



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

TUESDAY, 10 OCTOBER 2006  
9.22 A.M  
TRIAL

TRIAL CHAMBER II

Before the Judges:

**Ri chard Lussi ck, Presi di ng  
Teresa Doherty  
Julia Sebutinde**

For Chambers:

**Mr Si mon Mei senberg**

For the Registry:

**Mr Thomas George**

For the Prosecution:

**Mr Karim Agha**

For the accused Alex Tamba  
Brima:

**Mr Koj o Graham**

For the accused Brima Bazzy  
Kamara:

**Mr Mohamed Pa-Momo Fofanah**

For the accused Santigie Borbor  
Kanu:

**Mr Ajibola E Manly-Spain**

10:02:04

1 [AFRC10OCT06A - MD]

2 Tuesday, 10 October 2006

3 [Open session]

4 [The accused present]

09:14:45 5 [The witness entered court]

6 [Upon commencing at 9.22 a.m.]

7 PRESIDING JUDGE: Now, Mr Fofanah, is this witness DBK-122?

8 MR FOFANAH: No, Your Honours. This is DBK-131 and he is  
9 on -- it's actually page 4 on the summaries filed 10 September  
09:22:34 10 2006 and he is number 3 on the list. DBK-131. Your Honours, he  
11 will be testifying in Krio.

12 WITNESS: DBK-131 [Sworn]

13 [The witness answered through interpreter]

14 EXAMINED BY MR FOFANAH:

09:23:22 15 Q. Good morning, Your Honours. Good morning, Mr Witness.

16 A. Good morning, sir.

17 Q. Mr Witness, I'm going to ask you questions about certain  
18 events that occurred some time ago in Sierra Leone and your  
19 business is to give precise answers to the questions. After I  
09:23:42 20 finish asking you questions, my colleagues on this side may ask  
21 you questions and then the lawyer on the other side, the  
22 Prosecution, shall also be asking you questions. So we will  
23 start, Mr Witness. Mr Witness, you were born on 14 June 1979.  
24 After you getting me, Mr Witness?

09:24:18 25 A. Yes. Yes, I can hear you. Yes, I was born on 14 June  
26 1979.

27 JUDGE SEBUTINDE: Mr Fofanah, avoid speaking over the  
28 witness or even over the interpreter because we don't hear what  
29 you are saying.

1 MR FOFANA: Your Honours, I'm extremely sorry. I was  
2 actually on a different channel. That's why. I'm sorry about  
3 that, Your Honours.

09:25:02 4 Q. Mr Witness, you were born in Freetown, in the Western Area  
5 of Sierra Leone?

6 A. Yes.

7 Q. And you went to school in Freetown and --

8 A. Yes.

9 Q. -- you went as far as the fourth form?

09:25:18 10 A. Yes.

11 Q. You are currently engaged in computer studies as well as  
12 petty trading?

13 A. Yes, yes.

09:25:42 14 Q. Mr Witness, you were enlisted in the Sierra Leone Army in  
15 February 1992?

16 A. Yes. I joined the army in 1992. At that time I was 13  
17 years of age.

18 PRESIDING JUDGE: What was that age again, Mr Interpreter?

19 THE INTERPRETER: 13 years. One three.

09:26:04 20 THE WITNESS: I was 13 years when I joined the army.

21 MR FOFANA:

22 Q. And did you join the army as a private soldier?

23 A. Yes, of course.

09:26:23 24 Q. Mr Witness, since you went to school as far as the fourth  
25 form, I take it that you can read and write?

26 A. I can read and write very well.

27 Q. So when you were enrolled in the army, were you given an  
28 SLA number, a Sierra Leone Army number?

29 A. Yes.

1 Q. Now, if given the opportunity, will you be able to write  
2 out your SLA number and, if you have any nickname as well, on a  
3 piece of paper?

4 A. Yes, I will do that.

09:26:59 5 Q. But, before I go on, do you have a nickname? I'm not  
6 asking you to call out the name. I just want to know if you have  
7 a nickname?

8 A. Yes.

9 MR FOFANAHA: Your Honours, at this stage I'm respectfully  
09:27:14 10 applying that, for purposes of the witness's protection, that the  
11 sheet of paper be given to him so that he can write out his full  
12 names, his nickname and his SLA number.

13 PRESIDING JUDGE: All right. Mr Court Attendant?

14 MR FOFANAHA: Your Honours, on behalf of the Kamara Defence  
09:31:01 15 team, we are respectfully applying that the said document be  
16 tendered, subject to any objection from the Prosecution.

17 PRESIDING JUDGE: Yes, any objection?

18 MR AGHA: No objection, Your Honour.

19 PRESIDING JUDGE: All right. That will be admitted as  
09:31:01 20 Defence Exhibit 32.

21 [Exhibit No. 32 was admitted]

22 PRESIDING JUDGE: Do you want that under seal?

23 MR GEORGE: Yes, Your Honour.

24 PRESIDING JUDGE: Marked confidential and under seal.

09:31:01 25 MR FOFANAHA: Thank you very much, Your Honour.

26 Q. Mr Witness, where were you trained as an SLA?

27 A. I was trained at Benguema Training Barracks.

28 Q. Your Honours, may I seek your indulgence for a moment.

29 Mr Witness, please wait for the interpretation and whatever I say

1 has to be interpreted and whatever you say has to be interpreted  
2 and the language in which you have chosen to testify is Krio, so  
3 I hope you will take note of that. So, you said you were trained  
4 where, again, please? Can you go over that?

09:31:45 5 A. At Benguema and my advance training I did it at Daru.

6 MR FOFANAH: Your Honours, we've had Benguema before.

7 Q. And what were you trained in at Benguema?

8 A. I was trained as infantry. Infantry training, I did it  
9 there.

09:32:12 10 Q. And what does that mean?

11 A. Infantry means that you have been trained to fight on the  
12 ground.

13 Q. Now, were you trained in any other thing, apart from being  
14 trained to fight on the ground?

09:32:58 15 A. Well, I was trained also to come down from a helicopter.  
16 That's all.

17 Q. Did you receive any training in weapons?

18 A. Yes. I received training.

19 Q. What kind of weapons were you trained in?

09:33:10 20 A. AK-47, HNG, GPMG, anti-aircraft single barrel and double  
21 barrel, G3, and other smaller weapons.

22 Q. Mr Witness, you have to go a bit slowly because you are  
23 being interpreted. Mr Witness, did you have any training  
24 instructor at Benguema?

09:33:35 25 A. Yes.

26 Q. Who was your training instructor?

27 A. Sumu, Obereh.

28 MR FOFANAH: Sumu is, S-U-M-U. And Obereh is, O-B-E-R-E-H.

29 Q. Now did these people have any ranks? Were they SLAs first

1 of all?

2 A. Sumu was an SLA soldier. He was a staff sergeant. The  
3 training commander was Samura.

4 Q. Okay. We have heard that Sumu was a staff sergeant and  
09:34:19 5 SLA. What about Obereh?

6 A. He was a sergeant.

7 Q. Was he also an SLA?

8 A. Yes, he was an SLA.

9 Q. And whom did you say was the training commander?

09:34:33 10 A. Colonel Samura.

11 MR FOFANAH: Samura, Your Honours, is S-A-M-U-R-A.

12 Q. How long did you train for at the Benguema training camp?

13 A. Six months. Six months.

14 Q. And when you left Benguema, did you go anywhere?

09:34:58 15 A. Yes.

16 Q. Where did you go to?

17 A. I went to Daru.

18 Q. Did you go to Daru on a military posting or you just went  
19 all by yourself?

09:35:13 20 A. The military sent me there. To go and capture Kailahun and  
21 Koindu from -- border from RUF.

22 Q. What is RUF?

23 A. Revolutionary United Front.

24 Q. And what does that mean?

09:35:40 25 A. Well, I'm not an RUF, so I don't know the meaning of RUFs.  
26 If you ask me the SLA, I will tell you.

27 Q. I mean, who were they? Who were they, the RUF?

28 A. They were rebels.

29 Q. Mr Witness, did you leave the Benguema Training Camp with

1 any rank?

2 A. No.

3 Q. So how long did you take in Daru when you were posted  
4 there?

09:36:18 5 A. About two months.

6 Q. And from Daru, did you go anywhere?

7 A. Yes.

8 Q. Where did you go to?

9 A. We went towards the border, the Koindu border. We captured  
09:36:45 10 Kailahun and Pendembu and then we went to Koindu border and we  
11 came back to Daru. From there, I went to Tongo.

12 Q. So when you say "we," were you under the command of anyone  
13 whilst you were advancing to Koindu and the other places you've  
14 mentioned?

09:37:05 15 A. Yes. I was with a lieutenant, Lieutenant Bakarr. He was a  
16 task force in Daru, so I was under the task force.

17 MR FOFANA: Your Honours, Koindu is K-O-I-N-D-U, and  
18 Bakarr is B-A-K-A-R-R.

19 Q. So you said eventually you came back after these operations  
09:37:34 20 to Tongo; not so?

21 A. Well, from Tongo I went to Bo, I went to Kono, another  
22 operation again in Kono because RUF went and captured Kono so we  
23 went and recaptured Kono.

24 Q. So what year was it that you went and recaptured Kono from  
09:38:03 25 the RUF?

26 A. It was around about 1994.

27 Q. And how old were you around this time?

28 A. At that time I was around about 15 years.

29 Q. Now, in 1997, where were you?

1 A. I was at RDF; Rapid Deployment Force in Sumbuya.

2 Q. Sumbuya Your Honours, we've had before. Now, do you  
3 remember May 25, 1997?

4 A. Yes.

09:39:01 5 Q. On that day, where were you?

6 A. I was at RDF.

7 Q. Did anything happen on that day, that you can recall?

8 A. I remember that in the morning we heard an announcement  
9 that they had overthrown. That's all that I can remember and,

09:39:32 10 from there --

11 Q. Okay. Hold it. Hold it.

12 A. Colonel Sinah gave us orders that --

13 Q. Hold it. You said you heard an announcement that they had  
14 overthrown. Now, who made the announcement?

09:39:51 15 A. Corporal Gborie.

16 Q. And whom did they say they had overthrown -- did he say  
17 they have overthrown?

18 A. The ex -- His Excellency, the President Alhaji Tejan  
19 Kabbah. He was the one that was overthrown at that time.

09:40:17 20 Q. Did he say who overthrew the SLPP, His Excellency's  
21 government, apart from himself, Gborie?

22 A. No.

23 Q. And as a result of that overthrow, did you do anything?

24 A. No.

09:40:48 25 Q. Do you know if any government was formed as a result of the  
26 overthrow?

27 A. Yes.

28 Q. What government was formed?

29 A. The AFRC government.



1 Q. Do you know what AFRC means?

2 A. Yes.

3 Q. Please tell the Court.

4 A. Armed Forces Revolutionary Council.

09:41:29 5 Q. Now, who was your commander at Sumbuya, the RDF Sumbuya?

6 A. Colonel Sinah.

7 MR FOFANAH: S-I-N-N-A-H [sic], Your Honours.

8 Q. Now, did he do anything as a result of the overthrow?

9 A. Well, he said that we should come to Freetown to come and

09:41:57 10 counter the coup.

11 Q. And did you come to Freetown to counter the coup?

12 A. No. No.

13 Q. Do you know the strength of the soldiers who were at RDF at  
14 Sumbuya, how many of you were there?

09:42:29 15 A. I can't remember. We were so many. The soldiers were so  
16 many and they came from different battalions every week and every  
17 month, from different deployment. They send them to go and train  
18 at Sumbuya so I cannot tell you the exact number.

19 Q. Okay. So after the coup of May 25, 1997, did you stay in  
09:42:54 20 Sumbuya?

21 A. That very day I left Sumbuya to come to Freetown with the  
22 troop that Colonel Sinah had already said that we should come to  
23 Freetown with.

24 Q. And what part of Freetown did you come to?

09:43:13 25 A. When I came, I stopped at 7th Battalion because I met some  
26 of my friends there, so I came down.

27 Q. And who were these friends that you met at the 7th  
28 Battalion?

29 A. Gabon, Bakarr.

1 Q. Did they belong to any institution? Did they have an  
2 occupation, your friends?

3 A. Yes, they were military personnels and we were all trained  
4 together and so when I saw them, they called me and I joined  
09:44:07 5 them

6 Q. So when you joined them, did you do anything?

7 A. Well, I spoke with them and they told me that the AFRC had  
8 overthrown, so I told them that I was going home, yeah. They  
9 explained what transpired, that they overthrew and they --

09:44:35 10 THE INTERPRETER: My Honours, can the witness please go  
11 slowly so that I can able to interpret him well.

12 MR FOFANAH:

13 Q. Mr Witness, I've earlier asked you to go as slowly as you  
14 can because whatever you say has to be interpreted. Can you  
09:44:56 15 kindly go over the bit about the coup. You said your friends  
16 were explaining something about the coup. Can you explain that  
17 bit again?

18 A. Yes. They told me that it was because of the ill-treatment  
19 that they were treating the soldiers. That was why they  
09:45:18 20 overthrew.

21 Q. And you said this was at the 7th Battalion. From the 7th  
22 Battalion, did you go anywhere?

23 A. I said I went to see my relatives.

24 Q. Now, where is the 7th Battalion?

09:45:41 25 A. Goderich.

26 Q. And where did you go to see your relatives?

27 A. Tengbeh Town.

28 Q. And did you stay in Freetown, when you finally arrived at  
29 your home at Tengbeh Town?

1 A. Yes, yes, yes.

2 Q. Now, you've told the Court that you knew that the AFRC  
3 government was formed. Did you know the composition of that  
4 government?

09:46:22 5 A. No.

6 Q. Do you know if the AFRC government had any leader?

7 A. Yes.

8 Q. Who was their leader?

9 A. Johnny Paul Koroma.

09:46:50 10 Q. Now, apart from Johnny Paul Koroma, was there anyone else  
11 in the AFRC government that you knew about?

12 A. Well, the ones I knew officially?

13 Q. Yes, go on.

14 A. Honourable Sulley, Honourable Momoh, Honourable Hector Bob  
09:47:21 15 Lahai.

16 Q. Please, go slowly, I have to spell the name. Sulley,  
17 S-U-L-L-E-Y. Momoh, M-O-M-O-H. And what was the last name?

18 A. Hector Bob Lahai.

19 Q. Hector, H-E-C-T-O-R, Bob, B-O-B, Lahai, L-A-H-A-I. And who  
09:47:50 20 else?

21 A. These were the ones I knew personally.

22 Q. Now, around this time, did you know Ibrahim Bazzy Kamara,  
23 the second accused in this case?

24 A. No.

09:48:11 25 Q. Did you hear that Ibrahim Bazzy Kamara was the principal  
26 liaison officer 2, liaison officer 3, PLO 3?

27 MR AGHA: Objection. Your question is leading.

28 PRESIDING JUDGE: It is leading, Mr Fofanah.

29 MR FOFANAH: I will retract that. I thought it was not in

1 issue.

2 Q. So, now, when you stayed in Freetown around this time, were  
3 you attached anywhere?

4 A. No.

09:48:56 5 Q. As a soldier, did you go anywhere to report for normal  
6 duties?

7 A. Well, at that time there was no command control, so I did  
8 not report. I was going there to Cockerill but I was not going  
9 there to report on duty.

09:49:18 10 Q. Where is Cockerill?

11 A. At Wilkinson Road.

12 Q. What is Cockerill?

13 A. Our military headquarter.

14 Q. How long did you stay in Freetown for, when you arrived?

09:49:41 15 A. Well, I was in Freetown until the withdrawal. ECOMOG  
16 intervention.

17 Q. Do you know what year that was when ECOMOG intervened into  
18 Freetown?

19 A. Yes.

09:50:05 20 Q. What year was it?

21 A. 1998.

22 Q. Do you recall the month?

23 A. Yes. February.

09:50:26 24 Q. Now, whilst in Freetown, did anything happen? I mean,  
25 before the intervention, did anything happen during the AFRC  
26 period that you can recall?

27 A. A lot of things happened.

28 Q. So, can you explain some of the things that you recalled  
29 happened during the AFRC period in Freetown?

1 A. The jet air raid killed people. They bombarded the  
2 military headquarter, Cockerill. Can I carry on?

3 Q. Yes. But before that, you said they bombarded the military  
4 headquarters, Cockerill. Who bombarded the headquarters?

09:51:14 5 A. ECOMDG.

6 Q. And how did you know that?

7 A. Well, at that time, I came out of the gate and then I heard  
8 about the bombardment. I was at Wilberforce and they bombarded  
9 34, the military hospital, and they killed soldiers as well as

09:51:37 10 civilians. They bombarded at Mabela again and they killed a lot  
11 of civilians. They bombarded a lot of places in town.

12 Q. Hold it there. Now, before we come to Mabela, you said  
13 they bombarded the 34 Military Hospital and killed people. Do  
14 you know how many people were killed?

09:51:57 15 A. I can't remember.

16 Q. And do you know if the people who were killed were soldiers  
17 or civilians?

18 PRESIDING JUDGE: He said there were both, Mr Fofanah.

19 MR FOFANAH: Thank you, Your Honours. Sorry about that.

09:52:16 20 Q. Now you spoke about a Mabela. Mabela, Your Honours, is  
21 spelled M-A-B-A-Y-L-A [sic]. Where is Mabela?

22 A. Mabela is by the sea, by Guard Street.

23 Q. And what town is that?

24 A. It was in 1998.

09:52:43 25 Q. I mean, the place; is it -- Mabela, where is it? Is it in  
26 a town or city that you know?

27 A. A town by the seaside, behind Guard Street.

28 Q. Which town? Which town?

29 A. Freetown.

1 Q. And what happened at Mabela, that you can recall?

2 A. They killed a lot of people there, through the bombardment.

3 Q. Who killed people at Mabela?

4 A. ECOMOG.

09:53:21 5 Q. And how did you know that?

6 A. I went there and I saw the people with my own eyes.

7 Q. Who were the people whom you saw at Mabela?

8 A. Civilians.

9 Q. Do you know how many civilians were killed at Mabela?

09:53:49 10 A. There were many. I'm unable to count them. Some of their  
11 legs were one side, head one side, stomach one side. They cut a  
12 lot of them up into pieces so you are unable to count in that  
13 kind of situation.

14 Q. And how did you know that it was ECOMOG that killed these  
09:54:12 15 people?

16 A. Well, it was ECOMOG we were fighting against and ECOMOG,  
17 they were at Lungi, they were launching through the sea, jet  
18 raid, and it was cannon bomb that they used at Mabela. They  
19 launched bomb and missile into the city and it landed somewhere  
09:54:37 20 else, but it was Mabela that caused heavy casualties.

21 Q. Okay, Mr Witness. So around what year was this? I mean,  
22 the events that you have recounted, the bombing at Cockerill, the  
23 bombing at 34 Military Hospital and the bombing at Mabela, what  
24 year was that?

09:55:00 25 A. 1998.

26 Q. Okay. So let's come to the withdrawal. You said -- the  
27 intervention, I mean. You said ECOMOG intervened into Freetown  
28 in February 1998. Where were you?

29 A. I was in Freetown.

1 Q. And did you do anything as a result of the intervention by  
2 ECOMOG into Freetown?

3 A. Yes, yes.

4 Q. What did you do?

09:55:41 5 A. Well, I am a soldier and when the ECOMOG were advancing,  
6 they did not allow only for AFRC but for soldiers. They were  
7 trying to fight us and I had a gun, so I had to defend myself and  
8 I fought against the ECOMOG then.

9 Q. So during your stay in Freetown, did you have a gun  
09:56:06 10 throughout?

11 A. Yes, yes.

12 Q. You said you fought against ECOMOG; were you under the  
13 command of anyone during that fight?

14 A. No.

09:56:27 15 Q. So were you alone when you were fighting ECOMOG?

16 A. Well, at that time I was a sergeant. I had my squad mates  
17 that were with me. We had a Hilux that we were using to go up  
18 and down with. Anywhere that they would attack, I would go there  
19 so that we can put their attack under control.

09:56:55 20 Q. Who promoted you to sergeant?

21 A. Colonel Sinnah recommended me to Brigadier Hassan Conteh.

22 Q. And what year were you promoted to sergeant?

23 A. 1996, during the SLPP government.

24 Q. Now, do you know during the AFRC period, the military  
09:58:06 25 structure?

26 A. The military structure, I not be able to tell you exactly  
27 how it was but I will tell you some of it.

28 Q. Now, you have referred to a Brigadier Hassan Conteh. Who  
29 was that brigadier?

1 A. He was the chief of defence staff for the SLPP government.

2 Q. And did he continue as chief of defence staff until the  
3 AFRC period?

09:58:35

4 A. No. During the AFRC time, SFY Koroma was the chief of  
5 defence staff. Hassan Conteh, when we had left, they killed him,  
6 innocently.

7 Q. So apart from SFY Koroma, who was the chief of defence  
8 staff, do you know any other top ranking military officer of the  
9 AFRC?

09:58:56

10 A. The army chief of staff was SO Williams.

11 Q. What was his rank?

12 A. Colonel.

13 Q. Okay. Did the army at this time have any  
14 commander-in-chief?

09:59:29

15 A. Commander-in-chief? The commander-in-chief, I think it was  
16 Johnny Paul Koroma.

17 JUDGE SEBUTINDE: Mr Fofanah, are we talking before the  
18 intervention or after the intervention?

10:00:26

19 MR FOFANAH: We are talking about before, during the AFRC  
20 period.

21 Q. Mr Witness, are we clear on that? Was it during the AFRC  
22 period that Johnny Paul Koroma was commander-in-chief of the  
23 army?

24 A. Yes, yes, yes.

10:00:26

25 Q. So, Mr Witness, you said you fought against ECOMOG during  
26 the intervention. Now, did you stay in Freetown as a result of  
27 that intervention by ECOMOG?

28 A. No. I pulled out later when everybody was pulling out, so  
29 I myself pulled out. I pulled out 13 February.



1 Q. What year?

2 A. 1998.

3 Q. And where did you pull out to?

4 A. I pulled out and went to Tombo. From Tombo, I crossed the  
10:01:06 5 water and I went to Masiaka. From Masiaka I --

6 THE INTERPRETER: Your Honours, the witness --

7 MR FOFANAH:

8 Q. Hold it there. Did you go alone to Masiaka via Tombo?

9 A. No.

10:01:26 10 Q. With whom did you travel?

11 A. I travelled with my family.

12 Q. And when you reached Masiaka, did you meet people there?

13 A. Yes, yes.

14 Q. Whom did you meet?

10:01:49 15 A. I met SAJ Musa.

16 Q. Who was SAJ Musa?

17 A. SAJ Musa was -- the AFRC called him. They gave him  
18 appointment.

19 Q. What was his appointment?

10:02:27 20 A. I cannot remember the exact appointment he was given.

21 Q. And did you know his occupation?

22 A. SAJ Musa, he was the NPRC vice chairman and he was at  
23 England, studying.

24 Q. No, I mean during the AFRC period, did you know his  
10:02:49 25 occupation?

26 A. No.

27 Q. Apart from SAJ Musa did you meet anyone else at Masiaka?

28 A. Yes. Late Bios Conteh. A lot of soldiers were there and  
29 it has taken a long time. I cannot remember again but there were

1 lot of soldiers there. Late Bios Conteh, the BF Kamara and  
2 others. Zagalo, the late Zagalo.

3 Q. I think Bios is B-I-O-S. Did you see the second accused,  
4 Ibrahim Bazzy Kamara?

10:03:37 5 MR AGHA: Objection. It's a leading question, Your Honour.

6 PRESIDING JUDGE: Yes, it is leading.

7 MR FOFANAH:

8 Q. Now, apart from the soldiers you've mentioned, I mean, did  
9 you see anyone else?

10:03:47 10 A. Yes.

11 Q. Who did you see?

12 A. Well, the second accused, that was the first time for me to  
13 know him and that was the first time I saw him.

14 Q. And how did you know him?

10:04:15 15 A. I saw him at Masiaka. I saw him as an ordinary man because  
16 I didn't see him as any big man. He didn't have any securities  
17 with him. They just told me that that man was a public relation  
18 officer.

19 Q. Public relation officer of what?

10:04:36 20 A. Liaison. The AFRC. They said he was a public relation  
21 officer but then, that was what the soldiers told me, because I  
22 didn't have time to mix with the AFRC men. I was a soldier who  
23 was at the front.

24 Q. Now, whilst at Masiaka, did anything happen, that you can  
10:05:03 25 recall?

26 A. Yes.

27 Q. Can you tell the Court, please?

28 A. Well, the Guineans said if we give them money, \$10,000,  
29 they will give us ammunition, war tanks, ammunition for us to

1 capture the city again.

2 Q. How did you know that the Guineans demanded \$10,000 for  
3 arms and ammunition?

4 A. Well, I was at Masiaka so, when I said I knew, I was there,  
10:05:45 5 so I know what I'm saying. I was there when the Guineans, when  
6 we were making the arrangements to give them the \$10,000.

7 Q. So was \$10,000 given to the Guineans?

8 A. No.

9 Q. And did the Guineans give any arms and ammunition to the  
10:06:09 10 AFRC soldiers?

11 MR AGHA: Objection, Your Honours. Leading question.

12 MR FOFANAH: Respectfully, Your Honours, the witness has  
13 mentioned that the Guineans demanded money. I mean, in return  
14 for arms and ammunition. I'm just trying to --

10:06:25 15 MR AGHA: He didn't say it was in return for arms and  
16 ammunition, Your Honour.

17 PRESIDING JUDGE: I thought he did. He did say that,  
18 Mr Agha. I will overrule the objection. Go ahead, Mr Fofanah.

19 MR FOFANAH: Thank you very much, Your Honour.

10:06:40 20 Q. So, did the Guineans give you and your other colleagues,  
21 soldiers, the arms and ammunition?

22 A. We didn't give them the money, so they didn't give us the  
23 ammunitions. If we had given them the money they would have  
24 given us the ammunitions.

10:06:59 25 Q. So during that time, where were the Guineans based?

26 A. At the Freetown Highway, the Freetown Road, on the Masiaka  
27 terrain.

28 Q. And these Guineans, what were they?

29 A. They were a part of ECOMOG.

1 Q. Apart from that incident, did anything else happen in  
2 Masiaka, that you can recall?

3 A. Well, except I heard that Johnny Paul announced, in  
4 Masiaka, because I went there the 13th. That was the incident I  
10:07:53 5 heard of, in Masiaka. I don't think any other incidents happened  
6 before I left Masiaka or after.

7 Q. So what was the announcement that Johnny Paul made at  
8 Masiaka.

9 A. Well, I didn't have a radio, so I wasn't listening to news  
10:08:15 10 at that time, so I cannot remember the announcement so -- but all  
11 I know was that he made an announcement at Masiaka.

12 Q. You said you heard; what did you hear about the  
13 announcement?

14 A. I heard that he announced that he was up the hills and  
10:08:41 15 would come back to town; that was what I heard.

16 Q. Come back to what town?

17 A. Freetown. Freetown.

18 Q. From Masiaka did you go anywhere?

19 A. Yes.

10:08:58 20 Q. Where did you go to?

21 A. I walked to go to Lunsar. From Lunsar, I got a vehicle to  
22 go to Makeni. I was at Makeni for a week. From there, I went to  
23 Kabala.

24 Q. Okay. Hold it there. When you arrived at Lunsar, did you  
10:09:19 25 meet people there?

26 A. Yes.

27 Q. Who did you meet at Lunsar?

28 A. Well, civilians, as well as soldiers and RUF.

29 Q. Were the RUFs under any command, that you know?

1 A. Yes, they were under Superman. Even though I didn't see  
2 Superman, but I heard that he was in the town.

3 Q. And do you know if there was any overall commander of  
4 Lunsar at that time?

10:10:05 5 A. No, no. There was no overall commander. Everybody was  
6 going about his own business. Everybody was moving up and down.

7 Q. And during your stay at Lunsar, did anything happen there,  
8 that you can recall?

9 A. I didn't take more than a day at Lunsar. I heard that they  
10:10:32 10 opened Mabaseneh, and took out medicines. Even there, I wasn't  
11 part of the troops that went to Mabaseneh but I met a soldier  
12 there, who joined me to go to Makeni. He explained that to me.

13 Q. Mabaseneh is M-A-B-E-S-E-N-E-H. Well, what is Mabaseneh?

14 A. It's a hospital.

10:11:03 15 Q. And where is it based?

16 A. Lunsar.

17 Q. Do you know what district Lunsar is?

18 A. Bombali District.

19 Q. Now, do you know who led the troops into Mabaseneh  
10:11:30 20 hospital?

21 A. As I told you, one soldier told me that it was Superman,  
22 but to say that I, myself, went there, no.

23 Q. So when you came to Makeni, did you meet people there?

24 A. Yes.

10:11:53 25 Q. Who and who were there?

26 A. Soldiers, civilians, as well as RUFs.

27 Q. Did you spend any time in Makeni?

28 A. I took a week there.

29 Q. During that week did anything happen, that you can recall?

1 A. Well, except the looting that was going on in the town,  
2 looting was going on.

3 Q. Who was looting what?

4 A. Everybody was looting. Civilians, soldiers, RUF.  
10:12:39 5 Everybody was looting.

6 Q. And what were they looting?

7 A. Food, clothing, vehicles, money and other things.

8 Q. Now, the troops that you met at Makeni, were they under any  
9 command?

10:13:10 10 A. No.

11 Q. Apart from the looting, did you observe or notice any  
12 killing of people at Makeni?

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

14 MR FOFANAH: It's part of the indictment, Your Honours.

10:13:30 15 I'm just putting --

16 PRESIDING JUDGE: All right. If it goes to the indictment  
17 you can ask it.

18 MR AGHA: I'm not sure it does go to the indictment of this  
19 period of time, that they are charged with unlawful killings, as  
10:13:42 20 they are fleeing.

21 PRESIDING JUDGE: All right. I still allow the question.

22 Go ahead, Mr Fofanah.

23 MR FOFANAH:

24 Q. Did you notice or observe any killings in Makeni during  
10:13:51 25 your stay there?

26 A. No.

27 Q. Did you notice or observe any rape during your stay at  
28 Makeni?

29 A. No.

1 Q. From Makeni you said you went to Kabala. Were you alone?

2 A. No.

3 Q. Before we go to Kabala, Mr Witness, we've heard evidence  
4 before this Court that the second accused ordered the looting of  
10:14:24 5 a bank in Makeni. What do you say about that? The second  
6 accused, Ibrahim Bazzay Kamara?

7 A. That's a big lie. The person who said that in this Court  
8 said it because maybe he wanted some money, or he had -- or maybe  
9 he wanted some influence but that's a great lie because I was in  
10:15:01 10 Makeni.

11 Q. Why do you say it was a lie?

12 A. I was in Makeni for a week, from the beginning, till the  
13 end, when ECOMOG launched the last bomb. I didn't see the second  
14 accused there in Makeni, with my own eyes, so that's why I said  
10:15:09 15 it was a lie because people, they will lie for --

16 Q. Okay. So you said you went to Kabala. Did you meet people  
17 at Kabala?

18 A. Yes. Yes.

19 Q. So who and who were at Kabala?

10:15:28 20 A. SAJ Musa was there.

21 Q. And what was he at Kabala?

22 A. At that time, he was only there. He didn't have a specific  
23 commander to say this is the commander that is commanding the  
24 town. Everybody was going about his own business. You, be you a  
10:16:03 25 corporal, you have, if you have voice behind you then you are a  
26 commander. If you are a sergeant, you have a vehicle, you have  
27 voice behind you, then you are a commander. So everybody had his  
28 command. So there was no particular command structure at that  
29 time. SAJ Musa, at the time when we were in Kabala, he was an

1 ordinary man for himself. It was after Kabala that he became a  
2 commander.

3 Q. So what were you around this time?

4 A. Well, at that time, I had a vehicle. I had boys. I, too,  
10:16:47 5 was a commander because I count myself a commander. Nobody  
6 promoted me because I was a sergeant, so I claimed the command --  
7 nobody had a say over me.

8 Q. Okay. So, as a commander, what was your role?

9 A. My work, I didn't have any work to do. I was just going up  
10:17:19 10 and down with vehicle. Up and down, yes.

11 Q. Okay. So apart from SAJ Musa at Kabala, do you recall the  
12 name of anyone else who was at Kabala, when you arrived there?

13 A. Yes.

14 Q. Please tell the Court.

10:17:40 15 A. Superman. Superman was there.

16 Q. Did Superman have any other name, that you know?

17 A. Yes.

18 Q. What name was it?

19 PRESIDING JUDGE: Don't you ever walk -- I beg your pardon.  
10:18:02 20 I thought it was somebody else. I'm sorry, Mr Fofanah. Go ahead  
21 again. Go ahead.

22 MR FOFANAH: Yes.

23 Q. You said Superman had another name. What was the name?

24 A. Denis Mingo.

10:18:23 25 Q. And who was Superman?

26 A. Superman, he was a commander in RUF. He's an RUF. He was  
27 the battlefield commander for the RUF.

28 Q. And was he, I mean, the battlefield commander for the RUF  
29 at the time you met him at Kabala?



1 A. Yes, yes.

2 Q. How long did you stay in Kabala?

3 A. I was there for some days. Then I heard a blast again,  
4 bomb. They said ECOMOG had entered so people were pulling out.  
10:19:17 5 When I heard the firing coming closer, I went into the vehicle  
6 and started the engine.

7 Q. And where did you go to?

8 A. I went to Senkonia. From Senkonia I went to Mongo Bendugu.

9 Q. Senkonia, Your Honours, is spelt S-E-N-K-O-N-I-A. Now,  
10:19:47 10 where is Senkonia?

11 A. Senkonia is behind Kabala. From the highway to go to  
12 Kurubonla. To go to Kono, the road that is behind Kabala, to go  
13 to Kono. Very close to the Bindi border. The Guinea border.

14 Q. Okay. Now, you said you were a commander and you had boys  
10:20:12 15 under your command riding in the vehicle that you had around this  
16 time. How were many men were under your command around this  
17 time?

18 A. At that time I had 15 boys.

19 Q. And you said from Senkonia you went to Mongo Bendugu. Did  
10:20:38 20 you meet people at Mongo Bendugu?

21 A. Yes, yes.

22 Q. So who were at Mongo Bendugu?

23 A. SAJ Musa was there.

24 Q. Was this the same SAJ Musa that you met at Kabala?

10:20:59 25 A. Yes. At Mongo Bendugu SAJ Musa, when I met him there, he  
26 was the commander.

27 Q. He was the commander of what at Mongo Bendugu?

28 A. Well, from Mongo Bendugu he took the commandship of all the  
29 SLAs or any RUF that is around the area. He was the commander.

1 Q. And how did you know that?

2 A. Well, when I went to Mongo Bendugu, when I saw SAJ Musa, he  
3 had security. Then he organised promotions in order to promote  
4 those who were corporal to sergeants, staff sergeant major, to be  
10:21:58 5 promoted to officers because when we went to the bush, the  
6 officers, most of them had ran away, so SAJ Musa tried to give  
7 promotions out for the command structure.

8 Q. Okay. Did you stay in Mongo Bendugu?

9 A. Yes.

10:22:21 10 Q. And did you stay with your boys at Mongo Bendugu?

11 A. Yes, yes.

12 Q. So who was your commander at Mongo Bendugu?

13 A. As I've told you, it was SAJ Musa. He was the overall  
14 commander. He was my commander.

10:22:44 15 Q. You said SAJ Musa gave out promotions. Where you affected  
16 by these promotions?

17 A. Yes.

18 Q. Please explain.

19 A. Well, SAJ Musa promoted 25 of us to lieutenants. Some men  
10:23:06 20 to captain.

21 Q. So what was your promotion?

22 A. I was a captain.

23 Q. You were promoted to captain?

24 A. Yes.

10:23:24 25 Q. Do you recall the names of the other people who were  
26 promoted at Mongo Bendugu?

27 A. Yes, yes.

28 Q. Can you please tell the Court?

29 A. Yes.

- 1 Q. Please go on.
- 2 A. P i k i n.
- 3 Q. P i k i n. P i k i n, P-I-K-I-N. Did P i k i n have any other name?
- 4 A. Abu Bakkar Conteh.
- 10:24:04 5 Q. What was P i k i n promoted to?
- 6 A. L i e u t e n a n t.
- 7 Q. And what was his rank before he was promoted to L i e u t e n a n t?
- 8 A. L a n c e - c o r p o r a l .
- 9 Q. Apart from P i k i n, who else was promoted?
- 10:24:23 10 A. A s h i m
- 11 Q. Was A s h i m the full name of the person you are referring to
- 12 as A s h i m?
- 13 A. A s h i m F u l l a h. That is his real name.
- 14 Q. What was his promotion?
- 10:24:39 15 A. S e c o n d l i e u t e n a n t.
- 16 Q. And what was he before he was promoted to second
- 17 l i e u t e n a n t?
- 18 A. P r i v a t e s o l d i e r.
- 19 Q. Who else can you recall?
- 10:24:58 20 A. A d a m u.
- 21 Q. What was A d a m u' s promotion?
- 22 A. C a p t a i n.
- 23 Q. What was his rank before he was promoted to captain?
- 24 A. S e r g e a n t.
- 10:25:12 25 Q. Who else?
- 26 A. R a m b o.
- 27 Q. What was the full -- did R a m b o have any other name?
- 28 A. R e d G o a t.
- 29 Q. So what was?

1 PRESIDING JUDGE: What was that Red Goat or --

2 MR FOFANA: Red Goat.

3 Q. Did you say Red Goat?

4 A. Red Goat.

10:26:21 5 Q. So what was Rambo, alias Red Goat, promoted to?

6 A. Captain.

7 Q. What was his rank before he was promoted?

8 A. Sergeant.

9 Q. Who else?

10:26:21 10 A. There were many, so I cannot remember the others. 25. I  
11 cannot remember everybody.

12 Q. Now, apart from these promotions you said that SAJ Musa  
13 also set up a military structure. Can you tell the Court what  
14 that structure was?

10:26:24 15 A. The structure that he put up at Mongo?

16 Q. Yes, at Mongo Bendugu?

17 A. Well, at Mongo, he was the CIC. He was the  
18 commander-in-chief. He was the highest in command.

19 Q. Did he have a second in command?

10:26:43 20 A. No.

21 Q. Now apart from him, were any -- how were you organised at  
22 Mongo, you the soldiers; how were you organised?

23 A. Well, ECOMOG were advancing towards us. They were trying  
24 to trail us to Mongo, so SAJ Musa formed an operation, that's why  
10:27:16 25 he promoted us, that we should go and attack the ECOMOGs at  
26 Dankawallie.

27 Q. Okay. Before we come to that, I'm talking -- I'm still  
28 talking about the structure, because you said he set up a  
29 military structure. So when I said how were you organised, I'm

1 referring to the military structure?

2 A. Well, the promotions, there was no command structure. At  
3 that time they just gave us the promotions. They would give you  
4 a company. They would say you are a company commander. They  
10:27:52 5 were just trying to plan ourselves. There was no mixed command  
6 structure. We didn't have a CIC. We didn't have section  
7 commanders. To say they formed up a command structure, no.

8 Q. Okay. Thank you. Now, how many company commanders did you  
9 have, if you can recall?

10:28:20 10 A. Well, at that time they appointed three company commanders.

11 Q. And did you know who these three company commanders were?

12 A. Adamu, he was one.

13 Q. Who else?

14 A. Rambo, Red Goat, he was two.

10:28:48 15 Q. And who?

16 A. Then I was one of the company commanders there.

17 Q. So what company were you commanding?

18 A. A Company.

19 Q. So you said you went on an operation at a place call

10:29:09 20 Dankawallie. D-A-N-K-A-W-A-L-L-I-E. So who led the troops to  
21 Dankawallie?

22 A. Major Komba Gbundema.

23 Q. And who was Komba Gbundema?

24 A. Komba Gbundema was an RUF major. He came from Kono and met  
10:29:54 25 us at Mongo and SAJ Musa said that he wouldn't give us the  
26 operation because we didn't know much about the jungle, so he  
27 decided to give the RUF because they were used to fighting in the  
28 jungle so he gave him the operation. We went to Dankawallie and  
29 attacked.

1 Q. Okay. Where is Dankawallie?

2 A. Dankawallie is behind Kabala. Koinadugu District.

3 Q. And who were at Dankawallie when you went on the attack?

4 A. ECOMOG. They were planning to advance towards us.

10:30:34 5 Q. Okay. Now, from Mongo Bendugu, did you go anywhere else?

6 A. Yes.

7 Q. Where did you go to?

8 A. Kurubonla.

9 Q. And did you meet people at Kurubonla?

10:30:55 10 A. Yes, yes.

11 Q. Whom did you go with to Kurubonla?

12 A. A whole convoy. General Bropleh, he was STF. He was the  
13 most senior man next to SAJ. Then the whole troop, because they  
14 were bombarding, ECOMOG was bombarding at Mongo.

10:31:30 15 Q. Now, who is General Bropleh? Bropleh B-U-P-L-E-H [sic].

16 A. He was the Special Task Force commander; STF commander.

17 Q. You said all of you came to Kurubonla. Now, did you stay  
18 in Kurubonla when you came?

19 A. Yes.

10:32:01 20 Q. How long did you take in Kurubonla?

21 A. We spent some months there.

22 Q. And do you recall what year it was when you came to  
23 Kurubonla?

24 A. Yes.

10:32:21 25 Q. What year was it?

26 A. 1998.

27 Q. Do you know what district is Kurubonla?

28 A. Yes.

29 Q. What district is Kurubonla?

1 A. Koinadugu District.

2 Q. So at Kurubonla, did anything happen that you can recall,  
3 to the military structure?

4 A. Well, at Kurubonla, the military structure, because so many  
10:32:58 5 things happened there, the military structure --

6 THE INTERPRETER: The question, is it the military  
7 structure or what happened at Kurubonla?

8 MR FOFANAH:

9 Q. We are actually discussing what happened at Kurubonla but  
10:33:13 10 we are starting with the military structure. Did anything happen  
11 to the military structure at Kurubonla?

12 A. Well, the military structure, SAJ Musa was the CIC.  
13 General Bropleh, he was the second in command. Then, we had  
14 Captain T, he -- he was a major, later. He was the next SLA  
10:33:45 15 senior man on the ground, and we had some STF again who were  
16 senior men, like Colonel Nimneh, Colonel Gaylah,  
17 Lieutenant-colonel Gaylah, Lieutenant Colonel Nimneh.

18 Q. Nimneh, Your Honours, is spelt N-I-M-N-E-H. And what did  
19 you say was the other name? Lieutenant-colonel what?

10:34:15 20 A. Gaylah.

21 Q. Gaylah, I think it's G-A-Y-L-A-H. So, apart from these  
22 names, I mean, did you recall the names of any other commander at  
23 Kurubonla?

24 A. They were the most senior men. They were the ones that I  
10:34:40 25 have called. The other men that were there, they were only there  
26 to take commands, to say you go on patrol to so-and-so place.

27 Q. So what were you around this time at Kurubonla?

28 A. Well, I, I was 11 miles from Kurubonla at a village  
29 called -- a village called --

1 Q. Okay. Mr Witness, whilst you are recalling the name of the  
2 village, the question was: What were you regarding the military  
3 structure? What were you around this time?

10:35:46 4 A. As I've said, I was a captain. At that particular time, I  
5 didn't have much command. I only had seven boys that remained  
6 with me. Seven securities. Then I was at the front line.

7 Q. Did you have any position?

8 A. Well, I was the front commander. At the camp they would  
9 call it the combat camp commander.

10:36:19 10 Q. So you were the combat camp commander?

11 A. Yes, for a month. After the month, I rebelled. I said I  
12 would not stay there, so SAJ Musa was annoyed with me. He said I  
13 should be demoted to sergeant again.

10:36:49 14 Q. Do you recall the name of the village where you said you  
15 were based?

16 A. Yes.

17 Q. So what is the name?

18 A. I can recall the name -- when I recall I will call you and  
19 tell you the name of the village.

10:37:10 20 Q. Okay. Thank you, Mr Witness. Let's move on. You said you  
21 spent some time at Kurubonla and that a lot of things happened.  
22 Can you explain to Court some of the things that happened at  
23 Kurubonla?

10:37:30 24 PRESIDING JUDGE: Well, was he at Kurubonla? Didn't he say  
25 he was at a village 11 miles away?

26 MR FOFANA: Very well. Very well. I will --

27 Q. Now did you stay at this village 11 miles away from  
28 Kurubonla throughout?

29 A. No, I stayed there for a month. After a month, because of



1 the mosquitoes, and I became ill, so I rebelled. I said I will  
2 not stay there. I left there. Unbeknown to SAJ I came to  
3 Kurubonla. When I came SAJ said I should go back. When I went I  
4 came back, so I didn't go there again. I came back to Kurubonla.

10:38:11 5 Q. So when you came back, how long did you spend in Kurubonla?

6 A. I was there for some months.

7 Q. And you said -- do you recall anything happening around  
8 this time when you came back?

9 A. Yes.

10:38:39 10 Q. What happened at Kurubonla?

11 A. Except the jets raid, the jets was raiding us. Almost  
12 every day the jets was raiding us. Almost every day the jet was  
13 raiding. He killed soldiers and wounded soldiers.

14 Q. And what do you mean "jet"?

10:39:06 15 A. Alpha Jets. It's had bombs, that would fire bombs, grenade  
16 launchers.

17 Q. Do you know who was flying the jets?

18 A. No, I wouldn't seen the jets, so I wouldn't know who was  
19 flying it.

10:39:30 20 Q. And do you know to whom the jet belonged?

21 A. Yes. ECOMOG. They -- it belongs to ECOMOG. The jets is  
22 Alpha Jets 448s.

23 Q. So as a result of these air raids, did you do anything,  
24 yourself and the other soldiers, at Kurubonla?

10:39:53 25 A. Except we went on a patrol to find food because we were in  
26 short of food at that time.

27 Q. Now, it has been alleged before this Court that the second  
28 accused, Ibrahim Bazy Kamara, was the second in command at  
29 Kurubonla. What do you say to that?

1 MR AGHA: I object to that question, Your Honour. Firstly,  
2 it's leading, and I would like to see the evidence where it's  
3 been suggested he, Bazy, was second in command at Kurubonla.

4 MR FOFANAH: Your Honours, I mean, witness 334 and witness  
10:40:38 5 167 who have testified before this Court alluded to the second  
6 accused being second in command to the first accused at various  
7 places including locations in Koinadugu District. So I'm just  
8 trying to elicit that from the witness.

9 PRESIDING JUDGE: Well, I'm not going back to look at the  
10:41:03 10 evidence of those witnesses, but we will take you at your word,  
11 Mr Fofanah. If that is what was said, I will allow the question.

12 MR FOFANAH: In any case, I will rephrase it. I will  
13 rephrase the question.

14 Q. Now, during your movement from Mongo Bendugu to Kurubonla,  
10:41:22 15 did you see the second accused?

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

17 PRESIDING JUDGE: Look, is it alleged in the indictment  
18 that the second accused was in this area at that time?

19 MR AGHA: I don't believe it's alleged that the second  
10:41:39 20 accused was in this area. We are alleging a joint criminal  
21 enterprise. It doesn't necessarily mean that the second accused  
22 has to be in that particular area at that particular time, Your  
23 Honour.

24 PRESIDING JUDGE: I will overrule the objection. Ask the  
10:41:52 25 question.

26 MR FOFANAH:

27 Q. Did you see the second accused at Kurubonla, around this  
28 time, Ibrahim Bazy Kamara?

29 A. The second accused never went to Kurubonla.

1 Q. Did you see him at Mongo Bendugu?

2 A. I never saw him at Mongo Bendugu, neither Kurubonla.

3 Q. Now, did you stay in Kurubonla throughout or did you have  
4 cause to move?

10:42:23 5 A. Yes, yes. I had cause to move. I left there.

6 Q. And where did you go to?

7 A. Well, I left Kurubonla. I went to Womandu but I didn't  
8 stay there for long. I came back to Kurubonla.

9 Q. Womandu, Your Honours, is W-O-M-A-N-D-U. So when you came  
10:43:00 10 back to Kurubonla did you go anywhere else?

11 A. Yes.

12 Q. Where did you go to?

13 A. Well, SAJ Musa gave orders that we should move to go to  
14 Koinadugu Village. We went and based at Koinadugu.

10:43:25 15 Q. Where is Koinadugu Village?

16 A. Koinadugu Village, it's 18 miles from Kabala.

17 Q. So when you went to Koinadugu Village, were you alone?

18 A. The whole troop. Even though some troops remained behind  
19 but 70 per cent of the troops that was in Kurubonla moved.

10:43:56 20 Superman came with some RUFs from Kono, and some soldiers. They  
21 joined the troops.

22 Q. So where was SAJ Musa around this time?

23 A. SAJ Musa was with the troops.

24 Q. How long did you take in Koinadugu Village?

10:44:25 25 A. About one to two months.

26 Q. And whilst at Koinadugu Village, did anything happen, that  
27 you can recall?

28 A. Yes.

29 Q. What happened at Koinadugu Village?

1 A. Well, the things that happened were many, but I will  
2 explain some. The most important thing that happened at  
3 Koinadugu Village, that was the infighting between the RUFs and  
4 the SLA.

10:45:03 5 Q. And what do you mean by that, infighting?

6 A. Infighting, that is when troops are together and they are  
7 fighting against themselves, they are fighting themselves, that's  
8 the meaning of infighting, yes, because we were in the RUFs were  
9 together and, unfortunately, split came and some SLAs were on the  
10 RUF side, whilst you had two, three RUFs, they were trained but  
11 they were not trained with the RUF, so they were on the side. So  
12 call that infighting, because we were fighting to ourselves.  
13 Even though I'm not an RUF.

14 Q. Okay. So you said the troops split up at Koinadugu Village  
10:45:54 15 and that the RUFs had some soldiers and the soldiers had RUFs?

16 MR AGHA: Objection, Your Honour. I don't think he used  
17 the word split up.

18 PRESIDING JUDGE: I thought he did.

19 MR FOFANAH: The interpreter used it, Your Honours.

10:46:09 20 PRESIDING JUDGE: You are wrong, Mr Agha. I'll overrule  
21 the objection.

22 MR AGHA: I apologise.

23 MR FOFANAH:

24 Q. So is that your testimony that the troops split up and when  
10:46:18 25 they splitted the RUFs had some soldiers and the soldiers had  
26 RUFs, some RUFs?

27 A. What I meant the soldiers had RUFs. The SLAs were with the  
28 RUF but I, I should say, we had two RUFs who liked me, so they  
29 were with me. So that's why I said that was infighting because

1 the soldiers that were with us, they joined the RUF to fight us  
2 and we too were fighting then. So we were fighting amongst  
3 ourselves.

4 MR FOFANAH: Your Honours, may I respectfully -- it seems  
10:47:06 5 like --

6 PRESIDING JUDGE: No, that is a good time, Mr Fofanah.  
7 Mr Witness, we are going to have a short break now. I just want  
8 to warn you while you are giving evidence, you are not permitted  
9 to discuss the evidence or the case with any other person. Is  
10:47:24 10 that clear?

11 THE WITNESS: Yes, sir.

12 PRESIDING JUDGE: All right. We will adjourn until 5 past  
13 11.

14 [Break taken at 10.45 a.m.]

11:06:26 15 [Upon resuming at 11.09 a.m.]

16 MR FOFANAH:

17 Q. Mr Witness, we stopped at portion of your testimony where  
18 you said the RUFs and the SLAs had an infight and, as a result of  
19 that, they split up at Koinadugu Village. Now, after this  
11:09:39 20 infight, did anything happen in Koinadugu that you can recall,  
21 Koinadugu Village?

22 A. Yes.

23 Q. Please tell the Court.

24 A. Well, an RUF killed a recruit that was training at the  
11:10:05 25 training base, so SAJ Musa killed the RUF, in turn. After he  
26 killed the RUF, the RUFs were annoyed. For example, Superman,  
27 his boys incited him that SAJ Musa should not have done that.

28 Q. Where was this training base?

29 A. The training base is at Koinadugu Town, the school. As you

1 enter into the town, the school on the left, that is where the  
2 training base was located. So when he killed the recruit, the  
3 civilians were afraid. And when SAJ Musa noticed that, because  
4 the boy was well favoured, so SAJ Musa killed the RUF. And the  
11:11:20 5 RUF captured the ammunition dump which is called -- the  
6 ammunition called the G4 belonged the whole RUF movement,  
7 because --

8 THE INTERPRETER: Your Honours, can the witness go slow  
9 with that, the last part.

11:11:36 10 MR FOFANAH:

11 Q. Okay. Mr Witness, you've explained that SAJ Musa killed an  
12 RUF because the RUF had killed an SLA recruit. Now, as a result  
13 of that, what was the relationship like between the RUF and the  
14 SLAs?

11:12:02 15 A. Well, the relationship, as I have been saying, the RUF and  
16 the SLAs were together, but because they killed the recruit, it  
17 caused a problem and because of that problem, SAJ Musa was very  
18 annoyed because the RUF killed the boy. So SAJ Musa killed the  
19 boy in turn, the RUF.

11:12:29 20 Q. Okay, Mr Witness. You've told the Court that. You've told  
21 the Court that. Now, what I want to know, after this incident,  
22 what happened?

23 A. What really happened, the guys captured the ammunition  
24 dump, so SAJ Musa said if they would not hand over the ammunition  
11:12:53 25 dump by 12.00, they -- we would recapture the ammunition dump,  
26 the SLAs. But by 12.00, surprisingly there was an open fire.  
27 They launch and attack.

28 Q. Okay. Hold it. Who launched the attack?

29 A. The RUF started the open fire.

1 Q. And who also captured the ammunition dump?

2 A. The RUFs captured the ammunition dump.

3 Q. As a result of this fire, this open fire, did the SLAs do  
4 anything?

11:13:36 5 A. Yes. There was an exchange of fire but, after the exchange  
6 of firing, we -- the ammunition reduced, because they had  
7 captured some of our ammunition. So there was an exchange of  
8 firing for a while. And they were trying to capture SAJ, so I  
9 went back to tell SAJ Musa to pull out. So he pulled out and  
11:14:04 10 left me in the town and they exchanged fire against them. So I  
11 was engaged for a while before I -- I found my way out because I  
12 had no ammunition.

13 Q. Okay, Mr Witness. Who was trying to capture SAJ Musa?

14 A. The RUF, Colonel Sengalese, he was an RUF, and his boy did  
11:14:39 15 the killing at the base. After SAJ Musa killed his boy.

16 Q. Okay. Do you know where SAJ Musa withdrew to, when he left  
17 Koinadugu Village?

18 A. When he left Koinadugu, he went back to the villages behind  
19 Koinadugu, back of Koinadugu, so later on, he withdrew, and he  
11:15:08 20 went to meet him -- he went to --

21 Q. Okay, Mr Witness, I think you have to go over that again.  
22 Now, you said SAJ Musa withdrew to the villages at the back of  
23 Koinadugu. Do you know the name of the villages?

24 A. No. The village he went to, that was the first time I went  
11:15:36 25 to that village. So I cannot tell the name of the village, and I  
26 was unable to ask the name of the village because, at that  
27 particular time, I had not got a map with me.

28 Q. Okay. So your testimony is that you later joined SAJ Musa  
29 at this village?

1 A. Yes. Later on, I joined SAJ Musa at the village. After I  
2 joined up with him, on the same day, we moved to a village called  
3 Tumaniya.

4 MR FOFANA: Hold it. Tumaniya, Your Honours, is spelt  
11:16:17 5 T-U-M-A-N-I-Y-A.

6 Q. Now, before reaching Tumaniya, did you see or notice any  
7 burning of houses in Koinadugu Village before you left?

8 A. Yes. When we left Koinadugu Village, the RUF killed  
9 everybody in the village, all the civilians.

11:16:53 10 Q. How did you know that? How did you know that the RUF  
11 killed all the civilians in the village?

12 A. Well, there was a certain boy who -- how I came to know  
13 that they killed everybody, because of the smoke. In the  
14 evening, we would see smoke and fire at -- in the village and we  
11:17:20 15 know it was Koinadugu. And later we saw a boy who was trained at  
16 Kailahun, he was my own boy, he escaped to meet me, and he told  
17 me that they had killed all the people at Koinadugu Village.  
18 They burnt them in the house. I heard that from the boy and,  
19 later on, when I saw some of the troops, the SLAs, they told me  
11:17:46 20 that that was what the RUF had done. So --

21 Q. And do you know where this smoke was coming from, this  
22 smoke that you saw?

23 A. As I have said, it was in Koinadugu Village. They burnt  
24 down the whole village because -- because they used to make  
11:18:08 25 sacrifice to bring in-fighting between the SLAs and the RUF.

26 Q. Around this time, do you know if the RUFs had a commander  
27 at Koinadugu Village?

28 A. Yes, Superman was the commander.

29 Q. Now, you said you came to Tumaniya. Where is Tumaniya?



1 A. Well, Tumania is a village about 25 miles off from Kabala.

2 Q. Did you stay in Tumania yourself and SAJ Musa and the  
3 other troops?

4 A. Yes. We were there for about a week. A week and some more  
11:19:02 5 days. We were there because the RUF, for example, Superman  
6 wanted us to make peace, they were trying to make peace, but SAJ  
7 Musa said he would not -- he would make no peace with the RUF.  
8 He would have no relationship with the RUF.

9 Q. So at Tumania did anything happen to the SLA military  
11:19:33 10 structure?

11 A. Yes, yes.

12 Q. What happened?

13 A. Well, I was promoted to be a battalion commander. I was  
14 promoted to the rank of major. SAJ Musa promoted me to the rank  
11:19:56 15 of major, and as an RUF battalion commander.

16 Q. Now, can you go over that again? As what battalion  
17 commander?

18 A. I was a battalion commander.

19 Q. Of who?

11:20:16 20 A. For -- for the Rapid Deployment Force.

21 Q. That is RDF?

22 THE INTERPRETER: Your Honour, the witness is not audible.

23 MR FOFANAH:

24 Q. Is the Rapid Deployment Force also referred to as the RDF?

11:20:41 25 A. As you have said.

26 Q. Mr Witness, is it "yes" or "no"?

27 A. Yes.

28 Q. Now, you've said you were promoted to major; was this your  
29 first promotion after you were demoted to sergeant?

1 A. Well, I was never demoted because I told you they wanted to  
2 demote me, but you did not continue to ask me on that line of  
3 demotion, so I was not demoted. I only explained to you that SAJ  
4 Musa wanted to demote me because I left the front but we did not  
11:21:35 5 debate on that.

6 Q. Okay. So you are now major and the commander of the RDF  
7 battalion. Apart from the RDF battalion, do you know if there  
8 were any other battalions that SAJ Musa formed at Tumania?

9 A. Yes.

11:21:53 10 Q. Please tell the Court.

11 A. Papa 17 was another battalion commander.

12 Q. And what battalion did he command?

13 A. Well, there was no name for that battalion. It was just a  
14 2nd Battalion. And the 3rd Battalion was commanded by Konjor.

11:22:25 15 Q. Konjor, K-O-N-J-O-R. Who Konjor?

16 A. Konjor himself, we were promoted along with him at Mongo.  
17 He was a senior SLA.

18 Q. And who was Papa 17?

19 A. Papa 17, we were all promoted, and he was a senior SLA. I  
11:23:01 20 was the youngest among them. They were older and senior in the  
21 SLA.

22 Q. And what year was this?

23 A. 1998.

24 Q. So, do you know if SAJ Musa had any second in command  
11:23:23 25 around this time?

26 A. No.

27 Q. Now apart from the changes to the military structure, did  
28 anything else happen at Tumania?

29 A. Well, when we went to Tumania, the things that transpired,

1 SAJ Musa formed three battalions. He said we should try to move  
2 up. He spoke to us, lined us up. He said we should go and meet  
3 our brothers who had gone ahead to reinstate the army. He said  
4 that we were soldiers. He would call on the British  
11:24:20 5 international community so that they would come interfere,  
6 intervene, and to make sure that the army was reinstated.

7 Q. Now, you've told the Court about your brothers who went  
8 ahead. What do you mean by that? Who were the brothers who went  
9 ahead to reinstate the army?

11:24:41 10 A. The SLAs, the SLA soldiers, who had gone ahead, whose  
11 commander was FAT Sesay. Those are the ones I refer to as  
12 brothers.

13 Q. Where did they move from, when you said they went ahead?  
14 Where were they before they went ahead?

11:25:09 15 A. They came to -- they left Kurubonla. SAJ Musa sent them to  
16 go ahead, around the western area, but they were unable to get  
17 around the western area. They were around Port Loko, Bombali  
18 District, Kambia District, around those areas.

19 Q. Now, who was FAT Sesay?

11:25:36 20 A. FAT Sesay was the commander of the troops that were -- that  
21 was in Rosos, in Camp Eddie Town.

22 Q. Now, you said the troops that FAT Sesay was with came to  
23 Kurubonla. Do you know when they came to Kurubonla?

24 A. Sometime in 1998.

11:26:17 25 Q. And were they under the command of anyone, when they came  
26 to Kurubonla, FAT Sesay? Was he answerable to anyone?

27 A. Yes. Except SAJ Musa. SAJ Musa.

28 Q. Can you go over that again? What do you mean when you said  
29 except SAJ Musa? Who was FAT Sesay answerable to?

1 A. He was not answerable to anyone. SAJ Musa was his only  
2 commander he was answerable to.

3 Q. Do you know who formed the troops that FAT Sesay went ahead  
4 with? Who and who were part of that troop?

11:27:09 5 A. Yes.

6 Q. Who were they?

7 A. You had -- we had Eddie. We had King.

8 Q. What was the rank of Eddie?

9 A. Eddie was lieutenant-colonel. Lieutenant-colonel or  
11:27:46 10 Colonel. I don't know, whichever.

11 Q. What about King?

12 A. King?

13 Q. Yes, what about King?

14 A. Lieutenant-colonel.

11:27:56 15 Q. Who else, apart from King and Eddie?

16 A. Junior Lion.

17 Q. Yes. Who was Junior Lion?

18 A. Junior Johnson.

19 Q. What was his rank?

11:28:22 20 A. At that time he was a major, I think, or so. Before they  
21 left.

22 Q. And do you remember any other soldier who went with the  
23 advance troop?

24 A. Tito.

11:28:40 25 Q. Did Tito have any other name?

26 A. Yes.

27 Q. What was the other name?

28 A. Salifu Mansaray.

29 Q. So, from Tumania, did you go anywhere else?

1 A. Yes.

2 Q. Where did you go to?

3 A. From Tumania, after we formed the battalion, SAJ Musa told  
4 us to move on. I was the head of -- as advance team commander, I  
11:29:25 5 was in charge. We went on to -- we went to Bafodia.

6 THE INTERPRETER: Your Honour --

7 Q. Can you go over the name of that place again? You  
8 mentioned a place just now?

9 A. Bafodia.

11:29:46 10 Q. Bafodia, Your Honours, is spelt B-A-F-O-D-I-A. Where is  
11 Bafodia?

12 A. Bafodia is about 18 miles from Kabala. When we went to  
13 Bafodia, we met people in the town. It was peaceful. The things  
14 were -- business was going on well. We entered at noon, in the  
11:30:11 15 afternoon. They were running but we called them. We were at  
16 Bafodia for three days with the people. We had no attack from  
17 ECOMOG. We were there for three days. During the three days SAJ  
18 Musa came across a newspaper. A soldier gave him a newspaper.

11:30:47 19 This newspaper, he saw the 24 men who the SLPP, whom the SLPP  
20 government had killed so, he said, "Gentlemen, we should have  
21 taken one or two weeks here." But from the looks of things we  
22 should not waste any time. My wives and my children, they are in  
23 the prison. So he said, "So they have killed these 24 men. We  
24 should hurry up and go to Freetown immediately. You've seen what  
11:31:18 25 they have done. These 24 men, they have killed that are --  
26 they've invested so much money."

27 Q. Hold it there, who were these 24 men that were killed?

28 A. The 24 men, was Abu Sankoh, Zagalo, Tamba Gborie, Hassam  
29 Conteh, AK Sesay, Bios Conteh, AF Kamara, Johnny Moore,

1 Lieutenant Kelly Jalloh, Lieutenant Marouf.

2 Q. Okay. Mr Witness, did they belong to any organisation?

3 What was their occupation, if you knew?

4 A. Well, for example, Hassam Conteh was the chief of defence  
11:32:30 5 staff SLPP. When SLPP government was reinstated he was arrested  
6 and, later on, he was killed.

7 Q. Now, these 24 men who you have referred to, were they  
8 soldiers or civilians?

9 A. Well-trained soldiers. Well-qualified soldiers. And some  
11:32:58 10 of them had done training outside of this country.

11 Q. Now, you said SAJ Musa told you that his wife and children  
12 were in prison; what prison were they?

13 A. They were at the Pademba Road Prison and whenever he  
14 explained that he would always cry because he loved his wife and  
11:33:28 15 children so much. Whenever he explained that he would always  
16 cry.

17 Q. Okay, Mr Witness. From Bafodia, did you go anywhere else?

18 A. Yes.

19 Q. Where did you go?

11:33:42 20 A. Well, we moved on to the hills. We walked on to Kamakwei,  
21 close to Kamakwei line, a place called Laminaya.

22 Q. Your Honours, hold it there, Mr Witness. Kamakwei is spelt  
23 K-A-M-A-K-W-I-E [sic] and Laminaya is L-A-M-I-N-Y-A. Now where  
24 can you find both Kamakwei and Laminaya? What district?

11:34:22 25 A. Tonkolili District or Bombali District or Kambia District.  
26 Between Bombali and Kambia.

27 Q. Do you know the district or you don't know?

28 A. I don't know.

29 Q. So when you arrived at Laminaya, did anything happen?

1 A. Yes. Yes.

2 Q. What happened at Lami naya?

3 A. Well, we got information that a priest was in a village  
4 called Kamalu, so SAJ Musa sent to capture the priest, to bring  
11:35:16 5 him so that the priest would have a satellite phone because he  
6 would want to talk to the BBC. He wanted to tell them what he  
7 was fighting for. What were his aims and objectives.

8 Q. Okay, hold it there. Kamalu is spelt K-A-M-A-L-U. Do you  
9 know the name of this priest whom SAJ Musa sent to be captured?

11:35:47 10 A. Yes.

11 Q. What was his name?

12 A. His name was Father Mario.

13 Q. And was that done? Was Father Mario captured?

14 A. Yes, he was captured and brought. They brought him to  
11:36:11 15 Lami naya and he met us there.

16 Q. Did he bring the satellite phone that you referred to?

17 A. No. SAJ Musa asked him for the satellite phone and he  
18 replied that he had no satellite phone. He said he would give  
19 SAJ Musa some money if he wanted money. SAJ Musa replied that he  
11:36:41 20 should not use cheek, so SAJ Musa said if there was no satellite  
21 phone, then you become a hostage and you will be with us wherever  
22 we go. You would be promoted to a captain, so Father Mario was  
23 --

24 THE INTERPRETER: Your Honours, can the witness take that  
11:37:03 25 bit again.

26 MR FOFANAH:

27 Q. So was Father Mario promoted to a captain?

28 A. Yes.

29 Q. By who?

1 A. By SAJ Musa and Father Mario accepted the promotion and he  
2 was even proud of the promotion. He told some boys around that  
3 "I am a captain. You should salute me."

4 Q. Did Father Mario belong to any religious faith or  
11:37:36 5 denomination that you know?

6 A. Yes, he was a Catholic priest.

7 Q. So from Laminaya, did you go anywhere else?

8 A. Yes.

9 Q. Where did you go to?

11:37:59 10 A. Well, as we were crossing over from Kamakwei, the boys who  
11 were in my battalion captured a policeman but this policeman, I  
12 knew him, so when they brought the policeman, his uniform was in  
13 a plastic. The boys said that we should kill him but I said no.  
14 So I asked him if he knew me. So I told him that I had known him  
11:38:38 15 since I was going to school in Bo and I was trained with his  
16 uncle. He said --

17 Q. Mr Witness, having captured the policeman, did you do  
18 anything to the policeman?

19 A. No. The only thing we found a letter with him and the  
11:39:00 20 ECOMDG had given that letter to take it to Gbendembu to say that  
21 they were around, so I told him that that was a crime but "We  
22 will not do anything to you because I know you. And we are under  
23 law and order. So I will take you to my boss but when you get to  
24 him, you must tell him that you are my uncle." He carried SAJ  
11:39:28 25 Musa's luggage until it got to a time he escaped.

26 Q. Did you see the letter which ECOMDG gave to the police  
27 yourself?

28 A. Yes, I removed it myself from his pocket.

29 Q. And did you go anywhere else? I mean, from Kamakwei.



1 A. Kamakwei Highway, the line, not Kamakwei, not in Kamakwei,  
2 very close to Kamaranka village.

3 Q. From the highway, did you go anywhere else?

4 A. Yes. We heard that a civilian from a village came to meet  
11:40:23 5 us and he told us that he was finding us. He said they were  
6 Gbethis in a village and these Gbethis were harassing people, so  
7 he was happy to receive us and he was happy that we were around,  
8 so he came to join up with us.

9 Q. Gbethis, we've had that before. Where were the Gbethis  
11:40:43 10 based?

11 A. He said they were at Kamaranka and they were harassing and  
12 threatening people. So the boys said --

13 Q. Kamaranka, Your Honours, is spelt K-A-M-A-R-A-N-K-A. Now  
14 how far was Kamaranka from the Kamakwei Highway?

11:41:14 15 A. It was in the main main highway. By that time we had  
16 crossed over. So when we got the information, SAJ Musa said that  
17 I should go and check but, when I went there, I did not see the  
18 Gbethis. So I gave five shot. When they heard the shot they ran  
19 away and left the town. So we went to the town and we had some  
11:41:42 20 -- found some logistics, food and we left, the very night. We  
21 returned to SAJ Musa and reported. We came with food stuff but  
22 we reported that the Gbethis were unable to engage and they fled.

23 Q. So where was SAJ Musa when you came back?

24 A. It's two miles from the highway. He was two miles from the  
11:42:12 25 highway.

26 Q. And from that two miles did SAJ Musa and the troops go  
27 anywhere?

28 A. Yes.

29 Q. Where did you go to?

1 A. Well, we were in that village when SAJ Musa gave orders for  
2 the signaller to send a message to the men that we had crossed  
3 over and were on the Kamakwei Highway. So, when he sent the  
4 message, the signaller came and said that the message had been  
11:42:54 5 received. That the men were coming to receive us. So when these  
6 men came --

7 Q. Hold it. Who was the signaller?

8 A. Well, we had Josie and Ologima. Josie.

9 Q. What is the other name?

11:43:16 10 A. Josie. We had two signallers, Josie and Ologima, Ologima.  
11 It's a Mende name.

12 Q. Ologima is O-L-O-G-I-M-A. So these two signallers, were  
13 they with your troops, the troops that SAJ Musa was leading?

14 A. Yes.

11:43:50 15 Q. Did they have any communication set?

16 A. Yes, because we had a set, we moved from Koinadugu and when  
17 we got to Bafodia we had a new set, so we had two sets in all.  
18 At that particular time, even though on the way one was  
19 destroyed, so only one remained because we had no mechanic to  
11:44:15 20 repair the set.

21 Q. So you've talked about -- I mean a message sent. To whom  
22 was the message sent?

23 A. To the commander who was FAT Sesay. He was in charge.

24 Q. Where was FAT Sesay around this time?

11:44:42 25 A. FAT Sesay was at Camp Eddie.

26 MR AGHA: Your Honours, could we kindly have some  
27 foundations as to how he knows that the message was sent.

28 MR FOFANAH: Yes. I'm coming back to the message, I mean.  
29 I just wanted to clarify that.

1 Q. Now, where were you when this message was sent?

2 A. Well, I was in the village, at the headquarters. I  
3 listened and I was there when SAJ Musa passed the order that they  
4 should send the order and I was there when they said they should  
11:45:19 5 send the message. I was there. I was there myself. It was not  
6 that I heard it. I was there and I listened for myself.

7 Q. What was the message that you heard?

8 A. The message was to tell the signaller to tell FAT Sesay  
9 that we have crossed over and that they should come and receive  
11:45:44 10 us at Kamakwei. He located the area on the map and he told us  
11 the name of the village, even though I cannot recall the name of  
12 the village. They had a map and so they were able to trace the  
13 direction. They came and they said --

14 THE INTERPRETER: Your Honours, the witness is going too  
11:46:05 15 fast.

16 MR FOFANAH:

17 Q. Hold it, Mr Witness. Mr Witness, once again, the  
18 interpreters are straining to catch up with you. You are very  
19 fast. Whatever you say has to be interpreted. So now, you said  
11:46:23 20 they came. Who came?

21 A. 0-Five and Junior Lion. They came to receive us across a  
22 river, a small river.

23 Q. And were they alone, 0-Five and Junior Lion, when they came  
24 to receive you?

11:46:44 25 A. They were with some troops. They had manpower.

26 Q. And did anything happen after they had received you?

27 A. Not me. When they received the old troop, that is what we  
28 should say.

29 Q. That is what I meant, Mr Witness, all of you. When they

1 received all of you, did anything happen?

2 A. Well, nothing strange, except we were happy. We were  
3 rejoicing, especially those who hadn't seen their friends for a  
4 long time, they were hugging each other. So the men in the  
11:47:27 5 village --

6 Q. Yes, just tell the Court what happened. Did you go  
7 anywhere after they have received you?

8 A. Yes. We didn't move immediately. We cooked, everybody  
9 cooked. We ate and from there the jet raided but they didn't see  
11:47:46 10 us. So we started moving gradually, though we were moved  
11 advancing, but we were all mixed up. But those of us who were  
12 left there to join them were with our families. Those who came  
13 to receive us weren't with their families, so there wasn't any  
14 advance team. We were all just mixed up. But that area was a  
11:48:09 15 well-fortified Gbethi area but the Gbethis were afraid of us.  
16 They were very scared of us, yes.

17 Q. And how did you know that it was a fortified Gbethi area,  
18 the Kamakwei area?

19 A. Well, how I came to know that it was a well Gbethi  
11:48:31 20 fortified area, because we would get to some villages -- as I  
21 told you before, I was in the advance team -- we would get to  
22 some areas, when the Gbethis would see us, they would run away.  
23 They would run away. Some would drop their guns, their ronko,  
24 their slippers, so I knew it was a well-fortified Gbethi area.  
11:48:48 25 There were many there. They will attack us but they will never  
26 succeed.

27 Q. Mr Witness, where did you go to after you were received by  
28 Junior Lion and O-Five and his troops, and their troops?

29 A. Well, we moved to Camp Eddie. We went to Camp Eddie. We

1 went to Camp Eddie.

2 Q. Do you know if Camp Eddie had any other name?

3 A. Well, Camp Eddie, the other name, I cannot tell the other  
4 name but --

11:49:29 5 Q. Do you know what district Camp Eddie was?

6 A. I don't know. I don't know because the villages were many.  
7 We were just moving from village to one village to another  
8 village or the bushes. We were not going to the bigger towns.

9 Q. Okay, Mr Witness.

11:49:50 10 A. But it was around Sendugu area, a village called Sendugu,  
11 that one I can recall it, because I was able to locate the area  
12 on the map. Yes, Sendugu. It was around there that Camp Eddie  
13 was.

14 Q. Sendugu, Your Honours, is spelt S-E-N-D-U-G-U. So when you  
11:50:13 15 arrived at Camp Eddie, did you meet anyone?

16 A. Yes.

17 Q. Whom did you meet at Camp Eddie?

18 A. The first person I saw was Tito, Major Tito, may his soul  
19 rest in peace -- he is a late man now. I met him there.

11:50:36 20 Q. Who else did you meet?

21 A. Well, I met different people there. I met Tito who was the  
22 A Company commander and we went to his area where he was  
23 responsible for. That was the area we entered. We entered the  
24 camp.

11:50:57 25 Q. Now, do you know if Tito and the other people you met were  
26 under any overall commander?

27 A. Yes.

28 Q. Who was their overall commander?

29 A. Commander FAT Sesay was their overall commander.

1 Q. Now, you've talked about Tito heading A Company. Apart  
2 from the A Company do you know if there were any other companies  
3 at Eddie Town?

4 A. Yes.

11:51:40 5 Q. What other companies were there?

6 A. We had B Company.

7 Q. Was anyone in charge of B Company?

8 A. Yes.

9 Q. Who was heading B Company?

11:51:52 10 A. Foday Bah Marah.

11 Q. Apart from that was there any -- did Foday Bah Marah have  
12 any other name?

13 A. Yes.

14 Q. What was his other name?

11:52:06 15 A. Bulldoze.

16 Q. Apart from these two companies, were there any other  
17 company?

18 A. Yes. C Company.

19 Q. Was anyone in charge of C Company?

11:52:20 20 A. Yes.

21 Q. Who was in charge of C Company?

22 A. Junior Sheriff.

23 Q. Was there any other company?

24 A. Yes.

11:52:39 25 Q. What was it called?

26 A. D Company.

27 Q. Was anyone in charge of D Company?

28 A. Yes.

29 Q. Who was he?

1 A. Keforkeh.

2 Q. Now, apart from FAT Sesay being the overall commander, do  
3 you know if there was any second in command?

4 A. Yes.

11:53:10 5 Q. Mr Witness, are you feeling all right?

6 A. I'm not too okay, but I'll try to cope. I'm not too okay.  
7 I'm encountering serious pain. I'm cold. I have serious pain.

8 PRESIDING JUDGE: Mr Witness, would a coat help you, if  
9 that were to keep you warm?

11:53:40 10 THE WITNESS: I'm feeling pain, pain, sir. A lot of pain.  
11 It's not the cold but the pain. I have pain on my left shoulder.

12 PRESIDING JUDGE: Well, can you go on or do you want to  
13 have a short break?

14 THE WITNESS: Yes, sir.

11:54:07 15 PRESIDING JUDGE: What does that mean?

16 THE WITNESS: Well, I would like to take a break, sir. The  
17 pain, I'm feeling sick.

18 PRESIDING JUDGE: All right. We will have a break until 10  
19 past 12. Once again, Mr Witness, during the break you are not  
11:54:28 20 allowed to talk about the case or the evidence.

21 THE WITNESS: Yes.

22 [Break taken at 11.55 a.m.]

23 [Upon resuming at 12.12 p.m.]

24 MR FOFANA:

12:13:31 25 Q. Mr Witness, are you okay now?

26 A. Yes, sir.

27 Q. Mr Witness, my last question to you was whether FAT Sesay,  
28 whom you've described as the overall commander of  
29 Colonel Eddie Town, before you came, whether he had a second in

1 command?

2 A. The person that was next to him was Eddie, Colonel Eddie.  
3 The third in command was King. And he had 0-Five and Junior  
4 Lion.

12:14:06 5 Q. Do you know if 0-Five had any position?

6 A. He was operation commander.

7 Q. What about Junior Lion, did he have any position?

8 A. Junior Lion, when he entered there, he was -- he was MP.  
9 Later he was appointed as task force, task force. Task force  
10 commander. Junior Lion.

12:14:38

11 Q. Now, how did you know all of these? How did you know the  
12 structure of the four -- the military structure at Camp Eddie  
13 before you came there?

14 A. Well, I was on the ground. I used to see what was  
15 happening and I had my own command.

12:14:58

16 Q. So did SAJ Musa arrive at Camp Eddie?

17 THE INTERPRETER: Your Honour, the witness's mic is off.

18 THE WITNESS: SAJ Musa went to Camp Eddie.

19 MR FOFANAH:

12:15:29

20 Q. So when you arrived with SAJ Musa at Camp Eddie, was there  
21 any military structure put in place?

22 A. Yes. FAT Sesay was the commander. When SAJ Musa  
23 eventually got there, he was the overall commander. FAT was next  
24 to him.

12:15:58

25 Q. And did 0-Five continue to be the operations commander  
26 after SAJ Musa had appointed -- after SAJ Musa's arrival at Eddie  
27 Town?

28 A. Yes.

29 Q. Did anything happen to the position of Colonel Eddie as



1 second in command to FAT Sesay?

2 A. Yes, yes.

3 Q. What was he when SAJ Musa arrived at Eddie Town?

4 A. He was promoted to adjutant also, adjutant, and King, King  
12:16:52 5 was overall MP commander.

6 Q. Do you know when Junior Lion was made task force commander?

7 A. Yes.

8 Q. When was he made task force commander?

9 A. Well, it was after our arrival.

12:17:18 10 Q. Who made him task force commander?

11 A. SAJ Musa appointed him as task force commander.

12 Q. Now, apart from the commanders that you have referred to,  
13 and the company commanders, did you meet any other person at  
14 Eddie Town?

12:17:41 15 A. We met a lot of people there.

16 Q. And did you settle down at Eddie Town, all of you, the  
17 troops which came?

18 A. We were there for about two weeks. We were at Camp Eddie  
19 Town preparing ourselves for a week or two, but SAJ Musa, because  
12:18:14 20 of the newspaper that he had seen, he was urging us to move  
21 faster.

22 Q. What month and year did you arrival at Colonel -- at Eddie  
23 Town?

24 A. November. 1998.

12:18:40 25 Q. So among the people that you said you saw, at Eddie Town,  
26 do you recall the names of any?

27 A. Yes.

28 Q. So who can you recall?

29 A. Well, first, second and third accused were under arrest at

1 Eddie Town. I met them. I saw them in a box. The second  
2 accused, they were in a box. I met Lion, he was in charge of  
3 them. I spoke to him. I asked him to give me permission to talk  
4 to Santigie Kanu.

12:19:32 5 Q. Hold it there. Hold it there. What Lion are you referring  
6 to?

7 A. Junior Lion.

8 Q. And who placed the first, second and third accused under  
9 arrest?

12:19:50 10 A. Well, I asked Junior Lion himself. He said his men wanted  
11 to surrender. They wanted to surrender to ECOMOG. In fact, they  
12 should have been killed, but they were lucky that SAJ Musa came  
13 so -- so when -- because of SAJ Musa's arrival that was why they  
14 weren't killed. So I said I wanted to talk to Santigie Kanu. So  
12:20:15 15 myself and Santigie Kanu spoke. He said I should plead with SAJ  
16 Musa that they shouldn't be killed. So I said they wouldn't kill  
17 you. I asked them why they wanted to surrender.

18 Q. Please go slowly, Mr Witness. You are still being  
19 interpreted. Now, when you were referring to the day, who was  
12:20:39 20 Junior Lion referring to when they said they wanted to surrender  
21 to ECOMOG, they wanted to escape?

22 A. Well, Tamba Brima, the first accused. The second accused  
23 Bazzy Kamara and Santigie Kanu and others were there. And there  
24 were some other people who were under arrest who were being  
12:21:06 25 referred to as witches. They were bewitching the movement so  
26 that the troop wouldn't come to Freetown. So all those people  
27 were under arrest. But I said I wanted to talk to Santigie Kanu.  
28 When I spoke to him he told me that I should plead with SAJ Musa  
29 on his behalf.

1 Q. And did you do that?

2 A. Well, later, I spoke to SAJ Musa. SAJ Musa said later,  
3 during the meeting, I didn't go the very day but later, when we  
4 had the meeting, I spoke with SAJ Musa and he said he wouldn't  
12:21:43 5 kill them. But the only thing, he wouldn't release them because  
6 the men, he asked why the men should go and surrender, and he  
7 said the fighting we were embarking on was not for the SLA, so  
8 the men were under arrest.

9 Q. Mr Witness, please, again you have to go slowly because the  
12:22:10 10 interpreters are straining to catch up with you. Now, you said  
11 that SAJ Musa said that he was not releasing them. Can you go  
12 over that again. I did not get that clearly. The reference to  
13 the accused persons and SAJ Musa?

14 A. SAJ Musa said he was not going to release them. He said  
12:22:41 15 they should be under open detention. They should have guards  
16 that will be guarding them. Anywhere they would go there should  
17 be people watching them and they shouldn't be in possession of  
18 weapons. He said they would be with the movement and they would  
19 have security, so the men were under close arrest. They  
12:23:02 20 continued to be under close arrest. But they were not released.  
21 They were only released from the box. But to say that they were  
22 released or given pardon, nothing like that happened.

23 Q. Do you know how long they took in the box before they were  
24 placed in open detention?

12:23:25 25 A. Well, if I say I know --

26 THE INTERPRETER: Your Honour, please can the witness go  
27 over that bit again.

28 MR FOFANAHA:

29 Q. Mr Witness, please, you have to go over that again. The

1 interpreter did not get you.

12:24:01 2 A. I said the men were in the box before we got to Camp Eddie,  
3 so I wouldn't be able to tell how many days they had taken in the  
4 box. But the only thing I saw them looking dirty and were  
5 smelling.

6 Q. Okay, Mr Witness. So you said -- I mean, did you  
7 eventually leave Camp Eddie together with SAJ Musa and the other  
8 troops?

12:24:25 9 A. Yes, I was with the advance team. I was the first person  
10 to cross the river because the first area where we went to go  
11 across, they started shooting us. They shot a boy on his head.  
12 So the other route that we used, I was the first person to cross  
13 with the boat, together with four men. I was the fifth. We  
14 crossed the river where the Gbethis were.

12:24:48 15 Q. Okay. Mr Witness, you said you were with the advance  
16 group. I mean, you were in the advance team. Apart from you,  
17 who else was in the advance team?

18 A. Well, Junior Lion was with me. Foday Bah Marah was with me  
19 as well, but I was the most senior man among them. Yes.

12:25:16 20 Q. What was your rank around this time?

21 A. At that time I was a major. Junior Lion, too, was a major.  
22 Although he was appointed as task force but he didn't have  
23 command over me, yes. My own battalion, I was only answerable to  
24 SAJ Musa.

12:25:41 25 Q. Okay. So do you know how the other troops left Eddie Town,  
26 after you had left?

27 A. After I had left, the village that I went to, I was  
28 attacked there. By then, SAJ Musa was at the rear. When I was  
29 attacked I repelled the attack on both sides. They came again.

1 I led an ambush somewhere. The boys that were in the ambush,  
2 they opened firing on them because the boys were talking in the  
3 ambush, so the Gbethis who came opened firing on the boys. Some  
4 of them were wounded and three of them were killed but I trailed  
12:26:27 5 the Gbethi on to their village. I dislodged them and later SAJ  
6 Musa met me in the village. He gave me order to move to advance.  
7 So I advanced while he was left in the village.

8 Q. What was the name of this village where you attacked the  
9 Gbethis?

12:26:46 10 A. The villages are many. I cannot recall the names, but, the  
11 village is between Madina, Tonko and Bamoi. Bamoi. The road  
12 leading to Kupur from Madina. It was between there. There is a  
13 junction there and an old truck was parked there.

14 Q. Now, Madina Tonko, Your Honours, is spelt M-A-D-I-N-A,  
12:27:20 15 T-O-N-K-O, Bamoi, B-A-M-O-I. Okay. So now you said you left SAJ  
16 Musa at the village. Do you know where those who were in open  
17 detention were around this time?

18 A. Well, those ones were at the headquarters. At times they  
19 would be at the rear, at the headquarters. They were under heavy  
12:27:51 20 security.

21 Q. And what do you mean by headquarters?

22 A. The headquarters is where SAJ Musa was, where the signal  
23 set was. It's the place where the documents were, the adjutant,  
24 MP, and some other administrative areas.

12:28:17 25 Q. Now, Mr Witness, before you left Eddie Town, do you know if  
26 anything happened to the companies which you met there? Were the  
27 companies still operational, the A, B, C and D Companies?

28 A. Yes, they were operating.

29 Q. And were the commanders whom you mentioned as commanding

1 those companies respectively, were they still in charge of the  
2 respective companies?

3 A. Yes.

12:28:59 4 Q. So, Mr Witness, after leaving the village where you  
5 attacked the Gbethis, where did you go to?

6 A. When I left there, I moved towards Mange, passed through  
7 some villages. Walked for the entire -- for a whole day and  
8 night and went towards Mange. We got to Mange. When we reached  
9 there, the ECOMOG was there pointing his torch, because he had  
12:29:31 10 heard some noise. So while he was penetrating the torch, the  
11 boys launched an attack. They opened fire. So we entered the  
12 town. The ECOMOG went over the bridge with their war tank. They  
13 were there exchanging fire. After the men had captured the town  
14 then I said I would cross the bridge because they were launching  
12:30:00 15 mortar, so I took a heavy machine gun. I took an RPG too, so I  
16 went, I went very close to them while they were shooting because  
17 they wouldn't see me because it was dark, because there was a  
18 bank. So I launched an RPG bomb. While I was launching the  
19 bomb, I dropped the tube. So I started assaulting them and,  
12:30:30 20 because of that, they ran away. They pulled out and I called on  
21 the troops to join me up. The troops joined me. From there --

22 Q. So what place are you referring to? Where did all of this  
23 happen, where you attacked ECOMOG soldiers?

24 A. At Mange, Mange Bridge.

12:30:54 25 Q. And do you know what district Mange is?

26 A. Mange, Mange is between Port Loko and Kambia. I don't know  
27 whether it falls within the Kambia or the Port Loko District.

28 Q. Thank you, Mr Witness. So did you overrun this base where  
29 you attacked the ECOMOG troops?

1 A. Yes.

2 Q. And did anything happen as a result of that?

3 A. Well, except the ECOMOG that we dislodged, they had a war  
4 tank and they pulled out. They were bombing and while bombing  
12:31:45 5 they bombed some houses in the town at Mange, over the bridge.

6 Q. Now, did you and your troops do anything in the town, Mange  
7 Town, apart from the ECOMOG base?

8 A. Well, as I mentioned, I said as soon as I captured the  
9 junction, while the men were going to the town to check for them,  
12:32:10 10 I would try to cross the bridge. I went to the bridge but I was  
11 unable to enter the town because there were no enemies in the  
12 town any more. They all had pulled out. So I went where the  
13 enemies were, over the bridge. That's where I went straight off.

14 Q. From Mange, did you go anywhere?

12:32:31 15 A. Well, from Mange, yes. I walked. Since that night we  
16 walked the whole night till we got to an area where the soldiers  
17 said that they were tired to walk, so, when they said that, and  
18 because I didn't want SAJ Musa to meet me there, I started  
19 beating them up. I beat up some soldiers and I said we should  
12:33:09 20 move on. Some of them were hiding, so I forced them to move. So  
21 we moved until we got to a junction and I waited there for SAJ  
22 Musa and I told him that I wanted to use that route to bypass  
23 through Port Loko. That was very close Calaba Town.

24 Q. Did you have any communication set with you?

12:33:32 25 JUDGE SEBUTINDE: No, Mr Fofanah. The interpreter -- it's  
26 the words at the end of whatever. She doesn't finish the  
27 sentence. Madam Interpreter, what is the problem?

28 THE INTERPRETER: Because, Your Honour, the witness doesn't  
29 finish his sentences.

1 MR FOFANA:

2 Q. Mr Witness, did you hear that? The interpreter is  
3 complaining that you do not finish your sentences. I mean, can  
4 we get the last bit of your explanation about where you said you  
12:34:02 5 were waiting for SAJ Musa?

6 A. Yes. I said I waited for SAJ Musa at a junction. SAJ Musa  
7 met me at the junction and I told him, "Sir, I want to use this  
8 route, for us to bypass Port Loko, because it wouldn't be nice  
9 for us to go through Port Loko, so we should go around Port  
12:34:32 10 Loko," so we bypassed Port Loko. We went around Port Loko. We  
11 bypassed Port Loko.

12 Q. And were you still with the advance team around this time?

13 A. Yes.

14 Q. When you bypassed Port Loko, did you go with SAJ Musa?

12:34:58 15 A. As I've mentioned, I was with the advance team and SAJ Musa  
16 was at the headquarters. I would move first before SAJ Musa  
17 would move. If I don't move SAJ Musa wouldn't move.

18 Q. Okay. So when you bypassed Port Loko, where did you go to?

19 A. We bypassed Port Loko, we went to a village called  
12:35:25 20 Malaykulay Makama. That is 12 miles from Port Loko.

21 Q. Can you go over that name again?

22 A. Malaykulay Makama. That was where we went because we  
23 walked for the entire day and the entire night. We went to a  
24 village called Malaykulay Makama. It's a big village.

12:35:48 25 Q. Okay. Just hold it there. Your Honours, Malaykulay Makama  
26 is spelt M-A-Y-L-A-Y-K-U-L-A-Y and M-A-K-A-M-A. So you said it  
27 was 12 miles from Port Loko?

28 A. Yes, sir.

29 Q. So did you spend time at Malaykulay Makama?



1 A. We got there at night and we left at night again. We took  
2 about two or three hours there but when we got to the village, I  
3 went ahead into the bush at the end of the town, that was where I  
4 was. When I came back --

12:36:44 5 Q. Okay. Mr Witness, from Malaykulay Makama, where did you go  
6 to?

7 A. From Malaykulay Makama, we crossed Lunsar Highway, Mamusa.  
8 We crossed Mamusa, we went inside to a village.

9 Q. And where were you heading for all this while?

12:37:08 10 A. As I've mentioned, SAJ Musa said we should come to Freetown  
11 for his wife and children and the soldiers that were in prison  
12 and we should reinstate the army. He was calling on the  
13 international community.

14 Q. Okay. Mr Witness, so you said you crossed the highway,  
12:37:32 15 Lunsar Highway and went to a village. From -- do you know the  
16 village that you went to?

17 A. No, but if there is a map some of these villages I would be  
18 able to identify them.

19 Q. From that village, did you go anywhere?

12:37:52 20 A. Yes.

21 Q. Where did you go to?

22 A. Well, we crossed that highway. The whole troop had lacked  
23 ammunition. Some men had two rounds, some had one round and some  
24 had three rounds, so, and we only had one bomb, so SAJ Musa --

12:38:21 25 Q. How did you know that the troops had run out of ammunition,  
26 when you were in the advance team?

27 MR AGHA: Objection, Your Honour. I think the word is lack  
28 of ammunition.

29 PRESIDING JUDGE: He didn't say they ran out. His evidence

1 points to the fact they were low on ammunition but he didn't say  
2 they ran out.

3 MR FOFANAHA:

4 Q. How did you know that you lacked ammunition?

12:38:46 5 A. Well, as I have mentioned, I was in the front line. I was  
6 a commander in the front line. All the boys were complaining to  
7 me that they had no ammunition. The headquarter as well, because  
8 the headquarters, at times they would attack there and they would  
9 attack the rear, so my own job, as RDF, wherever they would

12:39:12 10 attack I would be there. I would go there and reinforce there.  
11 Make sure that I would put the situation under control and come  
12 back to the advance team. So, through the fighting, we faced a  
13 lot of attacks. The rear, the headquarter and the front, had  
14 lacked ammunition. By that I mean some men had two rounds, some

12:39:35 15 had three rounds. Some didn't even have any ammunition or  
16 magazine.

17 Q. Okay, Mr Witness. We've heard that. So now, Mr Witness,  
18 did anything happen as a result of the fact that you lacked  
19 ammunition?

12:39:49 20 A. Yes.

21 Q. What happened?

22 A. SAJ Musa called a meeting. He asked everybody their plight  
23 and he asked us what we should do then because he said we were at  
24 the point that if we go ahead it will be a problem and if we go  
12:40:12 25 -- retreat it will be a problem. So he asked us what we should

26 do and some people suggested that we should lay ambush. Some  
27 said that if we lay an ambush they would realise that we were  
28 there and they would cause problem for us. So we were on that  
29 debate and then they said Lunsar is very close to this place. So

1 I told SAJ Musa during the meeting that I would take upon myself  
2 that task to go to Lunsar. Then they said that's an ECOMDG  
3 brigade headquarter. What, I would be able to embark on that.  
4 Then I said I would try my best. Then they said they didn't have  
12:40:51 5 any bomb. Then I said even if there is no bomb I would go.  
6 Then, then 0-Five came up with the idea that there was one bomb  
7 remaining. He said we do not have any HND rounds. So I said  
8 some boys have the HND bombs, rounds, tied their necks. So I  
9 said those that are tied to their necks, I will take them So I  
12:41:19 10 gathered those ammunition.

11 Q. Mr Witness --

12 A. Yes.

13 Q. -- what is this HND rounds?

14 A. Heavy machine gun rounds. Heavy machine gun rounds.

12:41:36 15 THE INTERPRETER: I didn't get the last word, Your Honour.

16 MR FOFANAH:

17 Q. And what bomb were you referring to when you said you had  
18 just one bomb?

19 A. RPG bombs. RPG bomb. One bomb.

12:41:52 20 Q. So when you gathered these ammunition, what did you do?

21 A. Well, when I -- after I'd gathered the HND rounds and the  
22 one bomb, then SAJ Musa said that I should go on the attack to  
23 attack Lunsar, so I went. I attacked Lunsar. I met ECOMDG  
24 there.

12:42:18 25 Q. Now, Mr Witness, did you go alone on the attack?

26 A. No. I went together with 180 armed men and 80 unarmed men.  
27 The number was 260.

28 Q. Did you reach Lunsar, the headquarters where the ECOMDG was  
29 based?

1 A. Yes. As I got there, when I got to Lunsar Town I fired  
2 three shots. After I fired three shots the ECOMOG fired up and  
3 when they fired up I knew that the headquarters were there. So I  
4 walked through the bushes and behind the houses. I trailed their  
12:43:12 5 direction. As I reached very close to the fence, they opened  
6 firing. So I told the boys not to open any firing, so they  
7 ceased fire and I said we should shout. So everybody shouted  
8 "woe." I also shouted "capture live". So when I shouted  
9 "captured life" we exchanged some shots. So that was how the  
12:43:41 10 shooting was going on. Because we didn't have enough rounds, we  
11 shot one or two rounds. We shout and we used stones. I shouted  
12 on them. So they killed a Captain Army.

13 Q. Hold on Mr Witness.

14 PRESIDING JUDGE: Yes. Well, Mr Fofanah, he answered  
12:43:59 15 infinitely more than you ever asked him, and I don't know what  
16 part of that evidence you wanted us to hear and what part you  
17 didn't. But it does seem to me -- but is it necessary for us to  
18 hear every intricate detail of everything he does in these  
19 villages? Or is there some point to you asking these questions?  
12:44:21 20 Is there some evidence you want us to hear?

21 MR FOFANAH: Your Honours, respectfully, I have been trying  
22 very much to contain the witness but each time it's like he has a  
23 flair for details but I will --

24 PRESIDING JUDGE: But would you agree with me that a lot of  
12:44:38 25 these details are not relevant to the purpose of your calling  
26 this witness to give testimony?

27 MR FOFANAH: As Your Honours please.

28 PRESIDING JUDGE: No, I'm asking you. If you say they are  
29 relevant, I won't interrupt you, but it seems to me that these

1 details don't go to proving anything. They are just telling us  
2 what he did, in minute detail, but if you --

3 MR FOFANAHA: Your Honour, I will take the cue. I  
4 understand your drive. I will take the cue. Some details we  
12:45:10 5 will need and some we will not need but I will --

6 PRESIDING JUDGE: That is why you are counsel questioning  
7 him. You should be guiding him to what you want him to say, not  
8 let him ramble on saying anything that comes into his head  
9 because I think that's just wasting time. In any event, it's  
12:45:28 10 time for our luncheon break, Mr Fofanah, so we will take the  
11 break now. Once again, Mr Witness, please don't discuss your  
12 evidence or the case itself with anybody else in the interim. We  
13 will adjourn until 2.15.

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

14:13:18 15 [AFRC100CT06C-RK]

16 [Upon resuming at 2.16 p.m.]

17 PRESIDING JUDGE: Yes, continue, Mr Fofanah.

18 MR FOFANAHA: Yes, good afternoon, Your Honours.

19 Q. Good afternoon, Mr Witness.

14:18:36 20 A. Good afternoon.

21 MR FOFANAHA: Your Honours, just in accordance with the last  
22 direction, I was just going to indicate to the Court that I have  
23 not reviewed the case of Prosecution including the military  
24 expert report as well as the testimonies of certain Prosecution  
14:19:03 25 witnesses. I might be requesting or requiring this witness to go  
26 into a little detail with certain aspects of our case because it  
27 shows a system -- the Prosecution has established a system and we  
28 are merely calling witnesses to see if they can contradict or  
29 match the system that was established and especially the military

1 expert report. I will try as much as possible to avoid prolix in  
2 order to avoid time-wasting.

3 PRESIDING JUDGE: All right. As I said, Mr Fofanah, if  
4 this detail is necessary, I was relying on your submissions. If  
14:19:44 5 not, we can do without it. But I understand what you are saying,  
6 so go ahead.

7 MR FOFANAH: Thank you very much, Your Honours.

8 Q. Mr Witness, when we left off, we were talking about the  
9 attack on Mange; do you remember?

14:20:03 10 A. Yes.

11 Q. Now, I think it was the attack on Lunsar, sorry. We left  
12 off when you were talking about the attack on Lunsar. Do you  
13 recall?

14 A. Yes, yes.

14:20:19 15 Q. And you were explaining how the attack took place. Now  
16 what I want to know from you: Did you succeed in running over  
17 the ECOMOG base at Lunsar?

18 A. Yes. We dislodged them and captured large quantities of  
19 arms and ammunition.

14:20:45 20 Q. Yourself and whom dislodged the ECOMOG base at Lunsar?

21 A. Myself and the battalion and some field soldiers from the  
22 headquarters.

23 Q. So did anything happen after you had overrun the ECOMOG  
24 base at Lunsar?

14:21:16 25 A. Well, just -- we captured the ammunition, the uniforms and  
26 we told the armed men to carry the uniform. There were a lot of  
27 uniform, large quantity of ammunition with weapons, which were  
28 enough. So it was the men that we told to carry them because,  
29 towards the morning, the jets had already started flying over the

1 air. I told the men that we should withdraw because the base  
2 where SAJ Musa was not far away from where we were.

3 Q. Thank you. Okay, Mr Witness. Still on the Lunsar attack,  
4 did anything happen to you during that attack?

14:22:10 5 JUDGE SEBUTINDE: Sorry, Mr Fofanah, did I hear the witness  
6 say we made the captured men carry the things; is that what he  
7 said?

8 MR FOFANAH: I will go over that again with the witness.

9 Q. Mr Witness, who carried the items that you captured at  
14:22:27 10 Lunsar?

11 A. It was the unarmed men, 80 unarmed men. I myself brought  
12 them.

13 Q. Okay. So did anything happen do you during the attack on  
14 Lunsar?

14:22:44 15 A. During the attack in Lunsar, as I told you, we lost only a  
16 man and we had a casualty, a wounded person. That happened on  
17 our own part.

18 Q. No, I mean, yourself, you personally, did anything happen  
19 to you?

14:23:12 20 A. Well, except my voice, I --

21 THE INTERPRETER: The interpreter is sorry, the attorney is  
22 disturbing a little bit by causing an overlap on the mic.

23 MR FOFANAH: Yes, you are right, Mr Interpreter. I wanted  
24 to withdraw that question just to avoid time-wasting, I mean.

14:23:42 25 Q. Mr Witness, I want us to move on from Lunsar. Now you have  
26 captured the base and you have taken these items. Where did you  
27 go to from Lunsar?

28 A. I returned to SAJ Musa and reported, saying that I have --  
29 I had done what he had ordered me. He congratulated me and I

1 went where I was based initially.

2 Q. And where were you based initially?

3 A. At the front, because at any time we went to fight, we will  
4 block either two villages, or three villages. The advance team  
14:24:38 5 would block about three miles from where SAJ Musa was, so that  
6 was where I went. I reported to SAJ Musa and he ordered that I  
7 should go back to the base. He recommended me to be promoted.

8 Q. So where was SAJ Musa based around this time?

9 A. As I told you, it was at the headquarters. The village's  
14:25:04 10 name I cannot recall, but the headquarters was behind and the  
11 advance team was in front, toward the Rogberi area.

12 Q. Thank you, Mr Witness. So, after this incident, did you go  
13 anywhere else?

14 A. Yes.

14:25:33 15 Q. Where did you go to?

16 A. The next day, SAJ Musa ordered me that we should proceed  
17 further, so we went further. We went to Rogberi. We meant  
18 Gbethis in a particular village. We attacked them but we were  
19 unable to proceed. From there, we went to the bridge and at the  
14:26:04 20 bridge there, there was a stiff resistance there, but the men we  
21 met there we were able to overpower them. So we crossed the  
22 bridge.

23 MR FOFANAH: Mr Witness, Your Honours, I think we have had  
24 Rogberi before. It is R-O-G-B-E-R-E [sic].

14:26:23 25 Q. Now, do you know what district Rogberi is?

26 A. Rogberi, I think it is in the Port Loko District.

27 Q. And what bridge were you referring to? You said you  
28 crossed a bridge?

29 A. Rogberi bridge.



1 Q. So after crossing the bridge, where did you go to?

2 A. We branch on the left. There is a village which has --  
3 which had a mosque. That was where we went to.

4 Q. So from there, did you go anywhere?

14:27:17 5 A. Yes. We were there for two days. After the two days they  
6 were attacking us frequently, so we left there, because we had  
7 been experiencing air raids. So we left there.

8 Q. [Indiscernible] Yourself and the troops frequently?

9 A. It was the ECOMOG and the Gbethis.

14:27:45 10 Q. How were you attacked by the ECOMOG and the Gbethis?

11 A. Well, the ECOMOG were afraid to be at the front. They will  
12 send the Gbethis to be at the front, so they will advance towards  
13 us, so when we fire at them, we will -- we realised that as they  
14 retreat, we see the ECOMOG, so that was the way we came to

14:28:18 15 realise that it was the Gbethis that were in front.

16 Q. And who are these Gbethis?

17 A. Well, the Gbethis are the CDFs, the Temne men. Who were  
18 the CDF. They wore the ronko like Kamajors, but they are called  
19 the Gbethis, but they are different from the Kamajors because of  
14:28:47 20 the language.

21 Q. What do you mean by CDF?

22 A. Civil Defence Force; that is, untrained civilians that took  
23 up guns to fight.

24 Q. The Gbethis that you said took up the fight, were they  
14:29:16 25 armed?

26 A. Yes.

27 Q. With what?

28 A. They had -- they were having different types of guns,  
29 because the government and the ECOMOG used to supply them -- the

1 arms, so they had different arms and ammunition.

2 Q. Okay. So after this incident at the village that you have  
3 referred to, did you advance to anywhere else?

4 A. Yes.

14:29:45 5 Q. Where did you advance to?

6 A. We crossed the Masiaka Highway, because at the Masiaka  
7 Highway -- from that Masiaka Highway, we went to a village and  
8 blocked the area. We slept there. The following day SAJ Musa  
9 said we should go on patrol.

14:30:11 10 Q. So was SAJ Musa present at this place that you have just  
11 referred to, where you slept?

12 A. Yes, yes.

13 Q. How far was that place from Masiaka?

14 A. About 7 miles.

14:30:33 15 Q. So did you receive any orders? You were just explaining  
16 that SAJ Musa said something.

17 A. SAJ Musa, all what he used to say was, "Gentlemen, we  
18 should move very fast." Always when he spoke to us, he said,  
19 "Well, you say you are going to Freetown to reinstate the army.

14:31:04 20 You are soldiers, you should ensure that you fight, because the  
21 army had been disbanded. You should ensure that the army is  
22 reinstated. You are not rebels. You should behave very well."  
23 That was what SAJ Musa used to tell us.

24 Q. So from this village from Masiaka, near Masiaka, where did  
14:31:29 25 you go to?

26 A. Well, he gave me an order to go to -- to go to Okra Hill,  
27 to set an ambush. So I went at Okra Hill and laid an ambush.  
28 But the ambush I laid, there were -- there was a civilian  
29 vehicle, which was a bus, but the boys were hungry and they told

1 me that -- said we should attack the vehicles. Then I said no.  
2 I said, if we were to do that, it was a very bad crime and we  
3 were to be disciplined for doing that. I told them that we  
4 should wait for the ECOMDG. It was not too long when the ECOMDG  
14:32:23 5 arrived and fell into our ambush and we opened fire at them

6 Q. Now, Mr Witness, where is Okra Hill?

7 A. Okra Hill, it is located 14 miles from Freetown, because  
8 after 38 -- behind 38, about 39 miles, because 1 mile from 38 you  
9 go to Okra Hill, up the hill, where you have the banks. The  
14:32:56 10 banks.

11 Q. Is it part of the Freetown/Masiaka Highway?

12 A. Yes, the Freetown Highway, going to Masiaka.

13 Q. So you said ECOMDG came and you attacked -- you laid an  
14 ambush and attacked them. What happened after that?

14:33:25 15 A. Well, when we attacked them, the ambush was successful, the  
16 ECOMDG -- there was one truck of ECOMDG that bulldozed and went  
17 to the men on the front. We captured the two trucks. During  
18 that process, the jets came. So the jets fired very close to us,  
19 but it was unable to damage any one of us. We returned to SAJ  
14:33:54 20 and I made a report that I made an ambush. He said -- he said  
21 everything was good, then he said, "Okay. Go back to where you  
22 were deployed."

23 Q. Did anything happen to the trucks that you referred to, the  
24 ECOMDG trucks?

14:34:15 25 A. Well, the trucks, we drove it from the highway and brought  
26 it to where we were. There was some food, so we collected all  
27 the food there. We entered into the village where we were based.

28 JUDGE SEBUTINDE: Mr Interpreter, was that truck, as in  
29 singular, or trucks?

1 THE INTERPRETER: Truck, Your Honour.

2 MR FOFANAHA:

3 Q. How many truck or trucks are you referring to, Mr Witness?

14:34:54 4 A. Two trucks. Two trucks, but it was only the one that we  
5 drove into the village, but the other one went and met the men  
6 that were in front, so it was only -- there were two trucks, but  
7 only the one that we drove and parked it in the village.

8 Q. Mr Witness, around this time, where were the other troops,  
9 I mean, the other battalions and companies that you had earlier  
14:35:16 10 referred to, which were from that Eddie Town, where were they,  
11 the other troops?

12 A. The other troops, were inside where SAJ Musa was. The  
13 village name, I cannot recall, but when you reach Okra Hill, the  
14 village at Okra Hill, you branch on the left and enter. The road  
14:35:47 15 on the left is the road you should use and you would reach where  
16 SAJ Musa was. After one village, the second village, the road on  
17 the left, that was the way.

18 Q. Okay, Mr Witness, thank you very much.

19 A. The village is Ropat.

14:36:06 20 Q. Can you go over it again, Mr Interpret?

21 A. Yes, Ropat. That is the village close to Okra Hill. Ropat  
22 is the village's name.

23 MR FOFANAHA: Your Honours, R-O-P-A-T.

24 Q. Now, Mr Witness, did your troops make any further advance  
14:36:32 25 from Ropat?

26 A. As I told you, we were at Ropat, we were about to advance,  
27 then the jets came. So the jets disturbed our operation. We  
28 were unable to go, because it was daylight. I went to SAJ. When  
29 I went to him, he was so angry.

1 THE INTERPRETER: The interpreter is sorry. One part of  
2 the witness's testimony is not audible to him

3 MR FOFANAH:

4 Q. Hold there, Mr Witness. Please, you have to be as audible  
14:37:08 5 as you can? Now, what I want to know is: After you came back to  
6 Ropat and explained or reported the incident that you -- your  
7 encounter with ECOMOG, did you go anywhere else from Ropat?

8 A. When I left Ropat, I went and reported to SAJ Musa before I  
9 went to any other area, later.

14:37:37 10 Q. When you reported, did he say anything? Did he tell you  
11 anything?

12 A. Well, he was vexed. He said I should not do that the next  
13 time. At any time he sends me on an operation, since I had a  
14 signal set, I should inform him through that and explain all the  
14:38:03 15 details concerning that. I said "Yes, sir," and then he ordered  
16 me to go back to my deployment area.

17 Q. Who was operating the signal set that you had?

18 A. Well, it was one -- it is a late boy -- a late soldier --

19 Q. If you cannot recall the name, let's move on. Mr Witness,  
14:38:32 20 so after all the reports, did you advance to anywhere else?

21 A. Yes, but it wasn't the same day.

22 Q. Did you later advance to anywhere?

23 A. Yes, yes.

24 Q. Where did you advance to?

14:38:55 25 A. I went to Sumbuya, that is the RDF, the ECOMOG base. We  
26 captured there. We captured ammunition. I came back and  
27 reported to SAJ Musa.

28 Q. Did you have subcommanders with you around this time?

29 A. Yes.

1 Q. Who were your subcommanders?

2 A. Well, Junior Lion was one. He was in charge of the G4, the  
3 ammunition. Any ammunition that I captured, I was to give the  
4 ammunition to him and he was taking care of everything, and there  
14:39:43 5 were other commanders that were with me.

6 Q. So when you returned with the captured ammunition from  
7 Sumbuya to SAJ Musa, did he do or say anything?

8 A. Yes.

9 Q. What did he do or say?

14:40:08 10 A. Well, he was happy. He was happy and he went to the extent  
11 saying that I had made the same mistake. While I was at RDF, I  
12 should have communicated through the set before going there. He  
13 said I shouldn't have returned. That is what he told me, but he  
14 was very happy.

14:40:37 15 Q. So when you came on the Sumbuya attack, where was SAJ Musa?

16 A. SAJ Musa was at the base that I have told you about, the  
17 village I have talked about. That was where he was.

18 Q. How far is Sumbuya from Ropat, if you know?

19 A. Sumbuya to Ropat is about 7 to 8 miles. It is about 7  
14:41:12 20 miles.

21 Q. Now, did SAJ Musa, at any point in time, leave Ropat on his  
22 advance to Freetown?

23 A. Yes. It was not at Ropat. SAJ Musa did not go to Ropat.

24 Q. Please, Mr Witness, you have to be audible enough so they  
14:41:43 25 can hear and interpret you. Where was SAJ Musa? Was he at  
26 Ropat, or was he not at Ropat? Where was he? Where was he  
27 based?

28 A. He was inside, as I have told you, Mr Lawyer. I am not  
29 well, that is why I'm speaking in this way. If I am well, I

1 would have spoken very loud. It is because I am not well, I'm  
2 just trying to make up -- patch up things so that the situation  
3 with can forge ahead. That's why I'm trying to manage up things.

14:42:32 4 Q. Okay, Mr Witness, I'm sorry about that. I'm not trying to  
5 push you beyond your limits, but I basically just want to make  
6 some progress. Now, from this village that SAJ Musa was based,  
7 which was close to Ropat, did he make any further advance?

8 A. Yes, yes, but before that, he ordered us -- he gave us an  
9 order for a mission to go to Mile 38. And before the 38  
14:43:02 10 operation we went first at Masiaka, but the Masiaka operation he  
11 said I should lead that operation. But I had a problem with my  
12 neck. I had a pain on my neck. I saw a snake and from there my  
13 neck started aching me, except when traditional medicine was used  
14 on me.

14:43:25 15 Q. Mr Witness, please explain to the Court about the attacks  
16 that you went on and then the sequence in which the attacks were  
17 made. Did you go on the Masiaka attack?

18 A. No. The Masiaka attack, I did not go.

19 Q. You had earlier spoken about an attack on Mile 38. Did you  
14:43:45 20 go on that attack?

21 A. Yes. 38, I went there and that was the time I was fired at  
22 and from the time we were moving, it was at Mile 38 that we had  
23 the highest number of casualties, because there we lost ten men.

24 Q. Now, whom did you attack at Mile 38?

14:44:20 25 A. It was the ECOMOG and the surrendered SLA soldiers who were  
26 there.

27 Q. What do you mean by "surrendered SLA soldiers"?

28 A. That it was the soldiers who surrendered to the ECOMOG, who  
29 were fortunate and they were not killed. But some who

1 surrendered, the ECOMOG killed them. So the ones that were lucky  
2 that were not killed, they were also incorporated into the ECOMOG  
3 forces.

14:45:04 4 Q. Now, you said you lost ten men on the attack. Were you  
5 successful on that attack?

6 A. Yes, we captured the place. We captured mortars and  
7 ammunition, yes. The only thing -- the situation was not good  
8 for me because I got an injury there.

9 THE INTERPRETER: The interpreter is sorry. The  
14:45:29 10 interpreter would like to make a correction. The number of  
11 individuals that got a problem at the Mile 38 attack, instead of  
12 ten, it was 12.

13 MR FOFANA:

14 Q. Thank you, Mr Witness. So you said you got an injury at  
14:45:45 15 the Mile 38 attack. So what injury did you get?

16 A. I was fired at six times on my chest and my hand, and that  
17 caused me serious bleeding. My nose -- blood was dripping from  
18 my nose and I had some serious problem. So I came back to SAJ  
19 Musa, but we had already captured the place.

14:46:26 20 Q. Mr Witness, what part of the your hand? Which hand did  
21 you say you sustained the injury?

22 A. My left, my left hand, on my left shoulder here, from my  
23 neck here to this part of my shoulder on the back, my nerves. My  
24 nerve cut.

14:46:50 25 Q. How did you sustain this injury?

26 A. Well, when we reached at 38, I left the men behind. I and  
27 one of my securities went ahead. We went ahead. I had captured  
28 a headquarters. We went ahead, almost at the Junction, that was  
29 the time the machine -- there was a heavy machine-gun that was



1 used to block. As I was trying to -- as I was trying to cock the  
2 gun, as I pressed the trigger, when the boy told me that, "Eh,  
3 you have fired the man." I said, "Eh, boy, the man had fired at  
4 me." But the boy did not believe. He said, "Let me go and  
14:47:56 5 collect the man's weapon." I said, "Boy, the man has cut off my  
6 hand."

7 MR AGHA: Your Honour, at this stage I rise to object on  
8 the basis that the witness says he was shot and injured. I mean,  
9 what is the relevance of all the detail in which we seems to be  
14:48:14 10 going into?

11 PRESIDING JUDGE: What is your reply to that, Mr Fofanah?

12 MR FOFANAH: I will take the cue. I basically asked him  
13 how he sustained the injury. I will take the cue and move on  
14 from there.

14:48:32 15 Q. Before I move on, Mr Witness, would you like to show the  
16 Court where you sustained this injury on your arm?

17 A. Yes.

18 Q. Just sit where you are.

19 MR FOFANAH: Respectfully, Your Honours, I do not know if  
14:48:58 20 Court Management can assist the witness.

21 PRESIDING JUDGE: What is the relevance? Is this to prove  
22 that ECOMDG fired at people?

23 MR FOFANAH: Well, in the course of the attack, the  
24 crossfire and the like, I mean, it shows that attacks did take  
14:49:18 25 place and forces were firing at each other and he was one of the  
26 victims.

27 JUDGE DOHERTY: Is that in dispute?

28 MR FOFANAH: Well, it is not in dispute, Your Honours, but  
29 then it is just to show credibility that he was one of those who

1 were involved and -- except if Your Honours do not --

2 PRESIDING JUDGE: All right, look, for what it is worth, he  
3 can show us his injuries. Incidentally, I might mention this,  
4 Mr Fofanah, and it is probably a defect in the interpreting, but  
14:50:00 5 the term used was "fired at six times." Now, fired at does not  
6 mean that the person hit the target. You can fire at the thing  
7 six times and miss six times, so I think fired at does not mean  
8 he was shot six times. It just means that somebody shot at him  
9 six times. He might have missed the whole six times. That is  
14:50:28 10 probably an interpreting fault.

11 MR FOFANAH: I will agree with Your Honours. And, in fact,  
12 we don't have the word "shot" in Krio. It is fired, which should  
13 be rightly interpreted to mean "shot at," but I will leave that  
14 with the interpreters.

14:50:52 15 PRESIDING JUDGE: All right. Well, look, witness section,  
16 can you please go and help this witness remove his coat.

17 THE WITNESS: These are the bullet marks, six bullet marks.

18 PRESIDING JUDGE: You will have to move that shoulder strap  
19 of the singlet down. No, no, just slip the strap of singlet over  
14:52:33 20 his shoulders.

21 THE WITNESS: The bullet marks, and I have one here.

22 PRESIDING JUDGE: I cannot see anything from here.

23 JUDGE SEBUTINDE: Is that his shoulder or is that a scar,  
24 that bone? Is that the scar or is that his normal shoulder?

14:53:06 25 MR FOFANAH: Your Honours, I can see a scar on the left  
26 shoulder.

27 THE WITNESS: Look at the scars here. The marks over here.  
28 These are the bullet marks, all these are bullet marks, six  
29 bullet marks from here.

1           PRESIDING JUDGE: Now, Mr Witness, you have a very  
2 protruding left shoulder there. Is that a result of the bullet  
3 wound, or does your shoulder always look like that?

4           THE WITNESS: Yes.

14:53:54 5           PRESIDING JUDGE: What does that mean?

6           THE WITNESS: It was because I was shot at. That is where  
7 the shoulder is protruding. As you can see, you can observe the  
8 bullet marks there. The other one got stuck into the body. The  
9 other ones stuck into -- in the body. It was a nurse that

14:54:17 10 removed them in Freetown here. Here are five. Here is one on my  
11 hand, five up here.

12           PRESIDING JUDGE: You have five bullet wounds in the  
13 shoulder and one on the hand; is that right?

14           THE WITNESS: Yes. One on the palm here, then five bullet  
14:54:49 15 marks are up here, five marks. The man standing very close to me  
16 here can observe and he would see the marks.

17           MR FOFANAHA: Respectfully, Your Honours, I can also see a  
18 big scar on the left shoulder where the bone seems to be  
19 protruding. There is a scar there.

14:55:12 20           PRESIDING JUDGE: I see. All right, thank you.

21           MR FOFANAHA: Which is about two-and-a-half inches, if I can  
22 say for the records.

23           PRESIDING JUDGE: What did you see, Mr Court Attendant?

24           MR GEORGE: Scars, Your Honour, just as described by the  
14:55:39 25 witness.

26           PRESIDING JUDGE: All right. The witness is showing some  
27 scars to the left shoulder and the shoulder itself seems to be  
28 somewhat misshapen. Yes, go on, Mr Fofanah.

29           MR FOFANAHA:

1 Q. So, Mr Witness, after this attack on Mile 38, did you come  
2 back to SAJ Musa to report?

3 A. Yes, but during that time I was carried and brought to him.

4 Q. And in what state were you?

14:56:28 5 A. At that particular time, I was unconscious.

6 Q. So do you know how the troops moved -- first of all, did  
7 you later gain consciousness?

8 A. Yes, yes. I became conscious, later on.

9 Q. Where did you gain consciousness?

14:56:59 10 A. It was when we came back to the village. I felt something  
11 like light, a flash of light, and I heard people crying, saying  
12 "He has died. He has died." So when I woke up, I coughed and  
13 people said "Oh, he has not yet died."

14 Q. From that point on, do you know if SAJ Musa's troops  
15 advanced?

14:57:30 16 A. Yes.

17 Q. Where did they advance to?

18 A. Well, the next day we moved during the night. We walked  
19 and crossed Sumbuya, that is at RDF. We crossed there and went  
14:57:53 20 ahead. After we had crossed there, we entered around Four Mile.  
21 We were there when SAJ Musa sent troops to lay an ambush at the  
22 highway. We were there for the rest of the day.

23 Q. Mr Witness, do you know if Four Mile has any other name?

24 A. Around Songo.

14:58:23 25 Q. And from -- I mean, was the ambush laid, the ambush that  
26 you referred to?

27 A. Yes.

28 Q. And did anything happen?

29 A. Yes.

1           PRESIDING JUDGE: Just so that I will understand this,  
2 Mr Fofanah, he was shot six times the day before, did he take  
3 part in this ambush?

4           MR FOFANAH: Very well, Your Honours.

14:58:52 5       Q.     So, Mr Witness, did you take part in the ambush that you  
6 are talking about?

7       A.     No. But I was lying down in the headquarters, anything  
8 that happened, I would know. Because as long as I was in  
9 headquarters, I would know. And if they came back from the  
14:59:11 10 ambush, if they came, I would know. Because it was before me  
11 that they came and reported to SAJ Musa saying that we had  
12 accomplished the mission. So anything that happened, although I  
13 was injured during that time, I wasn't able to go, but I hoped  
14 that anything that happened, no matter how little it was, I would  
14:59:38 15 know.

16       Q.     Thank you. Now, when you reached Four Mile, do you know  
17 where the three accused persons who were in open detention, do  
18 you know where they were?

19       A.     Those men, first of all, they did not even encourage them  
15:00:00 20 to come where SAJ Musa was, yes. Men were under arrest. And  
21 when we were at Four Mile, I did not the see them with my own  
22 eyes, but I knew they were under arrest, because they were not  
23 being encouraged to that extent from that time that we left the  
24 base, I did not see them until when we reached at Waterloo. That  
15:00:23 25 was where I saw them for the last time. Waterloo, I did not know  
26 whether they were taken. It was at Waterloo that I saw them with  
27 my own eyes.

28       Q.     So from Four Mile, did you go anywhere, the troops?

29       A.     Yes, yes.

1 Q. Where did you go to?

2 A. We moved towards Freetown.

3 Q. During your movement, did you pass through any place or  
4 places?

15:01:00 5 A. Yes.

6 Q. So where did you go to from Four Mile?

7 A. When we left Four Mile, we came straight away to Lumpa  
8 straight by the old road before we reached at Lumpa, we were  
9 ambushed. They launched an attack, RPG.

15:01:35 10 Q. Who ambushed you?

11 A. Well, I cannot tell, because it was during the fight that I  
12 just saw a bomb from the bush and it came and exploded on the  
13 line on the West Side and it damaged a boy. And the few rounds  
14 that had been coming from that particular direction, so the men  
15 ran away. So we left that part and came to Waterloo, Lumpa.

15:01:57 16 From there, when we arrived at Waterloo, SAJ Musa said that we  
17 were to go into Benguema.

18 Q. Okay. During your movement from Eddie Town until the time  
19 you came to Waterloo, did you have civilians with you?

15:02:19 20 A. Civilians, like where I was in the advance team, I did not  
21 have any time with the civilians, because SAJ Musa told me that I  
22 should not capture civilians and that I should not kill civilians  
23 and that I should not burn the houses of civilians and that I  
24 should not take their property. So when I arrived, or before I  
25 arrived in some areas, if civilians saw us, they would run away.

15:02:45 26 They would hear that we were coming and they would run away. So  
27 the only civilians --

28 Q. I mean, the entire troop movement, I do not mean that the  
29 civilians -- I'm not talking about the civilians that you met in

1 the places that you were going.

2 A. Okay.

3 Q. Did your troops have civilians?

4 A. A lot, a lot. Some men were with their mothers, their  
15:03:18 5 children, their sisters, their brothers, their uncles, their  
6 aunts, some men were with their whole families, some were with  
7 even their grandmothers and grandfathers. The people were so  
8 many. Some men were with their wives.

9 Q. Thank you. Now, Mr Witness, did you -- or do you know if  
15:03:38 10 the troops finally reached Benguema from Waterloo?

11 A. Yes. They arrived at Benguema, but the fight took place.

12 PRESIDING JUDGE: Look, Mr Witness, you are not being asked  
13 anything more than: Do you know whether the troops arrived at  
14 Benguema? And you have answered that question. Now, move on,  
15:04:08 15 Mr Fofanah.

16 MR FOFANAH:

17 Q. So when you arrived at Benguema, did anything happen,  
18 Mr Witness?

19 A. Yes.

15:04:16 20 Q. What happened at Benguema?

21 A. Well, SAJ Musa gave an order that the ammunition dump  
22 should be burnt, because when all the ammunition had been take  
23 from the ammunition dump, there were some bombs that had been  
24 left there. So those bombs that had been left, were those that  
15:04:41 25 did not have artillery with which they could use them. So SAJ  
26 Musa said, "Those bombs, as long as we do not have anything to do  
27 with them, they should be -- they should set fire on them." When  
28 fire was set on them, about two to three minutes there was an  
29 explosion took place. After the explosion, I just heard that SAJ

1 Musa had died through the explosion. Yes.

2 Q. Okay, thank you, Mr Witness. So after the death of SAJ  
3 Musa, did you continue on your advance to Freetown?

15:05:32

4 A. Yes. We did not go straight away, or immediately. We  
5 tried to bury him first before we moved.

6 Q. Now, after the burial, do you know if the troops were  
7 reorganised under any commander?

8 A. FAT Sesay was the commander, whom I knew.

9 Q. Did FAT Sesay have any second in command?

15:06:07

10 A. Eddie. Eddie was next to him, because King had died. We  
11 had O-Five and Junior Lion. We had Tito. So they were ranked.

12 Q. Around this time, where were you, when you reached  
13 Benguema?

15:06:40

14 A. As I told you, at that time, you see, I was injured, so I  
15 did not have much time to go to the front.

16 Q. Thank you. Now, do you know if the three accused persons,  
17 you have earlier referred to, reached Benguema?

18 MR AGHA: Objection, Your Honour. I think he said he last  
19 saw them at Waterloo.

15:07:07

20 THE WITNESS: I told you that they then stopped at  
21 Waterloo. How many times do you want me to answer that question?

22 MR FOFANAH:

15:07:22

23 Q. Mr Witness. I will take the cue, thank you. Now, you said  
24 that FAT Sesay took charge of the troops. Do you know if they  
25 advanced from Benguema to anywhere?

26 A. Yes.

27 Q. Where did they advance to?

28 A. When we beyond Benguema, Samuel Town, Samuel Town also,  
29 there was one village, Goba Wata. There I heard that SAJ was



1 buried. FAT Sesay gave order and he said that Tombo was to be  
2 attacked. His men went and attacked Tombo and came. From there,  
3 the other time, he said they were to go and attack York. They  
4 went and attacked York, but York -- the attack was not easy for  
15:08:01 5 them, so they were not able to overpower those people there. So  
6 when they came back. So when they came back, they said we were  
7 to go. So we went into the forest walking. We came close to  
8 Benguema, but the area where we came to, by Benguema, when the  
9 soldiers went and patrolled, they realised that it was just by  
15:08:21 10 Freetown and they had reached. So they gave a report that they  
11 had seen houses and they saw light, because it was during the  
12 night.

13 Q. Okay, Mr Witness. Mr Witness, how far is Benguema from  
14 Freetown, if you know?

15:08:38 15 A. From when Benguema to Freetown, it is around 22 to 23  
16 miles.

17 Q. You referred to villages like Tombo and York. Do you know  
18 what part of Sierra Leone those places are?

19 A. Yes.

15:09:01 20 Q. Where?

21 A. They are found at the peninsula. They are found at the  
22 peninsula, to come to Freetown, right around the peninsula.

23 Q. So did you and the rest of the troops finally come to  
24 Freetown?

15:09:17 25 A. Yes.

26 Q. What part of Freetown did you come to?

27 A. Well, I came up to State House, because since I was not  
28 well, so I couldn't walk a lot. So I came to State House and I  
29 spent one week. After one week they were attacking us and there

1 was pressure, so we decided to go back. I went to Kissy; there I  
2 stayed.

3 Q. Now, who led you to State House in Freetown?

4 A. Well, it was not a single individual. When I was wounded,  
15:10:10 5 the man who had been taking care of us was a strong man. We had  
6 Pikin, we had Ashim, we had NPFL.

7 Q. Mr Witness, I was basically asking of you if there was any  
8 overall commander who led you to State House, the rest of the  
9 troops?

15:10:31 10 A. FAT Sesay, he was the overall commander. In order to prove  
11 me right, he was the one that made the announcement when he came  
12 into Freetown.

13 Q. What announcement is FAT Sesay make in Freetown?

14 A. Well, he announced that we had come back. The soldiers who  
15:10:55 15 had gone had come back. Yes, that was what I could recall that  
16 he announced.

17 Q. So you said you spent one week at State House. After the  
18 one week, where did you go to?

19 A. I went at the rear and I made sure that I had good  
15:11:23 20 treatment. And it was in that treatment that they extracted  
21 another bullet from my hand.

22 Q. So did you stay in Freetown throughout the period of your  
23 attack on Freetown?

24 A. As I told you, I said I spent one week at State House.  
15:11:45 25 After that, I went to the rear, that is, at Kissy. See, I had  
26 one white vehicle. From time to time, you see, I would get into  
27 it and drive around, after which I would go at the rear again. I  
28 was there throughout, in Freetown. I spent 21 days in Freetown.  
29 From there, I withdrew, whilst other men stayed in town. Some

1 stayed at Calaba Town area. As regards me, I returned to  
2 Waterloo.

3 Q. Thank you, Mr Witness. So during your stay in Freetown,  
4 did you see the three accused there?

15:12:24 5 A. Mr Lawyer, how many times do you want me to answer this  
6 question? I have told you that I saw them last at Waterloo. I  
7 do not want you to make me go where I had explained. I'm not  
8 trying to take you back. Did I not say that I last saw these  
9 people at Waterloo?

15:12:49 10 Q. Mr Witness, I was merely requesting a "yes" or "no" to my  
11 question. I was trying to ask you a question that demanded a  
12 "yes" or "no." But if your answer is that you last saw them at  
13 Waterloo, I will move on. So when you came back to Waterloo, did  
14 you meet the three accused at Waterloo?

15:13:06 15 MR AGHA: Leading question, Your Honour. I would object to  
16 that.

17 PRESIDING JUDGE: It is leading, Mr Fofanah. You can ask  
18 that in a different way.

19 Q. Whom did you meet at Waterloo when you came back?

15:13:21 20 A. When I came back to Waterloo, I wasn't able to see the  
21 three accused persons again. I did not know their whereabouts,  
22 because when I came to Waterloo, I did not even spend much time  
23 there, but throughout in Freetown I did not see the three accused  
24 persons. Because if they were in Freetown, I would have seen  
15:13:42 25 them

26 Q. Thank you, Mr Witness.

27 A. But I did not see them

28 Q. From Waterloo, did you go anywhere?

29 A. Yes.

1 Q. Where did you go to?

2 A. I went to Makeni.

3 Q. How long did you take in Makeni?

4 A. About four months, or so, because I had been taking  
15:14:11 5 treatment.

6 Q. Did you meet people at Makeni when you returned?

7 A. Yes, there were civilians.

8 Q. Apart from civilians, were there any other people?

9 A. Yes.

15:14:31 10 Q. Who were they, at Makeni?

11 A. RUF, as well as SLA.

12 Q. Do you know if the people that you have referred to, the  
13 RUF and the SLAs, do you know if they were under any overall  
14 commander?

15:15:00 15 A. Well, the commander in Makeni was Superman. Superman was  
16 the -- he was the one that had the last say in Makeni.

17 Q. From Makeni, did you go anywhere?

18 A. Yes.

19 Q. Where did you go to?

15:15:21 20 A. When they signed the cease fire, I decided to come to  
21 Freetown so that I could get better treatment, but when we were  
22 coming, I passed through West Side.

23 Q. Where is West Side?

24 A. West Side? Okra Hill jungle, which is in the western part  
15:15:49 25 of the Freetown, behind Masiaka.

26 Q. Who were at West Side?

27 A. It was the SLA soldiers.

28 Q. When you arrived there -- first of all, what year was it  
29 that you arrived at West Side?

1 A. Let me say May to June 1999.

2 Q. When you arrived there, were the SLAs, whom you met there,  
3 under any command?

4 A. Yes, yes.

15:16:32 5 Q. Who was their commander?

6 A. Well, Junior Lion, he was the commander at the West Side.

7 Q. How did you know that?

8 A. Well, that particular time he was the one that I met, who  
9 was the most senior man. He had Tito, who was the next -- who  
10 was next to him, then after one month or so Foday Kallay came,  
11 who came and took over as overall commander at the West Side. So  
12 he went straight off and took off the command.

13 PRESIDING JUDGE: You are objecting.

14 MR AGHA: Yes, I am, Your Honour, on the basis that he said  
15 he reached there in May to June 1999, so I believe that would be  
16 outside the indictment period for Port Loko. I'm not sure of the  
17 relevance of these further questions.

18 PRESIDING JUDGE: What do you say, Mr Fofanah?

19 MR FOFANAH: Your Honours, I was merely trying to establish  
15:17:40 20 the commandship at the time the witness arrived there. It does  
21 not suggest that -- those whom he met were not, in fact, the same  
22 people who were within the crime period. I was merely trying to  
23 let him tell the Court what he saw when he arrived.

24 May I seek your indulgence for awhile.

15:18:16 25 [Defence counsel conferred]

26 MR FOFANAH: Respectfully, Your Honours, in addition to  
27 that, even the witness who testified yesterday was giving the  
28 story as he perceived it and experienced it at the West Side. I  
29 thought the same would apply to this witness, what he saw when he

1 arrived, was basically what I was asking him about.

2 PRESIDING JUDGE: Yes, go ahead. I understand why you are  
3 asking it, Mr Fofanah. I will overrule the objection. You ask  
4 the question.

15:18:57 5 MR FOFANAH: I'm grateful, Your Honours.

6 Q. So you mentioned Junior Lion, Tito. Apart from these two,  
7 did you see any other commander at the West Side?

8 A. Yes.

9 Q. Which other commander did you see at the West Side?

15:19:17 10 A. You had Mines No Mines; you had Pikin; you had Ashim; you  
11 had NPFL. You had other commanders that were there that were  
12 senior men. I cannot call all their names right now.

13 Q. Now, did Mines No Mines, did he have any other name?

14 A. Yes, but I cannot recall his name, his right name again.

15:20:01 15 Q. Mr Witness, did you stay at West Side throughout the year  
16 1999?

17 A. Yes. I was there until the time that Johnny Paul came to  
18 Freetown, when he came. That was the time that I left West Side  
19 to come to Freetown.

15:20:23 20 Q. Okay, Mr Witness, just a few general questions and then I  
21 will close out. Mr Witness, during your training, you referred  
22 to earlier, were you trained in the conduct of war?

23 A. If I was trained how to fight?

24 Q. Were you told about the Geneva Conventions?

15:20:56 25 A. I was never told about that. I was not trained on that.

26 MR FOFANAH: That is all for the witness, thank you.

27 PRESIDING JUDGE: Thank you. Yes, Mr Manly-Spain or  
28 Mr Graham, do you have any questions?

29 MR GRAHAM: Your Honours, Mr Spain would follow on

1 Mr Fofanah.

2 PRESIDING JUDGE: Yes.

3 MR MANLY- SPAIN: Thank you.

4 CROSS- EXAMINED BY MR MANLY- SPAIN:

15:21:26 5 Q. Good afternoon, Mr Witness.

6 JUDGE SEBUTINDE: Mr Manly- Spain this is cross- examination?

7 MR MANLY- SPAIN: Yes, I know.

8 Q. I really just have a few questions for you, Mr Witness.

9 Mr Witness, when did you know the third accused, Santigie Kanu?

15:22:02 10 A. Santigie Kanu, I knew him as a soldier.

11 Q. What was the first time that you got to know him?

12 A. It was during the NPRC.

13 Q. Did you get to know him in any particular place?

14 A. In Freetown, Wilberforce, that was all.

15:22:29 15 Q. Do you know, Mr Witness, whether Santigie Kanu, the third  
16 accused, served with the ECOMOG forces in Liberia during the  
17 period of NPRC?

18 A. Yes, I knew about that.

19 Q. Do you remember when he returned to Sierra Leone after his  
15:22:54 20 service?

21 A. No, I cannot recall again.

22 Q. Can you recall any place in Sierra Leone where he was  
23 deployed, apart from Freetown?

24 A. No.

15:23:16 25 Q. Mr Witness, after the coup that brought Johnny Paul and the  
26 AFRC into power, did you meet with Santigie Kanu whilst you were  
27 in Freetown?

28 A. No, no.

29 Q. Thank you very much. Mr Witness, you mentioned that during

1 the withdrawal you went to Masiaka; that is, after the  
2 intervention by ECOMOG forces?

3 A. Yes.

4 Q. Did you see Santigie Kanu there?

15:24:12 5 A. After the intervention?

6 Q. Yes, when you pulled out from Freetown and you were at  
7 Masiaka?

8 A. No, I did not see Santigie Kanu.

9 Q. Thank you, Mr Witness. Mr Witness, sometimes it is  
15:24:31 10 necessary for us to put certain questions to you. I know you  
11 have been telling my learned friend, who was asking you, or  
12 questioning you before me that you have said that you last saw  
13 the accused persons at Waterloo, but sometimes it is necessary  
14 for us lawyers to ask you certain particular questions because of  
15:24:55 15 the evidence already in court. That is why we need to ask you  
16 certain questions. I hope you understand. The question I want  
17 to ask you --

18 A. I understand.

19 Q. Did you see the third accused at State House?

15:25:15 20 A. No. If I saw him there, I would say it to this Court.

21 Q. Thank you. Did you see the third accused anywhere in  
22 Freetown after January 6th?

23 A. No, no.

24 Q. Thank you, Mr Witness. Mr Witness, you said that when you  
15:25:43 25 were coming to Freetown SAJ Musa, I believe, told you three  
26 reasons for coming to. I want to put them to you, if I'm right.  
27 You said he gave you three reasons. First of all, the first  
28 reason was to reinstate the Sierra Leone Army?

29 A. Yes.



1 Q. The second reason was to --

2 A. His wife and child.

3 Q. Release [Overlapping speakers] from the prison?

4 A. Yes.

15:26:27 5 Q. And the third reason was to remove the soldiers from the  
6 prison?

7 A. Yes. It was not the only soldiers that were in prison.

8 There were other important people that were in prison, who were  
9 kept by the government.

15:26:48 10 Q. Thank you. Mr Witness, do you know how often SAJ Musa told  
11 you about this, that this is what you had to do?

12 A. Yes, yes, I can recall.

13 Q. How often [Overlapping speakers]?

14 A. Like, me, see, I would say it was almost every week that he  
15:27:14 15 had been telling me that. See, at times he would tell me --  
16 almost every week he would say that three times to me.

17 THE INTERPRETER: Your Honours, would he go a little bit  
18 slow.

19 PRESIDING JUDGE: Mr Witness, none of this is being  
15:27:32 20 interpreted, because you are talking too quickly. Could you  
21 please slow down.

22 THE WITNESS: Okay.

23 MR MANLY- SPAIN:

24 Q. Go back to where you said [indiscernible]?

15:27:44 25 A. Yes, sir.

26 Q. Please go on, slowly.

27 A. So, just like I have been saying, SAJ Musa would always say  
28 that he was not happy. When he saw some people with their  
29 children and their family and his own family was in prison, you

1 see, why should he not be arrested and put in prison? Why should  
2 his wife and child be put in prison? He said that was against  
3 human rights. So because of that, we should try hard. He said  
4 even if he was to lose his life so as to release his wife and  
15:28:24 5 child, he said he was ready and prepared to do that, yes.

6 Q. Thank you, Mr Witness. Mr Witness, did that have any  
7 effect on you.

8 A. Effect? If what had effect on me?

9 Q. If what SAJ Musa had been telling you weekly and all the  
15:28:52 10 time [Overlapping speakers] at one time you said he use to cry?

11 A. Yes.

12 Q. [Overlapping speakers] effect?

13 A. That, it had very big effect on him, because, one, SAJ Musa  
14 was my boss, I was loyal to him and I loved him; second, he said  
15:29:09 15 his wife and children were there; and three, the effect which  
16 that had on me, you see, a lot of my squad mates were in prison,  
17 friends were in prison, and I knew that important people were in  
18 prison, as well, who were suffering innocently. So that had a  
19 very big effect on me. You see, I wasn't happy, so I was one who  
15:29:33 20 was pitying -- one of the men that was pitying SAJ Musa for what  
21 he had been saying to me.

22 Q. Did it give you more determination to achieve what you had  
23 set out to do?

24 A. Yes.

15:29:48 25 Q. Mr Witness, you also gave evidence about a newspaper that  
26 shown to SAJ Musa at Bafodia?

27 A. Yes.

28 Q. Which, it was reported that 24 soldiers had been killed and  
29 you gave the names of some of the soldiers. Did that news have

1 any effect on your move to Freetown?

2 A. Yes. That news was the one that gave us speed, because if  
3 it were not for that news, we should have delayed any way. If we  
4 were to come at all, we wouldn't have had any speed, but that  
15:30:44 5 particular news gave us more speed to come to Freetown.

6 Q. You said that these soldiers had been killed, I believe you  
7 used the word "unjustly" or "wrongly"; am I right?

8 A. Yes, you are right, because to me, those 24 soldiers were  
9 all innocent. They were all innocent. Why? Why should they  
15:31:19 10 kill Hassan Conteh, because he did not plot the coups, and that  
11 why is he was killed. Why should they kill AK Sesay, very  
12 important men in the country? There was no need for them to have  
13 been killed.

14 PRESIDING JUDGE: Is this evidence, Mr Manly-Spain? It is  
15:31:34 15 just his opinion on what somebody else has decided.

16 MR MANLY-SPAIN: Sorry, Your Honour, I think this is  
17 evidence. There is a question of motive in this matter.

18 PRESIDING JUDGE: I appreciate that and I think you have  
19 made the point. Do we have to sit here and listen to him go  
15:31:53 20 through his opinion of who should have been convicted and  
21 shouldn't be?

22 MR MANLY-SPAIN: No, he is not saying who should have been  
23 convicted. He is saying why they were determined to come to  
24 Freetown.

15:32:07 25 PRESIDING JUDGE: Mr Manly-Spain in saying why he was  
26 determined, he is doing precisely that, going through the  
27 victims, or the people that were executed and giving his opinion  
28 on whether they should have been or not. That is what he is  
29 doing. You have made your point. You have established motive,

1 but I think his opinions on convictions or otherwise are not very  
2 relevant, are they?

3 MR MANLY-SPAIN: I'm sorry, Your Honour, but I did not ask  
4 him for his opinion. I asked him --

15:32:34 5 PRESIDING JUDGE: But he is giving the opinions, that is my  
6 point.

7 MR MANLY-SPAIN: I will limit it to that. What I was  
8 asking for is what effect it had on him and he said it made him  
9 more determined to come to Freetown.

15:32:48 10 PRESIDING JUDGE: If you will recall after that,  
11 Mr Manly-Spain, he then started going through the people who were  
12 executed and giving his opinions on whether they should have been  
13 or not. Now, if you have any trouble remembering that, we can go  
14 back on the transcript.

15:33:04 15 MR MANLY-SPAIN: No, I remember that. Any way, I will go  
16 on, Your Honour.

17 Q. Mr Witness, you told this Court about the capture of the  
18 priest, Brother Mario, and you said that he was promoted to  
19 captain. Can you tell this Court how he was dressed after his  
20 promotion?

15:33:30 21 A. Yes.

22 Q. How was he dressed?

23 A. Well, at first he used to dress in his own attire, but when  
24 he found out that they were dirty, then he changed, because he  
15:33:55 25 wanted a combat jacket, which he used to wear. So they gave him  
26 a combat jacket, which he wore.

27 Q. Thank you, Mr Witness. Mr Witness, I want to ask you  
28 specifically about your stay at Kabala. Whilst you were at  
29 Kabala, did you see the third accused?

1 A. The third accused never went to Kabala.

2 Q. Do you know whether the third accused was in communication  
3 with SAJ Musa, at that time?

4 A. No.

15:34:40 5 Q. No, you don't know, or no, he wasn't?

6 A. I knew that he had not been communicating with SAJ Musa.

7 Q. Up to the time that you got to Eddie Town, do you know  
8 whether the third accused was communicating with SAJ Musa?

9 A. He never communicated with SAJ Musa.

15:35:09 10 Q. Throughout your movement from Eddie Town to Freetown, do  
11 you know whether the third accused and SAJ Musa made any  
12 decisions to attack any place?

13 A. Just like I have said in this Court, the third accused had  
14 nothing to do with SAJ Musa. SAJ Musa had nothing to do with

15:35:44 15 him. They had never sat together to make a plan to attack a  
16 place or not to attack a place.

17 Q. Thank you, Mr Witness. Mr Witness, at Eddie Town, do you  
18 know whether the first accused appointed the second accused to be  
19 second in command, and the third accused to be his third in  
15:36:11 20 command at Eddie Town?

21 A. That was not true. Where SAJ Musa was as CIC, who would  
22 appoint himself. It was SAJ Musa who was the overall commander  
23 and we met FAT on the ground. Those men on the ground and, in  
24 fact, they had wanted to kill him.

15:36:33 25 Q. Mr Witness, this matter of witchcraft or someone bewitching  
26 the movements, can you tell this Court the people who were  
27 accused of trying to bewitch the movement?

28 A. Yes.

29 Q. Who were the people?

1 A. One you had was called Jajuwa. There was another lady that  
2 was called Adama. You had one that was called Sniper, Amos.  
3 Then you had other ladies and other men whose names I cannot  
4 recall now in this Court.

15:37:17 5 Q. Do you know, Mr Witness, whether the people who were  
6 accused were, in fact, arrested at that time?

7 A. If those people who were accused of bewitching or who  
8 wanted to run away?

9 Q. No, I'm not talking about the people who wanted to run  
15:37:46 10 away. Those who were accused of bewitching, were they arrested?

11 A. Yes, they were arrested. They were arrested and they were  
12 locked up. In fact, they were seriously tortured, because when I  
13 went, I saw the marks on them

14 Q. Thank you. Mr Witness, do you know what happened to them  
15:38:04 15 when you left Eddie Town to come to Freetown?

16 A. Nothing specific happened to them. Like Amos, he -- when  
17 we were returning from Freetown, that was the time that he died  
18 through an attack from ECOMOG. Adama, he ran away. Jajuwa he  
19 also died in an attack.

15:38:35 20 Q. What I was asking you, did they come with under guard as  
21 prisoners when you left Eddie Town?

22 A. Yes, they were guarded as prisoners, but there was a  
23 certain time when -- when they were --

24 THE INTERPRETER: Your Honours, would the --

15:39:00 25 MR MANLY-SPAIN: Take it slowly.

26 THE INTERPRETER: Your Honours, what I want to clarify is  
27 the word "witches."

28 THE WITNESS: You have different types of hostages. You  
29 had the Nigerian troop.

1           PRESIDING JUDGE: Yes, go ahead, Mr Interpreter.

2           THE INTERPRETER: Yes, Your Honours, the witness used the  
3 word "witches."

4           PRESIDING JUDGE: Mr Witness, will you please stop talking  
15:39:26 5 while we're trying to hear what the interpreter is saying. Yes,  
6 go ahead.

7           THE INTERPRETER: Yes, Your Honours, the witness used the  
8 word "witches," and in Krio that can refer to both male and  
9 female, so I wanted that clarification, whether he was referring  
15:39:42 10 to male or female.

11           MR MANLY-SPAIN: Mr Interpreter he has called the names of  
12 both men and women.

13           THE INTERPRETER: Yes, but Adama can refer to a man or it  
14 can refer to a woman.

15:39:55 15           MR MANLY-SPAIN:

16 Q.       When you say Adama, was it a man or a woman?

17 A.       It is a woman.

18 Q.       Thank you. When you were coming to Freetown, were they  
19 under arrest and guarded?

15:40:11 20 A.       Yes, yes.

21 Q.       Thank you, Mr Witness. Mr Witness, during your march to  
22 Freetown, did the third accused go on any mission or any attack?

23 A.       No.

24 Q.       Thank you. When you were coming to Freetown, Mr Witness,  
15:40:39 25 did you pass through a place called Gbinti?

26 A.       No, we never passed through Gbinti.

27 Q.       Did you pass through a place called Karina when you were  
28 coming to Freetown?

29 A.       I do not the even know the place.

1 Q. Thank you. Mr Witness, am I to understand that at the time  
2 SAJ Musa was buried, you were not present at the spot?

3 A. I was in the village.

4 Q. Thank you. Finally, Mr Witness, you said that when you  
15:41:41 5 were at Mange, ECOMOG burned houses there; am I right? Do you  
6 know what happened to these houses?

7 A. Yes. They burnt these house and in these houses there were  
8 civilians, because when the houses were burnt --

9 Q. Did you meet the second accused at West Side when you were  
15:42:20 10 there?

11 A. No.

12 MR MANLY- SPAIN: That is all for this witness.

13 CROSS- EXAMINED BY GRAHAM

14 Q. Good afternoon, Your Honours. Good afternoon, witness.

15:42:38 15 A. Good afternoon, sir.

16 Q. Mr Witness, have you, at any point in time in your life,  
17 been locked up at the Pademba Road Prison before?

18 A. Yes.

19 Q. When were you first locked up by the Pademba Road Prison,  
15:43:10 20 Mr Witness?

21 A. I was arrested at Port Loko, year 2000, in September, and I  
22 was locked up at Pademba Road. They said I was a member of the  
23 West Side group.

24 Q. When you were locked up in 2000, how long were locked up at  
15:43:29 25 Pademba Road Prison before you were released? For how long?

26 A. Six years.

27 Q. So am I right in saying that you were released from Pademba  
28 Road Prison in the year 2006?

29 A. Yes, you are right.



1 Q. And, Mr Witness, do you Alimamy Bobson Yapo Sesay, also  
2 known as Bobby?

3 A. I know him very well. I know him very, very well.

4 Q. How well do you know him, Mr Witness?

15:44:22 5 A. Well, I knew Yapo Sesay as a soldier.

6 Q. As a soldier with the SLA?

7 A. Yes, yes.

8 Q. And during the time that you were at Pademba Road Prison,  
9 did you ever get to meet Alimamy Bobson Yapo Sesay at Pademba

15:44:54 10 Road Prison?

11 A. Yes, I met him there.

12 Q. And, Mr Witness, do you remember the year that you met  
13 Alimamy Bobson Yapo Sesay, also known as Bobby at the Pademba  
14 Road Prison?

15:45:11 15 A. The year 2000.

16 Q. Do you know why he was locked at the Pademba Road Prison,  
17 Mr Witness?

18 A. Yes, yes.

15:45:30 19 Q. I want you to be very brief with your answer. Why was he  
20 locked up, very briefly?

21 A. Well, I heard that he opened fire in town. That was what I  
22 heard. Well, I did not know what caused the firing.

23 Q. Thank you, Mr Witness. Mr Witness, do you no one Alie  
24 Turay, also known as Alabama?

15:46:01 25 A. Yes, I knew him very well.

26 Q. How well do you know him, Mr Witness?

27 A. Alabama, I knew him as SLA, then as a security to SAJ. He  
28 was one of SAJ's security.

29 Q. Thank you, Mr Witness. Mr Witness, during the time that

1 you were at Pademba Road Prison -- sorry, Your Honours. When you  
2 went to the Pademba Road Prison in the year 2000 -- Mr Witness,  
3 are you all right?

15:46:47 4 A. Yes, yes. I'm not all right, but let's carry on for the  
5 time of the Court.

6 Q. We have 15 minutes to go, so please just bear with us.  
7 When you went to Pademba Road Prison in the year 2000, did you go  
8 and meet, did you meet Alie Turay, also know as Alabama there?

9 A. Yes, I met him there.

15:47:10 10 Q. Do you know why he was there, Mr Witness?

11 A. Yes.

12 Q. Very briefly, why was he there, Mr Witness?

13 A. They went and fired at each other, he with one Bakarr at  
14 Lunsar. They made the whole of the troop to dislodge, and that  
15 was why he was arrested and taken to Pademba Road Prisons.

16 Q. Thank you, Mr Witness. Mr Witness, do you also know one  
17 Ayo Cole, also known as Six Finger?

18 A. Yes, I knew him.

19 Q. How did you know him, Mr Witness?

15:47:56 20 A. Well, I knew him as a civilian who was with the soldiers in  
21 the jungle. Then I also knew him as -- I also knew him in  
22 prison.

23 Q. Thank you. And when you were taken to Pademba Road Prison  
24 in the year 2000, did you meet go and meet Ayo Cole, Six Finger,  
15:48:27 25 at Pademba Road Prison? I mean, was he there before you were  
26 taken there?

27 A. Yes.

28 Q. Do you know why he was taken to Pademba Road Prison,  
29 Mr Witness, very briefly, please?

1 A. Well, he was laundering in his house when one Foday Jange  
2 arrested him and they said that he was a West Side man. They  
3 took him to prison and he was locked up. He did not do anything.  
4 The junta just went and locked him up.

15:48:58 5 Q. Thank you, Mr Witnesses. Mr Witness, do you no one Ranger?

6 A. Yes.

7 Q. And do you know him by any other name, Mr Witness?

8 A. Yes.

9 Q. Can you please tell this Court by what other name do you  
15:49:17 10 know Ranger?

11 A. He was called Alfred Hindolo Samai, alias Ranger.

12 Q. And the last name?

13 A. Hindolo Samai. Hindolo, H-I-N-D-O-L-O. Samai, S-A-M-A-I,  
14 Samai.

15:49:52 15 Q. Grateful, Mr Witness. Mr Witness, Ranger, was he already  
16 at Pademba Road Prison at the time you were sent there?

17 A. Yes.

18 Q. And, Mr Witness, there are five housing blocks for the  
19 holding of prisoners in Pademba Road Prisons, isn't it?

15:50:25 20 A. Yes, there are five blocks.

21 Q. The blocks are, Your Honours, Wilberforce? There is a  
22 block by the name Wilberforce?

23 A. Yes [Overlapping speakers].

24 Q. There is another block Clarkson? Is that right?

15:50:35 25 A. Yes.

26 MR GRAHAM Your Honours, Clarkson is spelled

27 C-L-A-R-K-S-O-N.

28 A. Yes.

29 Q. And there is another block by the name of Blyden, spelled

1 B-L-Y-D-E-N; is that right?

2 A. Yes.

3 Q. And then there is another block by the name Howard, spelled  
4 H-O-W-A-R-D; is that right?

15:50:57 5 A. Yes, yes, you are right.

6 Q. And then there is the remand block; is that right?

7 A. Yes, you are right.

8 Q. And, Mr Witness, during the time that you were in Pademba  
9 Road Prison, which of these blocks were you detained in?

15:51:14 10 A. Wilberforce Block.

11 Q. During this period, did you know the block in which Alabama  
12 was being held?

13 A. It was at the Wilberforce Block, where I was. There he  
14 was.

15:51:29 15 Q. Thank you. And you did know the block in which Alimany  
16 Bobson Yapo Sesay, also know as Bobby, do you know the block in  
17 which he was held?

18 A. He was at Wilberforce block.

19 Q. What about Ranger, what block was he being held in?

15:51:49 20 A. Wilberforce Block. There he was.

21 Q. What about Ayo Cole, also known as Six Finger, Mr Witness?

22 A. Wilberforce Block. There he was.

23 Q. Thank you, Mr Witness. Mr Witness, during this period that  
24 you were in Wilberforce Block with the people that you have

15:52:13 25 mentioned, did you ever have the opportunity to have any contact  
26 with Alie Turay, also known as Alabama?

27 A. Yes.

28 Q. Did you please tell this Court the kind of contact that you  
29 had with Alabama?

1 A. Well, the contact year 2000, 2003, sometimes 2003, some  
2 people came from the Special Court here and went and met Alabama  
3 in prison. They went and said to him that he should come and  
4 prosecute the first, second and third accused at the Special  
15:53:05 5 Court.

6 Q. Witnesses, before you go on, how did you know that some  
7 people came from the Special Court to contact Alabama for the  
8 purpose to which you have just told this Court?

9 A. Well, I saw the people and Alabama told me that the people  
15:53:24 10 wanted to talk to me and I said I was not interested, and he,  
11 Alabama, Ranger, Bobson Yapo Sesay, they called me in in  
12 Alabama's cell and they tried to persuade me that if I agreed to  
13 come and prosecute the first, second and third accused I would be  
14 freed from prison and that they would buy a vehicle for me.

15:53:57 15 Q. Before you go on, how do you know that these people came  
16 from the Special Court?

17 A. Well, at any time that a vehicle went for them, they would  
18 say that, "Fellow, we are going to the Special Court," and when  
19 they were returning, I would see them with money, I would see  
15:54:18 20 then with chicken. They would tell me that I did not want to get  
21 my freedom.

22 Q. That's fine. I will come to that. Just focus on the  
23 questions that I ask of you, Mr Witness. Mr Witness, on this day  
24 that you said Alabama invited you to his cell to engage in this  
15:54:39 25 discussion, did he offer you anything whilst you were in his  
26 cell?

27 A. Yes. Your know he persuaded me, he came with money, he  
28 gave me 20,000 Leones, he gave me chicken with some medicines  
29 saying that I should join him so that we could come to the

1 Special Court and prosecute and that houses would be built for us  
2 and that we would be flown to Canada. But I told him that Canada  
3 was not my problem and that I was not going to lie about  
4 somebody. And they said that they would do anything that would  
15:55:20 5 make them prosper.

6 Q. Mr Witness, can you please tell this Court who and who was  
7 present at this meeting in Alabama's cell?

8 A. I was one. Ranger was there. Bobson Yapo Sesay was there.  
9 Ayo cole, with he, the Alabama. It is the first time that I'm  
15:55:59 10 talking about when they gave me that money. The other time --  
11 the other time there was one boy called V Boy. They also tried  
12 to convince him

13 Q. Mr Witness, just focus on the questions that I'm asking  
14 you. Apart from the money that you said Alabama gave you when  
15:56:20 15 you met him in his cell, did he offer you anything else?

16 A. Yes. He gave me medicines. He gave me chicken, but the  
17 chicken that was given to me, I was afraid to eat it. He gave me  
18 medicine. Because why I was afraid to eat the chicken,  
19 because --

15:56:39 20 Q. Mr Witness, I don't need that part of your story, but I  
21 want to ask you: Did you ask him where he got those things from?

22 A. It was not I that asked him. It was he that told me, he  
23 said, "Fellow, these things were given to me by the Special  
24 Court." He said, "Since you do not want to prosper," he said,  
15:57:09 25 "The Special Court they are going to make me free, yes, I will go  
26 to Canada and I will also have a jeep.

27 Q. Mr Witness, on this day, I'm putting it to you, that  
28 Alabama also offered you alcohol on this day, didn't he?

29 A. Yes, he gave me alcohol and then he even gave me cannabis

1 sativa, a lot of cannabis sativa and said we were to smoke, but I  
2 told him that I was not going to smoke. The alcohol I was able  
3 to drink, but then when he found out that he was not able to  
4 convince me [Overlapping speakers]. So he convinced Alimany  
15:57:42 5 Bobson Yapo Sesay.

6 Q. Please hold on, and just for the convenience of everyone,  
7 just be brief and focus on the questions that I have asked you.  
8 What do you mean by "cannabis sativa," what is that?

9 A. That is marijuana, which is called jamba.

15:58:10 10 Q. Thank you Mr Witness. Now, Mr Witness, after he offered  
11 you these things, you said he told you some things. Did Alabama  
12 also talk to Bobby on this day that you were in your cell?

13 A. Yes, he talked to Bobby. He said --

14 Q. Thank you, Mr Witness. What did he talk to Bobby about?  
15:58:31 15 What did he tell Bobby?

16 A. He told Bobby that, he said "Now, we are in jail. We do  
17 not have money. We do not have our freedom." He said, "The  
18 Special Court has a lot of money. They have given us a lot of  
19 money. Let's go and lie about those people that are in the  
15:58:52 20 Special Court." Then Bobby was convinced. He said he was coming  
21 to testify. He said, don't you even see Junior Lion, right now  
22 he has been given vehicle and a house so that he could lie about  
23 those people, so I said I would not do that.

24 Q. Mr Witness, after he said that, did Bobby say anything in  
15:59:10 25 response to what Alabama had said?

26 A. Yes, Bobby agreed. He said he wanted to prosper, so he  
27 said he was coming to lie about these people, the first, second  
28 and third accused so that he could be taken to Canada so they  
29 would build a house for him and buy a vehicle for him?

1 Q. Thank you, Mr Witness. Mr Witness, Ayo Cole, did Ayo Cole  
2 say anything after he had heard Alabama say what you have just  
3 told this Court?

4 A. Yes. Ayo Cole as well agreed. He joined Alabama so that  
15:59:58 5 he could come to the Special Court, but after some time I did not  
6 see him again coming. He would not go again with Alabama.

7 Q. Where was it that Ayo Cole used to go with Alabama?

8 A. They said they were coming to special court. Since I was  
9 not here, I do not know where they were going, and each time they  
16:00:23 10 returned, they would tell me that they came from the Special  
11 Court and they would even make fun out of me saying, that I did  
12 not want my freedom and that I did not want to prosper, and I  
13 said, okay, that wasn't a problem

14 Q. Thank you, Mr Witness. Mr Witness, what about Ranger?

16:00:41 15 What did Ranger say in response to what Alabama said that you  
16 have just told this Court?

17 A. Well, Ranger he was desperate more than everybody. He said  
18 for himself he would do everything for money, even if he were to  
19 sell his own child. He would do that, let alone those people  
16:00:59 20 whom he did not know to come and lie about them. It was not  
21 something that was big for him. He said, at that time, if he was  
22 asked to come and testify against them, he would do so. That was  
23 what he told me, he, the Ranger.

24 Q. So did he agree to eventually agree to go along with what  
16:01:20 25 Alabama had said?

26 A. Yes. He agreed and he was desperate, more than Alabama  
27 himself.

28 Q. Thank you, Mr Witness. And, Mr Witness, after he had  
29 agreed, did you at any point in time observe him and Alabama



1 going out to the Special Court, as Alabama had promised?

2 A. Yes. They would always go out together. Like Yapo Sesay,  
3 he and Alabama at first they were not in agreement, but when the  
4 Special Court started --

16:01:58 5 Q. Mr Witness, my question was on Ranger. Let's just focus on  
6 that. I will come to that in due course. You yourself,  
7 Mr Witness, after you had heard Alabama speak, what did you tell  
8 him in response to what he had just told you?

9 A. Well, at first when I saw the money -- well, during that  
16:02:26 10 time I hadn't got anything. If I had said I was going to deny at  
11 that particular time, they would not have given me those 20,000  
12 Leones, so I agreed. So he gave me the money. When I had left  
13 the money, I came and I told him that, "Fellow, I would not do  
14 this," and he said that I was to give him the money back. So we  
16:02:48 15 had a row for that money, but I did not give him the money back.  
16 So I said the one that he had used, let him use it since he was  
17 going to lie about people's children, let him go and lie, but I  
18 said I was not going to lie about people and that I was not going  
19 give him that money again, yes.

16:03:04 20 Q. Thank you, Mr Witness. Mr Witness, prior to this meeting  
21 in Alabama's cell, were you aware of the nature of the  
22 relationship between Alabama and Bobby?

23 A. The relationship was not that strong. They had always been  
24 quarreling because Alabama was a provost. At any time that he  
16:03:31 25 met him outside, he would ask him to get into the cell. But when  
26 this Special Court thing started, they became so close, they  
27 became so close. None would do something without his companion.

28 Q. Mr Witness, after this meeting at Alabama's cell, to which  
29 Bobby agreed to come and testify at the Special Court against the

1 first accused, second and third accused, did you observe any  
2 changes in their relationship, in the relationship between  
3 Alabama and Bobby?

16:04:15 4 A. Yes. Just as like I have been telling you, initially they  
5 were not in agreement, but when that Special Court business  
6 started, when they started coming out and getting in, there was  
7 agreement. The relationship became very strong.

8 Q. Mr Witness, did you observe any changes in Bobby's life in  
9 prison after he agreed to Alabama's request?

16:04:34 10 A. Yes, yes, yes. There were some changes in his life.

11 Q. What changes, please tell this Court, Mr Witness?

12 A. Well, one, he had privilege by then in prison. Two, he had  
13 been handling money and he had been bluffing with the money and  
14 three, he would cook every day, special cook. He would eat  
16:05:03 15 chicken, hamburger and he would drink soft drinks and he had  
16 enough medicines, so those were the changes that I saw in his  
17 life.

18 Q. Mr Witness, during the time that you were in Pademba Road  
19 Prison were there certain areas of the prison that were  
16:05:24 20 restricted areas, to mean that there were certain areas that you  
21 could not go without getting permission? Were there restricted  
22 areas in prison?

23 A. Yes, yes, there were some areas.

24 Q. And the area where the hospital was located was one of  
16:05:46 25 these restricted areas, isn't it?

26 A. Yes.

27 Q. The area where the kitchen was, was one of these restricted  
28 areas, wasn't it, Mr Witness?

29 A. Yes.

1 Q. And the place where the bakery was located was one of  
2 restricted areas, wasn't it, Mr Witness?

3 A. Yes.

4 Q. And the place where the tailoring shop was located was also  
16:06:11 5 a restricted area within the Pademba prison, wasn't it,  
6 Mr Witness?

7 A. Exactly, yes.

8 Q. Am I right in saying that you could not get to those areas  
9 without special permission from the prison authorities,  
16:06:34 10 Mr Witness?

11 A. Yes, yes.

12 Q. Am I right in saying that as part of the special treatment  
13 that the Alabama and Bobby received in Pademba Road Prison  
14 involved unrestricted access to these areas at any time of the  
16:06:51 15 day?

16 A. Yes, yes, they would go there at any time that they wanted  
17 to, except during the night when it had passed 8.00 or 9.00.

18 Q. Thank you, Mr Witness. I'm putting it to you that during  
19 this period that you were in Pademba Road Prison after the  
16:07:11 20 meeting in Alabama's cell, both Alabama and Bobby were not bound  
21 by any movement restrictions within the prison during the day; is  
22 that right?

23 A. Yes, sir.

24 PRESIDING JUDGE: Mr Graham, if you are going to be much  
16:07:32 25 longer, we will adjourn.

26 MR GRAHAM: Yes, I agree, Your Honour. I think this is a  
27 propitious time to end. I'm grateful.

28 PRESIDING JUDGE: Mr Witness, we are going to adjourn now  
29 until tomorrow morning. I will just remind you again of that

1 caution I gave you. Please do not discuss this case or the  
2 evidence with any other person.

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: All right. We will adjourn now until  
5 9.15 tomorrow morning.

16:07:57

6 [Whereupon the hearing adjourned at 4.07 p.m. to be  
7 reconvened on Wednesday, the 11th day of October,  
8 2006, at 9.15 a.m.]

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**EXHIBITS:**

**Exhibit No. 32** **4**

**WITNESSES FOR THE DEFENCE:**

**WITNESS: DBK-131** **2**

**EXAMINED BY MR FOFANAH** **2**

**CROSS-EXAMINED BY MR MANLY-SPAIN** **95**

**CROSS-EXAMINED BY GRAHAM** **104**