



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

WEDNESDAY, 18 OCTOBER 2006
9.20 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:

Ms Advera Kamuzora

For the Prosecution:

Mr Charles Hardaway
Mr Vincent Wagona

For the accused Alex Tamba
Brima:

Mr Koj o Graham

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Geert-Jan Alexander Knoops

OPEN SESSION

1 [AFRC18OCT06A - CR]

2 Wednesday, 18 October 2006

3 [The accused present]

4 [The witness entered Court]

09:20:52 5 [Open session]

6 [Upon commencing at 9.20 a.m.]

7 PRESIDING JUDGE: Yes, Mr Fofanah.

8 MR FOFANAH: Yes, Your Honours, our witnesses are DBK-129
9 and 012. They are supposed to be cross-examined this morning.

09:20:56 10 012 was brought in, but I think the Prosecution preferred to
11 start with DBK-129. That's why there was no witness when you
12 came in.

13 PRESIDING JUDGE: I understand.

14 WITNESS: DBK-129 [Sworn]

09:22:33 15 [The witness answered through interpreter]

16 MR WAGONA: Good morning, Your Honours.

17 PRESIDING JUDGE: Good morning, Mr Wagona.

18 CROSS-EXAMINED BY MR WAGONA:

19 Q. Good morning, Mr Witness.

09:23:06 20 A. Good morning, sir.

21 Q. Mr Witness, I have some questions for you this morning.

22 A. Yes.

23 Q. Where you can, please answer briefly with a yes, no or I
24 don't know. If I need a further explanation, I will ask you for
09:23:30 25 that; is that okay, Mr Witness?

26 A. Okay.

27 Q. Mr Witness, do you consider yourself to be a well-trained
28 and experienced soldier?

29 A. Yes.

1 Q. Did you attend military training?

2 A. Yes.

3 Q. As a well-trained and experienced soldier, do you know,
4 during armed conflict, it's wrong for you to kill innocent
09:24:05 5 civilians?

6 A. I didn't kill any civilian.

7 Q. I'm only asking you whether you know. So you can say yes
8 or no. Do you know it is wrong for you to kill surrendered
9 enemies?

09:24:26 10 A. Yes.

11 Q. Do you know that it's wrong for you to abduct civilians?

12 A. Yes.

13 Q. Do you know that it's wrong to rape civilians?

14 A. Yes.

09:24:49 15 Q. Do you know that it's wrong to burn people's houses and
16 other properties?

17 A. Yes.

18 Q. Do you know that it's wrong to engage in looting?

19 A. The question again, sir.

09:25:14 20 Q. Do you know that it's wrong to engage in looting, during
21 armed conflict, as a soldier?

22 A. What you're trying to say, I don't actually understand,
23 because I was a soldier and I was there to defend life and
24 property. I was not involved in such activities that you are
09:25:40 25 putting to me.

26 Q. Sorry, witness, I'm not saying you are involved. I'm only
27 asking you whether you know that it's wrong to do these things.

28 A. I know it's not right.

29 Q. Do you know that it's wrong to amputate arms of civilians?

1 A. I am a soldier.

2 Q. So you know it's wrong?

3 A. I never did such things, because I knew I never came across
4 such a word.

09:26:14 5 Q. And you know it's wrong; is that so?

6 A. The question you are putting to me, I told you that I am a
7 soldier, but because you are putting it to me in that manner, it
8 appears as if it's something that I did.

9 Q. I'm not saying that you did it, Mr Witness. I'm only
09:26:37 10 asking you whether you know that it's wrong. So you can just say
11 yes or no; is that okay? And do you know that it's wrong to
12 force civilians to work for fighters and commanders? You know
13 it; not so?

14 A. You are putting this question directly to me as if I was
09:27:12 15 involved.

16 JUDGE SEBUTINDE: Mr Witness, the lawyer has time and time
17 again said to you he's not accusing you of doing anything. He's
18 just testing your knowledge of certain facts. It's easy to
19 answer yes or no, or I don't know to the questions he's posing.
09:27:31 20 Please do just that.

21 MR FOFANAHA: May it please Your Honours, at this stage,
22 without any intention of interrupting my colleague, I don't know
23 if it has anything to do with interpretation, because the witness
24 has consistently given the same answer to the same questions
09:27:50 25 being put to him by counsel. I was trying to get on the Krio
26 channel.

27 JUDGE SEBUTINDE: Yes, but counsel has also repeatedly said
28 he's not accusing the witness. What is difficult to understand
29 about that?

1 MR FOFANA: I just thought it might be an interpretation
2 problem

3 PRESIDING JUDGE: Well, if it is an interpretation problem,
4 Mr Fofanah, we certainly would not know anything about it, not
09:28:18 5 speaking Krio ourselves.

6 MR FOFANA: Thank you, Your Honour.

7 MR WAGONA:

8 Q. Mr Witness, what is your answer to my last question? Do
9 you know that it's wrong to force civilians to work for fighters
09:28:34 10 and commanders? You can say yes or no, or you don't know.

11 A. I don't know.

12 Q. Now, as a soldier, you have been following orders of your
13 commanders; not so?

14 A. Yes.

09:28:59 15 Q. And you have been seeing other soldiers following orders of
16 commanders; right?

17 A. Yes.

18 Q. And from your evidence, when you were in the West Side you
19 and your fellow SLAs followed orders of your commanders; not so?

09:29:25 20 A. Yes.

21 Q. And you could be punished for failing to follow orders of
22 commanders; is that right?

23 A. Yes.

24 Q. And, in the army, you received orders from the top
09:29:43 25 commanders through your own commander; is that right?

26 A. Yes.

27 Q. Now, you testified about members of the army football team
28 around the time of the coup that brought AFRC into power, and you
29 said you were in residential training in the village; do you

1 remember that?

2 A. You said I was doing something at the village. I was at
3 the camp.

4 Q. At the camp, yes.

09:30:18 5 A. Yes, yes. Yes, yes.

6 Q. Now, different battalions of the Sierra Leone Army had
7 their different football teams; is that correct?

8 A. Well, we are not different. It is just the one army team
9 formed from the battalion. They formed a team.

09:30:39 10 THE INTERPRETER: Your Honour, please, can the witness go a
11 bit slower.

12 PRESIDING JUDGE: Madam interpreter, did you get the whole
13 answer? Do you want him to repeat it?

14 THE INTERPRETER: I want him to repeat it, Your Honour.

09:30:55 15 PRESIDING JUDGE: From which point?

16 THE INTERPRETER: From the football team being formed.

17 THE WITNESS: Go ahead, sir, repeat it.

18 MR WAGONA:

09:31:11 19 Q. I'm saying to you that each battalion had its football
20 team; is that correct?

21 A. Yes.

22 Q. And you were in the 1st Battalion team; is that correct?

23 A. No. I said I was in the army team, the army football team
24 The army football team.

09:31:33 25 Q. That's fine. Now, you recall that you were able to mention
26 only five members of the army football team; you recall that?

27 A. Yes.

28 Q. Now, one of those you mentioned was Baski Kambolai?

29 A. Yes.

1 Q. Was Baski Kambolai also known as Sai du?

2 A. Yes.

3 Q. Now, you don't remember all the members of the team, do
4 you?

09:32:18 5 THE INTERPRETER: Your Honour, I did not get the answer
6 correctly.

7 MR WAGONA:

8 Q. Do you recall all the members of the team?

9 A. No. Yes.

09:32:36 10 Q. Now, Woyoh --

11 PRESIDING JUDGE: What does he mean, "No. Yes"?

12 MR WAGONA:

13 Q. Can you repeat the answer for me. Do you know all the
14 members of the team, or you don't recall all of them?

09:32:48 15 A. I know them. Yes, I know them.

16 Q. But you mentioned only five here that time?

17 A. Well, that was where I stopped, but I know all of them.

18 Q. Woyoh was one of the members of the team, wasn't he?

19 A. No.

09:33:23 20 Q. Was Samuel Kargbo a member of the team?

21 A. No.

22 Q. Was Momoh Dotti a member of the team?

23 A. No.

24 Q. Was Foday Kallay a member of the team?

09:33:49 25 A. Yes, yes. Yes.

26 Q. Was CSO Rambo a member of the team?

27 A. No.

28 Q. Was Hassan Papa Bangura a member of the team?

29 A. No.

1 Q. I put it to you that the other members you have said were
2 not members of the team were members of the team; what do you
3 say?

09:34:27 4 A. I'm telling you that none of those you mentioned were in
5 the team, except Kambolai.

6 PRESIDING JUDGE: Are you referring to the battalion team,
7 or the army team, Mr Wagona? Which is the one you're asking
8 about?

9 MR WAGONA: The army team, Your Honours.

09:34:42 10 PRESIDING JUDGE: Well, make that clear to the witness.

11 MR WAGONA:

12 Q. I put it to you that the other members you have said were
13 not part of the army team were part of the army football team;
14 what do you say?

09:34:57 15 A. I said, no, they were not part of the team.

16 Q. Were they footballers?

17 A. They were not playing football, those men you've mentioned.

18 Q. Mr Witness, I put it to you that Hassan Papa Bangura was
19 the goalkeeper of the 1st Battalion team; what do you say?

09:35:43 20 PRESIDING JUDGE: Well, look, there you are. You see, you
21 have been asking about the army team and now you're asking about
22 the 1st Battalion team. Which one has he denied not knowing?

23 MR WAGONA: That is correct, My Lord. I meant to ask for
24 the question I've already put about the army team, and I meant to
09:36:04 25 ask for this next question for this specific person about the
26 battalion team.

27 PRESIDING JUDGE: Right. Go ahead.

28 MR WAGONA: Much obliged.

29 Q. Zagalo was --

1 PRESIDING JUDGE: No, go back and answer your question
2 again.

3 JUDGE DOHERTY: I didn't hear an answer.

4 PRESIDING JUDGE: We didn't get an answer.

09:36:24 5 MR WAGONA: Much obliged.

6 Q. Now, regarding Hassan Papa Bangura specifically, I put it
7 to you that he was the goalkeeper of the 1st Battalion team

8 A. The team or the 1st Battalion team?

9 Q. 1st Battalion team

09:36:41 10 A. Well, I don't know about the 1st Battalion, but I know
11 about the army team, because I was playing for the army team
12 Because you said Papa. Papa was never a goalkeeper. We have
13 three goalkeepers in the army team, and I can show you their
14 names.

09:36:56 15 Q. So you don't know whether he was in the 1st Battalion team?

16 A. He -- no. I'm talking about the army team. I'm not
17 talking about the 1st Battalion, but the army team

18 Q. Okay. Thank you, Mr Witness.

19 JUDGE SEBUTINDE: Mr Witness, usually the answer is I don't
09:37:15 20 know. You don't have to go into running explanations of what
21 you're not asked.

22 THE WITNESS: Okay.

23 MR WAGONA:

24 Q. Was Zagalo a member of the army team?

09:37:28 25 A. Yes. Yes.

26 Q. Now, you testified that you don't know the people who led
27 the coup that brought in the AFRC government; you remember that?

28 A. The question again.

29 Q. Do you know the people who overthrew the SLPP government?

1 A. I don't know them, but I only heard an announcement. That
2 was how I came to know them, but I've never known them

3 Q. I put it to you that Zagalo, who was in the army football
4 team, was one of those involved in the overthrow of the SLPP
09:38:21 5 government; what do you say?

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

7 Q. I put it to you that the three accused persons, Alex Tamba
8 Brima, Ibrahim Bazzy Kamara and Santigie Borbor Kanu were also
9 involved in overthrowing the SLPP government; what do you say?

09:38:53 10 A. Well, I don't know.

11 Q. You testified that, during the AFRC government, you
12 accompanied your boss, SAJ Musa, to attend meetings with Johnny
13 Paul Koroma; you remember that?

14 A. Yes.

09:39:14 15 Q. Do you know of other officials of the AFRC who were
16 attending those meetings with Johnny Paul Koroma?

17 A. No.

18 Q. I put it to you that the three accused persons, Alex Tamba
19 Brima, Ibrahim Bazzy Kamara and Santigie Borbor Kanu also
09:39:44 20 attended those meetings; what do you say?

21 A. I don't know.

22 Q. You testified about a pull-out from Freetown when the AFRC
23 government was removed, and you said that, at Masiaka, Johnny
24 Paul Koroma held a meeting; you remember that?

09:40:09 25 A. Yes.

26 Q. Do you remember that, in that meeting, Johnny Paul Koroma
27 declared Operation Pay Yourself?

28 A. I don't know.

29 Q. I put it to you that he did declare Operation Pay Yourself;

1 what is your answer?

2 A. No, I don't know.

3 JUDGE SEBUTINDE: Mr Witness, you cannot answer twice. You
4 can't say no, and you can't say I don't know at the same time.

09:40:47 5 Which is it?

6 THE WITNESS: I said, no. I don't know about that.

7 JUDGE SEBUTINDE: So your answer is you don't know.

8 THE WITNESS: I don't know. Yes.

9 MR WAGONA:

09:41:07 10 Q. Now, I'll ask you about -- you said Ibrahim Bazzy Kamara,
11 the second accused, told you that he was going to Port Loko to
12 leave his family there, his family or wife; you remember that?

13 A. Yes.

14 Q. Did he say it was his family or his wife that he was going
09:41:31 15 to leave in his village? Did he say it was his wife or the
16 family?

17 A. Family.

18 Q. Were you at Masiaka when he told you this?

19 A. Yes.

09:41:50 20 Q. And you left Ibrahim Bazzy Kamara at Masiaka and went to
21 Kabala; is that correct?

22 A. Yes.

23 Q. Now, while you went to Kabala, some of the troops went to
24 Makeni; is that right?

09:42:14 25 A. Yes.

26 Q. I put it to you that Ibrahim Bazzy Kamara later continued
27 with the other troops to Makeni; what do you say?

28 A. Well, I don't know.

29 Q. While you had gone to Kabala, you don't know what was

1 happening between Masiaka and Makeni, do you?

2 A. No.

3 Q. Now, I'll now ask you about Kono District. You testified
4 you moved with Johnny Paul Koroma from Kabala to Kono and left
09:43:10 5 him in Kono; you remember that?

6 A. Yes.

7 Q. So that means when you left Kono and went back to Kabala,
8 Johnny Paul Koroma was still in Kono; not so?

9 A. Well, I don't know.

09:43:29 10 Q. But you left him in Kono?

11 A. Yes.

12 Q. And you said you were in Kono for less than a month; you
13 remember that?

14 A. No.

09:43:43 15 Q. How long were you in Kono?

16 A. Just a week. A week.

17 Q. Okay. You were actually there for only three days or less;
18 what do you say?

19 A. I said, I spent a week.

09:44:08 20 Q. Because Johnny Paul Koroma himself was in Kono for only
21 three days. So if you left him there, then you yourself were
22 there for three days or less; what do you say?

23 MR FOFANA: Objection. Your Honours, I don't know if he's
24 putting a factual statement to the witness. The witness has not
09:44:33 25 said that Johnny Paul was in Kono for three days, except if my
26 learned colleague is trying to put that to the witness.

27 MR WAGONA: I'm putting that, Your Honours.

28 PRESIDING JUDGE: Well, you better rephrase that question,
29 Mr Wagona.

1 MR WAGONA: Thank you, Your Honours.

2 Q. Mr Witness, I put it to you that Johnny Paul Koroma was in
3 Kono for only three days. So if you left him there, then you
4 yourself were there for --

09:45:01 5 PRESIDING JUDGE: No, no, no.

6 MR FOFANAH: Double-barrelled.

7 MR WAGONA: I'll first -- I'll break it down, Your Honours.

8 Q. I put it to you, Mr Witness, that Johnny Paul Koroma was in
9 Kono for only three days; what do you say?

09:45:15 10 A. No. Because I spent a week in Kono and I left him there.
11 I went to Kabala.

12 Q. I put it to you that if you left him there, you were there
13 only for three days or less; what do you say?

14 A. The question again.

09:45:44 15 Q. I put it to you, Mr Witness, that if you left Johnny Paul
16 Koroma in Kono, then you were there for only three days or less;
17 what do you say?

18 A. No.

19 Q. Where was Johnny Paul Koroma coming from when he came to
09:46:11 20 Kono?

21 A. From Makeni.

22 Q. And before he came to Makeni, where was he coming from?

23 A. From Freetown.

24 Q. I put it to you that Johnny Paul Koroma was not coming from
09:46:39 25 Makeni when he came to Kono; he was coming from Magbonki neh.
26 What do you say?

27 THE INTERPRETER: Your Honours, the witness is not audible.

28 PRESIDING JUDGE: Can you speak up, Mr Witness? The
29 interpreter did not hear what you were saying, so can you repeat

1 your answer, please, and speak up?

2 THE WITNESS: Repeat the question, sir.

3 MR WAGONA:

09:47:20 4 Q. I'm saying to you, Mr Witness, that Johnny Paul Koroma was
5 coming from Magbonkineh when he came to Kono; what do you say
6 about that?

7 A. Yes.

8 Q. But when you testified, you remember you told the Court
9 that you came with him from Kabala; do you remember that?

09:47:37 10 A. No, I'm not sure I told the Court that.

11 Q. It's fine. Now, when Johnny Paul Koroma came to Kono,
12 where did he base himself?

13 A. I cannot recall where he settled, sir.

09:48:24 14 Q. Now, do you remember making a statement to people from the
15 Special Court in connection with your testimony?

16 A. Repeat the question, sir.

17 Q. You remember a statement being recorded from you by people
18 from the Special Court concerning your testimony?

19 A. Yes.

09:48:56 20 Q. Now, what I have here is a summary. I'm going to read to
21 you what you are supposed to have said as part of your statement.
22 It reads, and it is referring to you: "He went to Guinea with
23 his family and was there for about two months. From there, he
24 went to Liberia. From Liberia, he went to Kailahun and joined
09:49:28 25 the RUF under Mosquito."

26 Now, I need to ask you a few questions based on this. Did
27 you mention in your statement that you went to Guinea with your
28 family and you were there for about two months?

29 A. Yes, I said that I went to Guinea.

1 Q. When did you go to Guinea?

2 A. I can recall, but I cannot recall the month.

3 Q. Which year was it?

4 A. '98.

09:50:18 5 Q. And did you also mention that you went to Liberia?

6 A. Yes.

7 Q. When did you go to Liberia?

8 A. It was the time that I came from Guinea, that was the time
9 I went to Liberia.

09:50:36 10 Q. For how long did you stay in Liberia?

11 A. Well, I did not stay in Liberia up to a month; it was a
12 week.

13 Q. Now, I put it to you that you never went to Kono; what do
14 you say?

09:51:02 15 A. I went to Kono.

16 Q. I put it to you that, from Kabala, you went directly to
17 Guinea; what do you say about that?

18 A. No.

09:51:30 19 Q. Now, you testified about Kono. Who was the overall
20 commander of SLAs in Kono?

21 A. If you're talking about the overall commander, it was
22 Superman. He was the overall commander, in Kono.

23 Q. I put it to you that the second accused, Ibrahim Bazzay
24 Kamara, was the overall commander of the SLAs in Kono; what do
09:52:01 25 you say?

26 A. No, I did not see him.

27 Q. And where were you based while in Kono?

28 A. I was at Five-Five. I was at Five-Five Spot.

29 Q. Did you go to Masingbi Road?

1 A. No.

2 Q. I put it to you that, while in Kono, the second accused,
3 Ibrahim Bazy Kamara, was based at Masingbi Road; what do you
4 say?

09:52:44 5 A. I don't know.

6 Q. Do you know whether, in Kono, in Kono District, different
7 army units or battalions were deployed in different villages in
8 Kono District; do you know or you don't know?

9 A. I knew that.

09:53:18 10 THE INTERPRETER: Your Honours, would the witness go over
11 the last bit of his testimony. I didn't get it properly.

12 MR FOFANAH: That's not the answer I got.

13 PRESIDING JUDGE: That's what you were going to comment
14 about, the interpretation?

09:53:32 15 MR FOFANAH: Yes, Your Honour.

16 PRESIDING JUDGE: We'll get that done again, Mr Fofanah.
17 Ask the question again, please.

18 MR WAGONA: Much obliged, Your Honour.

09:53:47 19 Q. Mr Witness, do you know whether, in Kono District, there
20 were different battalions or units deployed in different villages
21 of Kono District?

22 A. No.

23 JUDGE DOHERTY: I'm not sure if the answer is I don't know,
24 or they were not.

09:54:08 25 MR WAGONA:

26 Q. Is it no, you don't know?

27 A. I don't know.

28 Q. Thank you. Is that because you were there for only a short
29 time?

1 A. Yes.

2 Q. And so you don't know most of the things that happened in
3 Kono during that period, do you?

4 A. No.

09:54:37 5 Q. I will now take you to the West Side, Mr Witness. You
6 testified about various operations that took place, right from
7 the time you joined the SLAs at Four Mile; you remember that?

8 A. Yes.

9 Q. Now your overall commander ordered these operations, didn't
09:55:26 10 he?

11 A. Yes.

12 Q. And your overall commander received reports of results of
13 those operations, didn't he?

14 A. Yes.

09:55:45 15 Q. And who was overall commander?

16 A. Junior Lion.

17 Q. I put it to you that it was the second accused, Ibrahim
18 Bazzy Kamara; what do you say about that?

19 A. No.

09:56:11 20 Q. You testified at Mile Four [sic] you fought with ECOMDG and
21 had casualties; you remember that?

22 A. Say again.

23 PRESIDING JUDGE: It was Four Mile. You said Mile Four.

24 MR WAGONA: Much obliged.

09:56:29 25 Q. Witness, it's Four Mile. Four Mile. You said you fought
26 with ECOMDG and sustained casualties; you remember that?

27 A. Yes, at Four Mile.

28 Q. How many casualties were there?

29 A. There were not many.

1 Q. And these were attended to by your medical team; is that
2 right?

3 A. Yes.

4 Q. Who ordered you to dig holes at Mamamah so as to stop
09:57:24 5 ECOMOG?

6 A. Junior Lion.

7 Q. I put it to you it was the second accused, Ibrahim Bazy
8 Kamara; what do you say?

9 A. No.

09:57:34 10 Q. Who ordered a soldier called Kankada to kill and display
11 bodies of civilians at Mamamah?

12 A. It was Junior Lion.

13 Q. I say to you it was the second accused, Ibrahim Bazy
14 Kamara, who made the order; what do you say?

09:58:02 15 A. No.

16 Q. How many people were killed?

17 A. It was three to four.

18 Q. I put it to you there were at least 15; what do you say?

19 A. No.

09:58:24 20 Q. I put it to you that, after the killings, the area was
21 inspected by Ibrahim Bazy Kamara; what do you say?

22 A. No.

23 Q. Who ordered you to burn houses in Mamamah?

24 A. It was Junior Lion.

09:58:52 25 Q. I say to you it was the second accused who made the order;
26 what do you say?

27 A. No.

28 Q. I put it to you that Ibrahim Bazy Kamara, himself,
29 participated in the burning; what do you say?

1 A. No.

2 Q. Who ordered you to burn houses at Mile 38?

3 A. Junior Lion.

4 Q. I put it to you that it was the second accused, Ibrahim

09:59:31 5 Bazy Kamara, who made the order; what do you say?

6 A. No.

7 Q. Who led the attack on Port Loko?

8 A. Junior Lion.

9 Q. And who ordered the attack?

09:59:57 10 A. It was Junior Lion who was in lead of the operation; he was
11 the commander.

12 Q. I put it to you that it was the second accused, Ibrahim

13 Bazy Kamara, who ordered the attack; what do you say?

14 A. No.

10:00:17 15 Q. Who made you the commander for the Makolo Village attack?

16 A. It was Junior Lion.

17 Q. I put it to you that it was the second accused, Ibrahim

18 Bazy Kamara, who made you commander for that operation; what do
19 you say?

10:00:39 20 A. No.

21 Q. I also put it to you that, during that attack on Makolo,
22 you and your troops burnt down the village; what do you say?

23 A. No.

24 Q. I put it to you that you are lying when you say that you
10:01:18 25 never burnt down the village; what do you say?

26 A. You said that we burnt all the village, the whole of
27 Makolo. We did not burn the whole of Makolo.

28 Q. I put it to you that your troops even killed civilians in
29 Makolo Village; what do you say about that?

1 A. No. We hit the ECOMOG headquarter. We did not hit any
2 civilian base.

3 Q. Who ordered the Mansumana attack?

4 A. Junior Lion.

10:02:03 5 Q. I put it to you that it was the second accused, Ibrahim
6 Bazzy, who ordered the Mansumana attack; what do you say?

7 A. No.

8 Q. Mr Witness, I put it to you that you have lied to this
9 Court regarding who was the overall commander in the West Side;

10:02:37 10 what do you say?

11 A. I have not lied to the Court. It was Junior Lion who was
12 the overall commander at the West Side.

13 Q. I put it to you that the second accused, Ibrahim Bazzy
14 Kamara, ordered all the operations that you testified about in
15 the West Side; what do you say?

10:02:58

16 A. No.

17 MR WAGONA: Your Honours, that will conclude my
18 cross-examination.

19 PRESIDING JUDGE: Thank you, Mr Wagona. Any
20 re-examination?

10:03:28

21 MR FOFANA: Yes, Your Honours, just a few questions for
22 the witness.

23 RE-EXAMINED BY MR FOFANA:

24 Q. Mr Witness, in answer to many of the questions put by my
25 learned colleague on the other side, you were just saying no. So
26 I'm going to ask you a few questions just to clarify certain
27 things. Mr Witness, throughout the movement of the troops from
28 Four Mile to West Side, was Ibrahim Bazzy Kamara with the troops
29 at all during the movement?

10:03:38

1 A. No, he wasn't there.

2 Q. Do you know if he gave any orders to anyone, from anywhere,
3 throughout your movement of the West Side?

4 A. No.

10:04:24 5 Q. Do you also know if he gave orders to anyone, from
6 anywhere, throughout your stay at the West Side?

7 A. No.

8 MR FOFANAH: That is all for the witness. Thank you.

9 QUESTIONED BY JUDGE DOHERTY:

10:04:44 10 Q. Mr Witness, in answer to one of the questions by counsel
11 for the Prosecution that you burnt the village of Makolo, you
12 said you didn't burn all of it; does that mean you burnt part of
13 it?

14 A. No, we did not burn any house at Makolo. We hit ECOMOG
10:05:03 15 target.

16 QUESTIONED BY JUDGE SEBUTINDE:

17 Q. Mr Witness, I'm going to ask you one question that relates
18 to the West Side. You gave your earlier testimony, not today,
19 but previously; you told Court that, at the West Side, there were
10:05:31 20 a lot of children with you from Freetown, and that these children
21 were not used by your forces to fight. You described the
22 children as being, some of them, below 15 years, and others above
23 15; you also said there were girls as well as boys amongst these
24 children. Do you remember that?

10:05:54 25 A. Yes.

26 Q. Now, the question I want you to answer for me is: Who were
27 these children?

28 A. These children, when they came from Freetown, I met them at
29 Four Mile. All of us moved to West Side.

1 Q. So you are saying they were children from Freetown?

2 A. Yes.

3 Q. How did they come to be with you at the West Side, or with
4 the troops at West Side?

10:06:28 5 A. They were not with me. They were with the commander, who
6 was the boss, Junior Lion.

7 Q. I asked: How did they come to be with the troops at West
8 Side; do you know?

9 A. Well, I met them there. I met them there from Four Mile.

10:06:44 10 Q. That's not what I asked you, sir. Do you know how they
11 came to be, or the reason why they were at the West Side with the
12 troops?

13 A. What I'm trying to -- when I wanted to explain, he said,
14 no. Because I met them at West Side from Freetown, all of us
10:07:10 15 that came to West Side.

16 Q. Do you know why they were at West Side, or you don't know?

17 A. I don't know.

18 Q. Now, you said, again, these children, they were released to
19 the United Nations while some of them remained with you; is that
10:07:36 20 correct?

21 A. They were not with me. I did not say they were with me.

22 Q. Let me rephrase the question. Your earlier testimony was
23 that some of these children were released to the United Nations
24 whilst others remained with their troops; is that correct?

10:07:52 25 A. Yes.

26 Q. Were you part of the troops at the West Side?

27 A. Yes. Yes.

28 Q. So I'm going to ask you: Why did the troops release these
29 children to the United Nations?

1 A. Well, I don't know. It was through the commander that I
2 had, Junior Lion, he was the one who handed over these children.
3 I do not know what his reason was.

10:08:31 4 Q. Why did some remain behind? Why were some not handed over
5 to the United Nations?

6 A. Well, those are the few ones that they released.

7 Q. And I'm asking why. Why did some of them remain with the
8 troops and not go with the United Nations?

10:08:53 9 A. Well, I don't know. All was with the commander to decide,
10 who was Junior Lion.

11 Q. Were these children free to choose whether to go with the
12 United Nations or whether to stay? Were the children free to
13 choose, or was it up to the commander?

14 A. It was up to the commander.

10:09:07 15 Q. So the children were not free; they didn't have any choice
16 in the matter?

17 A. It was the commander that had a choice, Junior Lion.
18 Anything that he said is what was operated on.

19 JUDGE SEBUTINDE: Thank you. That will be all from me.

10:09:23 20 PRESIDING JUDGE: Anything arising from that, Mr Fofanah?

21 MR FOFANAH: None, Your Honours.

22 PRESIDING JUDGE: Prosecution?

23 MR WAGONA: None, Your Honours.

10:09:38 24 PRESIDING JUDGE: Mr Witness, that completes your
25 testimony. Thank you for coming to Court. Just sit there for
26 the moment. We'll have those curtains drawn across and you will
27 be able to leave the courtroom

28 [The witness withdrew]

29 MR KNOOPS: Your Honour, is the third accused excused to

1 use the men's room?

2 PRESIDING JUDGE: Yes, Mr Kanu can leave the courtroom

3 WITNESS: DBK-012 [Sworn]

4 [The witness answered through interpreter]

10:14:16 5 PRESIDING JUDGE: Mr Hardaway.

6 MR HARDAWAY: Thank you, Your Honours, good morning.

7 CROSS-EXAMINED BY MR HARDAWAY:

8 Q. Mr Witness, good morning, sir.

9 A. Morning, sir.

10:14:29 10 Q. I have some questions for you today, sir. A lot of the
11 time the answer can be yes, no, or I don't know; do you
12 understand?

13 A. Yes, sir.

14 Q. If I require an explanation from you, I will ask you for
10:14:51 15 one. Are we agreed?

16 A. Yes, sir.

17 Q. To start off with, Mr Witness, are you able to read and
18 write?

19 A. Well, I can try.

10:15:12 20 Q. All right. I want to take you back to your military
21 training, sir. Now, you had stated that you had received no
22 training on the laws of war; is that correct?

23 A. Yes, sir.

24 Q. Now, you were never taught, during your training, to kill
10:15:34 25 unarmed civilians, were you?

26 A. Yes, sir.

27 Q. And you would agree with me when I say that you were never
28 taught to --

29 PRESIDING JUDGE: Just a minute, Mr Hardaway. Was he

1 saying yes, I was trained to kill unarmed civilians?

2 MR HARDAWAY: I will clarify, Your Honour.

3 Q. By yes, does that mean you were trained to kill unarmed
4 civilians, or you were not trained to kill unarmed civilians?

10:16:05 5 A. No, I was not trained to kill civilians. See, I signed for
6 life and property, for civilian life and property. That is what
7 I signed for.

8 Q. And you were not taught to rape women during your military
9 training, were you?

10:16:44 10 A. Yes, sir. I was not trained for that, sir.

11 Q. And you would agree with me, during your military training,
12 you were not taught to burn down houses, were you?

13 A. Yes, sir. I was not trained, sir.

14 Q. And you would agree with me you were not taught, in your
10:17:04 15 military training, to abduct civilians and force them to carry
16 loads for you; correct?

17 A. Yes, sir.

18 Q. And by yes, you mean you were not taught to do that?

19 A. Yes. I was not taught to do that, sir.

10:17:26 20 Q. And you would agree with me that, during your military
21 training, you were not taught to use children in combat
22 situations, were you?

23 A. Yes, sir.

24 Q. I now want to move forward a bit, Mr Witness, to the period
10:17:48 25 of the AFRC coup, okay?

26 A. Yes, sir.

27 Q. Now, during the time that you were in Freetown, you were
28 able to listen to the radio and read newspapers, weren't you?

29 A. Yes, sir.

1 Q. And you were in Freetown when you heard about the coup that
2 overthrew the SLPP government; is that correct?

3 A. Yes, sir.

4 Q. After you heard about the coup, you reported to 1st
10:18:25 5 Battalion at Wilberforce; is that your evidence?

6 A. Yes, sir. Yes, sir.

7 Q. And it was at Wilberforce that you were instructed, and
8 please correct me if I am wrong, to stand firm so that you did
9 the military work at that time; is that correct?

10:18:47 10 A. Yes, sir. Yes, sir.

11 Q. What did you mean by military work?

12 A. Well, what I met by military work, the work that was in the
13 military, like standby guard, et cetera.

14 Q. What do you mean by et cetera, sir? We have standby, we
10:19:18 15 have guard, and then there is et cetera. What do you mean by
16 et cetera?

17 A. Standby. Well, what I meant by et cetera, there were other
18 things that I could have talked about. That is what I meant by
19 et cetera. There are so many words in the military.

10:19:37 20 Q. Such as?

21 A. That was why I said et cetera.

22 Q. Such as, sir?

23 A. Like, the guard, the detail, the fatigue.

24 Q. What do you mean by fatigue?

10:19:53 25 A. Hard work.

26 Q. What was this work you were doing at 1st Battalion and
27 Wilberforce during the coup itself?

28 A. Well, after -- it was after the coup I went to Wilberforce.
29 It was not before the coup, it was after the coup.

1 Q. I did not say before the coup, sir, I said during the coup.
2 But when you were at Wilberforce, what hard work did you do
3 during the period of the coup and afterwards?

4 PRESIDING JUDGE: He may be a little confused there. Do
10:20:36 5 you mean the period of the coup or the period of AFRC government?

6 MR HARDAWAY: I will clarify, Your Honour.

7 Q. How soon after the coup that overthrew the SLPP government
8 did you report to 1st Battalion at Wilberforce?

9 A. I did not get you well. Please repeat.

10:21:07 10 Q. All right. How soon after you heard about the overthrow of
11 the SLPP government did you report to 1st Battalion at
12 Wilberforce?

13 A. Well, it was the same day when the coup take place. That
14 was the time I went and reported, after some hours.

10:21:34 15 Q. Okay. Now, while you were at Wilberforce, when you
16 reported hours after the coup, what hard work did you do?

17 A. Well, the hard work that I did was guard. Guard. Security
18 guard. That was the hard work.

19 Q. And what were you guarding?

10:22:03 20 A. I was guarding the barracks.

21 Q. Thank you, Mr Witness. Now, how long after the coup did
22 you stay in the Freetown area?

23 A. Well, I spent some time in Freetown up to -- when I came
24 from Daru, I spent one week before the coup, and I spent some
10:22:32 25 time in Freetown. I was in Freetown up to the time of the
26 intervention.

27 Q. Okay. So we have established you were in Freetown from the
28 coup to the intervention; correct?

29 A. No, no, I did not say so. They gave me a pass, one-week

1 pass. I came to the house. When I was in the house, I heard
2 about the firing. When -- I, as a soldier, when I heard the
3 firing, so I went to the nearest police station, the nearest
4 barracks, soldier barracks.

10:23:02 5 Q. Mr Witness, remember what I told you about explanations.
6 Now, you were in Freetown a week before the coup up until the
7 intervention; is that correct? Yes or no?

8 A. Yes.

9 Q. Thank you, Mr Witness. Now, you had earlier mentioned in
10:23:27 10 your evidence that you heard over the radio that Corporal Gborie
11 and Adams had taken over the government; is that correct?

12 A. Yes, sir. Yes, sir.

13 Q. During your time in Freetown after the coup, did you ever
14 hear the name Zagalo?

10:23:41 15 A. Yes, sir.

16 Q. Zagalo was one of those who overthrew the SLPP government,
17 wasn't he?

18 A. Well, it was later on that I came to know that he was one
19 of the men.

10:24:02 20 Q. Thank you, Mr Witness. Now, Mr Witness, during your time
21 in Freetown, did you ever hear the term honourable?

22 A. Yes, sir.

23 Q. Honourables were those people who overthrew the SLPP
24 government, weren't they?

10:24:28 25 A. Well, yes.

26 Q. Thank you, Mr Witness. I put it to you -- before I do
27 that, Alex Tamba Brima, the first accused, was an honourable,
28 wasn't he?

29 A. Well, I did not know about this one honourable. No.

1 Q. So is it no, he wasn't, or no, you don't know?

2 A. He wasn't an honourable.

3 Q. I put it to you, sir, that the first accused, Alex Tamba
4 Brima, also known as Gullit, was an honourable; do you agree or
10:25:20 5 disagree?

6 A. I don't agree.

7 Q. I put it to you, Mr Witness, that you're lying; what is
8 your response?

9 A. Well, if I'm lying, I, that was in the field -- you were
10:25:40 10 not in the field, and you know about pen and paper. Who is
11 lying? You and I. Who is lying? I say that I am saying the
12 right thing.

13 MR HARDAWAY: If I may have the Court's indulgence for just
14 one moment, please. I thank the Court for its indulgence. I
10:26:36 15 apologise for the delay.

16 Q. Mr Witness, the second accused, Ibrahim Baza Kamara, he was
17 an honourable, wasn't he?

18 A. No, sir. No, sir.

19 Q. I put to you that Ibrahim Bazy Kamara, the second accused,
10:26:56 20 was an honourable; do you agree or disagree?

21 A. I don't agree, sir.

22 Q. Again, Mr Witness, you're lying; what is your response?

23 A. Well, see, I've come to say the truth here. See, to me,
24 I'm saying the truth because I was in the field. What I saw with
10:27:19 25 my eyes, this is what I'm saying. See, I was in the field. So
26 if you say that I'm lying, how about you, who has just come down
27 to explain? I know that I'm saying the truth.

28 Q. I'll move on, Mr Witness. You would agree with me that
29 Major Johnny Paul Koroma was the commander in chief in the

1 military during the AFRC government; you would agree with me on
2 that?

3 A. Well, what do you mean when you say commander in chief?

4 Q. Johnny Paul Koroma was in charge -- was the overall
10:28:00 5 commander of the armed forces of the AFRC, wasn't he?

6 A. Yes, sir. Yes, sir.

7 Q. And you would agree with me that, as the commander in chief
8 of the AFRC armed forces, he would make decisions concerning the
9 military, based upon the advice he received from members of the
10:28:25 10 AFRC government, wouldn't he?

11 A. Yes, sir. Yes, sir.

12 Q. Now, the key decision-making body -- let me rephrase. The
13 key decision-making power in the AFRC government was the AFRC
14 Supreme Council, wasn't it, sir?

10:28:53 15 A. Yes, sir.

16 Q. Zagalo was a member of the Supreme Council, wasn't he?

17 A. Well, I only knew that he was PLO 1. I do not know him to
18 be a member of the Supreme Council. I knew that he was PLO 1.

19 Q. Okay. Who did you know to be PLO 2?

10:29:37 20 A. It was Tamba Brima.

21 Q. That's the first accused, Alex Tamba Brima; correct?

22 A. Yes, sir.

23 Q. He's also known as Gullit, isn't he?

24 A. Well, I don't know that. I knew him to be Tamba Brima.

10:29:53 25 Q. Now, who was PLO 3?

26 A. Ibrahim Kamara. Ibrahim Kamara was the PLO 3.

27 Q. I put it to you, sir, that Alex Tamba Brima -- well, let me
28 rephrase that. Alex Tamba Brima, aka Gullit, was a member of the
29 Supreme Council, wasn't he?

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

2 Q. I put it to you, sir, that Alex Tamba Brima, aka Gullit,
3 the first accused, was a member of the AFRC Supreme Council; do
4 you agree, disagree or don't know?

10:30:45 5 A. I don't know.

6 Q. I put it to you, Mr Witness, that the second accused,
7 Ibrahim Bazy Kamara was also a member of the AFRC Supreme
8 Council; do you agree, disagree or don't know?

9 A. No, no, no.

10:31:08 10 Q. So you disagree?

11 A. I don't agree.

12 Q. I put it to you, Mr Witness, that you're lying, that
13 Ibrahim Bazy Kamara was a member of the AFRC Supreme Council;
14 what is your response?

10:31:22 15 A. No. It wasn't so.

16 Q. The third accused, Santigie Borbor Kanu, alias Five-Five,
17 was a member of the AFRC Supreme Council, wasn't he?

18 A. No, sir.

19 Q. I put it to you that the third accused, Santigie Borbor
10:31:55 20 Kanu, also known as Five-Five, was also a member of the Supreme
21 Council; do you agree, disagree or don't know?

22 A. I don't know about that.

23 Q. I'll move on, Mr Witness. You said you stayed in Freetown
24 until the intervention; is that correct?

10:32:22 25 A. Yes, sir.

26 Q. And from the intervention, you also went to Masiaka; is
27 that also correct?

28 A. Yes, sir.

29 Q. Now, it's in your evidence that, at Masiaka, Johnny Paul

1 Koroma made a speech to the international media; is that correct?

2 A. Yes, sir. Yes, sir.

3 Q. And, it was in this speech that Johnny Paul Koroma
4 announced Operation Pave Your Way to the Rear, didn't he?

10:32:50 5 A. Well, let me say yes, sir.

6 Q. Mr Witness, what is Operation Pave Your Way to the Rear?

7 A. Well, Operation Pave Your Way to the Rear means to retreat,
8 tactfully, skilfully, without any firing. The that was what was
9 meant by Operation Pave Your Way to the Rear.

10:33:29 10 Q. And who did he address Operation Pave Your Way to the Rear
11 to?

12 A. It was us.

13 Q. And by "us," you mean the soldiers?

14 A. The SLA soldiers.

10:33:50 15 Q. And the SLA soldiers were in Masiaka; correct?

16 A. Yes, sir. Yes, sir.

17 Q. I put it to you, Mr Witness, that Johnny Paul Koroma never
18 announced Operation Pave Your Way to the Rear; do you agree or
19 disagree?

10:34:11 20 A. I disagree. Johnny Paul said we were to pave our way to
21 the rear.

22 Q. I put it to you, Mr Witness, that, again, you're lying;
23 what is your response?

24 A. Well, I know that I'm saying the truth and I was on the
10:34:36 25 ground. I'm saying the truth. You, that were not on the ground,
26 if you said that I'm lying, how about you, to whom they came and
27 explained? I know that I'm saying the truth.

28 Q. Mr Witness, I put it to you that, in Masiaka, Johnny Paul
29 Koroma declared Operation Pay Yourself; do you agree or disagree?

1 A. I disagree.

2 Q. Again, Mr Witness, I say that you're lying; what is your
3 response?

4 A. Well, I'm saying the truth. I'm saying the right thing.

10:35:19 5 Because I was on the ground, I was in the field, and I saw with
6 my own naked eyes, and I heard.

7 Q. We'll move on, Mr Witness. Now, from Masiaka, you said you
8 went to Kabala; is that correct?

9 A. No. From Masiaka, we went to Makeni.

10:35:41 10 Q. At some point you did end up in Kabala, though; correct?

11 A. Repeat, sir.

12 Q. You started off in Masiaka; yes?

13 A. Yes.

14 Q. You ultimately ended up in Kabala; is that also true?

10:36:05 15 A. It was not like that. From Masiaka, we went to Makeni
16 first.

17 Q. I'm not asking where you went first, Mr Witness. I'm
18 asking, ultimately, your final destination from Masiaka was
19 Kabala; yes or no?

10:36:25 20 A. Yes.

21 Q. Now, you had testified that, while in Kabala, the second
22 accused, Ibrahim Bazy Kamara, was involved in a road accident;
23 is that correct?

24 A. Well, yes. Yes, sir.

10:36:52 25 Q. And you had also testified that the car that the second
26 accused was in had somersaulted; is that also not true?

27 A. Yes, sir.

28 Q. And is your further evidence that Junior Lion was also
29 involved in that car accident, wasn't he?

1 A. Yes, sir.

2 Q. After Kabala, you made your way to Mongo Bendugu with
3 SAJ Musa; is that correct?

4 A. Yes, sir. Yes, sir.

10:37:34 5 Q. And you had testified, I believe, in reference to one of
6 the cross-examination questions from one of my learned friends
7 across the aisle that it was not in your knowledge that the first
8 accused, Alex Tamba Brima, also known as Gullit, had a
9 closed-door meeting with SAJ Musa and other officers concerning
10:37:59 10 his treatment in Kailahun and the condition of Johnny Paul
11 Koroma; is that correct?

12 A. I don't know about that, sir.

13 Q. I put it to you, sir, that Alex Tamba Brima, the first
14 accused, also known as Gullit, did, in fact, have a closed-door
10:38:20 15 meeting with SAJ Musa and other officers concerning his treatment
16 in Kailahun and the condition of Johnny Paul Koroma; do you
17 agree, disagree or don't know?

18 A. I don't know.

19 Q. You had also testified, I believe, in cross-examination
10:38:45 20 from one of my learned friends that you were not aware of
21 SAJ Musa, Five-Star General SAJ Musa, sending the first accused,
22 Alex Tamba Brima, also known as Gullit, to move his troops to the
23 north to build a strong defensive; is that correct?

24 A. No, sir, I don't know about that. No, sir.

10:39:08 25 Q. I put it to you, Mr Witness, that, in fact, Five-Star
26 General SAJ Musa did send the first accused, Alex Tamba Brima,
27 also known as Gullit, to move his troops to the north to build a
28 strong defensive; do you agree, disagree or don't know?

29 A. I don't know.

1 Q. Thank you, Mr Witness. Now, you had testified that you had
2 stayed in Mongo Bendugu until the ECOMOG air attacks; is that
3 correct?

4 A. Yes, sir.

10:39:56 5 Q. And from Mongo Bendugu, you went to Kalfaya with Brigadier
6 Mani; is that also correct?

7 A. Yes, sir. Yes, sir.

8 Q. And it was during this time that Five-Star General SAJ Musa
9 went to Kurubonla; is that correct?

10:40:21 10 A. Yes, sir.

11 Q. How long did you stay with Brigadier Mani before you met up
12 with Five-Star General SAJ Musa at Kurubonla?

13 A. Well, we spent up to three to four months when I was with
14 Brigadier Mani before we met Five-Star General SAJ Musa.

10:40:50 15 MR HARDAWAY: Your Honour, I know we have a little bit of
16 time, but I'm getting ready to go into a new area. I don't know
17 if this would be an appropriate time for the morning break.

18 PRESIDING JUDGE: We'll take the break a few minutes early
19 if that's more convenient.

10:41:05 20 MR HARDAWAY: Thank you.

21 PRESIDING JUDGE: We'll come back at five minutes to 11.

22 Mr Witness, you're probably used to this warning by now, but I
23 have to tell you. You're not permitted to discuss this evidence,
24 or the case, with any other person.

10:41:18 25 [Break taken at 10.40 a.m.]

26 [Upon resuming at 11.00 a.m.]

27 PRESIDING JUDGE: Where are your colleagues, Mr Fofanah.

28 MR FOFANAH: Respectfully, Your Honours, they are on their
29 way. I don't know if they mistook the time for 11.00 but, I

1 mean, I think they -- they should be here in a moment.

2 PRESIDING JUDGE: Right. Go ahead, Mr Hardaway.

3 MR HARDAWAY: Thank you, Your Honours.

4 Q. Mr Witness, before the break we were discussing how long
11:00:42 5 you were with Brigadier Mani before you joined up with Five-Star
6 General SAJ Musa at Kurubonla; do you remember that?

7 A. Yes, sir. I can recall that, sir.

8 Q. Now, when you arrived at Kurubonla SAJ Musa had told you
9 that he had sent some troops ahead to open up a base; is that
11:00:42 10 correct?

11 A. Yes, sir.

12 Q. And this base was going to be at Rosos and
13 Colonel Eddie Town; is that correct?

14 A. Yes, sir. Yes, sir.

11:00:48 15 Q. Now, who was in command of that advance troop to find, to
16 open a base at Rosos and Colonel Eddie Town?

17 A. FAT. He was in command. He was the overall commander.

18 Q. I put it to you, Mr Witness --

19 A. FAT Sesay.

11:01:12 20 Q. -- I put it to you, Mr Witness, that it was the first
21 accused, Alex Tamba Brima, aka Gullit, who was the overall
22 commander of the advance troop to open a base at Rosos and
23 Colonel Eddie Town; do you agree, disagree or don't know?

24 A. No.

11:01:33 25 Q. You disagree?

26 A. Yes, sir.

27 Q. I put it to you, Mr Witness, that you are lying; what is
28 your response?

29 A. I know that I'm saying the truth.

1 Q. Who was the second in command of that advance troop to find
2 a forward base?

3 A. Well, the second in command was Captain Eddie.

4 Q. I put it to you, Mr Witness, that it was the second
11:02:07 5 accused, Ibrahim Bazzy Kamara, who was the second in command on
6 the advance troop to find a base in Rosos and Eddie Town; do you
7 agree, disagree or don't know?

8 A. I disagree.

9 Q. Again, Mr Witness, you are lying; what is your response?

11:02:30 10 A. I'm saying the truth.

11 Q. Now, who was third in command of that advance troop?

12 A. It was Captain King.

13 Q. I put it to you, Mr Witness, that it was the third accused,
14 Santigie Borbor Kanu, alias Five-Five, who was third in command
11:02:53 15 of that advance troop; do you agree, disagree or don't know?

16 A. I disagree.

17 Q. And again, Mr Witness, you are lying; what is your
18 response?

19 A. I'm saying the truth.

11:03:11 20 Q. Now, you had testified, Mr Witness, that you went with the
21 second troop to go find the advance team, the advance troop, who
22 went to open a base; is that correct?

23 A. Yes. Yes, sir.

24 Q. And, correct me if I am wrong, but you found this group at
11:03:38 25 Colonel Eddie Town, didn't you?

26 A. Yes, sir. Yes, sir.

27 Q. When you arrived at Colonel Eddie Town, who was the
28 commander of the troops there?

29 A. It was FAT Sesay.

1 Q. I put it to you, Mr Witness, that it was the first accused,
2 Alex Tamba Brima, also known as Gullit, who was in command of the
3 troops at Colonel Eddie Town upon your arrival; do you agree,
4 disagree or don't know?

11:04:11 5 A. I disagree.

6 Q. And again, Mr Witness, I say that you are lying; what is
7 your response?

8 A. Well, I'm saying the truth.

9 Q. Who was second in command of the troops at Eddie Town when
11:04:30 10 you arrived?

11 A. Well, the second in command was Captain Eddie. He was the
12 second in command.

13 Q. I put it to you, Mr Witness, that it was the second
14 accused, Ibrahim Bazzay Kamara, who was second in command of the
11:04:47 15 troops at Eddie Town when you arrived; do you agree, disagree or
16 don't know?

17 A. I disagree.

18 Q. And again, Mr Witness, I say that you are lying; what is
19 your response?

11:05:00 20 A. Well, I'm saying the truth.

21 Q. I'll move on, Mr Witness. You had testified that when SAJ
22 Musa arrived at Eddie Town that FAT handed over the troops to him
23 in a muster parade; is that correct?

24 A. Yes, sir. It's correct.

11:05:31 25 Q. I put it to you that it was the first accused, Alex Tamba
26 Brima, also known as Gullit, who handed over the troops to SAJ
27 Musa at that muster parade; do you agree, disagree or don't know?

28 A. Well, I disagree.

29 Q. I put it to you again, Mr Witness, that you are lying; what

1 is your response?

2 A. Well, I was at the field, you were not at the field so
3 between us let's see who is saying the truth. I know I am saying
4 the truth. I was in the field. You were only explained to.

11:06:12 5 Q. Now, after SAJ Musa had taken command of the troops at
6 Eddie Town, sir, who was the second in command?

7 A. It was FAT. He was the second in command.

8 Q. I put it to you, Mr Witness, that it was the first accused,
9 Alex Tamba Brima, also known as Gullit, who was second in command
11:06:36 10 to SAJ Musa upon his arrival in Eddie Town; do you agree,
11 disagree or don't know?

12 A. I disagree.

13 Q. And I put it to you again, Mr Witness, that you are lying;
14 what is your response?

11:06:51 15 A. Well, if he is telling me that I am lying when I was at --
16 in the field, I was in the battlefield, you don't know. They
17 only told you. I am saying the truth. I know that.

18 Q. Who was third in command to Five-Star General SAJ Musa at
19 Eddie Town?

11:07:15 20 A. Well, it was Captain King. He was the third in command.

21 Q. I put it to you that it was Ibrahim Bazy Kamara, the
22 second accused, who was third in command to Five-Star General SAJ
23 Musa at Eddie Town; what is -- do you agree, disagree or don't
24 know?

11:07:43 25 A. I disagree.

26 Q. And again, Mr Witness, I say that you are lying; what is
27 your response?

28 A. Well, if you say I'm lying, I have taken an oath on the
29 Bible. I've come here to say the truth at the Special Court.

1 You were not at the field. I know I am saying the truth.

2 Q. Now, Mr Witness, at Eddie Town, who was the G5 commander?

3 A. The G5 commander was Six Finger, Ayo Cole.

4 Q. And that's your uncle, isn't he?

11:08:26 5 A. No.

6 Q. Okay. I put it to you, Mr Witness, that it was the third
7 accused, Santigie Borbor Kanu, alias Five-Five, who was the G5
8 commander at Eddie Town; do you agree, disagree or don't know?

9 A. I disagree.

11:08:50 10 Q. And again, Mr Witness, I say that you are lying; what is
11 your response?

12 A. I'm saying the truth. Because you have to say the truth in
13 the Court and I am saying the truth. You were not in the field,
14 just as I've explained to you, and I know I am saying the truth.

11:09:09 15 I was in the field. You were not in the field. You know about
16 pen and book. I was in the field; I'm saying the right thing.

17 Q. Mr Witness, you had testified on one of the questions from
18 my learned friends across the way that the first accused, Alex
19 Tamba Brima, alias Gullit, did not form a Red Lion Battalion
20 composed mostly of STF soldiers; is that the evidence you gave?

11:09:37 21 A. I did not say that, no.

22 Q. You did not say that Alex Tamba Brima did not form a Red
23 Lion Battalion composed mostly of STF soldiers?

24 A. No, I did not say that, no.

11:10:05 25 Q. I put it to you, Mr Witness, that the first accused, Alex
26 Tamba Brima, also known as Gullit, did, in fact, form Red Lion
27 Battalion composed mostly of STF soldiers; do you agree, disagree
28 or don't know?

29 A. I disagree.

1 Q. And again, Mr Witness, I say that you are lying; what is
2 your response?

3 A. Well, if you say I'm lying, I am saying the truth.

4 Q. Now, Mr Witness, you had also testified that it was not
11:10:48 5 true that while at Eddie Town the first accused, Alex Tamba
6 Brima, ordered an attack on Kukuna that was headed by the second
7 accused -- ordered by the third accused, excuse me, Santigie
8 Borbor Kanu; do you understand the question?

9 A. Repeat it.

11:11:12 10 Q. Very well. You had given evidence earlier that it was not
11 true that while in Eddie Town, the first accused, Alex Tamba
12 Brima, ordered an attack on Kukuna that was led by the third
13 accused, Santigie Borbor Kanu; do you remember that?

14 A. I don't remember that, sir.

11:11:42 15 Q. I put it to you that, in fact, the first accused, Alex
16 Tamba Brima, also known as Gullit, ordered an attack on Kukuna
17 that was headed by the third accused, Santigie Borbor Kanu, also
18 known as Five-Five; do you agree, disagree or don't know?

19 A. I disagree.

11:12:10 20 Q. And once, again, Mr Witness, you are lying; what is your
21 response?

22 A. I am saying the truth.

23 Q. You had also testified that while at Eddie Town, the first
24 accused, Alex Tamba Brima, never had communications with General
11:12:34 25 Mosquito; is that correct?

26 A. Yes, that is correct. He never had communication with him.

27 Q. I put it to you, Mr Witness, that, in fact, Alex Tamba
28 Brima, the first accused, did have communications with General
29 Mosquito while at Eddie Town; do you agree, disagree or don't

1 know?

2 A. I disagree.

3 Q. Again, Mr Witness, I put it to you that you are lying; what
4 is your response?

11:13:08 5 A. I've come here to say the truth to the Court, the Special
6 Court. I'm saying the truth.

7 Q. Mr Witness, you have further testified that while at Eddie
8 Town, the third accused, Santigie Borbor Kanu, alias Five-Five,
9 never communicated with Issa Sesay and Morris Kallon; is that
10 correct?

11 A. It's the truth.

12 Q. I put it to you, Mr Witness, that in fact Santigie Borbor
13 Kanu, alias Five-Five, did communicate with both Issa Sesay and
14 Morris Kallon at Eddie Town; do you agree, disagree or don't

11:13:55 15 know?

16 A. I disagree.

17 Q. And again, Mr Witness, I put it to you that you are lying;
18 what is your response?

19 A. I am saying the truth. I am saying the truth. I have come
11:14:13 20 here to say the truth in the Special Court of Sierra Leone and I
21 am saying the truth.

22 Q. I'll move on, Mr Witness. I want to take you now to the
23 time of the death of Five-Star General SAJ Musa; all right?

24 A. Yes.

11:14:33 25 Q. Now, it is your evidence that after the death of SAJ Musa
26 that the first accused, Alex Tamba Brima, also known as Gullit,
27 did not make contact with Mosquito; is that correct?

28 A. It's correct, sir. He never contacted Mosquito. The man
29 was in detention.

1 Q. I didn't ask you for an explanation, Mr Witness.

2 A. How can he --

3 Q. Remember, if I want an explanation I will ask one of you;
4 all right?

11:15:06 5 A. Yes.

6 Q. I put it to you, Mr Witness, that, in fact, Alex Tamba
7 Brima, aka Gullit, the first accused, did make contact with
8 Mosquito after the death of Five-Star General SAJ Musa; do you
9 agree, disagree or don't know?

11:15:26 10 A. I disagree.

11 Q. I put it to you once more, Mr Witness, that you are lying;
12 what is your response?

13 A. I am saying the truth, in the Special Court. I've come
14 here to say the truth and I'm saying the truth.

11:15:51 15 Q. Mr Witness, after the death of Five-Star General SAJ Musa
16 at Benguema, who took overall command of the troops?

17 A. It was the second in command, FAT Sesay. He took over the
18 troop.

19 Q. I put it to you, Mr Witness, that it was the first accused,
11:16:17 20 Alex Tamba Brima, also known as Gullit, that took overall command
21 of the troops after the death of Five-Star General SAJ Musa; do
22 you agree, disagree or don't know?

23 A. I disagree.

24 Q. And once again, Mr Witness, I put it to you that you are
11:16:38 25 lying; how do you respond?

26 A. I am saying the truth.

27 Q. You had also testified that after the death of Five-Star
28 General SAJ Musa that the first accused, Alex Tamba Brima, also
29 known as Gullit, did not make promotions and appointments within

1 the fighting forces; is that correct?

2 A. No.

3 Q. No, it's not correct that you said that?

4 A. No, it's not correct.

11:17:18 5 Q. I put it to you -- no, I will move on. After the death of
6 Five-Star General SAJ Musa, who was the second in command?

7 A. FAT Sesay. FAT Sesay.

8 Q. He was the second in command after the death of SAJ Musa?

9 A. No, he took over the command, first in command.

11:17:49 10 Q. Who, my question, sir, who was second in command after the
11 death of SAJ Musa?

12 A. 0-Five, 0-Five.

13 Q. I put it to you, Mr Witness, that it was the second
14 accused, Ibrahim Bazzay Kamara, who was second in command after

11:18:13 15 the death of SAJ Musa; do you agree, disagree or don't know?

16 A. I disagree.

17 Q. And once more, Mr Witness, I say that you are lying in your
18 evidence; how do you respond?

19 A. I am saying the truth.

11:18:34 20 Q. After the death of Five-Star General SAJ Musa, who was the
21 third in command?

22 A. Well, when -- after the death of SAJ Musa, FAT was the
23 second to 0-Five, third to Junior Lion. Junior Lion was the
24 third in command.

11:18:58 25 Q. I put it to you, Mr Witness, that it was the third accused,
26 Santigie Borbor Kanu, alias Five-Five, who was the third in
27 command after the death of Five-Star General SAJ Musa; do you
28 agree, disagree or don't know?

29 A. I disagree.

1 Q. I put it to you once more, Mr Witness, that you are lying
2 in your evidence; what is your response?

3 A. I am saying the truth.

4 Q. After you left Eddie Town, after you left Benguema,
11:19:45 5 Mr Witness, one of the places that you and the troops moved
6 through, on your way to Freetown, was Hastings, wasn't it?

7 A. Yes, sir.

8 Q. During this march through Hastings, Hastings was burned and
9 looted, wasn't it?

11:20:05 10 A. No, sir.

11 Q. I put it to you, sir, that during your march through -- to
12 Freetown, when you stopped in Hastings, that Hastings was burned
13 and looted by you and your fellow soldiers; do you agree,
14 disagree or don't you know?

11:20:28 15 A. I disagree.

16 Q. Once more, Mr Witness, I put it to you that you are lying
17 in your evidence; what is your response?

18 A. I'm saying the truth.

19 Q. You had also testified that you received a bush rank of
11:20:47 20 major; is that correct?

21 A. Yes, sir.

22 Q. And you stated that you received this rank from Five-Star
23 General SAJ Musa; is that also correct?

24 A. Yes, sir.

11:21:04 25 Q. I put it to you, sir, that you received your bush rank of
26 major from the first accused, Alex Tamba Brima, also known as
27 Gullit. Do you agree, disagree or don't you know?

28 A. I disagree.

29 Q. And I say to you once more, Mr Witness, that you are lying

1 in your evidence; what is your response?

2 A. I am saying the truth.

3 Q. I will move on, Mr Witness. I want to now take you into
4 Freetown during the invasion itself; all right?

11:21:37 5 A. Yes.

6 Q. Now, you had mentioned that there were a lot of names that
7 took part in the Freetown invasion, such as Junior Lion, O-Five;
8 is that correct?

9 A. Yes, sir.

11:21:53 10 Q. Woyoh was one of those who took part in the Freetown
11 invasion, wasn't he?

12 A. I don't know.

13 Q. Woyoh died during the Freetown invasion, didn't he?

14 A. I don't know.

11:22:21 15 Q. I put it to you, Mr Witness, that Woyoh did take part in
16 the Freetown invasion; do you agree, disagree or don't know?

17 A. I don't know.

18 Q. I put it to you, Mr Witness, that Woyoh died during the
19 Freetown invasion; do you agree, disagree or don't know?

11:22:40 20 A. I don't know. I don't know.

21 Q. Thank you, Mr Witness. Now, when you were involved in the
22 Freetown invasion which weapons, what weapons did you personally
23 have when you went into Freetown?

24 A. I -- I had SMG, submachine gun. SMG, submachine gun.

11:23:10 25 Q. Is that the only weapon you had?

26 A. Yes, sir.

27 Q. No side arm?

28 A. Well, that was -- that was all I had.

29 Q. You were involved in the killing and amputations of

1 civilians during the Freetown invasion, weren't you?

2 A. No.

3 Q. I put it to you, sir, that you were personally involved in
4 the killing and amputations of civilians during the Freetown
11:23:45 5 invasion of 1999; do you agree, disagree or don't you know?

6 A. I disagree.

7 Q. I put it to you once more, Mr Witness, that you are lying
8 in your evidence; what is your response?

9 A. I am saying the truth.

11:24:05 10 Q. You were also involved in the burning of houses during the
11 Freetown invasion, weren't you, sir?

12 A. No.

13 Q. I put it to you, Mr Witness, that you were personally
14 involved in the burning of houses in Freetown during the invasion
11:24:19 15 of 1999; do you agree, disagree or don't you know?

16 A. I disagree.

17 Q. Now, you had testified that when you came into Freetown you
18 were part of the troop that went through Old Road; is that
19 correct?

11:24:42 20 A. Yes, sir. Yes, sir.

21 Q. And it was your group that went to Pademba Road Prison; is
22 that correct?

23 A. Well, it was not my group only that went to Pademba Road
24 Prison. That is not correct.

11:25:02 25 Q. So other, so other than your group, what other group went
26 to Pademba Road Prison?

27 A. Junior Lion's group. Junior Lion's group. Junior Johnson,
28 alias Lion's groups.

29 Q. Now both of your groups were at Pademba Road prison at the

1 same time; is that correct?

2 A. Yes, sir.

3 Q. And with the two groups at the Pademba Road Prison Junior
4 Lion was the overall commander at that point, wasn't he?

11:25:38 5 A. Yes, sir.

6 Q. Now, how many of you, from both groups, were there at
7 Pademba Road Prison?

8 A. Repeat it.

9 Q. How many troops did you have with you, and by troops, I
11:26:01 10 mean your group and Junior Lion's group, how many troops were
11 with you when you went, when you were at Pademba Road Prison?

12 A. Well, we were not up to 200, my group and Junior Lion's
13 group.

14 Q. And how were all of these troops armed, sir?

11:26:26 15 A. Well, yes, they were armed. They had rifles.

16 Q. Okay. Now, who had ordered that you go to Pademba Road
17 Prison to free the prisoners?

18 A. Well, it was Five-Star who had worked on his plan that we
19 should --

11:26:57 20 THE INTERPRETER: Your Honour, please can the witness go
21 over that last bit.

22 PRESIDING JUDGE: Mr Witness, could you please repeat your
23 answer? The interpreter didn't pick it up.

24 THE WITNESS: Five-Star General SAJ Musa, he had given the
11:27:20 25 order at that time before his death, he was alive, he had made
26 his plan so we worked on his plan, so it was Five-Star General
27 SAJ Musa.

28 MR HARDAWAY:

29 Q. So after the death of Five-Star General SAJ Musa who

1 further carried -- who ordered the break-in of Pademba Road
2 Prison?

3 A. FAT Sesay.

4 Q. I put it to you, Mr Witness, that it was the first accused,
11:27:56 5 Alex Tamba Brima, also known as Gullit, who had ordered the
6 mission on Pademba Road Prison; do you agree, disagree or don't
7 you know?

8 A. I disagree.

9 Q. I put it to you once more, Mr Witness, that you are lying
11:28:13 10 in your evidence; how do you respond?

11 A. I am saying the truth.

12 Q. Now, when you opened up Pademba Road Prison, you stated
13 there were around 4,000 soldiers inside; is that correct?

14 A. Yes, sir.

11:28:35 15 Q. And Junior Lion, being in overall command at that time,
16 ordered all of the soldiers in the prison to report to State
17 House, didn't he?

18 A. Yes. He told them to report.

19 Q. Now, Mr Witness, you had testified that the soldiers you
11:29:02 20 found in the prison were disgruntled; is that correct?

21 A. Yes, sir.

22 Q. And you also testified that these soldiers were burning
23 houses as a form of revenge; is that correct?

24 A. Yes, sir.

11:29:25 25 Q. And it was the vast majority of these soldiers that were
26 going on this rampage, weren't they?

27 A. Yes. Yes, sir.

28 Q. You also stated that these soldiers were shooting at people
29 and cutting people's hands; do you remember that?

1 A. Well, I don't remember that.

2 MR HARDAWAY: With the Court's indulgence for one moment,
3 please. I thank the Court. I want to refer you back to a piece
4 of your testimony if I may, sir. And, Your Honours, specifically
11:30:30 5 I will refer to the transcript of 6 October of 2006, pages 34 and
6 35. I don't have a copy. I don't know if the Court can print it
7 out, I am sorry.

8 PRESIDING JUDGE: We will get some, if you just pause for a
9 moment, we will have some printed out.

11:30:58 10 MR HARDAWAY: Yes. I apologise, Your Honours. I meant
11 pages 35 and 36 from 6 October.

12 PRESIDING JUDGE: Yes, Mr Hardaway.

13 MR HARDAWAY: Thank you, Your Honours.

14 Q. Mr Witness, I want to read back a part of your evidence
11:32:45 15 that you gave and then I will ask you some questions on that; all
16 right?

17 A. No problem

18 Q. I'm going to be reading you your evidence from 6 October
19 2006. I will start from line 16 and then go to line 18. It
11:33:03 20 begins as follows:

21 "Q. What problems did they cause?

22 "A. Well, they were burning houses, they were shooting
23 unnecessarily. "

24 That is the end of the reading from page 35. So they were
11:33:19 25 shooting, the troops released from the prison, weren't they?

26 A. No. No. They were not shooting. They had no guns so how
27 could they shoot?

28 Q. If they had no guns, why did you say on 6 October that they
29 were shooting houses, if they didn't have guns?

1 PRESIDING JUDGE: Shooting houses?

2 MR HARDAWAY: Shooting unnecessarily, I apologise.

3 Q. How can you say they were shooting unnecessarily on 6
4 October if you are testifying today they didn't have guns?

11:33:53 5 A. Well, when we, when we took them out from the prison they
6 had no guns. They had no guns. I was at the front. They were
7 at the rear. So what I knew, that's what I have told you.

8 Q. So your evidence in which you say they were shooting
9 unnecessarily is wrong? Is that what you are saying?

11:34:20 10 A. That is not what I am trying to tell you, Mr Lawyer. I am
11 trying to tell you that we freed those men. They didn't have any
12 guns. We -- I was at the front, at the combatant camp. They
13 were at the rear.

14 Q. Mr Witness --

11:34:38 15 A. So I don't know.

16 Q. -- if you don't know why did you state, on 6 October, that
17 they were shooting unnecessarily? If you didn't know, why did
18 you say it?

19 A. Well, I didn't see that personally. I got the information.
11:34:59 20 I did not see that personally. I was in the front.

21 Q. I will move on to the next reference, Your Honour. This is
22 page 36 and I will be starting from line 6 and going to line 11.
23 This is just on the following page, Mr Witness; are you
24 listening?

11:35:23 25 A. Yes, I'm listening.

26 Q. It reads as follows.

27 "Q. Apart from killing and burning of houses did they do
28 anything else?

29 "A. Well, they were cutting people's hands and doing some

1 other things that wasn't necessarily in our movement when Five
2 Star General had called a muster parade and explained to us so
3 they were just going about doing things".

4 So the soldiers you released from Pademba Road Prison were
11:35:57 5 also cutting people's hands, weren't they?

6 A. No, I did not see that personally. I was in the front.
7 They were at the rear. Junior Lion told them that they should go
8 to the rear. I was at the front so I did not see anything.
9 Anything that was happening at the rear I would get information
11:36:17 10 through signal set.

11 MR HARDAWAY: Those conclude the readings for those notes
12 of the testimony, Your Honour. I will move on.

13 Q. I put it to you, Mr Witness, that you were lying in your
14 evidence on 6 October as it relates to the soldiers killing,
11:36:32 15 shooting unnecessarily and cutting hands; what is your response?

16 A. No, I disagree with this.

17 Q. Assuming what you say is true, Mr Witness, and you get this
18 through information, where did these prisoners get the weapons to
19 commit the rampages that you are testifying about?

11:37:08 20 MR FOFANAH: Your Honours, just before the witness answers
21 the question, if my learned colleague is reading from the
22 transcript, and he is putting assumptions to the witness then, in
23 all fairness, as it happened in the case when the Prosecution was
24 presenting their case, I will respectfully implore my colleague
11:37:30 25 to also refer the witness to page 36 of his transcript, where he
26 said he received an information about what he has just testified,
27 instead of just saying it was an assumption.

28 MR HARDAWAY: I will --

29 MR FOFANAH: This is to give completeness to the

1 transcript, I mean.

2 MR HARDAWAY: I would say, Your Honour, that if there is an
3 issue as it relates to the transcript, that can be cleaned up on
4 redirect by my learned friend for the second accused.

11:38:04 5 PRESIDING JUDGE: No, I don't think that is what Mr Fofanah
6 was saying. I think it's evident from page 36 of the transcript
7 that the witness did not see these events but he heard them over
8 the radio. He received some information. That is what you
9 wanted put to the witness, Mr Fofanah?

11:38:25 10 MR FOFANAH: Exactly, Your Honours.

11 MR HARDAWAY: I will clarify that, Your Honour. That is
12 fine.

13 Q. Mr Witness, the information you had concerning the soldiers
14 from Pademba Road Prison, killing, shooting unnecessarily,
11:38:37 15 burning houses and cutting hands, you received over the radio; is
16 that your evidence?

17 A. Well, the information that I got through the radio, I got
18 information that the soldiers were released from Pademba Road
19 were burning houses.

11:38:56 20 Q. Did you also hear over the radio that they were cutting
21 hands?

22 A. Well, they did not give me that information. The
23 information that I was given was about houses.

24 Q. So where did you get the information that the soldiers from
11:39:14 25 Pademba Road Prison were cutting people's hands?

26 A. Well, the information I got is through Junior Lion, through
27 communication set, that the soldiers that we had released were
28 putting fire to houses.

29 Q. Mr Witness --

1 A. Junior Lion gave me that information through signal set.

2 Q. -- Mr Witness my question was not about burning houses.

3 Listen. The question is: Where did you get your information
4 that the soldiers from Pademba Road Prison, that you released,
11:39:52 5 were cutting people's hands?

6 A. I got the information through King Harman Road by the
7 light, U building. That was where I got the information, through
8 communication.

9 Q. What communication? Was it radio, was it newspaper? How
11:40:13 10 did you get that information?

11 A. I got the information through military signal set.
12 Military signal set.

13 Q. Thank you.

14 A. Which is a communication set.

11:40:25 15 Q. And where did you get the information that the people you
16 released from Pademba Road Prison were shooting unnecessarily?

17 A. I was at King Harman Road, U building, that was our
18 combatant camp. That was where I was when I got the information.

19 Q. How did you get this information?

11:40:50 20 A. It was through military communication set, signal set; I
21 got the information through that.

22 Q. Thank you, Mr Witness. Now that we are clarified as to how
23 you got the information, I will ask you this: Did you receive
24 information on where these prisoners, these soldiers from Pademba

11:41:12 25 Road Prison, got the weapons to burn houses, to cut people's
26 hands and to shoot unnecessarily?

27 A. No, I did not get that information.

28 Q. At any point during the Freetown invasion, did you come to
29 know how these soldiers from Pademba Road Prison got the weapons

1 they used to kill, burn and cut people's hands?

2 A. Well, the information that I got about burning of houses,
3 and I went to the place. I saw it personally and I put a stop to
4 them

11:41:53 5 Q. Mr Witness, that is not the question. The question, listen
6 carefully: Did you learn at any point where these soldiers from
7 Pademba Road got the weapons that they used to cut people's
8 hands, to burn houses and to shoot? Either you know or you don't
9 know?

11:42:14 10 A. I don't know about that.

11 Q. Now, Mr Witness, you have given a statement to the Defence
12 attorneys in this case prior to your giving evidence; is that
13 correct?

14 A. Yes, I had given my statement to the investigator, and the
11:42:41 15 Defence.

16 Q. And you wanted to be as complete as possible; is that
17 correct?

18 A. Repeat it, sir.

19 Q. You wanted it, you wanted to give all the information that
11:42:56 20 you knew to the investigators in the statement; is that correct?

21 A. No, no. It's not correct.

22 Q. So you didn't tell them everything?

23 A. Well, I did not tell them everything because the
24 investigator, they didn't know deeply about the movement.

11:43:23 25 What -- he did not ask me to explain what I knew. He was asking
26 me and what I knew, he didn't know, and I knew more than him. He
27 didn't ask me.

28 Q. But you did not volunteer other information; is that
29 correct?

1 A. Well, I didn't give him all the information because he
2 didn't ask me everything. He was only asking me on the surface,
3 so I explained to him what he asked me, and I knew more about the
4 movement.

11:43:56 5 Q. I will ask you this, Mr Witness: In your statement that
6 you've given to the investigator and to the Defence, did you tell
7 them about the soldiers from Pademba Road Prison burning houses,
8 cutting people's hands and shooting unnecessarily?

9 A. No.

11:44:18 10 Q. Why didn't you tell them that?

11 A. Well, he was the investigator. He was asking me questions
12 and I would answer, you see? He was asking and I would answer.
13 What he asked me was what I answered to, so he didn't ask me the
14 details. He was not at the -- in the field so he didn't know how
11:44:42 15 to go into details. He only asked me on surface.

16 Q. So the first time anyone has ever heard about the prisoners
17 in Pademba Road committing all of these crimes is on 6 October
18 when you testified to it; is that your evidence?

19 A. Well, I want you to repeat this; it's not clear.

11:45:07 20 Q. You said that you never, perhaps I will rephrase. You said
21 that you did not tell the investigators, or the defence team,
22 that the prisoners from Pademba Road Prison, the soldiers,
23 committed crimes such as burning, cutting people's hands or
24 shooting; is that correct?

11:45:30 25 A. Yes.

26 Q. So I'm asking you, the first time that this Court is
27 hearing about it -- perhaps I will rephrase that question, Your
28 Honour. So the first time we know about this is from your
29 evidence given on 6 October; is that correct?

1 MR FOFANAHA: Respectfully, before the witness answers, Your
2 Honour, can my learned colleague be a bit clear as to what he
3 means by "we," when he says we know about this.

4 MR HARDAWAY: The Court as an organisation but I will --

11:46:08 5 PRESIDING JUDGE: Well, Mr Hardaway, on the same topic, how
6 can he answer for what has been said in Court in his absence?
7 There have been a lot of witnesses giving testimony. Is he in a
8 position to answer your question that the Court hasn't heard it
9 from any other source?

11:46:25 10 MR HARDAWAY: I will clean it up, Your Honour. I will
11 clean it up.

12 Q. Is it your evidence, Mr Witness, that until you came into
13 Court you told no one from the Special Court about the soldiers
14 from Pademba Road burning houses, cutting hands, and shooting
11:46:45 15 unnecessarily?

16 A. No.

17 Q. No, it is not your evidence. So did you say that to
18 anybody before you came to Court?

19 A. Well, no, I did not tell such -- I didn't talk to anybody
11:47:04 20 about that. I only spoke about the burning of houses but I
21 didn't talk about this other issue you are bringing up now.

22 Q. Did you tell the people who took your statement that the
23 soldiers from Pademba Road burned houses; "yes" or "no"?

24 A. Yes.

11:47:28 25 Q. Mr Witness, we are given in the Prosecution a summary of
26 the statement you've provided and nowhere in that summary does it
27 state that soldiers released from Pademba Road Prison burned
28 houses. I put it to you, Mr Witness, that you never said that?
29 Do you agree, disagree or don't know?

1 A. I disagree.

2 Q. I put it to you, Mr Witness, that you are lying; what is
3 your response?

4 A. I have come here to say the truth and I'm saying the truth.

11:48:10 5 Q. Did you tell people, did you put in your statement, did you
6 tell anyone from the Special Court, prior to your evidence, that
7 the soldiers from Pademba Road were cutting people's hands?

8 A. No, no, no.

9 Q. Did you tell people from the Special Court prior to your
11:48:29 10 evidence that the soldiers from Pademba Road were shooting
11 unnecessarily?

12 A. No.

13 Q. I will move on, Mr Witness. Now, who was the overall
14 commander in State House during this Freetown invasion?

11:48:54 15 A. It was FAT Sesay.

16 Q. I put it to you, Mr Witness, that it was the first accused,
17 Alex Tamba Brima, also known as Gullit, who was first in command,
18 who was the overall commander at State House; do you agree,
19 disagree or don't you know?

11:49:13 20 A. I disagree.

21 Q. Once more, Mr Witness, I put it to you that you are lying;
22 what is your response?

23 A. I am saying the truth.

24 Q. Who was second in command at State House?

11:49:33 25 A. Captain Eddie.

26 Q. I put it to you, Mr Witness, that it was the second
27 accused, Ibrahim Bazzy Kamara, who was second in command at State
28 House; do you agree, disagree or don't you know?

29 A. I disagree.

1 Q. And once more, Mr Witness, I say that you are lying in your
2 evidence; what is your response?

3 A. I am saying the truth.

4 Q. You have further testified, Mr Witness, that while at State
11:50:10 5 House, you did not see or hear that the first accused had killed
6 two of the ECOMOG soldiers that were brought to State House; is
7 that correct?

8 A. No. No, sir.

9 Q. So it is not correct? You did not -- so it's wrong when it
11:50:31 10 says you did not see or hear?

11 A. It is wrong. I disagree.

12 Q. I'll move on. You have testified that while at State
13 House, during the invasion, you did not see or hear of women
14 being brought to State House and being raped; is that correct?

11:50:59 15 A. No, no, sir.

16 Q. You didn't say that?

17 A. No, sir.

18 Q. I'll back track. I'll move forward. I'll move forward.
19 You had also testified that while at State House, no beautiful
11:51:31 20 young girls were brought to the three accused for purposes of
21 sex; is that correct?

22 A. No, sir. The men didn't even come to Freetown. No, sir.

23 Q. You had also testified that the first accused, Alex Tamba
24 Brima, also known as Gullit, did not order commander O-Five to
11:52:14 25 burn down the harbour police station in Freetown; is that
26 correct?

27 A. No, sir. No, sir.

28 Q. You also testified that it was not true that Alex Tamba
29 Brima, the first accused, ordered the fighting forces to go to

1 Fourah Bay to avenge the killing of one of the soldiers; did you
2 say that?

3 A. No, sir.

4 Q. You also testified that it was not true that the first
11:52:58 5 accused, Alex Tamba Brima, ordered the CID headquarters building
6 burnt down; did you say that?

7 A. I disagree. No.

8 Q. You had also testified that you never heard of the second
9 accused, Santigie, no, the third accused, I am sorry, that you
11:53:27 10 had testified that you had never heard about Santigie Borbor
11 Kanu, alias Five-Five, demonstrating how to amputate arms; did
12 you say that, sir, in your evidence?

13 A. No, sir. I did not say that.

14 Q. Moving on from State House, Mr Witness. You had mentioned
11:53:54 15 in your evidence that you had gone to the national stadium
16 swimming pool because there were soldiers there; is that correct?

17 A. Yes, sir.

18 Q. And you had freed these soldiers from the swimming pool,
19 didn't you?

11:54:13 20 A. Yes, sir.

21 Q. How many other troops went with you when you went to the
22 swimming pool at the national stadium?

23 A. Well, it was one troop which was Junior Lion's troop that
24 went with my own troop. We went together. Junior Lion's group.

11:54:41 25 Q. How many people total were with you when you went to the
26 swimming pool at the national stadium?

27 A. Well, I cannot tell the number because it was a built up
28 area fight. I cannot tell the number.

29 Q. Do you know if it was more than 100; less than 100?

1 A. Well, I don't know the number. It's more than 100. I
2 don't know the number.

3 MR GRAHAM: Your Honours, I'm sorry to interrupt. The
4 first accused, Mr Brima, would want to use the restroom, with
11:55:23 5 your kind permission.

6 PRESIDING JUDGE: Yes, Mr Brima can leave the courtroom

7 MR HARDAWAY: Thank you, Your Honours.

8 Q. You, Mr Witness, had testified that when you got to the
9 swimming pool, the soldiers there were disgruntled as well; is
11:55:43 10 that correct?

11 A. No, sir, it's not correct.

12 Q. Wait a minute. I may have an interpretation problem, Your
13 Honour. I heard through the phone he said "yes," and the
14 interpreter is saying "no".

11:56:02 15 THE INTERPRETER: He said no, sir.

16 MR HARDAWAY: All right. I will ask again -- I don't know
17 if my learned friend --

18 MR FOFANA: Exactly. I mean, that is not what I got but
19 respectfully, my learned friend colleague can repeat the
11:56:13 20 question.

21 MR HARDAWAY: I will repeat the question.

22 Q. Mr Witness, when you got to the national stadium swimming
23 pool you had testified that the soldiers who were there were
24 disgruntled; is that correct?

11:56:31 25 A. Yes, sir.

26 Q. You also said that they were emaciated and not healthy; is
27 that correct?

28 A. Yes, sir.

29 Q. And you also testified that the soldiers had been tortured,

1 didn't you?

2 A. Yes, sir.

3 Q. Now, these soldiers were tortured by ECOMOG, weren't they?

4 A. Yes, sir.

11:57:16 5 Q. And it is -- you also testified that these soldiers from
6 the swimming pool also burned down houses, didn't they?

7 A. No, I did not talk about that.

8 Q. You did not mention, you did not testify at all that you
9 had heard that the soldiers from the swimming pool burnt houses?

11:57:41 10 A. No, sir, I did not say that.

11 Q. Did you hear that the soldiers who you rescued from the
12 swimming pool were killing people and amputating people in
13 Freetown?

14 A. No, sir.

11:58:10 15 Q. Did you not -- did you testify that you heard that the
16 soldiers released from the swimming pool had engaged in looting?

17 A. Well, no, I did not tell you that, sir.

18 Q. Then I will ask it: Did you hear of -- no, I will rephrase
19 that. Mr Witness, did you tell the people who took your
11:58:50 20 statement from the Special Court about the soldiers at the
21 national swimming pool?

22 A. Yes, I told them.

23 Q. The incident you are referring to is not in the summary
24 that is provided to us, the Prosecution, Mr Witness. I put it to
11:59:18 25 you that you are lying and you never said anything about the
26 national swimming pool in your statement; what is your response?

27 A. I'm saying the truth.

28 MR FOFANA: Your Honours, I am listening to both
29 interpretations. It seems to me that the witness, from his

1 answers, does not seem to understand the difference between a
2 summary and a statement, because the answers as they come suggest
3 that the reference to summary and statement are one and the same
4 because the interpreters are using the word "summary" in the same
11:59:55 5 way as my colleague is using it, and I don't think we have
6 "summary" as a Krio word. So that is just my concern.

7 PRESIDING JUDGE: I'm not quite sure what you are saying,
8 Mr Fofanah.

9 MR FOFANAH: My learned colleague made reference to a
12:00:17 10 summary of the witness's statement, which we disclosed to the
11 Prosecution. But, prior to that, he had asked about the witness
12 making a statement to the Defence. And respectfully, the summary
13 and the statement are not one and the same. The latter is
14 certainly a summary of the former but then the interpretation
12:00:48 15 that is coming out suggests that summary and statement are one
16 and the same.

17 PRESIDING JUDGE: You are saying there is no separate word
18 for summary in Krio; is that right? Or is it not being used?

19 MR FOFANAH: The interpretation, the Krio interpretation
12:01:01 20 has consistently used the word "summary". And I think, I don't
21 know, but I think that is confusing the witness because his
22 reference to summary and statement are not being distinguished
23 now.

24 JUDGE SEBUTINDE: But, Mr Fofanah, it's not so much the
12:01:23 25 distinction between the two. I think the question that
26 Mr Hardaway put to the witness, or the suggestion he put to the
27 witness, is that because this statement is not in the summary,
28 therefore, the witness did not ever make it to the investigators.
29 You see what I mean? And he put the suggestion to the witness

1 for him to respond. The conclusion is because this reference to
2 the soldiers at the swimming pool is not found in the summary,
3 which the lawyer has, therefore, it follows that this witness did
4 not mention the soldiers at the swimming pool to the
12:02:05 5 investigators when he made his statement. That is the logic.
6 That is how I've understood the question. And I don't see how
7 the confusion can come in.

8 MR FOFANAHA: Respectfully --

9 THE INTERPRETER: Yes, Your Honours. If the
12:02:19 10 interpreter can be --

11 MR FOFANAHA: -- Your Honours, I follow your logic. Suffice
12 it to say that if the witness does not understand the meaning,
13 the difference between summary and statement, then it may be
14 logically inferred that the answers that he gives will be coming
12:02:35 15 from his knowledge about the word "statement," and not
16 necessarily about his knowledge about the word "summary".

17 THE INTERPRETER: Your Honours, if the interpreter can be
18 heard? Your Honours, if the interpreter can be heard? I don't
19 think there has been a confusion between a summary and a
12:02:53 20 statement. Statement in Krio is statement and summary is
21 summary. There has not been any confusion. So I wasn't aware
22 learned attorney brought that problem, so the thing has been so
23 clear.

24 MR FOFANAHA: Respectfully, Your Honours, on behalf of the
12:03:08 25 second accused, at this stage I will challenge the interpreter
26 that Krio has no word like "summary". I mean, until the proper
27 interpretation of the word "summary" is given, then we stand the
28 risk of confusing the witness.

29 PRESIDING JUDGE: Well, I agree with my colleague, Justice

1 Sebutinde, that the focus of the present controversy is not on
2 whether the summary is confused with the statement. The focus
3 is: Did he ever say those things to anyone, because it's not in
4 his statement -- summary. Perhaps look --

12:03:48 5 MR FOFANAHA: If the question can be phrased in that light
6 then I think it will be more clear.

7 PRESIDING JUDGE: Well, I was just about to -- I am sure
8 Mr Hardaway was about to do that.

9 MR HARDAWAY: Perhaps I can use another word as opposed to
12:04:02 10 "summary," if that's acceptable to the Court?

11 JUDGE SEBUTINDE: Mr Hardaway, there is no need to change
12 names of things from what they actually are. Just rephrase your
13 question in such a way that you remove this ambiguity that the
14 Defence have complained about.

12:04:17 15 MR HARDAWAY: Very well, Your Honour.

16 Q. Mr Witness, you just testified that you, in the statement
17 you gave to the Defence team, you had mentioned the incident at
18 the swimming pool at the national stadium; do you remember that?

19 A. Yes, sir. Yes, sir.

12:04:52 20 Q. Mr Witness, in the summary that is provided to the
21 Prosecution, of your evidence, there is no mention of the
22 swimming pool at the national stadium. Do you understand what I
23 have just said to you, sir?

24 A. Yes. Yes, sir.

12:05:19 25 Q. I put it to you, Mr Witness, that you never mentioned in
26 your statement about the national -- about the swimming pool at
27 the national stadium. Do you agree, disagree or don't you know?

28 A. Well, I cannot recall because the statement was -- it was
29 not all questions that the investigators asked me and the

1 statements were so many and he did not ask me all sorts of
2 questions. He only asked me surface questions and what I knew
3 was that when they asked me these questions.

12:06:05 4 Q. Mr Witness, my question was in terms of my statement to
5 you. I put it to you that you never mentioned in your statement
6 to the Defence teams about the incident at the swimming pool at
7 the national stadium; do you agree, disagree or don't you know?

8 A. I cannot recall. I cannot recall.

9 Q. I will move on, Your Honours.

12:06:33 10 A. I cannot recall.

11 Q. Actually, before I do that, I put it to you, Mr Witness,
12 that you are lying, that you know full well, you did not give
13 that -- you did not mention in your statement about the swimming
14 pool at the national stadium; what is your response?

12:06:56 15 A. Well, I am saying the truth. The Court deals with the
16 justice. I'm saying the truth. And what I saw with my eyes and
17 my feet when I was on the ground.

18 Q. Now I will move on, Mr Witness. I want to take you now to
19 the withdrawal from Freetown; all right?

12:07:20 20 A. Yes, sir.

21 Q. During your withdrawal from Freetown, did you ever cross --
22 did you ever come across a woman named Edna?

23 A. I cannot recall.

12:07:53 24 Q. During the withdrawal from Freetown, some of the troops
25 went through Guard Street, didn't they?

26 A. I don't know about that.

27 Q. I put it to you, Mr Witness, that during the withdrawal
28 from Freetown, some of the troops did go through Guard Street; do
29 you agree, disagree or don't you know?

1 A. I don't know about that.

2 Q. Mr Witness, Captain Blood was one of the SLAs who went
3 through Guard Street during the withdrawal from Freetown, wasn't
4 he?

12:08:33 5 A. I cannot recall.

6 Q. Captain Blood, and his men, burnt houses and executed seven
7 civilians while on Guard Street during the withdrawal, didn't he?

8 A. I don't know.

9 Q. I put it to you, sir, that during the withdrawal from
12:09:03 10 Freetown, Captain Blood and his men burnt houses, and executed
11 seven civilians while on Guard Street; do you agree, disagree or
12 don't you know?

13 A. I don't know.

14 Q. During the withdrawal from Freetown, the troops went down
12:09:29 15 Shell Old Road, didn't they?

16 A. Yes.

17 Q. And while on Shell Old Road, these retreating troops burnt
18 down houses, didn't they?

19 A. I don't know.

12:09:57 20 Q. I put it to you, Mr Witness, that while on Shell Old Road
21 the retreating troops from the Freetown invasion did burn houses;
22 do you agree, disagree or don't you know?

23 A. I don't know.

24 Q. While on Shell Old Road the retreating troops committed
12:10:25 25 abductions, didn't they?

26 A. I'm not -- I was not aware of that. I was not aware of
27 that.

28 Q. Now, when you retreated you were also on Shell Old Road,
29 weren't you?

1 A. No, sir. I was not at Shell Old Road. I was -- I was at
2 Uppun.

3 Q. I put it to you, Mr Witness, that while on Shell Old Road,
4 the retreating troops committed abductions; do you agree,
12:11:04 5 disagree or don't you know?

6 A. That was not to my knowledge. I do not know.

7 Q. While on Shell Old Road, Mr Witness, the retreating troops
8 committed amputations, didn't they?

9 A. I was not aware of that. I was not aware of that. I did
12:11:36 10 not see that with my eyes.

11 Q. Did you hear about it?

12 A. No, sir.

13 Q. Did you hear about the abductions on Shell Old Road?

14 A. No, I did not hear about that.

12:11:49 15 Q. Did you hear about the burned houses on Shell Old Road?

16 A. Yes, I heard about that.

17 Q. And did you hear about this through your radio
18 communication set?

19 A. Yes, sir. Yes, sir. And I saw again that with my eyes.

12:12:19 20 Q. Thank you, Mr Witness. I put it to you that while on Shell
21 Old Road, the retreating troops from the Freetown invasion
22 committed amputations; do you agree, disagree or don't know?

23 A. I disagree.

24 Q. I put it to you, Mr Witness, that you are lying in your
12:12:42 25 evidence; what is your response?

26 A. I'm saying the truth because I was in the field. You were
27 not in the field. You had information from some other people
28 from the Prosecution side. See, I'm saying the truth.

29 Q. I'll move on, Mr Witness. During the retreat from Freetown

1 the third accused, Santigie Borbor Kanu, alias Five-Five, along
2 with troops, shot and killed civilians by Kissy mosque, didn't
3 they?

4 A. No, sir. It was not like that, sir. In fact, the man did
12:13:24 5 not come to town. It was not like that.

6 Q. Mr Witness, a simple "yes" or "no" answer. If I want an
7 explanation I will ask you. Remember, we agreed on this in the
8 beginning. I put it to you, Mr Witness, that, in fact, the third
9 accused, Santigie Borbor Kanu, alias Five-Five, along with the
12:13:49 10 troops shot and killed people at Kissy mosque; do you agree,
11 disagree or don't you know?

12 A. I disagree.

13 Q. Once more, Mr Witness, I put it to you that you are lying
14 in your evidence; what is your response?

12:14:05 15 A. I'm saying the truth. Even God knows that I am saying the
16 truth; God.

17 Q. Mr Witness, during the retreat from Freetown, the troops
18 went through Calaba Town, didn't they?

19 A. I was not aware of that.

12:14:30 20 Q. I put it to you, Mr Witness, that during the retreat from
21 Freetown, the troops went through Calaba Town; do you agree,
22 disagree or don't you know?

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

24 Q. The third accused, Santigie Borbor Kanu, alias Five-Five,
12:14:56 25 ordered the retreating troops to burn Calaba Town, didn't he?

26 A. That's not to my knowledge. I don't know about that.

27 Q. Did you ever hear later on that Calaba Town was burnt
28 during the withdrawal from Freetown?

29 A. Yes, I heard information.

1 Q. And you heard it over the military communication set; is
2 that correct?

3 A. Yes, sir.

4 Q. I put it to you, Mr Witness, that it was the third accused,
12:15:40 5 Santigie Borbor Kanu, also known as Five-Five, that ordered the
6 burning of Calaba Town; do you agree, disagree or don't you know?

7 A. I disagree.

8 Q. I put it to you, Mr Witness, that once more you are lying
9 in your evidence; how do you respond?

12:16:00 10 A. I'm saying the truth. I came here to say the truth and I'm
11 saying the truth.

12 Q. During the withdrawal from Freetown, Mr Witness, on your
13 march to Waterloo, the third accused, Santigie Borbor Kanu,
14 ordered a baby buried alive because it was crying, didn't he?

12:16:27 15 A. No, sir.

16 Q. I put it to you, Mr Witness, but before I do that, did you
17 ever hear of a baby, later on, of a baby being buried alive on
18 the march to Waterloo because it was crying? Did you ever hear
19 about that?

12:16:49 20 A. No, sir.

21 Q. I put it to you, Mr Witness, that it was the third accused,
22 Santigie Borbor Kanu, who ordered a baby buried alive on the way
23 to Waterloo because it was crying; do you agree, disagree or
24 don't you know?

12:17:07 25 A. I disagree.

26 Q. Once more, Mr Witness, I put it to you that you are lying
27 in your evidence; what is your response?

28 A. I'm saying the truth.

29 Q. On the way to Waterloo, Mr Witness, the troops killed and

1 mutilated people, didn't they?

2 A. That's not to my knowledge, no, sir.

3 Q. I put it to you, sir, that on the way to Waterloo, during
4 the retreat from Freetown, the troops killed and mutilated
12:17:49 5 people; do you agree, disagree or don't you know?

6 A. I disagree. I disagree.

7 Q. Once more, Mr Witness, I put it to you that you are lying
8 in your evidence; what is your response?

9 A. I'm saying the truth.

12:18:13 10 Q. On the way to Waterloo, after leaving Freetown, the troops
11 burned houses, didn't they?

12 A. No, sir.

13 Q. I put it to you that the troops did burn houses on the way
14 to Waterloo; do you agree, disagree or don't you know?

12:18:39 15 A. I disagree.

16 Q. Once more, Mr Witness, I put it to you that you are lying
17 in your evidence before this Court; how do you respond?

18 A. Well, I am saying the truth. God knows that I am saying
19 the truth and I've come to say, save lives and property. I'm
12:19:03 20 saying the truth. See, I was in the field. You were not there.

21 You only heard information. See, I was on the ground at the
22 battlefield, at the front. I'm saying the truth, sir.

23 Q. I'll move on, Mr Witness. Now you had ultimately stopped
24 at Waterloo with the withdrawing troops from Freetown, didn't
12:19:26 25 you?

26 A. No, sir; we stopped at Benguema. It was not at Waterloo.

27 Q. At any point did you stop at Waterloo during your
28 withdrawal from Freetown?

29 A. Yes, sir.

1 Q. And during the time that you had stopped at Waterloo the
2 troops burnt houses at Waterloo, didn't they?

3 A. I was not aware of that.

4 Q. And you were at Waterloo at this time; is that correct?

12:20:06 5 A. I was at Benguema. Benguema Barracks.

6 Q. Did you come to hear later on that the troops withdrawing
7 from Freetown had burnt houses at Waterloo?

8 A. No, sir.

9 Q. I put it to you, Mr Witness, that in fact withdrawing
12:20:30 10 troops from Freetown burnt houses in Waterloo; do you agree,
11 disagree or don't you know?

12 A. I don't know.

13 Q. Now, you had testified that it was a big lie that the third
14 accused, Santigie Borbor Kanu, alias Five-Five, raped a lady in
12:21:02 15 Sumbuya; did you say that?

16 A. No, sir.

17 Q. I will move on. You've also given evidence before this
18 Court that you -- that during the withdrawal from Freetown that
19 you avoided Mamamah because of an ECOMOG force there; is that
12:21:28 20 correct?

21 A. Repeat that, sir. Repeat that, sir.

22 Q. You had testified earlier that during the withdrawal from
23 Freetown you had avoided Mamamah because of an ECOMOG force that
24 was there at the time; is that correct?

12:21:52 25 A. Yes, sir. Yes, sir.

26 Q. I put it to you, Mr Witness, that, in fact, you did attack
27 Mamamah on the orders of the second accused, Ibrahim Bazy
28 Kamara, and that 15 people were chopped to death and the town
29 burnt; do you agree, disagree or don't you know?

1 A. I disagree.

2 Q. Again, Mr Witness, I put it to you that you are lying in
3 your evidence before this Court; how do you respond?

4 A. I'm saying the truth. I'm saying the truth.

12:22:38 5 Q. You had also testified that it was a big lie that a Kamajor
6 was cooked and given to civilians to eat; did you say that?

7 A. No, sir.

8 Q. I will move on. Overall, during your withdrawal from
9 Freetown you and the troops abducted people, didn't you?

12:23:07 10 A. No, sir.

11 Q. I put it to you that during the withdrawal from Freetown,
12 after the 1999 invasion, you and your fellow soldiers abducted
13 civilians; do you agree, disagree or don't you know?

14 A. Well, that's not to my knowledge.

12:23:30 15 Q. So what's the answer, Mr Witness. Do you agree, disagree
16 or you don't know?

17 A. I want you to repeat the question; the question.

18 Q. I'm putting it to you, Mr Witness, that after the 1999
19 invasion of Freetown, during the withdrawal, you and your fellow
12:23:55 20 troops abducted civilians; do you agree, disagree or don't know?

21 A. I disagree. I disagree.

22 Q. Again, Mr Witness, I submit that you are lying in your
23 evidence before this Court; what is your response?

24 A. I'm saying the truth.

12:24:24 25 Q. During the withdrawal from Freetown you and your troops
26 used child soldiers, didn't you?

27 A. No, sir.

28 Q. I put it to you, Mr Witness, that during the withdrawal
29 from Freetown you and your fellow soldiers did use child

1 soldiers; do you agree, disagree or don't you know?

2 A. I disagree.

3 Q. Once more, Mr Witness, I put it to you that you are lying;
4 what is your response?

12:24:56 5 A. I'm saying the truth. I'm saying the truth.

6 Q. During the withdrawal from Freetown you and the troops
7 abducted women and forced them to be bush wives, didn't you?

8 A. No, sir.

9 Q. I put it to you, Mr Witness, that during the withdrawal
12:25:20 10 from Freetown, after the 1999 invasion, that you and your fellow
11 troops abducted women and forced them to be bush wives; do you
12 agree, disagree or don't know?

13 A. I disagree.

14 Q. Mr Witness, I put it to you that you are lying before this
12:25:42 15 Court; what is your response?

16 A. I'm saying the truth.

17 Q. I now want to move over to the West Side, Mr Witness; is
18 that all right? I want to talk about your evidence then?

19 A. Yes.

12:25:59 20 Q. Now, you had stated that you know Alimamy Bobson Yapo
21 Sesay; is that correct?

22 A. Yes, sir.

23 Q. And you also testified that he was your second in command,
24 wasn't he?

12:26:13 25 A. Yes, sir.

26 Q. And he was with you during the withdrawal from Freetown,
27 wasn't he?

28 A. Yes, sir.

29 Q. And when you ultimately arrived at West Side he was there

1 as well, wasn't he?

2 A. Yes, sir. Yes, sir.

3 Q. As a matter of fact, from West Side he went to Liberia as
4 part of a delegation to meet with Johnny Paul Koroma, didn't he?

12:26:50 5 A. Yes, sir.

6 Q. Was there a person at West Side known as Screw Face?

7 A. Yes.

8 Q. Who was Screw Face, Mr Witness?

9 A. It's I, the witness; that is my other name. I, Mr Witness.

12:27:22 10 Q. Now, who was the overall commander at West Side?

11 A. Well, it was Junior Lion.

12 Q. I put it to you, Mr Witness, that it was the second
13 accused, Ibrahim Bazzy Kamara, who was the overall commander at
14 West Side; do you agree, disagree or don't know?

12:27:49 15 A. I disagree.

16 Q. I put it to you, Mr Witness, that you are lying; what is
17 your response?

18 A. I'm saying the truth.

12:28:05 19 Q. I'll move on, Mr Witness. I want to now direct your
20 attention to the time that you were in Pademba Road Prison; okay?

21 A. Yes.

22 Q. Now, you stated that you saw Alimamy Bobson Yapo Sesay in
23 Pademba Road Prison in 2002; is that correct?

12:28:31 24 A. 2002? It wasn't 2002. It was 2000. The year 2000. That
25 was the time that he went there. I went there in 2002.

26 Q. I'm not asking when you went there, Mr Witness. I'm asking
27 when you saw him in prison it was in 2002; is that correct?

28 A. Yes, sir.

29 Q. Now, you had also testified that you were this prison

1 because they wanted to put you in the RUF or the West Side but
2 they were unable to; is that correct?

3 A. Yes, sir.

4 Q. What exactly were you charged with to be put in Pademba
12:29:05 5 Road Prison in 2002?

6 A. Well, it was an allegation. They charged me with
7 conspiracy, conspiracy. That was the charge that they gave me.
8 That was why I was kept at Pademba Road. They said I conspired
9 to aggravate; that was the allegation. That was why I was put at
12:29:31 10 Pademba Road.

11 Q. To aggravate what, sir?

12 A. Well, they knew.

13 Q. Were you ever charged with assault for occasioning actual
14 bodily harm?

12:29:44 15 A. No. I was charged with assault.

16 Q. You were charged with assault?

17 A. Yes, and -- and aggravation with conspiracy.

18 MR HARDAWAY: Thank you, Mr Witness. With the Court's
19 indulgence for one moment, please. I thank the Court.

12:30:21 20 Q. Now, Mr Witness, you had testified that the prisoners who
21 received favourable treatment were taken out of the prison for
22 several hours a day; is that correct?

23 A. Yes, sir.

24 Q. When did you first see these prisoners receiving special
12:30:50 25 treatment? What year?

26 A. Well, it was around the year 2003.

27 Q. Do you recall what month in 2003?

28 A. I can't recall the right month.

29 Q. Do you recall if it was in the rainy season or the dry

1 season?

2 A. Well, I cannot recall the dry season, but it was in 2003.

3 Q. And you had also testified that you saw these prisoners
4 being taken out by men wearing plain clothes; is that correct?

12:31:37 5 A. Yes, sir.

6 Q. Were these men black or white?

7 A. Well, they were mixed.

8 Q. So they would be both black, and sometimes black, sometimes
9 white and sometimes both?

12:32:00 10 A. Majority were black. Majority were black. There was only
11 one white man among them.

12 Q. Thank you, Mr Witness. Did you ever learn where these
13 plain clothes men came from?

14 A. Well, yes. I knew where they came from.

12:32:24 15 Q. Where did they come from?

16 A. They came from town. They came from town.

17 Q. Do you know what organisation they came from?

18 A. From the Special Court of -- for Sierra Leone.

19 Q. Now, you had testified that the prisoners who received
12:32:46 20 special treatment were to be used against the three accused; is
21 that correct?

22 A. Yes, sir.

23 Q. And you had spoken to Ayo Cole, aka Six Fingers, while in
24 prison concerning this; is that correct?

12:33:06 25 A. Yes, sir.

26 Q. And he told you how he had been briefed about the three
27 accused; is that also correct?

28 A. Yes, sir.

29 Q. Did he ever tell you who the men were that came and took

1 him away and brought him provisions?

2 A. Yes.

3 Q. And what did he say?

4 A. He said they were people from the Special Court. CIDs and
12:33:43 5 the workers at the Special Court, they were the ones that what
6 take them and bring them to Special Court and gave them a
7 ideology what to talk about the three clients, see, when they
8 were in detention.

9 Q. Now, did he ever give you any names of any of the people he
12:34:01 10 talked to at the Special Court?

11 A. No, he did not give me their names.

12 Q. Did you ask?

13 A. Yes.

14 Q. And how did he respond?

12:34:13 15 A. He kept it to himself. He did not show me the paper. He
16 only told me what happened. He did not call the names of the
17 people.

18 Q. And he showed you the provisions he got as well; right?

19 A. Yes.

12:34:33 20 Q. But he wouldn't tell you the names of the people he spoke
21 with?

22 A. Not at all.

23 Q. Now, he also told you that he would be freed from prison
24 and that when he is free they would use him against the three
12:34:53 25 accused; is that correct?

26 A. Yes, sir.

27 Q. Now, you also talked to Ranger while you were in prison,
28 didn't you?

29 A. Yes, sir.

1 Q. And did he ever tell you the men -- who the men were that
2 came and took him away and brought him provisions?

3 A. Yes, sir.

4 Q. What did he say?

12:35:21 5 A. He said they were people from the Special Court. They were
6 the ones that met them at the maximum prison, talked to him, say
7 how to come and defend, how to come and jail these people. He
8 said because -- they said that they would be freed and that if
9 they are free they would come and prosecute these people and that
10 they would be sent to America with their families all.

11 Q. Now, he also mentioned to you about the Special Court
12 programme, didn't he?

13 A. Yes, sir.

14 Q. And what specifically did he say about the Special Court
15 programme?

16 A. Well, what he said about the Special Court programme, he
17 said, now, that they will be taken from the jail and be brought
18 to Special Court, here, and they would eat good food and they had
19 planned to release them and to come and prosecute these people
12:36:21 20 and, after that, the Special Court would send them to America
21 with their families all.

22 Q. Thank you, Mr Witness. Now, you had testified that you
23 also were contacted by the people who had spoken to Ayo Cole and
24 Ranger; is that correct?

12:36:43 25 A. Repeat that, sir.

26 Q. You had earlier testified that you were also contacted by
27 the same people that had spoken to Ayo Cole and Ranger, didn't
28 you?

29 A. Yes, they called me.

1 Q. They called you. Thank you. How long had you been in jail
2 before you were contacted by the people who spoke to Ayo Cole and
3 Ranger?

4 A. I spent four years in jail; four years.

12:37:29 5 JUDGE DOHERTY: Mr Witness, I'm not sure that that is what
6 you were asked. You were asked how long were you in jail before
7 you were contacted and you've answered saying the total time you
8 were in jail.

9 MR HARDAWAY: I thank Your Honour, I will clarify it.

12:37:48 10 Q. How long were you in jail before you were contacted by the
11 people who had also contacted Ranger and Ayo Cole?

12 A. Well, it was two years.

13 Q. Now, can you recall the person who you had contact with?

14 A. No, I cannot recall that person's name.

12:38:25 15 Q. Was that person black or white?

16 A. A black.

17 Q. Did he show you any identification?

18 A. No, no. I only knew that yes, they came from town and they
19 were different from us that were in jail.

12:38:47 20 Q. Did he ever tell you his name?

21 A. No. He did not disclose his name to me.

22 Q. And this person had asked you if you knew the three
23 accused; "yes" or "no"?

24 A. Well, yes.

12:39:14 25 Q. Okay. Now, Mr Witness, during -- well -- let me scratch
26 that. Did he tell you about the Special Court programme, this
27 person?

28 A. Yes, sir.

29 Q. What did he say about the programme?

1 A. Well, the person said, he talked to me, said that it was
2 not us that they wanted. He said those that, the men that were
3 there, they wanted to make, build a case for them. So I said
4 that my own case that brought me here was different from theirs,
12:40:03 5 so I would not -- I was not with you so I left him there and went
6 away. So I said that I was not going to prosecute people that
7 were in the Special Court. Something that concerned a life.

8 Q. Now, Mr Witness, I believe you just stated that during this
9 time you were worried about your case, weren't you?

12:40:20 10 A. Yes, I was worried about my case.

11 Q. And you wanted to get out of jail, didn't you?

12 A. Yes.

13 Q. As a matter of fact, I believe you testified in your
14 evidence that you had prayed to God to remove you from prison
12:40:41 15 healthily, didn't you?

16 A. Yes, sir.

17 Q. Now, Mr Witness, if you were so worried about getting out
18 of jail, and you wanted to do so healthily, why didn't you take
19 the offer to go into the Special Court programme?

12:41:00 20 A. No, no. I'm a soldier. I wouldn't do that. The case that
21 took me there, see, was the case that I was thinking about so
22 when God's time came I would get out of that place. See, when
23 God's time came I would give -- leave the place. He would not
24 come and take me out of the jail to prosecute the SLA. See, I
12:41:23 25 said that was not correct. So I said that I decided that I
26 stayed in jail until the time that God's time would come and when
27 God's time came I came out. No witness, nothing, no exhibit,
28 nothing. So I was discharged.

29 Q. So you weren't that worried about your case to the point

1 where you would join the Special Court programme; is that
2 correct?

3 A. Repeat that, sir.

4 Q. You have testified that you were worried about your case;
12:41:56 5 "yes" or "no"?

6 A. Yes.

7 Q. But you were not so worried about your case as to join the
8 Special Court programme; yes?

9 A. Well, I was not so worried because I knew that my case was
12:42:21 10 not that big. It was a small case and it was an allegation and I
11 knew that at any time God's time came I would go, I would get out
12 of prison.

13 Q. Now, Mr Witness, all of the evidence that you have
14 testified to about your experience in Pademba Road, did you put
12:42:43 15 that in the statement you gave to the investigators and the
16 Defence; "yes," "no" or "I don't know"?

17 A. Well, I cannot recall.

18 Q. We do not have any reference to your time in Pademba Road
19 in the summary that has been provided to the Prosecution.

12:43:11 20 Mr Witness, I put it to you that you never told the
21 investigators, in your statement, about your time in
22 Pademba Road; do you agree, disagree or don't you know?

23 A. Well, I don't know about that. I cannot recall.

24 Q. I put it to you, Mr Witness, that you are lying, that you
12:43:38 25 know full well you did not make such a -- you did not say such a
26 thing in your statement; what is your response?

27 A. I'm saying the truth. I came here to say the truth. That
28 was why I said I couldn't recall.

29 Q. Now, when were you released from Pademba Road Prison?

1 A. 2005.

2 Q. How were you released from Pademba Road Prison?

3 A. Well, I was released from the Court.

12:44:24 4 Q. I put it to you, Mr Witness, that you were released because
5 of the efforts of one of the Defence counsel for the second
6 accused, Ibrahim Bazzy Kamara; what is your response?

7 A. No, sir.

8 Q. I put it to you, Mr Witness, that one of the reasons you
9 are defending Bazzy Kamara here today is because of the efforts
12:44:46 10 of the Defence team, one of the Defence counsel for the second
11 accused, in releasing you from prison; how do you respond?

12 A. No, sir.

13 MR HARDAWAY: If I can have the Court's indulgence for one
14 moment, please.

12:45:14 15 [Counsel conferred]

16 MR HARDAWAY: I thank the Court.

17 Q. Mr Witness, who is Kobolo, and that is spelt, Your Honour,
18 K-O-B-O-L-O?

19 A. Kurubonla?

12:45:40 20 Q. Kobolo?

21 A. I don't know.

22 Q. She is one of the sisters of the second accused, Ibrahim
23 Bazzy Kamara, isn't she?

24 A. No. No.

12:45:58 25 Q. She is currently living with you, isn't she?

26 A. No, sir.

27 Q. You are currently in a relationship with Kobolo, one of the
28 sisters of the second accused, aren't you?

29 MR FOFANA: Respectfully, I will object at this stage.

1 The witness has categorically told the Court that he doesn't know
2 that person. I don't think if he can give any further answers to
3 questions on -- relating to that person.

4 PRESIDING JUDGE: Yes, I'll overrule that. Go ahead,
12:46:29 5 Mr Hardaway.

6 MR HARDAWAY: Thank you, Your Honour.

7 Q. I put it to you, Mr Witness, that you are currently
8 involved in a relationship with a sister of the second accused,
9 named Kobolo, and that she is currently living with you; do you
10 agree, disagree --

11 MR FOFANAH: Double barrel. The question is double-
12 barreled; two questions in one.

13 PRESIDING JUDGE: Yes, ask them one at a time, Mr Hardaway.

14 MR HARDAWAY: Yes, Your Honour.

12:46:57 15 Q. I put it to you, Mr Witness, that you are currently
16 involved in a relationship with Kobolo, who is one of the sisters
17 of the second accused, Ibrahim Bazzy Kamara; do you agree,
18 disagree or don't you know?

19 A. I disagree.

12:47:11 20 Q. Mr Witness, I put it to you that once more you are lying in
21 your evidence to this Court; how do you respond?

22 A. I'm saying the truth.

23 Q. I put it to you, Mr Witness, that this sister of the second
24 accused, Ibrahim Bazzy Kamara, is currently living with you; do
12:47:33 25 you agree, disagree or don't you know?

26 A. I disagree.

27 Q. Mr Witness, I put it to you that the other reason that you
28 are here to defend Bazzy Kamara is because of your relationship
29 with his sister; agree, disagree or don't you know?

1 A. I disagree.

2 Q. And once more, Mr Witness, I put it to you that you are
3 lying in your evidence to this Court; how do you respond?

4 A. I'm saying the truth to the Special Court.

12:48:15 5 MR HARDAWAY: Mr Witness, I am through with you. Your
6 Honours, this concludes my cross-examination.

7 PRESIDING JUDGE: Thank you, Mr Hardaway. Any
8 re-examination, Mr Fofanah?

9 MR FOFANAH: Yes, Your Honours, just a few questions.

12:48:27 10 RE-EXAMINED BY MR FOFANAH:

11 Q. Mr Witness, I will start with a couple of general
12 questions. When my learned colleague, Mr Andrew Daniels, was
13 leading you in evidence, you said you are a Muslim; your religion
14 is Islam?

12:48:48 15 PRESIDING JUDGE: Does this arise?

16 MR HARDAWAY: Objection, Your Honour. I never brought up
17 his religion in his cross-examination.

18 MR FOFANAH: I am following that up with a question. I
19 just want -- because he said in cross-examination that he has
12:48:57 20 sworn on the Bible. I just want to clarify that.

21 PRESIDING JUDGE: All right. Go ahead.

22 MR FOFANAH:

23 Q. Yes, Mr Witness, did you tell Mr Andrew Daniels, counsel
24 for the second accused, that you are a Muslim?

12:49:15 25 A. Yes, sir.

26 Q. Now, when my learned colleague was cross-examining you, you
27 said you have sworn on the Bible to tell the truth to this Court;
28 do you recall that?

29 A. Well, I cannot recall.

1 Q. So what religion are you? Are you a Muslim or a Christian?

2 A. I am a Muslim.

3 Q. And on what book did you swear to tell the truth?

4 A. It was the Koran.

12:50:01 5 Q. Now, Mr Witness, do you know the difference between a
6 statement and a summary?

7 A. No, sir.

8 Q. Mention was also made to the Supreme Council when my
9 learned colleague was cross-examining you. Do you know if there

12:50:24 10 was any difference between the Supreme Council and the AFRC?

11 A. No, sir.

12 Q. Is it no, you don't know or no, what?

13 A. I don't know.

14 Q. Mr Witness, you said that Ibrahim Bazy Kamara, the second
12:50:52 15 accused, was not a member of the AFRC Supreme Council. Why did
16 you say so?

17 A. Why I said so was because it was later on that I came to
18 know about him; that was why I said so.

19 Q. Now, on your movement from Freetown to the West Side.

12:51:26 20 Throughout the movement of the troops from Freetown to the West
21 Side, in 1999, was Ibrahim Bazy Kamara, the second accused, with
22 the troops at all during that movement?

23 A. No, sir.

24 Q. Do you know if Ibrahim Bazy Kamara gave any orders to

12:51:50 25 anyone from anywhere, throughout your movement from Freetown to
26 West Side?

27 MR HARDAWAY: Objection, Your Honour.

28 THE WITNESS: No, sir. No, sir.

29 MR HARDAWAY: I never asked him questions in

1 cross-examination about orders being given.

2 PRESIDING JUDGE: I didn't hear your objection,
3 Mr Hardaway.

4 MR HARDAWAY: There was nothing in my cross-examination
12:52:10 5 about -- no, actually, I take that back.

6 MR FOFANAH: I will repeat the question, Your Honours.

7 Q. Mr Witness, did you hear, or do you know if Ibrahim Bazy
8 Kamara, the second accused, gave any orders to anyone from
9 anywhere in Sierra Leone throughout your movement from Freetown
12:52:34 10 to the West Side?

11 A. No. No, sir.

12 Q. And what do you mean by "no"?

13 A. What I meant by "no" was because the man, he was under
14 suppression, detention. So that was why I said no, sir.

12:52:59 15 MR FOFANAH: Respectfully, Your Honours, I did not get the
16 answer because of the noise.

17 PRESIDING JUDGE: We are getting a lot of interference over
18 the headphones here. Do you want to repeat that question?

19 MR FOFANAH: Yes, Your Honour.

12:53:15 20 Q. So the question again, Mr Witness, and please be as precise
21 as you can in your answer: Do you know if the second accused,
22 Ibrahim Bazy Kamara, gave orders to anyone from anyone -- from
23 anywhere in Sierra Leone throughout your movement from Freetown
24 to the West Side in 1999?

12:53:39 25 A. No, sir.

26 Q. And whilst you were at the West Side, in 1999, do you know
27 if the second accused, Ibrahim Bazy Kamara, gave orders to
28 anyone from anywhere in Sierra Leone, to do anything from the
29 West Side? From the West Side?

1 A. No, sir.

2 MR FOFANAH: Sorry about that, Your Honours.

3 Q. Finally, Mr Witness, in your answers to the Court about
4 your stay at Pademba Road, you've said a number of things. Now,
12:54:41 5 those who went to Pademba Road from the Special Court, to
6 encourage you to come and testify against the accused persons in
7 this Court, did they ask you to come and lie about accused
8 persons, or did they just tell you to come and tell the truth to
9 the Court?

12:55:10 10 MR HARDAWAY: Leading question, Your Honour.

11 PRESIDING JUDGE: Yes, it is leading. You are putting
12 words in his mouth, Mr Fofanah.

13 MR FOFANAH: I will rephrase, Your Honours. Thank you.

14 Q. Now, what did those who went to Pademba Road Prison, and
12:55:29 15 who had meetings with you about the Special Court, what did they
16 exactly tell you about your requirement to testify before this
17 Court?

18 A. Well, the men, people like Alabama, Bobson Yapo Sesay, they
19 called me --

12:55:53 20 Q. I have to interrupt you. I'm talking about those whom you
21 have described as coming from the Special Court and who
22 encouraged you to come and testify against the accused persons.
23 Please tell the Court as precisely as you can what they exactly
24 required of you regarding your testimony before this Court?

12:56:14 25 A. Well, Mr Lawyer Fofanah, I want you to repeat that so I can
26 get it. I want you to repeat the same question so that I can get
27 it clearly.

28 Q. Now, the people who came from the Special Court, who had
29 identified themselves, you said they were requiring you to come

1 to the Special Court and testify against the three accused
2 persons. Now, what did they say about the need for your
3 testimony to this Court?

12:57:03 4 A. Well, they met me, they said I should come and testify in
5 Court so as to lie against the accused people, when I was at
6 Pademba Road, so as to come and lie about them, so that they
7 could be jailed. So I refused. So I said I was not going to do
8 that. Instead, let me just stay in jail.

12:57:31 9 Q. And was anyone present when they told you to come and do
10 that against the accused persons?

11 A. Yes.

12 Q. Who was present?

13 A. Lamin Si di ki. Lamin Si di ki, alias Terminator.

14 Q. Who else?

12:57:49 15 A. [Phon] Wolie Jalloh, [phon] Wolie Jalloh was there.

16 Q. Lamin Si di ki, alias Terminator, who is he? Do you know his
17 occupation?

18 A. He was an SLA soldier.

19 MR HARDAWAY: That wasn't asked in cross-examination.

12:58:09 20 MR FOFANAH: It just came from the witness. I was just
21 trying to clarify that.

22 PRESIDING JUDGE: Well, move on, Mr Fofanah.

23 MR FOFANAH: Yes.

12:58:22 24 Q. Now finally, Mr Witness, now, you've mentioned that you
25 were going to say something about Alabama and Bobby. Did they
26 tell you anything about your need to testify to this Court?

27 MR HARDAWAY: Objection, Your Honour. That did not come
28 out in cross-examination either.

29 PRESIDING JUDGE: Mr Fofanah, what do you say to that

1 objection?

2 MR FOFANA: I withdraw the question and I have no further
3 questions for the witness. Thank you, Your Honours.

4 PRESIDING JUDGE: Thank you.

12:58:51 5 QUESTIONED BY THE COURT:

6 JUDGE DOHERTY:

7 Q. Mr Witness, earlier in your evidence you said that you had
8 been deployed at Daru in 1996 but came to town. You were later
9 asked about 1997 and you also said you had a pass from Daru for
12:59:06 10 one week to relax. Today you said you came one week before April
11 1997. When exactly did you leave Daru? Was it 1996 or 1997?

12 A. Well, I left Daru '97. I left Daru '97. When I came it
13 only -- it was only one week and we had the overthrow.

14 Q. You also said in your evidence that "civilians were willing
12:59:41 15 to follow us." This is after -- in the withdrawal from Freetown
16 in January 1999. Were all the civilians who were with the troops
17 willingly following you?

18 A. Yes, ma'am. Yes, they followed us willingly.

19 Q. How did you know that?

13:00:06 20 A. Well, according to what they said, what they had been
21 explaining to us that because what made them to join us was that
22 they had been burning them in the city. They would put tyres on
23 their head, put petrol and they would burn them. That was why
24 they were willing to follow us.

13:00:28 25 Q. Mr Witness, I asked you how you knew that the civilians
26 came with you willingly? I didn't ask you the reason.

27 A. It was through, it was through the civilians that I heard
28 information.

29 Q. All of them?

1 A. No. Some of them

2 JUDGE DOHERTY: Those are my questions.

3 JUDGE SEBUTINDE:

4 Q. Mr Witness, I want to ask you about the time that you and
13:01:00 5 your troops went to Pademba Road to free the other soldiers out
6 of the prison. Do you know if any of your group of soldiers
7 handed out guns to the released soldiers while at Pademba Road
8 Prison?

9 A. No, ma'am. No ma'am.

13:01:23 10 Q. And you say none of your soldiers handed out guns?

11 A. I did not see that with my eye, with my naked eyes.

12 Q. Let me ask more specifically: Did you see Junior Lion
13 handing out guns to the soldiers who were just released?

14 A. I did not see that but we went for -- on the movement but I
13:01:51 15 did not see that.

16 Q. So you were with Junior Lion all the time and would you say
17 that he did not hand out any guns?

18 A. I did not see with my eyes but I was with him. I did not
19 see with my eye.

13:02:09 20 JUDGE SEBUTINDE: Thank you, Mr Witness.

21 PRESIDING JUDGE:

22 Q. Mr Witness, you've referred to SAJ Musa as a five-star
23 general. Is a five-star general a rank in the Sierra Leonean
24 Army?

13:02:25 25 A. No, sir. No, sir.

26 Q. Why do you refer to SAJ Musa as a five-star general?

27 A. Well, he was our overall commander, overall commander and
28 he just came from England. He came from this -- a course in law
29 and he was our head, so he gave himself the promotion as

1 Five-Star General SAJ Musa.

2 Q. So you are saying SAJ Musa promoted himself to five-star
3 general; is that right?

4 A. Sir. Yes, sir. Correct.

13:03:15 5 Q. And that is not a rank that is known in the Sierra Leonean
6 Army?

7 A. No, sir.

8 Q. Now, you've told us about 60 soldiers who surrendered to
9 ECOMOG. I think you said that was around Batkanu. And you were
13:03:45 10 saying that ECOMOG executed all of them. Do you remember giving
11 that testimony?

12 A. Yes, I can recall that, sir.

13 Q. And I think you said that you found this out through
14 Brigadier Mani?

13:04:01 15 A. Sir?

16 Q. You were told about this through Brigadier Mani; is that
17 correct?

18 A. Yes, sir. You are correct, sir.

19 Q. And then after Brigadier Mani told you this you went and --
13:04:19 20 you went to verify that the soldiers had been killed; is that
21 correct?

22 A. Yes, sir. It's correct, sir.

23 Q. Why did you need to go and verify that?

24 A. Well, why I tried to because I'm somebody who did not want
13:04:46 25 to depend on information. I would like to see with my own naked
26 eyes and it was my colleague SLA soldiers. So when I heard
27 information through Brigadier Mani that ECOMOG and the Kamajors
28 had executed them all, so that was why I went and find out, so as
29 to know, and I went on the ground and I saw with my own naked

1 eyes.

2 Q. So do I take it you did not believe Brigadier Mani?

3 A. Well, because it was a jungle movement, so I did not have
4 any confidence in him because I was a battlefield commander, so
13:05:23 5 what he came and told me, I did not take it for granted. I took
6 it for granted. That was why I went and verified it with my own
7 naked eyes.

8 Q. So information you are given, you normally don't believe it
9 until you verify it; would it be fair to say that?

13:05:41 10 A. Yes. Yes, I am a man that likes to prove something with my
11 naked eyes. I wouldn't like to say something that I have not
12 seen my naked eyes. That is how I was trained, you see.

13 Q. All right. Thank you. And my last question, you told us
14 that --

13:06:01 15 A. Yes, sir.

16 Q. -- you fought ECOMOG, I think you said at a place called
17 Mamusa, and you captured a lot of weapons. I think you said
18 artillery weapons, rifles, LMG, SMGs, semi-automatic rifles,
19 HMGs, bazookas, 60mm mortars, cannon, French support weapons,
13:06:39 20 120mm mortars, single-barreled anti-aircraft and you mentioned
21 others and you also captured eight boxes of ammunition. Do you
22 remember telling the Court that?

23 A. Yes, sir.

24 Q. Who carried all these captured ammunition and arms for you?

13:07:07 25 A. The soldiers. The soldiers. SLA.

26 PRESIDING JUDGE: All right. Thank you. Mr Fofanah,
27 anything arising from those questions from the Bench?

28 MR FOFANAH: I have nothing, Your Honours.

29 PRESIDING JUDGE: Yes --

OPEN SESSION

1 MR HARDAWAY: Nothing from the Prosecution, Your Honour.

2 PRESIDING JUDGE: All right. Thank you. Well, Mr Witness,
3 that ends your testimony. If you will please just sit there, we
4 will adjourn the Court and then arrangements will be made for you
5 to be able to leave the Court.

13:07:37

6 THE WITNESS: Yes, sir. Thank you, sir.

7 [The witness withdrew]

8 PRESIDING JUDGE: We will adjourn until 9.15 tomorrow
9 morning.

13:07:52

10 [Whereupon the hearing adjourned at 1.10 p.m.,
11 to be reconvened on Thursday, the 19th day of
12 October 2006, at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DBK- 129	2
CROSS- EXAMINED BY MR WAGONA	2
RE- EXAMINED BY MR FOFANAH	20
QUESTIONED BY JUDGE DOHERTY	21
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