09:35:46 5 Q. When you were born; you were born in 1950?

6 A. Yes, I was born in 1950.

7 Q. And you are married with seven children?

8 A. Yes. I have two wives and seven children.

9 Q. And you hold a very important position in Yarya?

09:36:12 10 A. Yes.

11 Q. And that position, you were elected to it, were you?

12 A. Yes. I was a town speaker but, presently, I am the
13 [redacted].

14 MS THOMPSON: Okay, Mr Witness. Your Honour, I think
09:36:37 15 perhaps that ought to be redacted from the record.

16 PRESIDING JUDGE: Yes, all right. That will be redacted --
17 the witness's position it to be redacted from the record.

18 Perhaps, Ms Thompson, you can predicate some of your questions
19 with a warning.

09:36:55 20 MS THOMPSON: Yes.

21 PRESIDING JUDGE: If it involves personal details not to
22 say -- give those details.

23 MS THOMPSON: Yes, Your Honour. Thank you, Your Honour.

24 Q. Mr Witness, you are a protected witness and we don't want
09:37:13 25 people outside to know your identity.

26 A. I know that very well.

27 Q. So please be careful not to say anything that will reveal
28 your identity.

29 A. Okay.

1 Q. Mr Witness, do you remember May 1997?

2 A. May 1997?

3 Q. Yes.

4 A. Related to what?

09:37:49 5 Q. Do you remember if something happened in Sierra Leone in
6 May 1997?

7 A. 1997 or 1998?

8 Q. Okay, we'll come back to 1997. Do you remember 1998,
9 February 1998?

09:38:15 10 A. Yes. What I can recall, the war came and met us.

11 Q. When you say, "the war came and met us," what do you mean?

12 A. The war came. I never went to school.

13 Q. Where were you in February 1998, Mr Witness?

14 A. I was in Yarya.

09:38:46 15 Q. Okay. When you say the war came and met you, was that in
16 Yarya?

17 A. Yes. By then I was the [redacted].

18 Q. Mr Witness, perhaps it might be better not to mention your
19 position, okay?

09:39:11 20 MS THOMPSON: Your Honours, I would ask that that be
21 redacted from the records.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: The position just mentioned by the
24 witness will be redacted from the record. Now, Mr Witness, you
09:39:23 25 could have avoided that danger to the revelation of your identity
26 if you had simply asked -- answered the question --

27 THE WITNESS: To show my position?

28 PRESIDING JUDGE: -- no, no, listen to me, please. We have
29 had to redact your position, the position you mentioned, from the

1 record. Now, look, don't interrupt, please; let me finish what
2 I'm trying to say. I'm trying to tell you something.

3 THE WITNESS: Um-hum.

4 PRESIDING JUDGE: The danger to your identity could have
09:39:58 5 been avoided and this Court would not have had to order that the
6 record be amended to delete your position, if you had simply
7 answered the question --

8 THE WITNESS: Not to discuss my position. Okay.

9 PRESIDING JUDGE: What I'm trying to tell, if you will stop
09:40:22 10 interrupting me is, that you could have avoided that situation by
11 simply answering the question that was asked of you. Ms Thompson
12 did not ask you what your position was. You volunteered it,
13 unnecessarily. So please confine yourself to answering questions
14 that are asked and not volunteering extra information that Ms
09:40:45 15 Thompson does not require. Now I hope that is clear to you?

16 THE WITNESS: Yes.

17 MS THOMPSON:

18 Q. Mr Witness, have you lived in Yarya all your life?

19 A. Yes.

09:41:10 20 Q. Now, before 1998, do you know how many people lived in
21 Yarya?

22 A. Yes, I knew my people.

23 Q. Do you know how many, roughly, lived in Yarya?

24 A. I did not count them, but I know all of them that were born
09:41:42 25 there.

26 Q. Okay. Mr Witness, do you know the villages that are near
27 Yarya?

28 A. Yes, yes.

29 Q. Can you tell us, please.

1 A. The vi llages?

2 Q. Yes.

3 A. Ngorjadu is there.

4 Q. Can you say that again, please?

09:42:08 5 A. Ngorjadu is there.

6 MS THOMPSON: Mr Interpreter, can you help us with some
7 spellings, please.

8 JUDGE SEBUTINDE: Starting with the first village named.

9 THE INTERPRETER: Your Honours, may the witness be asked
09:42:27 10 again for the names of the villages.

11 JUDGE SEBUTINDE: He was asked and you didn't tell him. He
12 was asked to repeat it. Mr Witness, can you repeat the names of
13 the villages?

14 THE WITNESS: Ngorjadu.

09:42:54 15 MS THOMPSON: Mr Interpreter, perhaps you can help us with
16 the spelling there.

17 THE WITNESS: N-G-O-R-J-A-D-U.

18 MS THOMPSON:

19 Q. Next village, Mr Witness?

09:43:11 20 A. Kongowor.

21 MS THOMPSON: Mr Interpreter, spelling again, please.

22 THE WITNESS: K-O-N-G-O-W-O-R.

23 MS THOMPSON:

24 Q. Are there any other villages or towns around Yarya,
09:43:28 25 Mr Witness?

26 A. Yes.

27 Q. Which ones, apart from the two that you have named?

28 A. Formadu; Formadu.

29 Q. Is that F-O-R-M-A-D-U, Mr Interpreter?

1 A. Yes.

2 MS THOMPSON: F-O-R-M-A-D-U.

3 Q. Any others?

4 A. There were some villages around, but presently no one lives
09:44:04 5 there, but we have some belongings there.

6 Q. Do you know their names?

7 A. Yes.

8 Q. Can you tell us the names, please?

9 A. Bimorya.

09:44:22 10 Q. Is that B-I-M-O-R-Y-A?

11 A. Yes.

12 Q. And any other?

13 A. Keseyordu.

14 MS THOMPSON: Can you help us with the spelling there,
09:44:44 15 Mr Interpreter.

16 THE INTERPRETER: K-E-S-E-S-O-R-G-U [sic].

17 MS THOMPSON:

18 Q. I'll move on. Now, we're back in 1998, Mr Witness. Do you
19 remember or did you hear about the ECOMOG intervention in
09:45:03 20 Freetown in February 1998?

21 A. [No audible response].

22 Q. Shall I repeat the question?

23 A. Which one?

24 Q. Did you hear about the ECOMOG intervention in Freetown in
09:45:39 25 February 1998?

26 A. Well, where I was is very far from here, but our people
27 came from Sefadu and met us there.

28 MS THOMPSON: Your Honours, Sefadu is S-E-F-A-D-U. It's a
29 word we've had before.

1 Q. Now, did anything happen in Yarya in 1998?

2 A. Yes.

3 Q. Can you tell the Court, please?

4 A. People met us there, carrying some loads. They told us
09:46:34 5 that the war has come.

6 Q. Which people? When you say people carrying, were they the
7 people carrying the loads? Were the people carrying the loads?

8 A. Civilians, some had bags, some had sacks, some had bundles.
9 They -- many of them met us there. Vehicles were coming, all
09:47:03 10 [i ndi scerni bl e] were coming. When I asked, I said, "What's the
11 matter?" They said, "The war has come."

12 Q. After you met these people, after these people met you in
13 Yarya, did anything happen?

14 A. Yes, something happened.

09:47:19 15 Q. Can you tell the Court what happened?

16 A. They came and met us there. We were all worried, those who
17 were living in the town. In fact, it was terrible for us.

18 Q. Yes, Mr Witness; so what happened?

19 A. The people came. The entire town was filled with people;
09:47:56 20 the verandas, the barris, people were found everywhere. We
21 stepped there twice. Many people were there for two days. But
22 it came a time we heard a banging sound of a big gun. The sound,
23 it sounded like this boong [phon].

24 Q. When you heard that sound, what happened?

09:48:34 25 A. Those people that came and met us there dispersed. Some of
26 them started going -- running into the bushes.

27 Q. Did you know where the sound came from?

28 A. The sound of the gun came from the direction of Koi du Town.

29 Q. After you heard that sound and the people dispersed, did

1 anything happen?

2 A. Yes. People fled. Our people also, who were in the town,
3 they started gathering their properties.

4 Q. What did you do?

09:49:19 5 A. Well, my elders said to me at that time, "Let's all of us
6 prepare. What is happening now is not good for anyone."

7 Q. After your elders told you that, did you do anything?

8 A. Yes, I did something: I rang the bell; I assembled the
9 people; explained to them that the people are -- the rebel has

09:49:55 10 come. They said, "Let us go."

11 Q. When you say rebels had come, who do you refer --

12 A. I did not say rebel, I said the people met us. Are you
13 getting me clear?

14 Q. Mr Witness, perhaps there is an interpretation problem, so
09:50:18 15 I will put the question again. When you assembled the people,
16 what did you tell them?

17 A. I assembled the people. I said, "The chief said, our elder
18 said something has happened which is terrible. What are we going
19 to do?" So I told the people then -- I said, "What is coming now
09:50:38 20 is terrible, so let us go. Prepare the children. Let the women
21 and the children go."

22 Q. After that meeting, Mr Witness, did anything happen?

23 A. Yes, something happened.

24 Q. Can you tell the Court, please.

09:50:58 25 A. Yes, I can explain it.

26 Q. Please do.

27 A. We slept there. That day passed. The following morning --

28 Q. Yes, the following morning, Mr Witness, what happened?

29 A. People continued coming. People continued coming. When

1 the people come and passed through, so many of the people left.

2 Q. Mr Witness, did you continue to stay in Yarya?

3 A. That's my home.

4 Q. Now, you have told us about this next day that people came
09:51:54 5 and they passed through. After that --

6 A. People came and passed through. People came and passed
7 through.

8 Q. After that, did anything happen?

9 A. On the first day, midnight, we saw a flash of light from
09:52:20 10 Yardu direction. There is a village behind us called Yardu, so
11 we saw a light in the sky.

12 Q. Did you know what that light was?

13 A. Well, seeing that light, we saw people. People came from
14 there and they explained to us that the rebels have -- sorry.

09:52:54 15 THE INTERPRETER: Your Honours, the people explained to us
16 that they have burnt that town.

17 MS THOMPSON:

18 Q. Mr Witness, when you said they had burnt that town, did you
19 know who they were referring to, who had burnt the town?

09:53:17 20 A. Yes. The people explained to us that it was the rebels who
21 burnt the town.

22 Q. Do you know who they were referring to as rebels?

23 A. I did not see them, in fact, at that time. The next day
24 they explained to us -- in fact I did not see them. I did not
09:53:39 25 know them at that time.

26 JUDGE SEBUTINDE: Ms Thompson, could we have some
27 clarification as to which town was burnt?

28 MS THOMPSON:

29 Q. Mr Witness, can you tell us, please, which town they told

1 you was burnt?

2 A. Their names, Wordu. It was Wordu that they burned.

3 MS THOMPSON: Your Honour, the spelling I have for that is
4 W-O-R-D-U.

09:54:18 5 Q. Now, after you saw these people who told you about the
6 burning of Wordu, did anything happen in Yarya?

7 A. The following morning, we were all standing outside.

8 Q. What happened then?

9 A. Whilst we were standing there, we saw people coming. Some
09:54:50 10 had short sticks in their hands, some had cutlasses, some had
11 long knives. Some were African. Some had T-shirts, some had
12 assorted clothings. A large number of them came and met us
13 there.

14 Q. Mr Witness or Mr Interpreter, assorted what was that,
09:55:23 15 please?

16 A. The shirt he had and the trousers he had were not the same
17 colour.

18 Q. When you saw these people, Mr Witness, can you tell us what
19 happened?

09:55:44 20 A. They came and asked us saying, "Where is the head?"

21 Q. And when you say, "us" apart from you, who else was there?
22 Please do not name names. Were they just other villagers?

23 A. Those of us who were there were plenty. I was there, my
24 chief was there, my elder was there.

09:56:11 25 Q. Okay. And what happened after they asked?

26 A. They came and met us and asked us to provide food for them.

27 Q. Mr Witness, did you know who these people were?

28 MR AGHA: Objection, Your Honour. I think he's already
29 said they were rebels in mixed clothes.

1 MS THOMPSON: I will rephrase, Your Honour.

2 Q. When you said, "rebels" did you mean --

3 A. I did not know if they were the rebels, but since I saw
4 those things in their hands then in my mind I was able to know
09:56:51 5 that those were the people.

6 Q. Do you know if they belonged to any particular
7 organization?

8 A. Those who came?

9 Q. Yes.

09:57:07 10 A. They came. I did not know where they came from. They came
11 from Koidu direction. They met us there. They asked us to
12 provide food for them, to provide goat for them, to give them
13 fowls, chickens.

14 Q. After that, Mr Witness, did you provide the food and things
09:57:28 15 that they asked for?

16 A. Yes, I requested from our people. I said, "Cook it and
17 give it to them."

18 Q. After this had been done, Mr Witness, do you recall
19 anything happening again in Yarya?

09:57:51 20 A. Yes.

21 Q. Please tell us.

22 A. Then they passed.

23 Q. After they passed, did anything happen?

24 A. We slept there. The following morning, those who came by
09:58:17 25 then, they were greater than the number -- than the people who
26 passed the previous day.

27 Q. And this other lot who came, did they do anything?

28 A. They, too, did the same thing. They asked us to provide
29 food for them, to provide goat for them, to provide chickens for

1 them, to provide palm oil for them.

2 Q. After they had asked for this, did anything happen?

3 A. Yes, we provided it; we looked out for it. We provided
4 that again for them.

09:59:04 5 Q. After this second group, Mr Witness, did anything else
6 happen?

7 A. Many things happened.

8 Q. Please tell us.

9 A. They, too, they ate and passed through.

09:59:31 10 Q. After this second group had gone, Mr Witness, did anything
11 happen in Yarya?

12 A. When the second group passed, there was no definite time
13 again. They used to come during the day, during the night. Each
14 group that came, they would just ask us, take some belongings and
09:59:55 15 properties and carry each. I used to apologise to them or beg
16 them to leave it for the people. They denied. They carried
17 everything.

18 Q. Mr Witness, do you know Tamba Bri ma?

19 A. Tamba Bri ma, I know him.

10:00:17 20 Q. Do you know that Tamba Bri ma is the first accused in this
21 case?

22 A. That was what they said.

23 Q. Okay. How do you know Tamba Bri ma, Mr Witness?

24 A. Tamba Bri ma, my father's own father came from the same town
10:00:44 25 called Yarya. We were all born in Yarya, but as for him, he is
26 here in Freetown, as a soldier. I'm now coming to say something
27 about his own case.

28 Q. Mr Witness, when was the last time you saw Tamba Bri ma?

29 A. Well, before I saw Tamba Bri ma, many things happened before

1 I saw Tamba Bri ma. That is what I want to explain. Many things
2 happened before I saw Tamba Bri ma.

3 Q. Mr Witness, I know that many things happened. I will ask
4 you about those things. You will have time to explain them, but
10:01:47 5 the question I asked you was: When was the last time you saw
6 Tamba Bri ma? Okay?

7 A. Okay. I last saw him in 1998 during the rainy season.

8 Q. Where did you see Tamba Bri ma?

9 A. He met me in Yarya.

10:02:22 10 Q. Can you describe that meeting, Mr Witness?

11 A. What meeting?

12 Q. When you said Tamba Bri ma met you in Yarya, can you tell us
13 what happened?

14 A. Tamba Bri ma came and met me in Yarya. At that time I
10:02:47 15 wanted to run, to run into the bush. Then he blew the horn.
16 People said, "That one is Tamba Bri ma, that one is Tamba Bri ma,"
17 and I came back. Because at that time when one sees a vehicle,
18 you would run away, if you see a soldier, you run away.

19 Q. When you came back, did you speak to him?

10:03:13 20 A. Yes, I spoke to him. I greeted him. He, too, responded.

21 Q. Did you tell him anything?

22 A. Yes. He said, "I heard that my brother was shot." I said,
23 "Yes, who was Komba, on his foot."

24 Q. How did you know that Komba was shot?

10:03:46 25 A. Komba was shot there in Yarya.

26 Q. Okay. But how did you know that he was shot?

27 A. Well, that was what I was about to say. I said something
28 happened first before Tamba Bri ma came.

29 Q. Okay. I'm asking you that now. Can you tell us what this

1 something was? Mr Witness, can you tell us what this was? When
2 I asked you about Komba and you said that was what you wanted to
3 say because something had happened before Tamba Brima came, can
4 you explain to the Court, please what this was?

10:04:46 5 A. Okay. At that time, since those people came into the
6 houses and took luggages and brought them outside, some were
7 beaten for their luggages or belongings. While there, big Tamba
8 Brima and Komba Brima, they took them with their families.

9 Q. Mr Witness, you said "big Tamba Brima." Is big Tamba Brima
10:05:32 10 the same as Tamba Brima who I had asked you about earlier?

11 A. His elder brother is there. He is also called Tamba Brima.
12 Presently he is still in the military.

13 Q. Okay, Mr Witness, carry on.

14 A. The elder Tamba Brima, together with --

10:06:00 15 THE INTERPRETER: Your Honours, can the witness repeat,
16 again.

17 MS THOMPSON:

18 Q. Mr Witness, the interpreter lost you somewhere in the
19 middle. Can you repeat what you were saying, please. You said
10:06:13 20 the elder Tamba Brima and Komba I think you said, but perhaps you
21 can start again.

22 A. I said, the elder Tamba Brima and Komba Brima, the elder
23 Tamba Brima is there, who is presently in the military, his elder
24 brother is there. He is also called Tamba Brima.

10:06:42 25 Q. Okay, Mr Witness, what happened?

26 THE INTERPRETER: Correction interpreter. The Tamba Brima,
27 who is now in detention, has his elder brother who is now in the
28 military.

29 MS THOMPSON: Thank you.

1 Q. Mr Witness, can you continue, please. Tell us what
2 happened?

3 A. He came and met us there. He said the war has dislodged us
4 from Freetown. He said whatever happens, one has to go back to
10:07:19 5 your home. That is why we are there. We welcomed them because
6 these two were born there, so when war comes, you have to go to
7 your home. I would told them that the present position, the
8 present situation here is not too sweet. So people that passed
9 through here, they took all our belongings. They said, "What
10:07:49 10 type of people?" We said, "some soldiers met us there." We told
11 them that some had combat trousers and some had T-shirts, some
12 had short sticks, some had cutlasses and some had guns, some had
13 long knives. They carried all of our luggages -- sorry, luggage.
14 He said okay we have come through the power of the most high.
10:08:29 15 Things like this will never happen again. So we were all now
16 staying in the town.

17 Q. After Komba Brima and the elder Tamba Brima came, did
18 anything happen, Mr Witness?

19 A. Something happened.

10:08:45 20 Q. Please tell us.

21 A. When those rebel soldiers came and met us, they started
22 entering into our houses, taking our luggage, Komba and his elder
23 brother, he would come and appeal to them, saying do forgive
24 those people. Leave their belongings. They said, "well, tell
10:09:28 25 them to bring food for us." We uprooted cassava for them, we
26 brought banana for them. Because we gave them rice and the rice
27 got finished. After we had cooked for them, they would divide
28 our luggage into two. They would give us half of it and they
29 would carry the rest.

1 Q. After Komba Brima and Tamba Brima had interv ened in this
2 way, do you recall anything happeni ng in Yarya?

3 A. Yes, something happened.

4 Q. Yes, Mr Wi tness, please tell us.

10:10:18 5 A. I was sitting there one morning, late in the morning, there
6 was a little boy called Jusufu. He is not longer alive. Komba
7 Brima sent him to call me. He used to call me, so I went to
8 where he was, where Komba Brima was stayi ng was in an inn,
9 towards Kayima. As for me, I'm towards Wordu. My house is
10:11:10 10 towards Wordu. When I was climbing the hill, I saw them comi ng
11 down together with soldi ers. Some of the soldi ers had red
12 headband.

13 Q. Who did you see comi ng down wi th soldi ers?

14 A. Komba Brima sent someone to call me. I was going to him.
10:11:38 15 I saw them comi ng down. He was standi ng -- he was in middle of
16 the soldi ers so I was also going towards them.

17 Q. Okay. Mr Wi tness, conti nue. You said some had headbands.
18 Carry on.

19 A. Some had red bands. Some had T-shirt that had short arms,
10:12:03 20 some had short trousers, but the way they were comi ng down, Komba
21 was in the middle, approachi ng each other. They surrounded hi m.
22 I heard them aski ng hi m, "Bring it out." "Bring out that money.
23 Bring out that money. Where is your brother? Where is your
24 brother? Bring out that money. Where is your elder brother?
10:12:46 25 Bring out that money." He pointed a gun downwards and fired on
26 the ground, surrounded hi m sayi ng, "Where is the money? Bring it
27 out." I looked at them and Komba also looked at me. He had
28 wanted to call me, but he was not permi tted. Komba started
29 screami ng sayi ng, "Eh, Juni or, Juni or, don' t kill me. Kill me."

1 Screaming in our midst, screaming in our midst, "Where is your
2 brother? Where is your brother? Where is the money"? They
3 fired on the ground. They fired on the ground. They continued
4 shooting for awhile, so I was afraid to go very close to them, so
10:13:49 5 I was just observing them. Who had the headband with the
6 American flag, he shot him on the knee. He shot Komba on the
7 knee. Komba shuddered and fell down. He said, "Junior, Junior,
8 you have killed me." Those who were following me, they fled.
9 When Komba fell, who had that red -- sorry. Who had the red --

10:14:43 10 THE INTERPRETER: Your Honours, Your Honours, may the
11 witness repeat.

12 MS THOMPSON:

13 Q. Mr Witness, stop there. Can you go back a little bit and
14 repeat what you were saying. I think it was somewhere around the
10:15:06 15 person who had the flag.

16 A. Related to the shooting of Komba.

17 Q. Yes, I think the interpreter lost you somewhere after you
18 mentioned the person who had the flag up on his head.

19 A. Not a red headband; I said American flag headband.

10:15:43 20 Q. Carry on, Mr Witness.

21 A. He had with that -- tied with that headband. I heard him
22 saying, "Junior, don't kill me. Don't kill me." They continued
23 shooting, surrounding him, saying, "Where is your brother? Where
24 is your brother?" That was the question they gave him.

10:15:57 25 Q. Okay. Mr Witness, do you know the person who was saying
26 "Where is your brother? Where is the money?" Do you know who
27 that person was?

28 A. I don't know. I don't know him. I don't know him.

29 Q. Okay. The person who had the flag on his head, do you know

1 who he was?

2 A. I don't know him. I don't know him.

3 Q. When he was saying, "Junior don't kill me," do you know who
4 he was referring to?

10:16:41 5 A. He was opposite him. Say, he has another [i ndi scerni ble]
6 who had the red -- the headband, he was telling Junior, "Junior,
7 don't kill me. Junior, don't kill me." He too was asking,
8 "Where is the money? Where is the money? Where is your brother?
9 Where is your brother? Where is the money?" I saw him who had
10:16:59 10 the headband. He was called Junior, Junior.

11 Q. Just for clarification, Mr Witness, was Junior the person
12 who was saying "Where is the money? Where is your brother?"

13 A. Yes.

14 Q. Was Junior also the person who had the flag tied to his
10:17:28 15 head?

16 A. Yes, he had that red handkerchief, handkerchief, but he was
17 not the only man who shot. They -- his friend also shot.

18 Q. Okay, Mr Witness. Now, Mr Witness, after this incident,
19 did you do anything?

10:17:48 20 A. When Komba was shot, Komba fell. Komba had a wallet.
21 Junior heard about that and brought out the wallet. They opened
22 the zip. I saw them looking into the wallet. They closed it
23 again. They retreated on board their vehicle. The vehicle was a
24 van. The vehicle took a curve there in the hill. They retreated
10:18:29 25 towards Kayima. They were -- whilst going they were shooting in
26 the air. That's what happened in Yarya. I went -- I told -- I
27 called people saying, "Let us take him."

28 Q. Yes, Mr Witness. I think the question I asked: Did you do
29 anything? You called people; after that, what happened?

1 A. We carried Komba away. We carried Komba. At that time
2 there was no medicine in our possession. There is a -- there is
3 medicine that we have in our home. There we treated him. There
4 is a place in his father's garden. So I gave him -- I gave him
10:19:23 5 to people. There he was carried in. His nephew is there. He
6 was called [redacted]. I gave him to them. They carried him.
7 They carried him there in the bush.

8 MS THOMPSON: Your Honours, can the name mentioned be
9 redacted from the record because that person is a protected
10:19:39 10 witness.

11 PRESIDING JUDGE: All right. That name just mentioned, I
12 think he mentioned it in connection with the title "nephew" but
13 the name mentioned will be redacted from the record.

14 MS THOMPSON:

10:19:59 15 Q. Now, Mr Witness, how long was Komba in this place where he
16 was taken?

17 A. He spent some time there. His knee, he was shot on the
18 knee. It was afterwards, before his brother came and met us
19 there.

10:20:28 20 Q. Okay. Now, I want us to go back to when his brother came,
21 okay? Now, I think earlier you mentioned that he asked -- he
22 told you that he'd heard Komba was shot. Can you tell this Court
23 what happened after that, after he told you that he heard Komba
24 was shot?

10:20:54 25 MS THOMPSON: Your Honours, before the witness answers
26 that, the third accused would like to use the facilities.

27 THE WITNESS: Yes, I can explain.

28 PRESIDING JUDGE: The third accused can leave the Court.

29 MS THOMPSON:

1 Q. Yes, please, Mr Witness, can you explain? Mr Witness, yes,
2 can you explain what happened after you and Tamba Brima -- after
3 Tamba Brima had met you and you had heard a shot [overlapping
4 speakers]?

10:21:29 5 A. Yes. When Tamba Brima met me, I can explain what happened.

6 Q. Yes, please tell the Court.

7 A. When Tamba Brima came and met us there in the town, at that
8 time we were afraid. Each time we saw a vehicle coming, we would
9 run away. If we saw a soldier, we would run away because never
10:21:59 10 go closer to them.

11 Q. Yes, Mr Witness, you've told us that the car came, you
12 heard a horn and people said it was Tamba, Tamba Brima.

13 A. Yes. Initially we ran away. Then people said it was Tamba
14 Brima that is coming, but I was standing at the back of the
10:22:21 15 house. Then I developed the confidence to retreat. I came and
16 greeted him. He too responded. He said, "I heard that my
17 brother has been shot." I said, "Yes, he was shot on the knee."
18 He said, "Was his bone broken?" I said, "No, the bone was not
19 broken, but it's very serious."

10:22:49 20 Q. After that short conversation, Mr Witness, did you do
21 anything?

22 A. Yes. He asked for him. He said, "Where he is." I said,
23 "In the father's plantation. There he was carried." I said, I
24 handed him over to your brother. He was called [redaction]." He
10:23:08 25 said he was carried there.

26 Q. Again, Mr Witness, please try not to mention names of
27 people, okay? That might lead to your own identity being
28 revealed and the identity of others; okay?

29 MS THOMPSON: Your Honour, may I respectfully ask that that

1 name be redacted again.

2 PRESIDING JUDGE: Once more, that last name mentioned can
3 be redacted from the record.

4 JUDGE SEBUTINDE: Ms Thompson, just for clarity, this Tamba
10:23:40 5 Brima we are talking about, is this the accused or the elder?

6 MS THOMPSON: The accused, but I think for clarity I will
7 make that -- I will ask the question.

8 Q. Mr Witness, the Tamba Brima who came in the car, okay? The
9 one who came in the car who you went to meet and who asked about
10:23:56 10 Komba, is it the same Tamba Brima who had come earlier with
11 Komba? Or is it the other one who is the accused in this case?

12 A. The accused came afterwards. He came with a vehicle,
13 together with his friends, this younger one.

14 Q. Now, when you told him that, did you do anything at all, Mr
10:24:26 15 Witness? After you told him where his brother was, did you do
16 anything?

17 A. What I did was what I've just explained. I gave him people
18 to show him where his brother was.

19 Q. After that, Mr Witness, did you see Tamba Brima again,
10:24:59 20 Tamba Brima, the accused? Did you see him again?

21 A. Since he went to his brother -- since he went to his
22 brother in the bush afterwards?

23 Q. Yes.

24 A. No. Since that day he went into that bush [indiscernible]
10:25:22 25 it took some time before I heard that saying his friends -- his
26 comrades have come, arrested him, and took him away. Since that
27 day to date I have not seen him. Since he went to his brother in
28 that -- in the bush, since that -- since I last saw him on that
29 day I have never seen him again and he never saw me again. Later

1 was I learned that he was arrested and he is here in prison.

2 Q. Okay. Now, you mentioned earlier that his comrades had
3 come to arrest him, that someone had told you that his comrades
4 had come to arrest him; who told you this?

10:26:10 5 A. Well, the place where they were in the bush people came
6 from that direction and said, "People have come and arrested
7 Tamba Brima and carried him away." In fact, they also ran into
8 the bush. They had -- they said they arrested no other person,
9 only Tamba Brima. They said, "Tamba Brima has been arrested and
10:26:32 10 carried away." My citizens in the town, it was also those
11 seniors who explained that to me.

12 Q. Okay. Mr Witness, I'm going to ask you if you can remember
13 this: Do you remember what month Tamba Brima, the accused I'm
14 talking about now, Tamba Brima, arrived in Yarya?

10:26:57 15 A. Well, I cannot recall the month, but it was during the
16 rainy season in '98, during the rainy season.

17 Q. Okay, Mr Witness, during the rainy season. And,
18 Mr Witness, do you know how long, from the time that you saw him
19 arrive, to the time that you heard that he had been arrested, do
10:27:30 20 you know how long that was?

21 A. From which time to what time?

22 Q. From the time he arrived in Yarya, when he asked you about
23 his brother, and you sent someone to take him to his brother,
24 from that time to the time when you heard he had been arrested,
10:27:47 25 can you remember how long that was?

26 A. Well, I did not count the days, but it took some months. I
27 did not count the days, but it took some months.

28 Q. All right, Mr Witness. Now, did you hear or see Tamba
29 Brima addressing anybody in Yarya, saying that he was declaring

1 Operati on Spare No Soul ?

2 A. I have just taken an oath in the Koran. He never said that
3 to us.

4 Q. Thank you very much, Mr Witness. I have no further
10:29:06 5 questions for you. Thank you.

6 PRESIDING JUDGE: Thank you, Ms Thompson. Is there
7 anything else in chief? I beg your pardon. This is not a common
8 witness. Yes. Do either Defence attorney want to ask questions?

9 MR DANIELS: Yes, Your Honour, I have a couple of
10:29:25 10 questi ons.

11 CROSS-EXAMINED BY MR DANIELS:

12 Q. Good morni ng, Mr Wi tness.

13 A. Good morni ng.

14 Q. Mr Witness, you've told us this morning that when you were
10:29:34 15 in Yarya Town, you saw a flash of light coming from the Yardu
16 directi on; do you remember?

17 A. Not Yardu, Wordu. Wordu.

18 Q. From Wordu?

19 A. Yes, that happened.

10:29:56 20 Q. And you also told us that the people coming into Yarya Town
21 told you that Wordu Town had been burnt; do you remember?

22 A. Yes, that happened.

23 Q. Did you go to Wordu Town to see the burning or the burnt
24 houses yoursel f?

10:30:27 25 A. I went there, but not at that particular moment. It was
26 afterwards when I went there and saw burnt houses mysel f.

27 Q. How many burnt houses did you see?

28 A. I cannot count the number. Wordu was a big town.

29 Q. Do you know whether anything else happened in Wordu Town

1 apart from the burning of the houses?

2 A. Towards Wordu or towards Yarya?

3 Q. In Wordu Town.

4 A. I cannot say anything about that, because I am not residing
10:31:09 5 there. I'm staying in Yarya.

6 Q. So, I put it to you that the burning of the houses in Wordu
7 Town was done by the RUF rebels; what do you say?

8 A. I cannot disagree with that, say if they are not RUF,
9 because they came and told -- explained that to us. I said,
10:31:30 10 people who came again, they had long swords, cutlass, short
11 sticks.

12 Q. And I'm saying those people who also came to Yarya Town
13 were all RUF rebels; what do you say?

14 A. I can believe because they pressed me too much for food.

10:31:56 15 MR DANIELS: All right. Thank you very much, Mr Witness.

16 PRESIDING JUDGE: No other questions from the Defence?

17 MR KNOOPS: Thank you, Your Honour.

18 PRESIDING JUDGE: Right. Thank you. Yes, Mr Agha.

19 CROSS-EXAMINED BY MR AGHA:

10:32:16 20 Q. Good morning, Mr Witness. I'm going to ask you a few
21 questions as well. Most of these questions can be answered with
22 a "yes" or a "no" or "I don't know." And if you are able to
23 answer the question and do that then we will be able to move
24 along quite quickly; do you understand? Do you understand,
10:32:53 25 witness?

26 A. What did you say?

27 Q. I'm saying that most of my questions can be answered
28 shortly with either a "yes" or a "no" or you don't know, so
29 matters will move along faster if you stick to that way of

1 answering the question; do you understand that?

2 A. Okay.

3 Q. All right. When the Kabbah government was removed in 1997,
4 you were in Koidu Town, weren't you?

10:33:24 5 A. I was in Yarya. No, I was in Yarya.

6 Q. I say to you that you are lying and that you were in Koidu
7 Town; what do you have to say about that?

8 A. I don't explain anything about Koidu. I was in Yarya. I
9 am a citizen of Yarya.

10:33:49 10 Q. I'm saying you are lying; what do you have to say about
11 that?

12 A. What I knew is the truth. What I saw is what I'm
13 explaining.

14 Q. Your elder brother was a member of the Sierra Leone Army in
10:34:04 15 Kono in 1997/1998, wasn't he?

16 A. Which of my elder brother? I did not say that they were
17 elder brother.

18 Q. Did you have any brothers in the Sierra Leone Army?

19 A. No.

10:34:28 20 Q. I was going to say to you that you do have brothers in the
21 Sierra Leone Army; what do you have to say about that?

22 A. What I'm telling you, I don't have any younger brother --
23 my own blood is not in the military. Let me tell you that.

24 Q. Okay. I say to you that in February 1998, when ECOMOG

10:34:55 25 pushed the AFRC out of government, you fled to Kailahun; what do
26 you have to say about that?

27 A. I have no knowledge about that. I was in Yarya.

28 Q. You were one of Sam Bockarie's clerks in Buedu, weren't
29 you? Well, you were a clerk to Sam Bockarie, weren't you, in

1 Buedu?

2 A. I'm not educated. Can I be a clerk? I don't -- I have no
3 knowledge about this.

4 Q. You even had your own office in Buedu, didn't you?

10:35:52 5 THE INTERPRETER: Your Honours, can counsel repeat the
6 questi on.

7 MR AGHA:

8 Q. You even had your own office in Buedu, didn't you?

9 A. I said I never went to school. Can you be in an office and
10:36:12 10 you are not educated? I have no knowledge about this, no.

11 Q. I say to you that at the end of hostilities you disarmed
12 and you spent time in Giema in Kono. What do you have to say
13 about that?

14 A. I did not disarm. I'm not a soldier and I'm not even a
10:36:36 15 rebel; I'm a civilian. I'm authority.

16 Q. You're currently living in Koidu Town, aren't you?

17 A. I'm residing in Yarya. I'm an authority in Yarya.

18 Q. I say to you that you are not an important person in Yarya,
19 as you claim; what do you have to say about that?

10:37:05 20 A. Well, I want to explain something, I want -- but you said I
21 should not explain. I am an important personality. I am in
22 charge of people.

23 Q. Now, did you say in February 1998 war came? Do you
24 remember that?

10:37:27 25 A. Yes, the war came and met me in my home, Yarya.

26 Q. How do you know it was February?

27 A. I have given you the statement saying I am not educated.
28 War came and met me in Yarya. So if you are to relate my problem
29 with English, you mix me up.

1 Q. So you don't know whether war came in February, March,
2 April, May, June or July, do you?

3 A. What I know, the war came and met me in 1998 in my village,
4 Yarya.

10:38:16 5 Q. Now, you say that Komba was shot by, I think, in between a
6 group of men, as you were wandering up the hill to meet him; is
7 that right?

8 A. Yes, he was surrounded by men. He was surrounded and
9 shooting on the ground. Shooting on the ground. That happened
10:38:42 10 in my presence.

11 Q. These were marauding men, weren't they?

12 THE INTERPRETER: Your Honours, can the counsel repeat the
13 question.

14 MR AGHA:

10:38:57 15 Q. These men were marauding men?

16 A. He was surrounded. He was -- he was surrounded. Standing
17 in their midst. They were asking -- "You are killing me? You
18 are killing me?" They were asking him, "Where is the money?
19 Where is the money? Where is your brother"?

10:39:13 20 Q. These men weren't soldiers, were they?

21 A. Some had soldier trousers, some had civilian shirts, some
22 had short sleeves, so they were.

23 Q. So they were mixed groups?

24 A. They were mixed; some had T-shirts.

10:39:35 25 Q. I say to you that this group consisted of members of the
26 RUF and members of the SLA. What do you have to say about that?

27 A. I can believe that they were rebels because they were
28 unusual. I would never saw them before.

29 Q. Now, where was Komba shot?

1 A. The person in front of whose house Komba was shot was
2 called Komba Amara One.

3 Q. I didn't ask you that. What I asked you was, you said that
4 Komba was shot in the foot, didn't you?

10:40:20 5 A. Yes, on his knee.

6 Q. Yes. So did you speak to anyone from the Special Court
7 before coming and giving your evidence today? In Kono or
8 anywhere else?

9 A. No, I was collected and brought here to explain what I saw.

10:40:51 10 Q. Yes, and you explained to people from the Special Court
11 what you saw; is that right?

12 A. No. Since I came, I have never gone out. My residing
13 place, where I'm staying, they -- I'm not permitted to go out.

14 Q. But have you ever spoken to anyone from the Special Court
10:41:14 15 and narrated the story which you've told in the court today?

16 A. No.

17 Q. Nowhere at all, not in Kono, Koidu, Freetown?

18 A. I did not explain that to anyone.

19 Q. Well, I suggest to you that you did and we have been
10:41:45 20 provided with a summary of what you allegedly told that person
21 and in that summary you say that Komba was shot in the leg. Do
22 you remember speaking to anyone and telling them that Komba was
23 shot in the leg?

24 A. Komba was shot in the part between the knee and the leg.
10:42:10 25 That was the part he was shot.

26 Q. And you remember telling someone that?

27 A. I did not say that to anyone. Who will explain me about
28 that? Who will ask me about that?

29 Q. I say to you that the person who shot Komba was not called

1 Junior; what do you have to say about that?

2 A. Well, Komba shot him and said Junior, and he was standing
3 towards -- opposite him. I never -- I don't know him before.
4 They came and met us.

10:42:52 5 Q. How well do you know Tamba Brima, the accused?

6 A. Tamba Brima, I have told you that he's a citizen of Yarya.

7 Q. Yes, but do you personally know him? Had you met him
8 before he came and met you?

9 A. Citizens in the same town, you cannot know each other.

10:43:29 10 Q. No, did he ever visit you?

11 A. Yes, he used to visit me. He used to visit Yarya.

12 Q. How often did he visit?

13 A. He used to visit us there and greet us. He used to visit
14 us there and greet us. We also responded. Sometimes when he
10:43:48 15 take a leave, he would go there.

16 Q. And in the year 1997, did he come and visit Yarya
17 regularly?

18 A. I cannot recall those dates he went there, but he used to
19 go to Yarya. He used to visit Yarya.

10:44:11 20 Q. And how often? Was it once a month, once a week, once a
21 year?

22 A. Not with me. He used to visit there yearly because he is
23 staying here in Freetown.

24 Q. And you say he's a soldier; is that right?

10:44:36 25 A. Yes, he's in the -- he was in the military.

26 Q. And when he came, he came with other soldiers, didn't he?

27 A. When he visited there, he had combat, and he used to show
28 us combat.

29 Q. And he was with other soldiers, wasn't he?

1 A. No.

2 MS THOMPSON: Your Honour, can my learned friend clarify
3 exactly which visit are we talking about?

4 MR AGHA: Okay. Yes, I will try and do that. Thank you.

10:45:16 5 Q. So according to you, you saw Tamba Brima, met Tamba Brima,
6 I beg your pardon, maybe once a year; right?

7 A. Yes, he visited there.

8 Q. So you didn't know him personally that well, did you?

9 A. I said I know him. I did not say I don't know Tamba Brima.

10:45:45 10 I said I know him. I know -- I know his younger brother Komba
11 and his elder brother Tamba, I knew him. I knew them very well.

12 Q. Well, if you know them very well, you will know that Tamba
13 Brima is a good footballer, don't you?

14 A. I don't know him as a good footballer. I don't want to
10:46:09 15 lie.

16 Q. Do you know that he plays football?

17 A. No, I don't know him in that -- in this area.

18 Q. Have you ever heard him referred to as Gullit?

19 A. I never heard that. He said Tamba Brima.

10:46:24 20 Q. Now, he was a soldier and he'd fought against the RUF,
21 wasn't he? Is that right?

22 A. I cannot explain that to you. I have no knowledge about
23 that. He went and met us.

24 PRESIDING JUDGE: I'm sorry to interrupt, Mr Agha. If you
10:46:47 25 are not going to be all that much longer, we will sit on.

26 Otherwise the next convenient point we will take the normal
27 morning adjournment.

28 MR AGHA: It may be about another 15 minutes, Your Honour,
29 it's -- so I will leave myself in your hands as to whether --

1 PRESIDING JUDGE: Well, if it is 15 minutes, we will keep
2 going.

3 MR AGHA: Keep going. Okay.

4 Q. Komba Bri ma was a soldier as well, wasn't he?

10:47:13 5 A. Yes.

6 Q. Komba Bri ma was a brave man, wasn't he?

7 A. He was soldier.

8 Q. Yes, but was he brave? Did he try and defend you when
9 these other people came to rob you?

10:47:41 10 A. He used to appeal them -- appeal to them. He told them
11 that these are my people. He said don't take anything from them.
12 He never confronted them. He appealed -- he used to appeal to
13 them.

14 Q. And what about Tamba Bri ma, would you say he was a brave
10:47:52 15 man?

16 A. Which of the Tamba Brimas?

17 Q. The one the accused.

18 A. Brave in what way? Because he never fought in my presence.
19 He went and asked me about his brother and I showed where he was,
10:48:16 20 and went there. He never fought in my presence. I don't want to
21 lie to you.

22 Q. Have you heard of the AFRC government?

23 A. Like what?

24 Q. Well, have you ever heard of the AFRC government?

10:48:42 25 A. No. What I know, I cannot explain anything about that.

26 Q. So you didn't know that Tamba Bri ma, the accused, was a
27 member of the AFRC government; is that right?

28 A. I don't have knowledge about that. Tamba Bri ma went and
29 met me there. He was a soldier. But the day he met me, he had a

1 civilian clothes. I don't want to lie to you.

2 Q. You say that a group of men demanded Komba to give money,
3 don't you? Do you remember that?

4 A. Yes, I can recall that one. They asked us for food. They
10:49:26 5 wanted rice; they wanted palm oil; they wanted goods.

6 Q. No, but in particular, when Komba, I'm talking about Komba
7 Brima, they were asking him for money, where the money was,
8 wasn't they?

9 A. Yes. They asked, "Where is the money? Where is your
10:49:48 10 brother? Where is the money?"

11 Q. And he was saying, "Junior, don't kill me;" is that right?

12 A. That one is true. That happened in my presence.

13 Q. Well, I'll suggest to you again that you gave a summary --
14 a statement -- well, you had an interview with someone from the
10:50:10 15 Special Court and you gave -- they took down in writing what you
16 said to them; do you recall that now?

17 THE INTERPRETER: Your Honours, can the learned counsel
18 repeat the question.

19 MR AGHA:

10:50:27 20 Q. Do you recall now speaking to someone from the Special
21 Court and narrating your story about what you've said in court to
22 anybody at any time?

23 A. What did I say to someone? What?

24 Q. Well, we've been provided with a summary of what you
10:50:47 25 allegedly told someone and, in that summary, you don't mention
26 that a group of men demanded Komba to give them money. So, do
27 you remember ever saying that to anyone from the Court?

28 A. I didn't say that to anyone. You've asked me about that.
29 I said I didn't say that to anyone. I didn't say that to anyone.

1 Q. Did you say to anyone that these people who shot Komba
2 asked where his brother was?

3 A. No.

4 Q. Did you say to anyone that Junior has -- that Komba said
10:51:48 5 "Junior has" -- "stop killing me." "He's killing me"?

6 A. I didn't say that to anyone.

7 Q. I say to you you've just made up that story today, because
8 nothing of that at all is mentioned in your summary; what do you
9 have to say about that?

10:52:10 10 A. What I said, I have explained the truth. I have explained
11 the truth. I have taken an oath in the Koran. What I have
12 explained really happened.

13 Q. You don't -- you didn't mention to anyone before that when
14 you met Tamba you told him that his brother had been shot; do you
10:52:37 15 remember saying that?

16 A. I didn't say they killed the brother. I said a brother has
17 been shot on his leg.

18 Q. I say to you, you gave, you spoke to someone from the
19 Special Court who recorded your statement, and that you are lying
10:52:54 20 if you say otherwise.

21 A. No. What I know is what I have explained to you. I'm not
22 lying. What I saw is what I'm explaining.

23 Q. And I'm saying to you that person you met, you did not
24 explain anything about Komba being asked for money, being asked
10:53:16 25 where his brother was, and being asked not to be killed, did you?

26 A. He said, "Komba, give us the money, bring out the money.
27 Where is your brother? Where is your brother"? He was shot on
28 the leg.

29 Q. I'm saying to you that you've just made that up when you've

1 come to this Courtroom. You never saw that and you are lying;
2 what do you have to say?

3 A. No, no, no. I did not plan it. I did not plan it. Komba
4 was shot on the leg. The person who shot him was called Junior.
10:53:56 5 He said, "Junior, don't kill me." Junior was asking him, "Where
6 is your brother? Where is the money"? And shot him on the leg.
7 That one happened. The town in which it happened is called
8 Yarya.

9 Q. Now, I don't want you to mention the name but suffice it to
10:54:18 10 say --

11 A. Okay.

12 Q. -- [Overlapping speakers] the name, do you remember that
13 one of your nephews helped carry Komba or helped treat him with
14 medicine?

10:54:32 15 A. Yes.

16 Q. And that learned counsel for the Defence said you shouldn't
17 mention that name because he's a protected witness. Do you
18 remember that?

19 A. Yes.

10:54:47 20 Q. You have been talking to that nephew before you came to
21 give your evidence today, haven't you?

22 A. I did not talk to him.

23 Q. I say that you are lying and that you discussed your
24 stories with him.

10:55:17 25 A. No.

26 Q. Well --

27 A. That never existed between us.

28 Q. -- that is strange, because we also have a summary from
29 that person, and he has a DAB number just like you, it is

1 DAB-109, and your evidence is almost a repetition of the evidence
2 which he is going to give in his summary. Can you explain that?

3 A. Which one?

4 Q. Your nephew. All the evidence which you have given is
10:55:57 5 almost identical to the evidence which you have given today. Can
6 you explain that?

7 MS THOMPSON: Your Honour, I am not sure this witness has
8 given -- explain why his evidence is likely to be identical to
9 the evidence of another witness who has not even come before the
10:56:15 10 Court yet.

11 PRESIDING JUDGE: It is really a matter for submissions
12 before the Court lays the evidence, but I would anticipate that
13 Mr Agha is trying to be fair and saying that prior to making his
14 submissions he at least gave the witness a chance to explain the
10:56:32 15 similarities. He can answer "yes," or "no" or "I don't know."
16 But at least you can say, when you are making your submissions,
17 Mr Agha, you did give him a chance.

18 MR AGHA: Yes. I give him the full opportunity.

19 PRESIDING JUDGE: Go ahead.

10:56:46 20 MR AGHA: Yes.

21 Q. So can you explain why what you've said to this Court would
22 seem to be almost identical to what your nephew had allegedly
23 told someone from the Special Court?

24 A. I cannot explain anything about my nephew. What I know is
10:57:07 25 what I have explained.

26 Q. Now, you also said that Tamba Brima stayed for a couple of
27 months, didn't you?

28 A. Yes, I said that.

29 Q. Did you mention this to the people who took your interview,

1 or non-interview, as you claim?

2 A. I explained it to those who interviewed me.

3 Q. [Overlapping speakers] so you were now interviewed?

4 A. I did not explain it to any other person.

10:57:54 5 Q. Well, I'm saying that you are lying and you did not mention
6 it to them because it is not in the summary of what you allegedly
7 said; what do you have to say about that?

8 A. What I'm going to tell you I'm not lying. I am not lying.

9 What I saw is what I'm explaining. What I saw is what I'm
10:58:10 10 explaining. I'm not telling lies.

11 Q. When Tamba Brima arrived, who was he with?

12 A. Which of the Tamba Brimas?

13 Q. The accused. I'm only talking about the accused when I
14 refer to Tamba Brima.

10:58:35 15 A. Okay. He was with his colleagues.

16 Q. Were these military men in military uniforms?

17 A. Some had soldier clothes and some hadn't.

18 Q. So they were a mixed group of uniform and non-uniform;
19 right?

10:59:03 20 A. Not at all.

21 Q. What do you mean "not at all"?

22 A. Tamba Brima himself hadn't any combat. Some of his friends
23 who were there, hadn't combat. But I saw combat with some of his
24 friends that were standing behind him.

10:59:25 25 Q. And these men, did Tamba Brima have a firearm with him?
26 Did he have a weapon with him, when he came? Was he armed?

27 A. In his own group I didn't see gun with any one of them.

28 Q. I say to you that Tamba Brima did come and he came with a
29 whole troop of men to Yarya. What do you have to say about that?

1 A. Those who I saw were not many.

2 Q. I say to you that Tamba Brima passed through Yarya and only
3 spent the maximum of one day there; what do you have to say about
4 that?

11:00:10 5 A. Tamba Brima went there. He went in -- during the midday.
6 In fact, he did not sleep there. Let me tell you this one, he
7 did not sleep in Yarya Town.

8 Q. I say to you that, you as a fellow Kono man, have come into
9 this Court to lie in order to protect Tamba Brima. What do you
10 have to say about that?

11:00:46 11 A. I'm not telling lies. I am not telling lies at all. Tamba
12 Brima did not sleep in Yarya.

13 Q. No, I'm saying to you Tamba Brima never stayed for two
14 months, and you're lying when you say he did.

11:00:52 15 A. It did not happen. It took a month, but it did not --

16 THE INTERPRETER: Your Honours, can the witness repeat his
17 statement, because he is very fast.

18 PRESIDING JUDGE: Please repeat your answer. The
19 interpreter told us you said it took a month. If you could take
20 it from there, please.

11:01:18 21 THE WITNESS: Which area?

22 PRESIDING JUDGE: Repeat it. Well, look it is 11.00. I
23 think we might take the break. I don't want to hurry you, Mr
24 Agha.

11:01:35 25 MR AGHA: I will just take two or three minutes.

26 PRESIDING JUDGE: All right. No, if it is going to be that
27 soon.

28 MS THOMPSON: Your Honour, may I just suggest that we take
29 a break now, because there will be re-examination.

1 PRESIDING JUDGE: All right. Well, in that case we will
2 take a break. We will come back at 11.20. Now, just before we
3 break, Mr Witness, we're going to have a break now, a short
4 morning break. You are not permitted to discuss your evidence or
11:02:00 5 this case with any other person; is that clear?

6 THE WITNESS: Okay.

7 [Break taken at 11.02 a.m.]

8 [AFRC27SEP06B-RK]

9 [Upon resuming at 11.20 a.m.]

11:23:23 10 PRESIDING JUDGE: Yes, go ahead, Mr Agha.

11 MR AGHA:

12 Q. Mr Witness, just before we broke we established that you
13 did speak to someone from the Special Court. Now, did you tell
14 that person that Tamba Brima was arrested from Yarya?

11:23:45 15 A. What did you say?

16 Q. The person you spoke to from the Special Court, did you
17 tell him that Tamba Brima was arrested from Yarya?

18 A. Here or in Yarya?

19 Q. In Yarya.

11:24:08 20 A. Friend, that was what they told me. I said they captured
21 him and brought him down.

22 Q. Yes, but did you tell that to the person you spoke to from
23 the Special Court?

24 A. Yes. He asked me what happened with Tamba Brima. I said

11:24:41 25 they captured him and brought him to town. I said they captured
26 him and brought him down. The time I saw him, I said that one to
27 him.

28 Q. I say to you that you are lying, and that you never said
29 that to him; it is not in your summary. What do you have to say

1 about that?

2 A. No, I'm not lying. What happened is what I'm explaining.
3 I can't lie.

4 Q. How many men did you hear came to arrest Tamba Brima?

11:25:22 5 A. I did not see them. I can't say I saw these people. I
6 said I did not see them. I said my people told me about that.
7 They captured Tamba Brima and carried him. I did not see the
8 people.

9 Q. I say to you that Tamba Brima was never arrested from Yarya
11:25:46 10 and again you're lying?

11 A. He was not captured in Yarya. Where he went to see his
12 brother in the bush in his father's farm. I said that Komba was
13 taken to his father's farm. That did not happen in the town.

14 Q. I say to you that he was not arrested in Yarya at all, and
11:26:12 15 that you're lying; what do you have to say about that?

16 A. They met him in our bush. Our own bush. We are
17 responsible for that bush. He was captured there.

18 Q. Witness, you are not saying the truth; simple as that.

19 A. I'm saying the truth. I'm saying the truth. I tell you,
11:26:36 20 what happened is what I'm saying to you.

21 Q. Now when Tamba Brima, according to you, arrived in Yarya,
22 ECOMOG were in control of Koidu Town, weren't they?

23 A. I was not in Koidu. I won't say a lie.

24 Q. Did you hear who was in control of Koidu Town at that time?

11:27:03 25 A. If I give you any statement concerning Koidu, then I'm
26 lying because where I was staying the distance is too far.

27 Q. So being a big man you never heard about any of the
28 activities going on in Koidu Town; is that right?

29 A. At that time there was war in the country. Everybody was

1 worried.

2 Q. So that's right; being a big man in the area, you didn't
3 hear anything about Koi du Town, did you? Yes or no?

4 A. What I heard about Koi du, that there was a war there.

11:27:47 5 People leave there to go and meet us.

6 Q. Did you hear that ECOMOG were a part of this war?

7 A. ECOMOG? I heard about them at Sefadu, but they did not
8 reach our own town.

9 Q. Did you hear that they reached Koi du Town?

11:28:13 10 A. I heard about it later on, that they reached Koi du.

11 Q. I say to you that the time you say Tamba Brima was in
12 Yarya, ECOMOG were in Koi du Town; what do you have to say about
13 that?

14 A. Tamba Brima, the time he met me, that is what I'm telling
11:28:43 15 you. I cannot say anything concerning Sefadu. From Sefadu to my
16 place is so far.

17 Q. So you don't know whether ECOMOG were controlling Koi du
18 Town, is that what you are saying?

19 A. If I say that to you, there, if I give you any statement
11:29:00 20 concerning Sefadu, then I'm lying. I can only give you a
21 statement concerning Yarya. Yarya is my hometown.

22 Q. Witness, I'm talking about Koi du Town.

23 A. No, I don't know anything about that.

24 Q. Okay. Now Superman came to Yarya after Tamba Brima had
11:29:33 25 left, didn't he?

26 A. Yes. Somebody came and gave order there. I didn't know
27 him, but I asked. They said it's Superman; he burnt Yarya.

28 Q. I say to you that you're lying and that Superman was in the
29 Koi nadugu District with -- [Overlapping speakers]?

1 A. I'm saying the truth to you.

2 Q. What do you have to say about that?

3 JUDGE SEBUTINDE: You have to repeat the question, Mr Agha,
4 because we didn't hear the full question. And, Mr Witness,
11:30:03 5 before you respond, please let the lawyer complete his question.

6 THE WITNESS: Okay.

7 MR AGHA:

8 Q. Mr Witness, I say to you that you are lying and that
9 Superman was in the Koinadugu District with SAJ Musa at that
11:30:23 10 time.

11 A. I'm not lying. I'm saying the truth.

12 JUDGE SEBUTINDE: Mr Witness, did I not caution you to let
13 the lawyer speak and finish? Because again we haven't heard what
14 he had to say to you. Just please be patient and let the lawyer
11:30:41 15 finish his statement before you respond. Mr Agha, please repeat
16 the question again.

17 MR AGHA:

18 Q. Mr Witness, I say to you that you are lying and that
19 Superman was in the Koinadugu District at the time with SAJ Musa;
11:30:53 20 what do you have to say about that? Well, are you lying or not?

21 A. I'm saying the truth. Koinadugu and Sandor, they are
22 joined together. I said Superman burned down Yarya. He met me
23 in front of my house. I was not out of my house. He met me
24 there. He gave the order to burn Yarya.

11:31:27 25 Q. I say to you that you have colluded with your nephew and
26 come to this Court to tell a pack of lies in order to protect
27 Tamba Brima, a fellow Kono man; what do you have to say about
28 that?

29 A. No, no, no. What happened is what I'm saying, is what I'm

1 saying to the Court openly. It did not happen in the corner or
2 in the hiding [as interpreted]. Superman burnt down the houses
3 in Yarya.

4 Q. I'm not talking about Superman; I'm talking about your
11:32:05 5 whole evidence concerning seeing Tamba Brima in Yarya for two
6 months. That's what I'm saying you are lying about.

7 A. I'm not lying. What happened is what I have said.

8 MR AGHA: I have no further questions, Your Honour. This
9 completes my cross-examination.

11:32:28 10 PRESIDING JUDGE: Thank you, Mr Agha. Yes, you have some
11 re-examination?

12 MS THOMPSON: Yes, Your Honour. Not very long.

13 RE-EXAMINED BY MS THOMPSON:

14 Q. Mr Witness, I just want to ask you about who you spoke to
11:32:44 15 before you came to give evidence in this Court. Do you recall
16 speaking to anyone from the Defence for Tamba Brima?

17 A. No.

18 Q. Do you recall speaking to anybody, any lawyer for Tamba
19 Brima, anybody representing Tamba Brima?

11:33:18 20 A. I did not speak to anybody.

21 Q. Do you recall telling anyone about what happened with Komba
22 Brima, anybody whatsoever, before today?

23 MR AGHA: Your Honour, I believe this question has already
24 been asked and answered by the witness.

11:33:40 25 PRESIDING JUDGE: What was his answer?

26 MR AGHA: His answer was he didn't speak to anyone today,
27 or before today, in any kind of place and then later on he said
28 that he did give a statement.

29 PRESIDING JUDGE: He certainly -- Ms Thompson has not asked

1 him that before, but all right, go ahead, Ms Thompson.

2 MS THOMPSON: Thank you Your Honour.

3 Q. Do you recall speaking to anybody before today about what
4 happened to Komba Bri ma, anybody whatsoever?

11:34:16 5 A. What I could remember, the statement that I gave, apart
6 from that, I did not speak to anyone.

7 Q. It is that statement I'm talking about, Mr Witness. Do you
8 recall making a statement to anyone?

9 A. I gave a statement and it was written down.

11:34:45 10 Q. Mr Witness, I just want to ask you, what you said today
11 concerning Komba Bri ma when you said they were asking him about
12 his brother and about money, did you say that when you were
13 making your statement?

14 A. Concerning Komba Bri ma?

11:35:06 15 Q. Yes.

16 A. I explained that one. I said he was shot on the leg.

17 Q. And that is the same as what you have told this Court
18 today; is it?

19 A. Yes.

11:35:23 20 Q. When you mentioned that Tamba Bri ma met you in Yarya, did
21 you say that in your statement as well?

22 A. I explained that one in my statement. I said Tamba Bri ma
23 met me at Yarya.

24 Q. What you have said today, your evidence that you have given
11:35:46 25 today, is it the same as what you mentioned in your statement?

26 A. Yes.

27 Q. Thank you, Mr Witness. Now I just need to ask you: When
28 my friend over there was asking you questions, you said Tamba
29 Bri ma did not sleep in Yarya Town and that he had gone to his

1 father's farm?

2 A. He did not sleep there. He did not sleep there. When
3 somebody is speaking, please you have to listen. He did not
4 sleep in Yarya.

11:36:25 5 JUDGE SEBUTINDE: Mr Witness, you haven't even listened to
6 the question by the lawyer. You should learn to listen. Let the
7 lawyer finish asking her question before you shoot off to answer.

8 MS THOMPSON: Thank you, Your Honour.

9 Q. Mr Witness, the question I want to put to you is: How far
11:36:52 10 is the farm from Yarya Town?

11 A. It is very far.

12 Q. Okay. Does the farm come under Yarya?

13 A. Yes, it is under -- it is very close to our district
14 boundary, together with the Korankos.

11:37:21 15 Q. Now, you remember my friend was asking you a question about
16 Koi du Town. Now, is Koi du Town the same place as Sefadu?

17 A. Yes. Sefadu, they say Koi du is the same town.

18 Q. Thank you, Mr Witness. How far is Sefadu or Koi du from
19 Yarya?

11:37:54 20 A. Well, those that know the mileage I usually ask, they said
21 is 44 miles.

22 Q. Also, Mr Witness, how far is Yarya from Koi nadugu District?

23 A. The distance together with Koi nadugu is 7 miles from Yarya
24 to the boundary.

11:38:35 25 Q. Thank you, Mr Witness.

26 MS THOMPSON: I have no further questions.

27 PRESIDING JUDGE: Thank you, Ms Thompson. Mr Witness,
28 thank you for coming to Court to give evidence. You will be
29 allowed to leave now, as your evidence has been completed.

1 MR AGHA: Your Honour, I rise to make an application on
2 behalf of the Prosecution that the statement which the witness
3 gave, be exhibited, because in re-examination he has confirmed
4 that what he said under oath was as he said in his statement. It
11:39:12 5 is not in his summary, many parts of it, so I think it would be
6 very useful if that statement was exhibited, to go for
7 credibility of the witness.

8 PRESIDING JUDGE: What do you say to that?

9 MS THOMPSON: I have no objections to that, Your Honour. I
11:39:23 10 just have to get a clean copy. The copy I have, I have written
11 in.

12 PRESIDING JUDGE: All right. When you have a clean copy,
13 we will put it in as part of the Defence case. Would you prefer
14 that?

11:39:35 15 MS THOMPSON: Yes, Your Honour. I will make sure a clean
16 copy is brought to Court shortly and then make the necessary
17 application for it to be exhibited then.

18 PRESIDING JUDGE: As I was saying -- just sit there,
19 Mr Witness. We will have those curtains drawn across and you
11:40:17 20 will be able to leave.

21 MS THOMPSON: Your Honour, I have just been passed a clean
22 copy now.

23 PRESIDING JUDGE: All right. You are putting that in as --

24 MS THOMPSON: As Exhibit D28, this will be, Your Honour.

11:40:38 25 PRESIDING JUDGE: All right. The statement this witness
26 provide to the Defence will be admitted into the Defence case as
27 Exhibit D28.

28 [The witness withdrew]

29 PRESIDING JUDGE: Ms Thompson, I haven't read the statement

1 yet, but is it your application that it be admitted confidential
2 under seal or not?

3 MS THOMPSON: Your Honour, it does contain identifying
4 details. The other issue is it may be necessary for us to get an
11:42:14 5 original, because this is not signed. This is a typed copy that
6 is not signed. I will need to look for the originals. I'm not
7 sure, really, whether I should be exhibiting it now.

8 MR AGHA: Yes, I agree, Your Honour, this seems to be more
9 a summary of what it is. We would require the statement which is
11:42:33 10 dated and signed and actually was taken from him at the time,
11 from which the summary, we assume, is based.

12 MS THOMPSON: It is based on this copy. This is not a
13 summary. This is the statement as it was, but I noticed that
14 when it was typed, the usual bits about signature and everything
11:42:46 15 was omitted. I need to look for the original and have it
16 compared.

17 PRESIDING JUDGE: All right. Well, look, in the meantime,
18 you withdraw the tender; is that correct?

19 MS THOMPSON: Yes, Your Honour.

11:43:01 20 PRESIDING JUDGE: All right. The Trial Chamber retracts
21 the tender of this document until the original is produced.

22 I understand the next witness is DAB-059; is that right?

23 MS THOMPSON: Yes, Your Honour, and there is an update on
24 the other two. The information I have is that one is suffering
11:44:04 25 from diarrhoea and the other has a fever and, therefore, will not
26 be available for today.

27 [The witness entered court]

28 PRESIDING JUDGE: That's DAB-110 and DAB-109?

29 MS THOMPSON: Yes, Your Honour.

1 PRESIDING JUDGE: They are both ill?

2 MS THOMPSON: Both ill.

3 PRESIDING JUDGE: All right. Thank you.

4 WITNESS: DAB-059 [Sworn]

11:45:29 5 [Witness answered through interpreter]

6 PRESIDING JUDGE: Now, Ms Thompson, just for the record, is
7 this witness an individual witness for Mr Bri ma?

8 MS THOMPSON: Yes, Your Honour.

9 PRESIDING JUDGE: Yes, go ahead, please.

11:46:25 10 EXAMINED BY MS THOMPSON:

11 Q. Mr Witness, I'm going to ask you some questions. Please
12 listen carefully to my questions, because what you say is being
13 interpreted, and we are writing down your evidence, so you have
14 to take it slowly, okay? And then when I finish --

11:46:48 15 A. Okay.

16 Q. -- my learned friends on this side might have some
17 questions for you, and also my friends on the other side might
18 have some more questions for you, okay? Now, Mr Witness, you
19 were born in 1968 in Freetown; is that correct?

11:47:14 20 A. Yes, it is correct.

21 Q. And also you still reside in Freetown?

22 A. Yes, it is correct.

23 Q. You are married with children?

24 A. Yes, it is correct.

11:47:32 25 Q. Involved in petty trading?

26 A. Yes, you are correct.

27 Q. And you are educated up to secondary school level?

28 A. Yes, you are correct.

29 Q. Before your present petty trading, you were a police

1 offi cer?

2 A. Yes, you are correct.

3 Q. And you were trained in 1985?

4 A. Yes, you are correct.

11:48:12 5 Q. Were you issued with a police number?

6 A. Yes.

7 Q. Can you recall your number?

8 A. Yes, I can recall it.

9 Q. If the Court were so minded, would you write the number
11:48:31 10 down for us, please?

11 A. Yes, I will be able.

12 MS THOMPSON: Your Honours, may I respectfully ask that he
13 write his number down.

14 PRESIDING JUDGE: Can you assist, Madam Court Attendant.

11:48:52 15 THE WITNESS: Okay.

16 MS THOMPSON: Your Honour, perhaps I should say now that
17 this is one of three applications I will be making. The others
18 are two names, and my submission is, if they were revealed, they
19 will reveal this witness's identity.

11:49:49 20 Q. Mr Witness, I just want you to write the number, nothing
21 else.

22 MS THOMPSON: Your Honours, I respectfully ask that that be
23 exhibited as D28 confidential under seal.

24 PRESIDING JUDGE: Any objection from the Prosecution?

11:52:35 25 MR HARDAWAY: None, Your Honour.

26 PRESIDING JUDGE: That document just written out by the
27 witness where he gives his police number will be admitted as
28 Exhibit D28 and marked confidential and under seal.

29 [Exhibit No. D28 was admitted]

1 MS THOMPSON:

2 Q. Mr Witness, can you recall May 1997?

3 A. Yes, I can recall.

4 Q. Can you recall if something happened in Sierra Leone in May
11:53:10 5 1997?

6 A. Yes, I can remember.

7 Q. Can you tell us what that was?

8 A. Yes, there was an overthrow.

9 Q. Who overthrew what?

11:53:29 10 A. The AFRC took over power from the SLPP.

11 Q. Do you know who was the leader of the AFRC?

12 A. Yes, Johnny Paul Koroma.

13 Q. Mr Witness, at the time of that coup, can you recall where
14 you were?

11:53:58 15 A. Well, I was on medical. I was on the N Division, so when I
16 came for the medical, then the coup took place, but they
17 announced that the leader for the Armed Forces Revolutionary
18 Council comprised of all the forces, so I went to report my --

19 Q. Mr Witness, Mr Witness. Let's start again. I think you
11:54:31 20 are going too fast for the interpreter. So the question I asked
21 you was: Where you were when the coup took place? Start again,
22 please. This time take it slowly. If your answer is long, it is
23 best to take it in portions.

24 A. Okay.

11:54:52 25 Q. Can you answer the question then, please.

26 A. Yes, okay. I was in town for medical, so I heard over the
27 radio that -- from Johnny Paul Koroma, he said that the Armed
28 Forces Revolutionary Council, which comprised of all the forces,
29 so we all should report at the various bases, so I went to report

1 myself at the police headquarters, to the deputy inspector
2 general.

3 Q. Whereabouts is the police headquarters, Mr Witness?

4 A. At George Street. George Street.

11:55:38 5 Q. After you had reported, did anything happen?

6 A. Well, after I reported myself, I was with the deputy
7 inspector general [redacted].

8 Q. Mr Witness, perhaps it might be best not to -- try not to
9 mention anything that would lead to your identity being revealed,
11:56:08 10 okay.

11 MS THOMPSON: Your Honour, may I respectfully ask -- I'm
12 loathe to ask to go into closed session, but perhaps -- I thought
13 I would be able to deal with it by simply writing down names, but
14 perhaps it may be necessary for me to make an application for
11:56:27 15 closed session just to clear up two points which deal with his
16 assignments and may, in my respectful submission, lead to the
17 revelation of his identity, Your Honour. I think that is under
18 Rule 75(B) --

19 PRESIDING JUDGE: No, it is under Rule 79.

11:56:58 20 MS THOMPSON: 79, sorry, Your Honour. Yes, Rule 79(A)(ii).

21 PRESIDING JUDGE: Yes. I take it the Prosecution has no
22 objection to that.

23 MR HARDAWAY: None, Your Honour.

24 PRESIDING JUDGE: All right. It appears as though some
11:57:13 25 evidence is going to be adduced from this witness, which could
26 endanger the identity of the witness, who is a protected witness,
27 so for a short time we will order, pursuant to Rule 79, that the
28 evidence be given in closed session. All members of the public
29 must leave the Court, but court monitors, may remain. Now,

1 Madam Court Attendant can make arrangements for the Court to be
2 closed.

3 MS THOMPSON: Your Honour, may I also respectfully ask that
4 the last answer be redacted from the records.

11:57:55 5 PRESIDING JUDGE: What was that last answer?

6 MS THOMPSON: The name wasn't given, but the designation
7 was given.

8 PRESIDING JUDGE: His position was given, yes. Yes, the
9 witness's last answer, dealing with personal security to a
11:58:13 10 certain person, will be redacted from the record.

11 [At this point in the proceedings, a portion of the
12 transcript, pages 59 to 63, was extracted and sealed under
13 separate cover, as the proceeding was heard in a closed session]

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1 [Open sessi on]

2 MS KAMUZORA: Court is now in open sessi on.

3 PRESIDING JUDGE: Thank you. Go ahead, Ms Thompson.

4 MS THOMPSON: Grateful , Your Honour.

12:15:58 5 Q. Mr Witness, do you know the first accused in this case,
6 Tamba Bri ma?

7 A. Yes, I know him.

8 Q. Can you tell this Court when you first met Tamba Bri ma?

9 A. Well, the time I knew Tamba Bri ma was at the time when the
12:16:21 10 AFRC took over. That was when I knew him, because Mr X was going
11 there. I was going there, together with Mr X, to the hospital,
12 to visit him at the hospital.

13 Q. What hospital did you visit him?

14 A. 34, 34 Hospital.

12:16:56 15 Q. Do you know where that is situated?

16 A. Yes, I know.

17 Q. Tell the Court, please.

18 A. 34 is at Wilberforce.

19 Q. Is 34 Hospital known by any other name?

12:17:19 20 A. Well, I know it as a military hospital.

21 Q. Do you know what period this was, that you would go with
22 Mr X to visit Tamba Bri ma?

23 A. Well, March to April.

24 Q. Do you know what year?

12:17:45 25 A. 1997.

26 Q. Was it before or after the coup?

27 A. It was after the coup.

28 Q. And when you went with Mr X, would you -- did you
29 physically see Tamba Bri ma? Sorry, I'll rephrase that. Did you

1 actually see Tamba Bri ma?

2 A. Yes, I saw hi m mysel f.

3 Q. Can you recal l how many times you saw Tamba Bri ma at the
4 hospi tal ?

12:18:32 5 A. I went there with Mr X several times. I saw hi m for more
6 than seven times at the hospi tal .

7 Q. And do you know why you went to see -- sorry, do you know
8 why it was that you saw Tamba Bri ma in the hospi tal and nowhere
9 else?

12:18:55 10 A. We were -- after the AFRC took over, he was sick, because
11 he had mal ari a.

12 Q. Mr Wi tness, after -- you've told us that you l eft Mr X and
13 went to another employment and then you went with Honourabl e Y.
14 When you were wi th Honourabl e Y, can you recal l what Honourabl e

12:19:46 15 Y' s posi ti on was?

16 A. Yes, I can remember.

17 Q. What was it?

18 A. He is the SOS for touri sm. From that poi nt, he was
19 deployed at Kono to repl ace Tamba Gbori e. That was in December.

12:20:20 20 Q. When he was in Kono, what was hi s rol e in Kono?

21 A. He was a GGDO. He was in charge of al l the mi neral s.

22 Q. What does GGDO mean?

23 A. No, somethi ng di amond, but I don' t understand. Somethi ng
24 gol d, but I don' t understand.

12:20:51 25 Q. When he went to Kono in December 1997, di d you go wi th hi m?

26 A. Yes, I went wi th hi m.

27 MR HARDAWAY: Obj ecti on [Overl appi ng speakers] sai d
28 December 1997.

29 MS THOMPSON: That' s what he sai d.

1 PRESIDING JUDGE: He said December.

2 MS THOMPSON: I will ask what year, then, Your Honour.

3 Q. December, in what year did Honourable Y go to Kono?

4 A. It was in December.

12:21:26 5 Q. What year?

6 A. 1997.

7 Q. Okay. Did you go with him?

8 A. Yes, I was his personal bodyguard.

9 Q. When you went to Kono, do you recall meeting anyone there?

12:21:50 10 A. Yes, we met somebody there.

11 Q. Who?

12 A. We met Tamba Brima there.

13 Q. When you met Tamba Brima, do you know exactly where you met
14 him?

12:22:09 15 A. It was at Masingbi Road.

16 Q. What was at Masingbi Road; can you recall?

17 A. It was there where he was, since he was ill, because he
18 said he was going to cure himself in a village called Yarya,
19 because the illness he had could not be treated through the

12:22:45 20 hospital, so he went on the native way of curing.

21 Q. Mr Witness, how do you know that he was there because he
22 was ill?

23 A. Well, he had left us here. He obtained a pass and said he
24 was going to cure himself in Kono, so Johnny Paul Koroma said he
12:23:10 25 was afraid. That was what he used to tell Mr Y. He said the man
26 was afraid, that is why he went away. So he was given a purse,
27 and he went to Kono in order to cure himself.

28 Q. How do you know that Johnny Paul told Honourable Y this?

29 A. Well, I was his personal bodyguard. Anything that was said

1 by Johnny Paul, I was by Honourable Y, so I was able to hear
2 whatever he said.

3 Q. When you met Tamba Brima in Kono, did you speak to him?

4 A. Yes, I speak with him. I spoke with him at Masingbi Road.

12:24:09 5 He called me and asked me how is Freetown. He said it wasn't bad
6 he said, "Now I have come to cure myself through the native
7 means." Then I said, "You had a bad luck, because since you were
8 commended for your father's good work, you are not well, up to
9 this time, up to that time." Then he said he didn't know what
12:24:32 10 happened -- what was wrong with him, and then I said I prayed for
11 him that God will help him.

12 Q. At this meeting, was anyone else present?

13 A. Yes. There were some honourables present.

14 Q. Where was Honourable Y at this time?

12:25:01 15 A. All of us were in Kono. I was with him, because I wouldn't
16 go anywhere without him.

17 Q. Mr Witness, can you recall February 1998?

18 A. Yes, I am able to recall February 1998.

19 Q. Do you recall anything happening in Sierra Leone in
12:25:33 20 February 1998?

21 A. Yes, I can recall.

22 Q. What was that?

23 A. Well, it was the period of the intervention.

24 Q. Who intervened where?

12:25:53 25 A. Well, it was the Nigerian troops who intervened in
26 Freetown.

27 Q. Mr Witness, at that time, where were you?

28 A. I was in Kono, I and Honourable Y.

29 Q. Did you do anything as a result of that intervention?

1 A. Well, I didn't do anything because, because I was listening
2 to orders, and it was Mr Y who used to give us orders.

3 Q. Do you know whether Honourable Y did anything after the
4 intervention?

12:26:39 5 A. Well, during the intervention that was the time Johnny Paul
6 sent wireless message, said that we should report immediately in
7 Freetown with Mr Y's troops. We left Tamba Brima at Masingbi
8 Road, seriously ill. Then we told him that he should observe
9 what was going in town, because we were coming down to Freetown
12:27:11 10 during that period of the intervention.

11 Q. After that message and what you told Tamba Brima -- sorry,
12 did you tell Tamba Brima that yourself?

13 A. Yes, we told him, saying that the boss had called for us.
14 We called him supreme. He said there had been the intervention,
12:27:37 15 so Tamba Brima said he wasn't well, so he was unable to come.

16 Q. Who did you call supreme?

17 A. Johnny Paul, he was our supreme.

18 Q. Did you then leave for Freetown?

19 A. No. The ECOMOG troop could not allow us at the RDF, that
12:28:14 20 is by Mile 38.

21 Q. What did you do then?

22 A. Well, Mr Y said we should go and look for Johnny Paul
23 Koroma, with SAJ Musa, including other senior and junior
24 officers. We should go and collect them from Fogbo, that was
12:28:43 25 where we met them on our way, including Johnny Paul. We went
26 with them to Masiaka with Mr Y's Land Cruiser [redacted]. That
27 was the registration number.

28 Q. When you were at Masiaka, do you know where Tamba Brima was
29 at this time?

1 JUDGE SEBUTINDE: Sorry, Ms Thompson, is that registration
2 number okay to remain on the record?

3 MS THOMPSON: Probably not, Your Honour. Out of an
4 abundance of caution, I would ask for that be redacted.

12:29:21 5 PRESIDING JUDGE: All right. If you think that may go to
6 the witness's identity, it can be redacted.

7 MS THOMPSON:

8 Q. Mr Witness, I think the question I asked: When you were at
9 Masiaka --

12:29:39 10 MS THOMPSON: Your Honours, we have had that spelling
11 before.

12 Q. Do you know where Tamba Brima was at that time?

13 A. Well, we left him at Masingbi Road, I mean Masingbi Road,
14 Kono. Then we heard a wireless message from Johnny Paul Koroma
15 saying we should push the Nigerian troops, because they were
16 mounting pressure on the AFRC, so we came and left him in Kono.

17 Q. Mr Witness, I think you moved way ahead of us, but let's
18 take it -- whilst you were at Masiaka, did you do anything?

19 A. Well, Johnny Paul asked Honourable Y for Tamba Brima.

12:30:38 20 Q. Were you present when he asked Honourable Y for Tamba
21 Brima?

22 A. Yes, yes. It was at the Bo Road, in Masiaka.

23 Q. Can you recall, now, what Honourable Y said, in answer to
24 that question?

12:30:58 25 A. Well, when he asked him, he said -- he said, "That man
26 Tamba Brima is a bastard; he's a coward." He had no blessing.
27 It was because of his father he was given that position. Now,
28 see he wouldn't come down to fight. He's always a coward, making
29 coward. That was why he told Johnny Paul. Then Johnny Paul

1 said, "He will know me. If I catch him in Kailahun, he will know
2 me very well."

3 Q. After that, Mr Witness, did anything happen?

4 A. Well, from Bo Road, we escorted Johnny Paul Koroma, because
12:31:47 5 he said we should take him to his village. That was where we
6 spent 48 hours, at Magbonki neh. From Magbonki neh we went to
7 Kono. We did not meet anybody there, no soldier. We saw a
8 soldier in the bush. He said it was Tamba Brima who told them --
9 all of them should run away from Kono and that they should
12:32:13 10 surrender where to -- to the appropriate authority, and that he
11 was not going to fight for any person. So Johnny Paul became
12 desperate over Tamba Brima.

13 Q. Did you stay in Kono at this time?

14 A. Yes, I stayed in Kono. Initially that was where we were.

12:32:43 15 Q. How long did you stay?

16 A. 72 hours, I and Johnny Paul Koroma, Honourable Y, Banja
17 Marah, including Akim Turay, and General Savinbi.

18 Q. After that 72 hours, where did you go?

19 A. We went to Gandorhun.

12:33:12 20 MS THOMPSON: Your Honours, that is a spelling we have had
21 before.

22 Q. Did you stay in Gandorhun?

23 A. Yes, we were there for 72 hours, again, before we went
24 behind the school.

12:33:31 25 Q. After the 72 hours, where did you go?

26 A. We went to Gandorhun, that is on the way to Kailahun
27 District.

28 Q. Yes, I got that, then you stayed in Gandorhun for 72 hours,
29 then something about a school. I'm asking, just to clarify,

1 after that 72 hours in Gandorhun, where did you go?

2 A. We passed behind the school, we walked, because the
3 Kamajors were -- did not allow us to pass through Sanda Road so
4 we walked. Johnny Paul was desperate over Tamba Brima, and I
12:34:19 5 held his bulletproof. He said if he was going to catch him, he
6 was going to execute him immediately.

7 Q. Whose bulletproof did you hold, because you said you held
8 his --

9 A. Johnny Paul Koroma's bulletproof.

12:34:42 10 Q. Where you did you go to?

11 A. We went to Lower Baoma. That is where Mike Lamin and
12 others collected us. That was a crossing point.

13 JUDGE SEBUTINDE: Could we have a spelling, please.

14 MS THOMPSON: Lower, as in the word lower, and Baoma, I
12:35:00 15 think is, B-A-O-M-A.

16 A. B-A-O-M-A, Lower Baoma, the crossing point.

17 Q. Mr Witness, you said that was where Mike Lamin met you.
18 Was Mike Lamin accompanied by anyone else?

19 A. Yes. He was with RUF Major OJ, Amara Peleto and 101
12:35:37 20 manpower. Those were the people that came and collected us from
21 Lower Baoma.

22 MS THOMPSON: OJ, I think --

23 Q. OJ, is that initials or is that a name?

24 A. Well, that is what I knew him for, Major OJ, RUF Major OJ.

12:36:01 25 MS THOMPSON: Peleto, Your Honours, is a name we've heard
26 before.

27 A. Amara Peleto.

28 Q. When Mike Lamin collected you, where did you go?

29 A. We went to Kailahun. Kailahun. That was where we went, in

1 a white house in Kailahun, up the hill. That was where we went.

2 Q. When you arrived in Kailahun -- first of all, is this
3 Kailahun Town?

4 A. It was Kailahun Town. Kailahun Town.

12:36:49 5 Q. When you arrived in Kailahun Town, did anything happened?

6 A. Yes. As we arrived in Kailahun Town, that was the time
7 General Mosquito went and met Johnny Paul Koroma and asked him if
8 he observed what Tamba Brima did.

9 THE INTERPRETER: The interpreter is sorry. Can the
12:37:12 10 witness come a little bit slower.

11 JUDGE SEBUTINDE: Mr Witness, please repeat your whole
12 answer, but slowly. Repeat your whole answer, the interpreter
13 did not get a word you said.

14 PRESIDING JUDGE: You began by saying, "As we arrived in
12:37:31 15 Kailahun Town, General Mosquito met Johnny Paul." Now, go on
16 from there.

17 THE WITNESS: He met Johnny Paul Koroma and he said if he
18 saw what Tamba Brima did, that is a PLO coward, if he saw what he
19 did in Kono, then Johnny Paul Koroma said he didn't want to see
12:37:58 20 that man. That the man should be executed immediately. So he
21 sent Mr Y and Sallu - Sallu is now in the military - and with RUF
22 Captain OJ so they could treat Tamba Brima, and that Tamba Brima
23 did not act as a soldier.

24 Q. After this encounter, Mr Witness, did anything else happen?

12:38:38 25 A. Well, Mike Lamin obeyed the orders. He met Tamba Brima.

26 Q. Okay, Mr Witness --

27 A. By Giema Road.

28 Q. Mr Witness, sorry I interrupted you there, but before you
29 go further, I need to know how you know that Mike Lamin met Tamba

1 Bri ma. Were you there?

2 A. Yes, I was there. I was there.

3 Q. Who were you there with, apart from Mike Lami n?

4 A. I was there with Mr Y.

12:39:18 5 Q. Can you now tell the Court what, if anything, happened?

6 A. Yes. They said Mr Y even supported that -- he supported
7 Johnny Paul Koroma and Captain Banja Marah and others. He said
8 they should kill Tamba Bri ma, because he used that Wilberforce
9 pattern in eating money. He, as a native born of Kono, he did
12:39:48 10 not allow us to kill people in Kono, and he deserted the place,
11 so he should be killed for that. That was why Mike Lami n went
12 and Iaid an ambush for him. He said Tamba Bri ma should get his
13 shoes off his feet. He said, "Master said we should kill you,
14 but we are not going to do that."

12:40:19 15 Q. Was Tamba Bri ma accompanied by anyone at this time?

16 A. Yes, he had an escort.

17 Q. Do you know any of the people who were with Tamba Bri ma?

18 A. The men under him? Is that what you mean, or the ones that
19 went to arrest him, the ones that were sent by Johnny Paul
12:40:47 20 Koroma?

21 Q. No, Mr Wi tness, you said you found Tamba Bri ma at a
22 parti cular road. I'm asking whether he was on hi s own or whether
23 he was with other people?

24 A. He was with only one person, Iate Borbor Gep, but -- he was
12:41:07 25 only with him. Because in any area where the RUF was, it was not
26 easy for you to work with a lot of manpower.

27 JUDGE SEBUTINDE: Borbor what?

28 MS THOMPSON: Borbor Gep, I think is G-E-B [sic].

29 THE WITNESS: Borbor Gep.

1 JUDGE SEBUTINDE: Is that G-E-B?

2 THE WITNESS: Yes, Gep Moseray.

3 MS THOMPSON: Your Honours, I just need the interpreter to
4 clarify something, because I'm hearing walk, as in W-A-L-K, but
12:41:42 5 the interpretation I'm getting is work, as in W-O-R-K. I'm not
6 sure -- I know which one the witness is saying, but I am not sure
7 what is coming down in the interpretation.

8 PRESIDING JUDGE: I think you ought to repeat that
9 question.

10 MS THOMPSON:

11 Q. Mr Witness, I asked you whether Tamba Brima was on his own
12 or whether he had people with him and you mentioned a Borbor Gep,
13 and you went on to explain that in RUF territory, something about
14 it being unsafe to walk about. Can you please just explain it
12:42:24 15 again for us, please?

16 A. Yes, in RUF territory, if you were an AFRC man, you
17 wouldn't be allowed to walk there with a lot of manpower. You
18 are only allowed to walk with one man or two, because the RUF
19 said the AFRC had wanted to hijack the revolution from them. So
12:42:51 20 that was why they were afraid of the AFRC.

21 Q. Thank you, Mr Witness. Now, Mr Witness, when you met Tamba
22 Brima on this occasion, can you tell the Court what happened?

23 A. Ask me the question again.

24 Q. When you met Tamba Brima on this occasion, you said Mike
12:43:22 25 Lamin was there and others, can you tell the court what happened?

26 A. Yes, all of them convinced Johnny Paul that the man should
27 be killed at instanter because the man was a betrayer, because
28 the diamond rich area that they have captured, that -- there were
29 messages sent to Johnny Paul that we should not desert the rich

1 mining area, but Tamba Brima had deserted the area with the
2 adjutant, so since he did so, he should be killed at once, but
3 the RUF did not accept.

4 Q. Do you know who the adjutant was?

12:44:17 5 A. It was late Captain Kaloga, Abdulai Kaloga.

6 MS THOMPSON: Your Honours, the spelling I have for Kaloga
7 is, K-A-L-O-G-A.

8 Q. After this incident, Mr Witness, did anything else happen?

9 A. Well, they captured him. They said he should be placed in
12:44:47 10 a dungeon, that is a jail, because Mike Lamin said they wouldn't
11 kill him, but they were going to talk to the supreme for him, so
12 that he will be in the dungeon. Later he will be able to be
13 released and he would be able to find a jungle. Supreme
14 resisted, saying that he would not accept, saying Tamba Brima was
12:45:14 15 a bastard. He wasn't with any blessing.

16 PRESIDING JUDGE: We're getting close to the lunch break,
17 so next convenient pause we will break.

18 MS THOMPSON: Yes, Your Honour. I will ask just one more
19 question.

12:45:30 20 Q. After this, do you know what happened to Tamba Brima?

21 A. Yes, they put him in a jail. He was in the dungeon. They
22 locked him up. It was only oranges and palm kernel nut that was
23 given to him to eat when he was in the jail, because he wasn't
24 fit enough to be amongst commanders. So Mr Y and others went and
12:46:01 25 threatened him with a pistol, saying that at any time he was
26 going to be killed and that he was a dead man.

27 MS THOMPSON: Thank you. Your Honour, that is a convenient
28 time to stop.

29 PRESIDING JUDGE: Thank you, Ms Thompson. Witness, we're

1 going to adjourn now for the lunch. I will give you the same
2 warning I gave you earlier this morning. You are not permitted
3 to discuss your evidence or the case with any other person. Is
4 that clear.

12:46:31 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: We will adjourn until 2.15.

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

8 [AFRC27SEP06C - MD]

9 [Upon resuming at 2.16 p.m.]

14:14:12 10 PRESIDING JUDGE: Go ahead, Ms Thompson.

11 MS THOMPSON: Grateful, Your Honour.

12 Q. Now, Mr Witness, before we broke off for lunch, you were
13 telling us that Tamba Brima was put in a dungeon. Can you recall
14 where this dungeon was located?

14:17:58 15 A. Buedu.

16 Q. Was it in any particular location in Buedu?

17 A. Yes.

18 Q. Where?

19 A. At the MP headquarters.

14:18:13 20 Q. What do you mean by "MP"?

21 A. Military Police. RUF Military Police Headquarters.

22 Q. After this incident, can you recall anything else
23 happening, Mr Witness?

24 A. Yes, I can recall.

14:18:32 25 Q. Yes, please tell us.

26 A. After this incident had occurred then I, Mike Lamin and
27 Rambo, who is Moses Kabia, late Rambo, for Johnny Paul Koroma.

28 Q. Yes. What did you do with these people?

29 A. We entered a Land Cruiser, Toyota Land Cruiser, to go to

1 Mende Bui ma. Mende Bui ma. I, Mike Lamin, Rambo to go to Mende
2 Bui ma .

3 Q. Okay. Your Honours, spelling Mende I think is as in the
4 tribe, M-E-N-D-E, and Bui ma I think is B-U-I-M-A. Yes,

14:19:24 5 Mr Witness, did you get to Mende Bui ma?

6 A. Yes. On our way going Rambo, because Rambo and Johnny
7 Paul 's wife had some confusion, she was Makuta, because Johnny
8 Paul 's wife had a friend who as a journalist called Titi, so
9 Rambo went with his wife to the jungle in Kailahun. The suckling
14:19:52 10 mother was called Aminata. She had just given birth to a baby
11 about 12 months old.

12 Q. All right, Mr Witness. Let me stop you there because this
13 is all confusing. Now you've spoken about Johnny Paul 's wife;
14 you've spoken about a lady called Titi and now you are talking
14:20:12 15 about a suckling mother and then there's another person called
16 Aminata. Now, who is who?

17 A. Aminata is Moses Kabi a's wife, CSO to Johnny Paul. His
18 wife is Aminata, his personal wife, but his girlfriend is called
19 Titi, who is Makuta 's friend, the wife of Johnny Paul. She was
14:20:36 20 a journalist.

21 Q. Now, Moses Kabi a, is he known by any other name?

22 A. Rambo.

23 Q. Can you tell this Court what happened when you were going
24 to Mende Bui ma?

14:21:01 25 A. Yes. Johnny Paul 's wife and Rambo had some confusion. So
26 Rambo's name was struck off as CSO so he wasn't supposed to go to
27 Burkina Faso. So, when his name was struck off, he got annoyed
28 and told Mike Lamin. He said -- he said, "Do you know that
29 Johnny Paul wants to run away and he wouldn't return? He wants

1 to run away with all the diamonds." Then Mike Lamin said if he
2 will be bold enough to tell General Mosquito that. Then he said
3 he wouldn't be afraid. He would prosecute Johnny Paul until the
4 end.

14:21:40 5 Q. What happened after that, Mr Witness?

6 A. Okay. Then Mike Lamin took out the Campari in order to
7 motivate Rambo. He took out Campari. He was drinking it. Then
8 when we returned from Mende Bui ma, he forwarded it to General
9 Mosquito, and he said that Rambo had something to tell him.

14:22:06 10 Q. Mr Witness, okay. Let's get hold of this. Did Rambo meet
11 General Mosquito?

12 A. Yes, he met him.

13 Q. As a result of that meeting, do you know if anything
14 happened? Do you know if Rambo did anything?

14:22:24 15 A. Yes, he did something.

16 Q. What did he do?

17 A. Well, some of us had -- we had little precious stones with
18 us, so Rambo met General Mosquito and said, "Do you know that
19 Johnny Paul wants to run away and wouldn't return?" Then General
14:22:51 20 Mosquito said, "Would you be bold enough to say that to him"?

21 Then Rambo said, "I would be bold because" -- he said, "What
22 Johnny Paul has done isn't nice. He has left everybody in the
23 bush and now wants to run away." Then General Mosquito summoned
24 him and said, "Say it in front of the man," so I was the first
14:23:09 25 person that was arrested at Belu Crossing Point. I was disarmed.

26 Q. Apart from yourself who was arrested, was anybody else
27 arrested?

28 A. Yes. So when they arrested me, they brought me to
29 headquarters.

1 Q. Mr Witness, please wait. Apart from yourself, was anybody
2 else arrested? Your answer was "yes." Who was arrested?

3 A. Yes. They arrested Honourable Y. They arrested Sallu, who
4 was a -- who is an MIB officer presently. They arrested
14:23:53 5 Banja Marah.

6 Q. Do you know what happened to Johnny Paul?

7 A. Yes, I know what happened to him.

8 Q. What happened to him?

9 A. After Rambo had persecuted, saying that Johnny Paul wanted
14:24:15 10 to run away and wouldn't return, then Mosquito passed an order to
11 an RUF commander called Shabado that Johnny Paul should be placed
12 under control. So Shabado took out his shotgun and started
13 shooting over Johnny Paul's head and under his feet. He said
14 that because he didn't want to fight in the war, he wanted to run
14:24:36 15 away. Then Johnny Paul said he wanted to go for arms.

16 Q. Pause there. I think Shabado, Your Honour, it would be a
17 phonetic spelling, S-H-A-B-A-D-O.

18 JUDGE DOHERTY: Ms Thompson, the witness used the term
19 there was a "confusion," on two occasions; what exactly does that
14:24:53 20 mean?

21 MS THOMPSON: Your Honour, I will clarify it through the
22 witness.

23 Q. You said there was a confusion. I think one was in
24 relation to Rambo and Johnny Paul's wife; what did you mean by
14:25:07 25 "confusion"?

26 A. Well, when Rambo had gone, when Rambo said that Johnny Paul
27 wanted to run away and wouldn't return, so they confronted him
28 together with the RUF commander and General Mosquito and said
29 that he should leave some money for the wounded soldiers. But

1 Johnny Paul said that he didn't have any money to leave, so
2 Mosqui to got annoyed over Johnny Paul and said that Johnny Paul
3 should hand over the briefcase together with the three packets of
4 diamonds that was in a plastic; that he should hand over
14:25:49 5 everything. So those of us who were going with Johnny Paul were
6 arrested and they gave us about 1,000 lashes. The other
7 bodyguards were beaten up.

8 PRESIDING JUDGE: Well, was that an explanation of what --

9 MS THOMPSON: I was just about to ask whether that was
14:26:11 10 confusion -- whether that explained "confusion," Your Honour. I
11 believe that is what Your Honour was thinking about.

12 PRESIDING JUDGE: Well, Justice Doherty asked what he meant
13 by "confusion" between Johnny Paul's wife and Rambo. That last
14 rambling answer --

14:26:32 15 THE WITNESS: All they --

16 PRESIDING JUDGE: -- that last rambling answer didn't do
17 anything to explain what he meant.

18 MS THOMPSON:

19 Q. Mr Witness, you remember when we started this I said you
14:26:42 20 have to listen very carefully to the questions and then answer
21 the questions; okay? All right? Sometimes, if there's further
22 explanation, I will ask you; okay? Now, the question is, which
23 the learned Judge wants answered is: You said there was
24 confusion. Earlier on you had mentioned that there was confusion
14:27:04 25 between Rambo and Johnny Paul's wife; do you recall saying that?

26 A. Yes, I recall.

27 Q. Now what I want to ask is not what happened, is what you
28 mean by the term "confusion"?

29 A. Well, they struck off Rambo's name as CS0, that he

1 shoul dn' t go to Burki na Faso and Ni ger. So that was what caused
2 the confusi on.

3 JUDGE SEBUTINDE: Is that what caused the confusi on between
4 Johnny Paul Koroma' s wi fe and Rambo?

14:27:52 5 THE WITNESS: Yes, that caused the confusi on.

6 MS THOMPSON: I thi nk I wi ll ask one more questi on because,
7 Your Honours, I do thi s, and the i nterpreters wi ll al so hear,
8 because "confusi on" i n Kri o and "confusi on" i n Engl i sh have two
9 di fferent meani ngs.

14:28:09 10 JUDGE DOHERTY: I guessed as much, Ms Thompson.

11 MS THOMPSON: Yes. And the wi tness i s sayi ng "confusi on,"
12 and the i nterpretati on i s al so "confusi on" and they are two
13 di fferent thi ngs.

14 Q. Mr Wi tness, when you say that there was a confusi on between
14:28:23 15 Rambo and Johnny Paul' s wi fe, perhaps you can help us by, i n not
16 too many words but i n a few words, i f you tell us what happened
17 between Rambo and -- okay. Let me rephrase. As a resul t of
18 Rambo' s name bei ng scratched off the li st to go to Burki na Faso,
19 di d anythi ng happen?

14:28:53 20 A. Yes. Rambo went to General Mosqui to and sai d that Johnny
21 Paul wanted to run away and woul dn' t come agai n. That was why
22 they were annoyed wi th Johnny Paul .

23 Q. Okay. What about Johnny Paul' s wi fe?

24 A. Wel l, for her, she was placed under control . She was
14:29:14 25 stripped naked. They searched her vagi na for di amond. To get --
26 i t was SBU boys who di d i t. They took off her panties. They
27 sai d there was di amond i n her panties -- i n her vagi na, and they
28 referred the to di amonds as "i ssue."

29 Q. Your Honours, I thi nk I wi ll move on from there.

1 Mr Witness, now, you've mentioned being arrested and you were
2 given over 1,000 lashes. After that, what happened to you?

3 A. Well, I was placed in a dungeon because General Mosquito
4 said that we were JP's followers, so we were inciting Johnny
14:30:04 5 Paul. They said that since Tamba Brima was in the dungeon, those
6 of us who were AFRC men, we would be placed in the dungeon
7 because we were not real revolutionary men. That was what
8 General Mosquito said.

9 Q. When you were in the dungeon, were you in there with
14:30:22 10 anybody else?

11 A. Yes. We were about 15 there.

12 Q. Can you recall some of the people who were in the dungeon
13 with you?

14 A. Yes. Johnny Paul's wife's two brothers, Usman Kambolai,
14:30:43 15 Akmed Kambolai, Yenken and Honourable Y, Banja Marah, and Kai bah,
16 who is Johnny Paul's son and Sammy was Johnny Paul's son, all of
17 us were in the dungeon.

18 Q. Where was this dungeon located; do you know?

19 A. At Buedu, MP headquarters, back of there, in a toilet pit;
14:31:17 20 that's the dungeon.

21 Q. Mr Witness, how long were you in this dungeon for?

22 A. We were in the dungeon for five days. Then, Mosquito took
23 us out. Then I raised my finger and I saw Skinny, that was what
24 we referred to him as. We said, "Skinny, we want to find a
14:31:44 25 jungle." Then Mosquito said, "You people are true
26 revolutionaries," but he said, "Tamba Brima will remain in the
27 jail and Johnny Paul should go to Kangama together with" -- and
28 some RUF fighters were looking after him in Kangama.

29 Q. When you got out of jail and you had this encounter with

1 Mosqui to, did anything happen after that?

2 A. Yes. After I'd lifted my hand, because Honourable Y and
3 others were afraid to talk to him because they were afraid, so I
4 lifted my hand and said, "Skinny, we want to look for a jungle"
14:32:27 5 because that is how we referred to General Mosqui to. We said,
6 "Skinny, we want to look out for a jungle," and he said, "You
7 people are true revolutionaries," but he said that Tamba Brima
8 will die in the dungeon and Johnny Paul will be in Kangama,
9 because, he said that since Pa Sankoh is not around, he is the
14:32:50 10 next commander, but he refused to fight the war, so Rambo, who
11 was a Liberian Vanguard, made that request.

12 Q. Okay. Mr Witness, you told us that before. Once you had
13 expressed your desire to look for a jungle to Mosqui to, did
14 anything happen after that? That's what I'm looking for?

14:33:09 15 A. Yes. He gave us six RPG bombs and seven sardine pans AK
16 bombs. He gave them to us. He said we should look for a jungle
17 and go with the Judge Rambo who was a Liberian Vanguard.

18 Q. Mr Witness, did you do that?

19 A. I did that in order to secure my life. And they said we
14:33:40 20 should go to Kono. Rambo himself told us that. So we went to
21 Kono and Superman said, "You left that man in the dungeon, Tamba
22 Brima"? He said, "Well, now we are going to burn all his father
23 and mother's houses in Kono because he was a coward. He didn't
24 want us to kill people." So he ordered us to go to Kainkordu
14:34:03 25 Road, Small Sefadu, John Kelly Street, Lebanon, Mortema, Ngai a,
26 he ordered us that we should burn those places. He said anybody
27 who refused to burn those places means that person had a
28 different intention against that revolution, so they left Tamba
29 Brima in custody and Johnny Paul was at Kangama.

1 Q. Mr Witness, can you recall when you left Kailahun for
2 Koidu?

3 A. April to May, I cannot recall the date. It's April to May.
4 That was when I left there.

14:34:48 5 Q. In what year, Mr Witness?

6 A. 1998. April to May 1998.

7 Q. And just for clarification, when you left Kailahun, do you
8 know where Tamba Brima was at the time?

9 A. Yes. I left him in a jail in Buedu in the dungeon. We
14:35:12 10 were all teasing him. He said that you are going to die and when
11 there is peace we will tell your people because I, myself,
12 thought they would kill him in the dungeon, because they ran away
13 from Kono; the withdrawal was very long.

14 Q. Mr Witness, you've mentioned that you got to Kono and
14:35:37 15 Superman was there. Can you, to the best of your knowledge, tell
16 this Court if there was a faction in charge or in control of Kono
17 at the time you arrived there?

18 A. Yes. Yes. We were -- Superman was their brigade
19 commander. Judge Rambo was the battalion commander. So Kono was
14:36:03 20 well fortified. We were -- there was over 3100 manpower.

21 Q. Superman, does --

22 A. Yes, Denis Mingo.

23 Q. Okay. Does he belong to any faction?

24 A. RUF.

14:36:23 25 Q. Mr Witness, how long were you in Kono for?

26 A. Well, I was in Kono until I would be sent to --

27 THE INTERPRETER: Your Honour, please can the witness go
28 over the names of the places.

29 MS THOMPSON: Mr Witness, Mr Witness, stop there.

1 Q. The questi on I asked was: How long were you in Kono for,
2 if you can remember?

3 A. Yes, I can recall how long I took in Kono.

4 Q. And can you tell the Court, please?

14:36:59 5 A. I was in Kono for 11 months.

6 Q. Mr Witness, my final questi on: After you left Tamba Bri ma
7 in Buedu, after his arrest, did you see him again?

8 A. No, I di dn' t see hi m agai n, because -- no, I di dn' t see hi m
9 agai n because we were in Kono and nobody will -- woul dn' t come

14:37:31 10 from Buedu or Kailahun wi thout passing through Kono because there
11 was no other route, because the other area was a boundary to
12 Gui nea and they were our enemies. So he was in the dungeon.
13 That was where I left hi m. He was cleaning glass at the MP
14 offi ce.

14:37:51 15 MS THOMPSON: Mr Wi tness, thank you very much. I have no
16 further questi ons for you.

17 PRESIDING JUDGE: Yes. Thank you, Ms Thompson. Any other
18 questi ons from the Defence?

19 CROSS-EXAMINED BY MR DANIELS:

14:38:08 20 Q. Good afternoon, Mr Wi tness.

21 A. Yes, good afternoon.

22 Q. Mr Wi tness, you' ve told us that the first accused, Tamba
23 Bri ma, was PLO 2 after the coup. That is, during the AFRC
24 regi me; do you remember?

14:38:32 25 A. Yes, I remember.

26 Q. Di d you know who was PLO 3?

27 A. Yes, I remember who was the PLO 3.

28 Q. Who was the PLO 3?

29 A. Bri ma somethi ng. He was the PLO 3.

1 Q. Now, do you know whether PLO 2, that is the first accused,
2 had any command control over the SLAs in Bo during -- let me
3 finish my question -- during the period 1 June 1997 to 30 June
4 1997?

14:39:34 5 A. No. I left him in the hospital.

6 Q. Do you know whether PLO 2 had any -- I will rephrase that.
7 Do you know Brigadier Boysie Palmer?

8 A. Yes, I know him.

9 Q. Brigadier Boysie Palmer was the brigade commander in Bo
14:40:07 10 during the period 1 June 1997 and 30 June 1997; do you remember?

11 A. Yes, I remember that.

12 Q. And do you know whether the second accused, the first
13 accused, had any command control over Brigadier Boysie Palmer
14 while he was the brigade commander in Bo?

14:40:32 15 A. No, I have no idea about that. We left him in the hospital
16 because he was a sickly man.

17 Q. Do you know whether the second accused, that is PLO 3, had
18 any command control over the brigade commander in Bo in 1997?

19 A. No, no. I wasn't aware of that.

14:41:14 20 Q. Do you know who the brigade commander was in Kenema, in
21 1998?

22 A. No. It's the resident minister that I knew. I didn't know
23 the brigade commander.

24 Q. And who was the minister?

14:41:36 25 A. It was major, Major Conteh. Something like that. Major
26 Conteh.

27 Q. And this time, I put it to you --

28 A. In Bo? Are you talking about Bo or Kenema? Okay. It was
29 Major Mansaray. He was the resident minister in Kenema. SOS

1 resident minister.

2 Q. And I put it to you that the second -- the first and second
3 and third accused had no command control over the resident
4 minister in Kenema in 1998; what do you say?

14:42:21 5 A. No, I don't know about that.

6 Q. You said that while you were leaving Freetown, on your way
7 to Kailahun, you spent 72 hours in Kono. Do you remember?

8 A. Yes. It was not from Freetown. It was from RDF Masiaka.
9 RDF Sumbuya to Magbonkinneh. We took three days in Makeni and
10 three days in Kono before going to Kailahun.

14:43:02 11 Q. At the time, at the time, who was in charge of Kono?

12 A. It was Mr Y. Honourable Y, he was in charge.

13 Q. You also told us you came with Superman from Kailahun to
14 Kono?

14:43:33 15 A. Rambo. Rambo, Judge Rambo. We met Superman in Kono.

16 Q. Who was Superman's second in command, in Kono?

17 A. It was Major OJ. Major OJ.

18 Q. Was Major OJ RUF or SLA?

19 A. RUF. RUF. RUF Major OJ.

14:44:10 20 Q. If I told you that the second accused was the second in
21 command to Superman in February to April 1998, in Kono, what
22 would you say?

23 A. No, he was not the second in command, because the RUF, had
24 a grudge over the --

14:44:34 25 THE INTERPRETER: Your Honour, please, can the witness take
26 it again.

27 PRESIDING JUDGE: Just a minute, Mr Witness. You are
28 talking too fast for the interpreter. Could you please repeat
29 your answer?

1 MR DANIELS: I will ask the question again.

2 Q. I said: If I told you that the second accused was the
3 second in command to Superman in Kono, in February -- during
4 February, March 1998, what would you say?

14:45:05 5 A. No, it was Major OJ.

6 Q. If I told you that the second accused was responsible,
7 Ibrahim Bazy Kamara, was responsible for the burning of houses
8 in Koi du, during April, during February, March, April 1998, what
9 would you say?

14:45:26 10 A. No, that statement is not correct. I know all those who
11 were responsible for the burning of Kono.

12 Q. Who were those responsible for the burning of Kono?

13 A. Judge Rambo, Superman, Amara Peleto, Major OJ, De Moor.
14 These are the people that are responsible for the burning of

14:45:53 15 Kono.

16 MR DANIELS: Thank you very much.

17 CROSS-EXAMINED BY MR KNOOPS:

18 MR KNOOPS:

19 Q. Mr Witness, good afternoon.

14:46:23 20 A. Good afternoon, sir.

21 Q. Mr Witness, is it correct that in the period February 1998
22 until April 1998 you were in Kono District?

23 A. Yes.

24 Q. Mr Witness, do you know the first accused, Santi gie Borbor
14:46:51 25 Kanu? Sorry, pardon me. Third accused, Santi gie Borbor Kanu.

26 A. Yes, I know him.

27 MR KNOOPS: Sorry Your Honours, I didn't get the
28 translation.

29 PRESIDING JUDGE: His answer was, "Yes, I know him."

1 MR KNOOPS:

2 Q. Can you please tell the Court, how do you know the third
3 accused?

4 A. Well, I know the third accused during the AFRC regime and
14:47:29 5 what made me to focus my attention to him is that he loved little
6 kids, especially orphans. He liked to put them together and I
7 always commend him, because he liked orphans. That was how I
8 came to know him.

9 PRESIDING JUDGE: Mr Knoops, did he say he loved to put
14:47:56 10 them together?

11 THE WITNESS: Yes, he liked to put them together. Bring
12 them together. The disabandoned [as interpreted] children. He
13 likes little children. He liked to bring them together. He said
14 when --

14:48:14 15 PRESIDING JUDGE: All right. Mr Witness. I understand
16 now. Had you said bring them together at first, I would not have
17 asked that question. Put them together has a number of meanings.
18 I understand now. Go ahead, Mr Knoops.

19 MR KNOOPS:

14:48:28 20 Q. Mr Witness, can you please explain what you mean with the
21 words "put them together"?

22 PRESIDING JUDGE: No, no, he just explained it Mr Knoops.
23 He meant bring them together.

24 MR KNOOPS: Okay.

14:48:39 25 Q. Mr Witness, I just asked you about the period February,
26 April 1998 when you were in Kono. Did you ever see the third
27 accused in Kono?

28 A. No, no, no, no. He was not liked in Kono because the RUF
29 people said he is too fussy, especially General Mosquito. He

1 said he said he is too fussy; that is, the third accused. So
2 they didn't want to see him there.

3 Q. What do you mean with the words "too fussy"?

14:49:31 4 A. Well, wherever the RUF and the AFRC are, when they say the
5 third accused likes to project himself, that is, at any forum he
6 is the first to speak. So he was not liked because of that, and
7 it started in Freetown. That was why he was not allowed to go to
8 Kono. I only saw him in Kono -- Makeni, that is Teko Road. That
9 is where I saw the third accused.

14:49:59 10 Q. So you would agree with me that the third accused was not
11 the senior commander of the AFRC or RUF forces in Kono District
12 in February until April 1998?

13 A. He was an honourable, but I don't see anything that he did
14 in terms of command in the jungle.

14:50:33 15 Q. Mr Witness, you earlier stated that in RUF territory the
16 AFRC was not allowed to be present with a lot of people. Can you
17 recall saying that?

18 A. Yes, I said so.

19 Q. What exactly do you mean with "RUF territory"?

14:51:00 20 A. Well, we had an order from Liberia, from the Mansion,
21 saying that we should not trust the AFRC people. They said the
22 RUF people are those that have accepted the revolution. AFRC
23 have just joined the revolution, so we should not trust them. So
24 if it is downwards well, they would accept them, but they should
14:51:20 25 not accept them within their territory and also to give them
26 responsibility as commanders. That should not happen, and it's
27 never occurred. I've never seen that.

28 PRESIDING JUDGE: Well, we've just heard the answer and we
29 are still no wiser as to what he means by RUF territory. I wish

1 the witness would listen to the questions.

2 MR KNOOPS:

3 Q. Mr Witness, I asked you, referring to your statement that
4 the AFRC was not allowed to be present with a lot of people in
14:51:55 5 RUF territory, what exactly do you mean with RUF territory? Can
6 you mention anything?

7 A. Yes. Well, from the east, that is Kono, onto Liberia
8 border, that was the RUF control area. So when we went with
9 Johnny Paul and a lot of manpower, so they were afraid. They
14:52:22 10 said we wanted to hijack the revolution from them. So, these are
11 men that are very security conscious, so that was why I said so.

12 PRESIDING JUDGE: Mr Witness, nobody asked you about men
13 being security conscious. Please listen to the question. All
14 you were asked is to tell us what you mean by "RUF territory."
14:52:45 15 The rest of it you were not asked. Now, if you want to be in
16 that witness box indefinitely, you just keep rambling on and
17 volunteering information that you have not been asked.

18 MR KNOOPS:

19 Q. Mr Witness, you testified that the AFRC was not allowed to
14:53:07 20 be present with a lot of people in RUF territory. Why was the
21 AFRC not allowed to be present?

22 MR HARDAWAY: Objection, Your Honour. I believe that's
23 been asked and answered.

24 PRESIDING JUDGE: You'll have to refresh us, Mr Hardaway.
14:53:24 25 What is the answer?

26 MR HARDAWAY: In answer to the other one he stated the
27 orders from the AFRC -- orders from Liberia not to trust the
28 AFRC. It wasn't in direct answer to this question but in answer
29 to my learned friend's other question. That was the answer.

1 PRESIDING JUDGE: All right. Mr Hardaway. You've got a
2 right to cross-examine. This is technically cross-examination
3 too.

4 MR HARDAWAY: Understood.

14:53:47 5 MR KNOOPS: Your Honour, this is a deduction from the
6 Prosecution. I'm specifically asking the reason --

7 PRESIDING JUDGE: Go ahead, Mr Knoops.

8 MR KNOOPS: Thank you, Your Honour.

9 Q. Mr Witness, do you know if there was a specific reason why
14:53:59 10 the AFRC was not allowed to be present with a lot of people in
11 RUF territory?

12 A. Yes, I have the reason.

13 Q. Please tell us that reason, Mr Witness.

14 A. Well, intelligence report met Tito at Makeni -- no, Kabala,
14:54:28 15 that Johnny Paul has been placed under control and some of his
16 securities have been shot. So Tito, from Kabala, started sending
17 messages in RUF territory saying we were all the same, but as
18 long as they've started treating our leader this way, so let
19 everybody stay on his own. So whoever comes over to our
14:54:51 20 territory will know how we treat him. So whoever comes to your
21 territory, you treat him the way you want, so that was why RUF
22 was afraid of us, AFRC.

23 Q. Mr Witness, you've just testified about the arrest of
24 Johnny Paul Koroma, and I believe you testified that you left
14:55:22 25 Kono around April 1998; were there any SLAs present during those
26 days in Kono?

27 A. Yes.

28 Q. When you have to make an estimation, how many SLAs were
29 present in those days?

1 A. Well, the SLA that were in Kono were just few. About 30,
2 31, 31 SLA. The rest of the other fighters were RUF.

3 Q. Mr Witness, were you able to see how these SLAs responded
4 to the arrest of Johnny Paul Koroma?

14:56:09 5 A. With whom?

6 Q. Were you able to see how the SLAs reacted when they heard
7 about the arrest of Johnny Paul Koroma?

8 A. Well, they didn't react badly because they never said, if
9 they reacted Johnny Paul and family would have been killed. That
14:56:39 10 was why they didn't react. They said we should be patient until
11 we achieved peace.

12 Q. Mr Witness, is it correct to say that the SLAs in that
13 period were not willing to take orders from the RUF?

14 A. No. They were not willing, because the RUF were just
14:57:07 15 firing the SLAs, disarming, taking money from their hand and
16 property, so that was why they were afraid of them. That was
17 why, in fact, some men surrendered. Others said rather they
18 would prefer to come to Kabala or Okra Hill. But they will not
19 stay in RUF territories.

14:57:32 20 MR KNOOPS: Thank you, Mr Witness. Your Honour, before I
21 continue, the second accused would -- wishes to use the men's
22 room, if possible.

23 PRESIDING JUDGE: Yes, he can leave the courtroom.

24 MR KNOOPS: Thank you.

14:57:44 25 Q. Mr Witness, is it correct to say that in the time frame of
26 February, April 1998, there were never any joint operations
27 conducted by the SLAs and the RUF?

28 A. Well, the joint operation that we did, in fact, I wouldn't
29 call it a joint operation because it was purely SLA who were not

1 senior officers, but the RUF who were high rank officers, so I
2 wouldn't call it a joint operation. The SLAs who were there were
3 fighting for their lives so they would not be branded as
4 opposition to the revolution.

14:58:38 5 Q. Mr Witness, I believe you testified that you worked for
6 Honourable Y; is that correct?

7 A. Yes, I was with Honourable Y.

8 Q. Can you recall until what period of time you worked for
9 him?

14:59:00 10 A. Since I was sent there, when the coup had just occurred, I
11 was with him up to intervention period.

12 Q. So if there would have been a common plan, between the RUF
13 and the AFRC, you would have known, wouldn't you?

14 A. Yes, I would have known.

14:59:35 15 Q. Mr Witness, can you tell the Court whether, according to
16 your knowledge, a common plan existed between the RUF and the
17 AFRC, to gain and exercise political power and control over the
18 whole territory of Sierra Leone?

19 A. No, they were not fighting for that any more. What the RUF
14:59:58 20 and the AFRC were fighting for, they have lost the power, so they
21 were fighting for peace. That was all they were fighting for.

22 And the RUF said they should vandalise areas before United Nation
23 could intervene, so that there will be peace. That was why

24 Mosquito passed an order that we should make a war candle. That
15:00:25 25 is to burn houses. That was what he meant by war candle. So
26 that there will be total peace.

27 Q. And, Mr Witness, is it correct to say that this wasn't the
28 plan or purpose of the AFRC?

29 A. Well, I'm correct, because I was very close to Chairman

1 Johnny Paul Koroma. Whenever he was making statements and also
2 Mosquito, so I'm correct.

3 Q. But I mean, Mr Witness, is it correct to say that the
4 purpose of the AFRC wasn't to achieve peace through a war, wasn't
15:01:08 5 it?

6 A. No, it was to make peace.

7 Q. And there wasn't any plan to burn houses and to attack
8 civilians, wasn't it?

9 THE INTERPRETER: Your Honours, can I learned counsel please
15:01:23 10 repeat the question.

11 MR KNOOPS:

12 Q. And, Mr Witness, there wasn't any plan, on the part of the
13 AFRC, to burn houses and attack civilians; is that correct?

14 A. No, there was no plan. That plan was only by General
15:01:44 15 Mosquito. That is the burning of the house will necessitate UN
16 to intervene into the conflict, so that there will be peace.

17 MR KNOOPS: Thank you, Mr Witness.

18 THE WITNESS: Thank you, too.

19 MR KNOOPS: Your Honours, that concludes my
15:02:03 20 cross-examination.

21 PRESIDING JUDGE: Thank you, Mr Knoops. Yes, Mr Hardaway.

22 MR HARDAWAY: Yes, Your Honour. At this point, the
23 Prosecution would ask for an adjournment of the cross-examination
24 of this witness until Tuesday of next week. The reasons given is
15:02:21 25 that the summary was provided on September 11, which is outside
26 of the -- which is in violation of the 21-day rule. Now, with
27 full disclosure, the 21 days would fall on a Sunday and the next
28 working day would be a Monday. The Prosecution is asking for
29 Tuesday in this matter because, even though there is a pool of

1 witnesses, there is an issue really as to the call order and,
2 granted through no fault of the Defence, some fell ill and some
3 have been shuffling around, so it would just give us the extra
4 time to prepare for that particular witness. We would ask for an
15:03:02 5 adjournment for cross-examination until Tuesday.

6 PRESIDING JUDGE: Is there any objection to that from the
7 Defence?

8 MS THOMPSON: Your Honour, whilst I don't object to the
9 adjournment, I would think that perhaps, because of economy of
15:03:21 10 time and looking at the facts that we are coming towards the end
11 of the case for individual witnesses for Brima, and we have a
12 cross-examination for Monday morning, I don't know how long that
13 is going to be, but I would have preferred it, and the position I
14 think, certainly for Brima Defence, would be for this
15:03:43 15 cross-examination to follow immediately after the one on Monday.

16 So if that means that Monday morning is dedicated to one, and
17 finishes by lunch-time, then the other can follow immediately.
18 Of course it may very well take the whole day in
19 cross-examination and then go into Tuesday, in which case it
15:04:05 20 doesn't really matter.

21 PRESIDING JUDGE: Well, allow for the fact that it may end
22 fairly soon, and you should have another witness ready, if that
23 happens, Ms Thompson, don't rely on two cross-examinations
24 lasting a whole day.

15:04:14 25 MS THOMPSON: I would expect, Your Honour, that by then it
26 would have exhausted the Brima Defence individual witness list.

27 PRESIDING JUDGE: I see.

28 MS THOMPSON: We will be going into the Kamara individual
29 list because by then the -- a decision would have been made about

1 the remainder of the common witnesses who are still at large.

2 PRESIDING JUDGE: I understand. Thank you. Well,
3 Mr Hardaway, what -- I will confer with my colleagues, of course,
4 but I think what Ms Thompson says makes a lot of sense. There is
15:04:48 5 already one deferred witness being cross-examined on Monday
6 morning and, after that cross-examination, however long it might
7 take, I don't know, it would be very convenient to be able to
8 dispose of the other cross-examination as well. Does that leave
9 you at any disadvantage, seeing your 21 days actually would have
15:05:08 10 expired Monday anyway?

11 MR HARDAWAY: That's true, Your Honour. Just based on the
12 wealth of information that came out from the direct, which was
13 not in the summary provided, the Prosecution would feel we would
14 need that extra time to further the investigation for that. So
15:05:30 15 it may actually be an issue. I understand the Prosecution is
16 asking for the Court's indulgence for one day past what the
17 21-day rule calls for.

18 PRESIDING JUDGE: Yes. Just one moment, please.

19 JUDGE SEBUTINDE: Mr Hardaway, what date is Tuesday?

15:06:07 20 MR HARDAWAY: I believe it's the 2nd.

21 MS THOMPSON: No, Your Honour, it's the 3rd.

22 MR HARDAWAY: I've never been good with dates without a
23 calendar, Your Honour. I apologise.

24 PRESIDING JUDGE: I think it would be the 3rd, Mr Hardaway.

15:06:26 25 MR HARDAWAY: Understood, Your Honour.

26 PRESIDING JUDGE: Thank you.

27 MR HARDAWAY: Excuse me, sorry.

28 PRESIDING JUDGE: Yes.

29 [Prosecution counsel conferred]

1 MR HARDAWAY: Upon speaking with my learned friend, we can
2 do this on Monday then, Your Honour, if the Court is so inclined.
3 We can finish one after the other.

4 PRESIDING JUDGE: All right. Well, thank you for that,
15:07:06 5 Mr Hardaway. That was the only Defence objection to the
6 application. So we will grant that adjournment until Monday, 2
7 October.

8 Now, Mr Witness, we are going to ask you to come back next
9 Monday, that is 2 October, to complete your evidence then. And
15:07:30 10 we have to --

11 THE WITNESS: I'm always ready.

12 PRESIDING JUDGE: All right. Thank you for that.

13 THE WITNESS: Because I'm saying the truth.

14 PRESIDING JUDGE: All right.

15:07:42 15 THE WITNESS: You were welcome.

16 PRESIDING JUDGE: Wait. Madam Court Attendant, make sure
17 his microphone is turned on and put his headphones back on.
18 Mr Witness, I hadn't finished speaking to you.

19 THE WITNESS: Okay. I'm sorry sir.

15:08:08 20 PRESIDING JUDGE: It's important that I remind you that
21 during this time from now, until you come back to Court to give
22 evidence on Monday, you are not permitted to discuss this case,
23 or the evidence, with anybody else. I've told you that before
24 but I'm just reminding you; is that clear?

15:08:25 25 THE WITNESS: Okay. Thank you, sir.

26 PRESIDING JUDGE: Well, I look --

27 JUDGE DOHERTY: Mr Witness, please sit where you are for a
28 moment.

29 PRESIDING JUDGE: Now, Ms Thompson, the reason I'm

1 addressing you now without the witness leaving Court is that we
2 can sit here until he's taken out of Court, and then we can bring
3 the next witness in. However, if there's not going to be a next
4 witness, we might leave now, and then you can -- then Court
15:09:08 5 Management can escort the witness out.

6 MS THOMPSON: Your Honour, there isn't going to be a next
7 witness. Perhaps, I think, I am trying to work the list as we
8 are going on. Of course, Your Honour knows that out of the three
9 that were scheduled for this morning only one was well enough to
15:09:39 10 give evidence. At the moment, I think there is a
11 cross-examination in the morning, tomorrow. DAB-100 is slated
12 for tomorrow afternoon. We are hoping that he will be able to
13 come in tomorrow afternoon. He arrived yesterday. He has had a
14 day which we were told to give them. So he should be fit and
15:09:56 15 ready for tomorrow afternoon.

16 On Friday, I am hoping that the two ladies, DAB-157 and
17 156, will then be well enough so that they could come in in the
18 morning and then in the afternoon DAB-093. As far as those who
19 were ill today, if DAB-109 is well enough, he can fit in some
15:10:19 20 time tomorrow afternoon. I don't expect that 100 will be a very
21 long witness. And, at the end of that, I am hoping that I am
22 still on course to conclude the Brima Defence case on Friday, in
23 terms of examination-in-chief.

24 PRESIDING JUDGE: Thank you, Ms Thompson.

15:10:40 25 JUDGE SEBUTINDE: Ms Thompson, did you provide for tomorrow
26 morning? Did you give --

27 MS THOMPSON: Tomorrow morning I think there is a
28 cross-examination and I am hoping that DAB-100 will just follow
29 with the cross-examination tomorrow.

1 PRESIDING JUDGE: Yes. We have DAB-095 to give evidence
2 tomorrow under cross-examination.

3 MS THOMPSON: Yes.

4 PRESIDING JUDGE: Just as a matter of interest,
15:11:28 5 Ms Thompson, DAB-093 is the hearing impaired witness; is that
6 right?

7 MS THOMPSON: Yes, Your Honour. And he's the one, as I
8 mentioned to the Court, the translator is only available in the
9 afternoons. I worked out with the language department that
15:11:46 10 perhaps later on in the week would be more suitable for the
11 translator. They will have to speak to him as to how it will be
12 done. So I think my learned friend and I had thought Thursday or
13 Friday, but I think Friday is probably enough time.

14 PRESIDING JUDGE: Well, we are dealing with a person who
15:12:05 15 reads sign language, and he will be interpreting the sign
16 language and there will be another interpreter to interpret the
17 first interpreter's words; is that right?

18 MS THOMPSON: Yes, Your Honour. I envisage that the sign
19 language interpreter will be present in Court, so he can speak
15:12:21 20 into the mic what is being said, and the translators in the
21 language unit will then interpret to us.

22 PRESIDING JUDGE: But the first interpreter is an
23 accredited Special Court interpreter; is that right? This sign
24 language reader?

15:12:37 25 MS THOMPSON: As far as I am aware, Your Honour, Special
26 Court hasn't got a sign language reader. This is someone who
27 teaches at the National School for the Deaf, and I don't know
28 where -- I think -- I don't know what the language he has put in
29 place for them but this is something I had discussed with

1 Mr Sesay from the language unit. He was able to locate this
2 person. I don't know what sort of hurdles there are for this
3 person to go through. Whether he has to go through some sort of
4 accreditation process or what have you. My guess is, and this is
15:13:15 5 only guessing that, since we made it known to them, they would
6 actually put in place the necessities, whatever those were, for
7 this person to be able to come to Court and then translate.

8 PRESIDING JUDGE: Yes. He's being dealt with by the
9 interpretation unit.

15:13:34 10 MS THOMPSON: Yes, Your Honour.

11 PRESIDING JUDGE: Well, look, I presume that they will give
12 him the correct advice but I would draw the Defence's attention
13 to the code of ethics for interpreters and translators, and this
14 person who is reading sign language will fall under certain
15:13:53 15 onerous obligations imposed by that code of ethics, so I would
16 like him to be made aware of that.

17 MS THOMPSON: I will actually contact the language unit as
18 soon as we rise, to ensure that whatever needs to be done is
19 done.

15:14:09 20 MR AGHA: Your Honour, at this juncture, I might raise, I
21 wasn't fully aware that the witness, we would actually be hearing
22 his evidence fully through sign language, and the Prosecution
23 isn't of a view that that is permissible in terms of viva voce
24 evidence. Certainly, if Your Honours were to feel it was, then
15:14:30 25 we would need an accredited sign language person and then someone
26 even to double-check that to make sure the interpretation is
27 being done correctly. If the person is unable to speak, I don't
28 see how he can give viva voce evidence.

29 PRESIDING JUDGE: We don't know much about the witness at

1 this stage, and perhaps it's a bit premature to be making
2 submissions. I am not sure whether you are saying this witness
3 can't speak at all. I thought he simply was speech impaired.

4 MS THOMPSON: Your Honour, he is speech impaired. He
15:15:06 5 speaks through sign language. Those who know him well are able
6 to communicate with him. There are others obviously who can't.
7 I know of no reason why someone who suffers from a disability
8 would not be able to give viva voce evidence, especially if they
9 are present when certain things happened. As far as the

15:15:26 10 accreditation of the person who will be translating obviously, as
11 I mentioned before, I will speak to the language unit and find
12 out what exactly needs to be done, and whether that has been done
13 because they have been aware of this person since the beginning
14 of the week. I think there was something else that my learned
15:15:45 15 friend mentioned which I wanted to refer to, but, Your Honour, I
16 know my learned friend Mr Knoops has actually found out whether
17 there is any case law that would prevent this witness giving
18 evidence. Because all it is is someone suffering from a
19 disability, I am not sure whether my learned friend is saying
15:15:58 20 that if you suffer from certain disabilities you cannot actually
21 give viva voce evidence.

22 PRESIDING JUDGE: Well, look, we are a bit premature now.

23 JUDGE SEBUTINDE: Well, I recall that not long ago we took
24 evidence of one witness who was speech impaired, and we had
15:16:14 25 thought that we couldn't understand him but, in the end, we did.
26 Now, neither of these witnesses, if I understand, is mentally
27 impaired which is a different matter altogether.

28 MS THOMPSON: Quite, Your Honour. This one is a person who
29 went -- he is impaired enough to have attended the deaf school so

1 at least he is versed in sign language and sign language is a
2 form of speech. It's a form of articulating what it is we all
3 say normally and therefore, Your Honour, I see no reason why he
4 would not be able to give evidence with a proper accredited
15:16:46 5 translator. As I say, Mr Knoops has looked at it, and we have
6 not come up with any case law which would prevent such a witness
7 from giving evidence.

8 PRESIDING JUDGE: All right. Well, look, I think the first
9 thing is if the witness DAB-093 is available for evidence on
15:17:03 10 Friday, we will assess the situation then once he is in the
11 witness box.

12 MS THOMPSON: Most grateful.

13 PRESIDING JUDGE: And we will hear any arguments, if
14 necessary, at that stage.

15:17:15 15 MS THOMPSON: Thank you, Your Honour.

16 PRESIDING JUDGE: All right. Well, once again, Mr Witness,
17 thank you. We are going to adjourn now. But please sit there,
18 they will draw the curtains and you will be able to leave.

19 [The witness stood down]

15:17:31 20 PRESIDING JUDGE: We will now adjourn the Court until 9.15
21 tomorrow morning.

22 [Whereupon the hearing adjourned at 3.19 p.m.,
23 to be reconvened on Thursday, the 28th day of
24 September 2006, at 9.15 a.m.]

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EXHIBITS:

Exhibit No. D28 55

WITNESSES FOR THE DEFENCE:

WITNESS: DAB-111 7

EXAMINED BY MS THOMPSON 8

CROSS-EXAMINED BY MR DANIELS 30

CROSS-EXAMINED BY MR AGHA 31

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