



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

THURSDAY, 26 OCTOBER 2006
9.15 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Marina Pier

For the Registry:

Ms Maureen Edmonds
Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Ms Maja Dimitrova (Case Manager)

For the accused Alex Tamba
Brima:

Mr Koj o Graham
Mr Ibrahim Foday Mansaray (legal assistant)

For the accused Brima Bazy
Kamara:

Mr Andrew William Kodwo Daniels

For the accused Santigie Borbor
Kanau:

Mr Geert-Jan Alexander Knoops
Mr Ajibola E Manly-Spain

1 [AFRC26OCT06A - MD]
2 Thursday, 26 October 2006
3 [Open session]
4 [The accused present]
09:15:03 5 [The witness entered court]
6 [Upon commencing at 9.15 a.m.]
7 WITNESS: DBK-131 [Continued]
8 [The witness answered through interpreter]
9 PRESIDING JUDGE: Yes, Mr Knoops?
09:22:19 10 MR KNOOPS: Good morning, Your Honours.
11 PRESIDING JUDGE: Good morning.
12 MR KNOOPS: Your Honours may remember I announced not to be
13 in Court today.
14 PRESIDING JUDGE: Yes.
09:22:30 15 MR KNOOPS: The reason that I'm here, Your Honour, is just
16 to point Your Honours briefly to an issue which may be of
17 importance for the scheduling of the continuation of the case.
18 The Defence was yesterday afternoon provided by the
19 Prosecution with a statement of witness, TF1-511, pursuant to
09:22:58 20 Rule 67(D) and Rule 68 of the Rules of Procedure and Evidence.
21 Now, I was able to review this statement last night and I
22 do believe that the information contained in this statement is of
23 potential, I think, vital importance for the Defence case,
24 because it confirms certain positions Defence has taken, such as
09:23:28 25 the situation between the RUF and AFRC in terms of common
26 planning.
27 I would like to inform the Chamber that the Defence wishes
28 to accept the option the Prosecution offered us in their letter
29 of 25 October, to initiate a contact with this individual, 511,

1 in order to find out whether his statement, indeed, contains the
2 information as described in the written statement we were
3 provided with and, therefore, I think it's proper to inform Your
4 Honours that we would like to reserve our right to call this
09:24:15 5 person, 511, as a common witness. In light of the serving of the
6 statement only yesterday afternoon, pursuant to Rule 67(D) and
7 68, in all fairness, we believe that the Defence should have an
8 opportunity, at short notice, to initiate such a pre-interview
9 with this potential witness.

09:24:41 10 My co-counsel, Mr Manly-Spain, is prepared and ready to
11 conduct this pre-interview today or tomorrow, in order to inform
12 the Chamber timely whether we would like to file a formal
13 application to the Court to call this person as a common witness
14 before we close our Defence case.

09:25:04 15 PRESIDING JUDGE: All right. We will note that advice,
16 Mr Knoops, and if there is any application to the Court, it will
17 be properly litigated, we take it, in due course.

18 MR KNOOPS: Thank you, Your Honours.

09:25:22 19 PRESIDING JUDGE: Needless to say, we are close to the end
20 of the case now, so we would not expect any undue delay in
21 bringing any application.

22 MR KNOOPS: Yes, Your Honour. That's the reason why I am
23 here, to inform the Chamber of this unforeseen circumstance.

09:25:40 24 PRESIDING JUDGE: I understand. Thank you for that,
25 Mr Knoops.

26 MR KNOOPS: Thank you.

27 PRESIDING JUDGE: We'll take note of what you say. I don't
28 know whether you wanted to say anything in reply to that.

29 MR AGHA: Only very briefly, Your Honour, to say I am not

1 sure whether this particular witness is subject to any protective
2 measures before another case before this Court, but I will
3 certainly look into that and provide any information to my
4 learned friend on that, because those protective measures may
09:26:08 5 hinder the ability for the Defence to approach him, or otherwise,
6 but that is something which I will look into.

7 PRESIDING JUDGE: We take it this statement was not
8 available until recently; is that correct?

9 MR AGHA: Well, it was found as a part of an ongoing review
09:26:25 10 of all the disclosure, and as soon as it came to the notice of
11 the AFRC, we disclosed it.

12 PRESIDING JUDGE: All right. Thank you, Mr Agha.
13 Mr Witness, I will remind you that you are still under oath to
14 tell the truth? Remember you took an oath to tell the truth?

09:26:47 15 THE WITNESS: Yes, My Lord.

16 PRESIDING JUDGE: All right. Well, that oath is still
17 binding on you. Yes, Mr Agha.

18 CROSS-EXAMINED BY MR AGHA:

19 Q. Witness, this morning I would like to ask you a few
09:27:00 20 questions about your evidence which you gave last week, and the
21 majority of the answers can be given by a "yes," or a "no," or "I
22 don't know", and if I need any further explanation, I can ask you
23 for that. Is that clear, the way we can proceed?

24 A. I do understand.

09:27:24 25 Q. Now, you say that you are currently engaged in computer
26 studies as well as petty trading, don't you?

27 A. Yes.

28 Q. What is the name of the school where you are engaged in
29 computer studies?

1 A. AITS.

2 Q. And for how many years is the course?

3 A. It's about two -- it's about three weeks. After three
4 weeks -- after every three weeks, I do another step of the
09:28:00 5 course.

6 Q. I say that you're lying and you are not engaged in any
7 computer course?

8 A. Well, you can go there and ask.

9 Q. Now, you say you joined the SLA in 1992, don't you?

09:28:19 10 A. Yes.

11 Q. And you received six months training at Benguema.

12 A. Yes.

13 Q. Were you trained by members of the SLA?

14 A. Yes. SLA, Sierra Leone Army.

09:28:38 15 Q. And tell us about the kind of training you received? What
16 were you taught?

17 PRESIDING JUDGE: He has given some evidence of that,
18 Mr Agha. I'm not sure whether you want to cross-examine him on
19 that or get him to repeat exactly what he's already said before,
09:29:00 20 or amplify it.

21 MR AGHA: I'll ask him to amplify.

22 Q. Were you taught how to advance in formation?

23 A. Yes.

24 Q. Were you taught how to attack and capture enemy positions?

09:29:13 25 A. Yes.

26 Q. And how to defend those positions, once you had captured
27 them?

28 A. Yes.

29 Q. And you were taught how to retreat?

1 A. Exactly.

2 Q. And how to parade?

3 A. Very well.

4 Q. And you were taught that the SLA was organised into
09:29:35 5 brigades, battalions, companies and platoons?

6 A. Yes.

7 Q. And you knew that you had to follow the orders of a soldier
8 higher in rank than yourself, didn't you?

9 A. Yes.

09:30:00 10 Q. And if you didn't follow those orders, you may be subject
11 to disciplinary action; is that right?

12 A. Yes.

13 Q. And that you had to salute senior officers?

14 A. Yes.

09:30:16 15 Q. Now, you say that you did advance training at Daru; is that
16 right?

17 A. Exactly.

18 Q. And how long did this advance training last for?

19 A. Three months.

09:30:32 20 Q. And what additional things were you taught during this
21 advance training?

22 A. Well, it was plenty.

23 Q. But can you give some examples?

24 A. Yes, yes. For instance, during the advance training, we
09:30:55 25 did something on artilleries like mortars, anti-aircraft, those
26 big weapons. SPG, we did something on ground missiles, and if
27 there is a helicopter up, you want to come down from it. It's
28 something like 9 o'clock formation to 6 o'clock, so we were
29 taught different, different things.

1 Q. So more advance skills than at the basic training which you
2 undertook?

3 A. Yes, yes.

4 Q. And the purpose of your training was to protect the people
09:31:39 5 of Sierra Leone from the RUF, wasn't it?

6 A. Yes.

7 Q. Now, during your training, you weren't told that the
8 purpose of your training was to kill innocent civilians, were
9 you?

09:31:59 10 A. I was never told that.

11 Q. And you were never told that the purpose of your training
12 was to amputate the arms of innocent civilians, were you?

13 A. I was never told that. I never came across that.

14 Q. And you were never told that the purpose of your training
09:32:27 15 was to burn down the houses of innocent civilians, were you?

16 A. No, they did not tell me that.

17 Q. The purpose of your training was to fight the RUF who were
18 your enemy, wasn't it?

19 A. Exactly.

09:32:51 20 Q. Now, after your training you were sent to Daru, where you
21 then proceeded to the Koindu border; is that right?

22 A. Yes, to advance against the RUF.

23 Q. And during that advance, you captured Kailahun and Bendugu
24 from the RUF?

09:33:13 25 A. Yes.

26 Q. Now, did you actually personally take part in the fighting?

27 A. Yes.

28 Q. And were you a part of a company or a platoon?

29 A. A company. I was part of a company.

1 Q. And, as part of a company, did you have platoons within
2 that company?

3 A. Yes, there were three companies.

4 Q. Okay. And a brigade at the top?

09:33:50 5 A. Yes.

6 Q. And, in a company, was it divided into platoons as well?

7 A. Yes. Any company had three platoons in a particular
8 company and the headquarter.

9 Q. Okay. And what about platoons, were they divided into any
09:34:12 10 sections or other smaller group?

11 A. Yes, into sections. Every platoon had four sections.

12 Q. So you had section, platoon, company, brigade; is that
13 right, as a structure?

14 A. Battalion, battalion.

09:34:31 15 Q. Battalion?

16 A. Battalion and brigade. After company, you go to battalion.
17 From battalion, you go to brigade.

18 Q. And each section had a commander who reported to the
19 platoon commander; is that right?

09:34:48 20 A. Yes. The section is the last corporal, normally, or a
21 corporal, most times.

22 Q. But he would be under the command of the platoon commander;
23 is that right?

24 A. Yes.

09:35:05 25 Q. And the platoon commander would be under the command of a
26 company commander?

27 A. The company commander, yes.

28 Q. And the company commander would be under the overall
29 command, I think, of the -- is it battalion commander?

1 A. Yes.

2 Q. And this was known as a chain of command; is that right?

3 A. Exactly.

4 Q. And orders would come up and down this chain of command; is
09:35:41 5 that right?

6 A. Yes.

7 Q. Now, you followed the orders of your commanding officer?

8 A. Yes.

9 Q. And the other SLAs around you also followed the orders of
09:36:02 10 their commanding officers?

11 A. Yes.

12 Q. Now, the SLA had been fighting against the RUF since around
13 1991, hadn't they?

14 A. Yes.

09:36:21 15 Q. And just before the removal of President Kabbah's
16 government in 1997, the SLA was still fighting against the RUF,
17 weren't they?

18 A. Yes.

19 Q. And during this six-year period, the SLA had won some
09:36:39 20 battles against the RUF, hadn't they?

21 A. Yes.

22 Q. And prior to the May 1997 overthrow of the Kabbah
23 government, the RUF hadn't been able to overrun Sierra Leone, had
24 it?

09:37:07 25 A. Yes, they were unable.

26 Q. Now, you say you were fighting in combat against the RUF.
27 Did you have a rifle?

28 A. Yes.

29 Q. And did it fire?

1 A. Yes.

2 Q. And did other soldiers you were fighting with, did they
3 also have weapons?

4 A. Also just had weapons.

09:37:32 5 Q. And those weapons were firing and working; firing bullets
6 at the enemy?

7 A. Yes.

8 Q. Now, during the war with the RUF, did you hear that the RUF
9 used to amputate the arms of civilians?

09:37:58 10 A. Yes. Even the hands of the soldiers themselves. I heard,
11 on many occasions, that soldiers' hands were chopped off and I
12 even saw a soldier whose hands was chopped off.

13 Q. Now, did you think it was wrong for the RUF to amputate the
14 arms of civilians and soldiers?

09:38:18 15 A. Yes, it was wrong.

16 Q. And during the war with the RUF, did you amputate any arms
17 of civilians or captured RUF soldiers?

18 A. I never did that.

19 Q. And you didn't do it because you knew it was wrong to do
09:38:46 20 so, didn't you?

21 A. Yes.

22 Q. Now, during the intervention, ECOMOG were dropping bombs,
23 missiles, which killed civilians, weren't they?

24 A. Yes.

09:39:04 25 Q. And you would agree with me that it was wrong of ECOMOG to
26 bomb and kill innocent civilians, wouldn't you?

27 A. Yes.

28 Q. And did you also hear that ECOMOG were killing SLAs who
29 were surrendering?

1 A. Yes.

2 Q. And you would agree with me that it was wrong for ECOMOG to
3 kill SLAs who were surrendering, wouldn't you?

4 A. Yes. Quite wrong.

09:39:37 5 Q. Now, you were at the RDF, which is the Rapid Deployment
6 Force, in Sumbuya, in May of 1997, weren't you?

7 A. Yes.

8 Q. And you say that you could not remember the number of
9 soldiers at RDF, because soldiers were coming and going from

09:40:01 10 various battalions at Sumbuya; is that right?

11 A. Yes, yes.

12 Q. So Sumbuya was also a training centre for SLAs, wasn't it?

13 A. No. It was a deployment, that if anywhere was attacked
14 around that area, the soldiers moved from there and then repelled
09:40:27 15 the attack. And if they wanted to create any advance against the
16 RUF, most soldiers from different battalions would meet there as
17 a pivot place for them to forge ahead.

18 Q. So it was a rendezvous view point, if you like, before
19 certain deployments proceeded on operations against the RUF?

09:40:45 20 A. Yes. RDF was one amongst the places that soldiers came to
21 meet so that they could advance.

22 Q. Okay. Now, roughly, how many days after the May 1997
23 overthrow was it before you came to Freetown?

24 A. It was the same day.

09:41:16 25 Q. And you say that the AFRC government was formed and that
26 Johnny Paul Koroma was its leader; is that right?

27 A. Yes.

28 Q. The AFRC government was a mixture of SLAs and RUF, wasn't
29 it?

1 A. Yes, yes.

2 Q. Now, you said that, in the AFRC government, you also knew
3 Honourable Sule, Honourable Momoh and Honourable Hector Bob
4 Lahai; is that right?

09:41:51 5 A. Yes.

6 Q. Now, Honourable Momoh was also known as Dotti, wasn't he?

7 A. Yes.

8 Q. Now, why were Sule, Momoh and Hector Bob Lahai called
9 honourables?

09:42:10 10 A. Well, that was how I heard people call them, that they were
11 members of the council; they were honourables.

12 Q. But were you ever curious to find out why they were given
13 this title as honourables?

14 A. Well, I was never eager to know about that because, during
09:42:38 15 those days, there was fighting going on. And most times I was at
16 the front line, so I would not want to know what was happening at
17 the rear.

18 Q. Now, you stayed in Freetown, from your arrival in May 1997,
19 until the intervention, didn't you?

09:42:54 20 A. Yes.

21 Q. Whilst you were in Freetown, did you hear that Alex Tamba
22 Brima was also referred to as an honourable?

23 A. No.

24 Q. Did you hear that Alex Tamba Brima was a member of the AFRC
09:43:17 25 government?

26 A. Tamba Brima? I know about Tamba Brima. I don't know Alex
27 Tamba Brima, but I know Tamba Brima.

28 Q. But did you know that a Tamba Brima was a member of the
29 AFRC government?

1 A. Well, I used to hear that but I never had the chance to
2 meet him face to face throughout the AFRC time.

3 Q. And did you hear that he was a PLO 2?

4 A. I heard that.

09:44:03 5 Q. And Alex Tamba's Brima rank, after the coup but before the
6 intervention, was a staff sergeant, wasn't he?

7 A. I don't know about that, I cannot recall that.

8 Q. But with the permission of the Court I would like to show
9 the witness a document. I also have copies of that document for
09:44:32 10 the Court and learned Defence counsel, so that they can also see
11 it. Now, witness, you can read and write, can't you?

12 A. Yes.

13 Q. So I'm going to show you a document and ask you to comment
14 on it?

09:44:52 15 A. Okay.

16 Q. Now, you will see at the top it is restricted, and it's
17 from the Office of the President, State House, Freetown and there
18 is an emblem; do you see that?

19 A. Yes, I can see it.

09:45:55 20 Q. And it's from office of the PLO 2 and it's to all O/C and
21 securities at checkpoints. Do you see that?

22 A. Yes, I am seeing it.

23 Q. And for information it's to PLO 1 and 3, National Security
24 Agency, Inspector General; you see that?

09:46:11 25 A. Yes.

26 Q. And the subject is "Appointment/customs representatives"
27 and the date just above that is September 1997. Do you see that?

28 A. I saw the date.

29 Q. And it's September 1997, isn't it?

1 A. That is what is written there.

2 Q. Okay. And I will read you a part of this letter and just
3 get you to confirm that's the same before you. "1. Bearer of
4 this note W02 Bangura LF has been appointed as my agent
09:46:58 5 representative in the Kambia/Guinea border region. 2. He will
6 oversee the running of the Customs and Excise and Immigration
7 Departments in the border areas of the above. Authorised access
8 through your area of responsibility, AOR, without hindrance or
9 molestation of any sort. 3. To reaffirm the purpose and
09:47:25 10 justification of this note, contact could be made on any of the
11 above stated telephone number. 4. Counting on your national
12 co-operation and understanding, grateful you expedite." Now, you
13 see that?

14 A. Yes, I have seen it but a mistake that I detected on the
09:47:49 15 paper, I never knew that AFRC had a president office.

16 Q. Okay. That is fine. But we will just ask you to confine
17 your comment on the letter and then you will see the name
18 underneath is Hon Tamba Alex Brima. Do you see that?

19 A. I am seeing it. This paper could be printed by anybody
09:48:12 20 else because I can see Office of the President and AFRC never had
21 a president. So AFRC had a head of state. It can be that this
22 paper could be printed by any other person then say it was an
23 AFRC printed paper. This is just a paper, an ordinary paper.

24 Q. And do you see underneath, name, appointment, PLO 2?

09:48:36 25 A. I have seen it. I have seen it.

26 Q. And do you see rank S Sergeant?

27 A. I have seen that.

28 Q. And S Sergeant would stand for staff sergeant; is that
29 right?

1 A. Yes.

2 Q. And the signature would appear to be of TA Brima,
3 S Sergeant; would that be right?

4 A. Yes, you are right. It is written there TA Brima.

09:49:18 5 Q. So if we come back to the name, Honourable Tamba Alex
6 Brima, would you agree with me now that Alex Tamba Brima was
7 referred to as an honourable?

8 A. As I told you, I only know Tamba Brima. I don't know Alex
9 Tamba Brima. I know Tamba Brima.

09:49:43 10 Q. But the person named Alex Tamba Brima, you would agree with
11 me that it's an honourable in front of him?

12 A. Honourable, no. Honourable, I never heard he was an
13 honourable.

14 Q. Look --

09:50:04 15 A. Because honourable is different.

16 Q. But whether you heard or not does this paper indicate to
17 you that it's Honourable Tamba Alex Brima?

18 PRESIDING JUDGE: What exactly does that prove, Mr Agha?

19 You have shown him a piece of paper on which is written

09:50:27 20 Honourable Tamba Alex Brima and you are asking him to say does
21 that say the Honourable Tamba Alex Brima? What exactly does it
22 prove?

23 MR AGHA: Well, I'm suggesting -- I retract the question.

24 Q. I suggest to you that a person known as Alex Tamba Brima
09:50:41 25 was an honourable?

26 A. As I told you --

27 MR DANIELS: Objection, Your Honour, because, I mean, he,
28 the Prosecution is talking about Alex Tamba Brima and the
29 document is talking about Tamba Alex Brima. They are two

1 different persons, two different names.

2 PRESIDING JUDGE: Mr Agha, the document doesn't mention
3 Alex Tamba Brima.

4 MR AGHA: Okay.

09:51:09 5 Q. I suggest to you that Tamba Alex Brima was an honourable?

6 A. Well, the name that you are calling, I don't know. I have
7 told you that I know Tamba Brima. I don't know that Tamba Alex
8 Brima.

9 Q. And I suggest to you that Honourable Tamba Alex Brima had
09:51:27 10 the rank of a staff sergeant?

11 A. Well, I don't know but as you can see it is written on the
12 paper, but I don't know.

13 MR AGHA: Now, Your Honours, I ask for this document to be
14 tendered as a Prosecution Exhibit.

09:51:44 15 PRESIDING JUDGE: It can't be tendered through this
16 witness.

17 MR GRAHAM I object.

18 PRESIDING JUDGE: No, just a minute.

19 MR GRAHAM Sorry.

09:51:50 20 PRESIDING JUDGE: It can't be tendered through this
21 witness. He has denied everything that has been written on it.
22 It's not his document either.

23 MR AGHA: But, Your Honour, the submission of the
24 Prosecution is that it's a relevant document and under 89(C) any
09:52:06 25 document which is relevant should be admissible.

26 PRESIDING JUDGE: What is your objection, Mr Graham?

27 MR GRAHAM Your Honours, I object. Clearly, I mean, the
28 document that we have at hand is not even the original, I mean,
29 document. My learned friend has not led any evidence to give us

1 any authentication as to the document as well and, Your Honours,
2 on these grounds, I object even to the tendering of the document
3 on these grounds.

09:52:37 4 PRESIDING JUDGE: Well, it seems to me you haven't even
5 established relevance. The alleged name of the first accused is
6 Alex Tamba Brima. This refers to somebody called Tamba Alex
7 Brima, so where is the relevance especially if it's denied by
8 this witness that he even knows Alex Tamba Brima, let alone Tamba
9 Alex Brima?

09:53:00 10 MR AGHA: Well, firstly, Your Honour, we have the original
11 on the point which you raised, it concerns the relevance of
12 whether the first accused was a PLO 2; whether he was active in
13 his office on the date given; whether he did have the ability to
14 give instructions or not; and whether he was fulfilling his role
09:53:18 15 as PLO 2; whether he was an honourable, all of which he denies.

16 PRESIDING JUDGE: This is a Tamba Alex Brima we are talking
17 about here. Are you saying that is an interchangeable name with
18 Alex Tamba Brima?

09:53:35 19 MR AGHA: I am suggesting, Your Honour, that the name often
20 used, well, the name which is in dispute is that he is ever
21 referred to as Alex. I mean, the case, as I understand the
22 Defence, and the accused himself, is his name is Tamba Brima and
23 he has never been referred to as Alex.

24 PRESIDING JUDGE: All right. Thank you, Mr Agha.

09:53:53 25 JUDGE SEBUTINDE: But, Mr Agha, what is your reply to the
26 fact that this witness is not the author or signer of this
27 document and, in addition, has denied knowledge of this document?
28 How can you use him to tender this document? You might have
29 tried to tender it in using a more relevant witness; what is your

1 response to that?

2 MR AGHA: The response to that, Your Honour, is I agree
3 with you. It would have been better to have been put forward to
4 a more relevant witness. But this document only came to my
09:54:25 5 attention through somebody else on another case when only this
6 witness was left. So it was my only option and my view of the
7 document is that under 89(C) it is a relevant document and we
8 have the original of it and whatever weight the Court should
9 choose to give to that document is obviously up to the Court.

09:54:53 10 But the submission of the Prosecution is, it is such a document
11 which will help the Court ascertain the truth of the matter and,
12 as such, it should be exhibited and the Court may choose to use
13 it how it so pleases.

14 PRESIDING JUDGE: Yes. We rule that this document cannot
09:55:35 15 be tendered through this witness. We reject the tender.

16 MR AGHA: Perhaps we could -- the Court attendant could
17 collect the document back from the witness. I don't think he
18 needs it anymore.

19 Q. Now, witness, you know the ranks in the army from let's say
09:56:13 20 lance-corporal, sergeant, upwards; do you?

21 A. Yes, I know them all.

22 Q. And is a staff sergeant higher than or lower than a warrant
23 officer 2?

24 A. It is lower than warrant officer 2. You move from staff
09:56:37 25 sergeant before you go to warrant officer 2. From there you go
26 to warrant officer 1. Then you have RSM sergeant major and
27 warrant officer 2.

28 Q. So warrant officer 2 is more senior in rank to a staff
29 sergeant?

1 A. Yes.

2 Q. Now, I say to you you are lying and you know that full well
3 that Alex Tamba Brima was an honourable?

09:57:12 4 A. Well, I don't know about that. As I told you, I don't know
5 about that.

6 Q. And had you ever come across Tamba Brima, as you refer to
7 him, before the intervention?

8 A. No.

09:57:29 9 Q. And what about during; did you ever see him during the
10 intervention?

11 A. No, no.

12 Q. You knew his nickname was Gullit, didn't you?

13 A. I have never heard that name except today.

09:57:49 14 Q. I say that you are lying and you know full well that the
15 first accused is referred to as Gullit?

16 A. Well, as I am conscious that I am under oath, I don't think
17 I will lie to this Court. What I know about is what I will say.

18 Q. Did you hear that Ibrahim Bazy Kamara was referred to as
19 an honourable?

09:58:09 20 A. No.

21 Q. I say again that you are lying and you knew full well
22 throughout your stay in Freetown that Ibrahim Bazy Kamara was
23 referred to as an honourable?

24 A. That is not true.

09:58:29 25 Q. Did you hear that Ibrahim Bazy Kamara was a member of the
26 AFRC government?

27 A. Yes.

28 Q. And did you hear that Santigie Kanu, aka Five-Five, was
29 referred to as an honourable?

1 A. Santigie Kanu? No, no. Santigie Kanu, it was when we were
2 retreating that I saw him

3 Q. You never came to hear that he was referred to as an
4 honourable; is that what you are saying?

09:59:09

5 A. Well, to say honourable, anybody could be called
6 honourable. Probably when you have money, you could be called
7 honourable. Even for myself, who is sitting here, I was called
8 an honourable because I was somebody who had manpower on him.
9 Today in Sierra Leone, even when you have money, people call you
10 honourable. Probably it is possible that he was called an
11 honourable because he was a senior soldier. But I never knew he
12 was an AFRC member or not.

09:59:32

13 Q. Now, did you hear that the honourables were the soldiers
14 who had overthrown President Kabbah's government?

09:59:50

15 A. No. It was not everybody who was called honourable that
16 took part in the overthrow. Even some people who did not take
17 part in the overthrow were called honourable. Except when
18 somebody was very hard, it was left with you to be very hard.
19 Some people were even impersonating to be honourables. So I can
20 say more than 200 soldiers, at that time, were called -- referred
21 to as honourables.

10:00:17

22 Q. I say to you you are lying and 200 soldiers were never
23 referred to as honourables between May 1997 and the intervention?

10:00:35

24 A. Well, as I'm telling you that I'm saying the truth, during
25 that time, when you have a Hilux vehicle, you have two or three
26 boys in that Hilux, you will be called an honourable. The
27 honourables themselves who had their government, who formed the
28 AFRC, were there. But other soldiers were also called
29 honourables. I myself, sitting here, was called an honourable.

1 I could go elsewhere and impersonate and people used to call me
2 honourable, so it was left with individual. But what I'm saying
3 here, I know I'm saying the truth.

10:01:10 4 PRESIDING JUDGE: Mr Witness, I'm just having trouble
5 following your evidence. You are saying that at the time the
6 SLPP government was overthrown, you knew about 200 soldiers that
7 were called honourables?

10:01:33 8 THE WITNESS: Yes, My Lord. As I told you, many soldiers
9 were called honourables, because everybody was impersonating that
10 he was an honourable. Even myself, sitting here, I impersonated
11 that I was an honourable and I used to go -- in some places,
12 people used to call me honourable.

10:01:53 13 PRESIDING JUDGE: I see. And how many of those 200 people,
14 who were soldiers that used to call themselves honourables, do
15 you know, participated in the overthrow of the SLPP government?

16 THE WITNESS: Well, I heard that there were 17 in number,
17 but I did not know all the 17 members. But what I heard was 17
18 men formed the AFRC, but I did not know all of them. Yes.

10:02:22 19 MR AGHA:
20 Q. Now, you mentioned that you knew Honourable Momoh, Sule and
21 Hector Bob Lahai. What did these honourables do in the AFRC
22 government?

23 A. Well, those ones, they themselves, they were the ones who
24 formed the government, and they were always at the front line.
10:02:44 25 At any time the ECOMOG attacked, they were always without fears,
26 so those ones, they were very close to us and a lot of soldiers
27 knew them very well.

28 Q. And did they have securities?

29 A. Yes, they had securities.

1 Q. And they were regarded as important people?

2 A. Well, not -- as you see him, you know that he is important.
3 You'll not be told, but if the person was not important, he
4 wouldn't have had securities.

10:03:30 5 Q. Now, you say that you didn't see Alex Tamba Brima
6 throughout your stay in Freetown before the intervention. Didn't
7 you even see him when you went to Cockerill headquarters?

8 A. Well, as I told you, at all times, I was at the front line.
9 If I came over to this place just to search for food, I had my
10:03:54 10 Hilux for myself. I had a grenade launcher behind. I was at the
11 front. That is Calaba Town. If I come down to Cockerill just to
12 collect ammunition, I hadn't more time to spend in town.

13 Q. I say to you you are lying, and you saw Alex Tamba Brima
14 whilst you were in Freetown, from the coup until the
10:04:15 15 intervention?

16 A. I cannot lie because I am under oath. What I'm saying to
17 this Court is the truth and that is the truth.

18 Q. Now, did you see Ibrahim Bazzy Kamara at all whilst you
19 were in Freetown from May 1997 until the intervention?

10:04:38 20 A. No.

21 Q. I again say to you that you are lying, and you did see
22 Ibrahim Bazzy Kamara in Freetown, from the coup until the
23 intervention?

24 A. It is not lies. I'm saying the truth.

10:05:01 25 Q. Don't you remember visiting him at his residence in Hill
26 Station with Momoh?

27 A. I never went there. I never went there. The only time I
28 went to Hill Station, it was the time the ECOMOG were advancing
29 from -- towards Hill Station, that was the time I went there.

1 Q. Okay. And what about Santigie Kanu, aka Five-Five, did you
2 see him at all in Freetown, between May 1997 until the
3 intervention?

10:05:48

4 A. As I've told you, I was always at the front line. I cannot
5 recall again as to whether I saw him or not.

6 Q. When you say you were always at the front line, I thought
7 you were driving around in your Hilux with your boys?

10:06:15

8 A. The Hilux, in it was a grenade launcher, so it was always
9 at the front line. If it were here that the enemies were, well,
10 the Hilux will be stationed at the --

11 THE INTERPRETER: The interpreter is sorry, he has missed
12 something. Could the witness come again.

13 PRESIDING JUDGE: Could you repeat your answer, please.
14 The interpreter didn't hear everything you said.

10:06:35

15 THE WITNESS: The Hilux, it could be at the rear. If the
16 enemy were here, I will leave the Hilux at the rear, like the
17 Brookfields Hotel. Then I would move a little bit to attack the
18 enemies and, from the Hilux there, you have people that will fire
19 to give me support while attacking the enemies. So the Hilux was
20 always at the front.

10:07:03

21 MR AGHA:

22 Q. So how did you know where the enemies were?

23 A. I used to see them. So while they were at Jui, I saw them
24 When they attacked onto Allen Town, I saw them. They advanced.

10:07:23

25 They used to see us and we, too, used to see them.

26 Q. But did you have radios to communicate with other members
27 of the forces, of the SLAs, who were trying to stem the advance?

28 A. No.

29 Q. But you all managed through seeing each other to come in

1 position at the rear and defend; is that right?

2 A. Yes, because we were close to ourselves.

3 Q. So you've organised yourself to defend, repel the attack;
4 is that right?

10:08:03 5 A. Yes.

6 Q. So I say to you that there was a command and control
7 structure in Freetown from the fall of Kabbah's government until
8 ECOMOG intervention; what do you have to say about that?

9 A. There was no command and control as such because everything
10:08:30 10 was mixed up in the city. There were the RUF. When the RUF
11 came, there was no command and control, as such. Yes. More so
12 at the battle front.

13 Q. But you reported to Cockerill Barracks, didn't you?

14 A. Except when I had wanted termination.

10:08:57 15 THE INTERPRETER: Sorry, sorry. The interpreter is sorry.
16 He has been corrected by the next interpreter. Except when I
17 wanted ammunition.

18 MR AGHA:

19 Q. Johnny Paul Koroma was commander-in-chief, wasn't he?

10:09:10 20 A. He was the head of state. I don't know about whether he
21 was commander-in-chief. He was the head of state.

22 Q. What about Brigadier Mani? He held a senior position,
23 didn't he?

24 A. Brigadier Mani? He was a colonel during that time. I
10:09:37 25 cannot recall his right position during that period.

26 Q. SFY Koroma held a senior position during that period,
27 didn't he?

28 A. Yes, he was the chief of defence staff, the CDS.

29 Q. And SO Williams was chief of army staff, wasn't he?

1 A. Yes, yes.

2 Q. And you had various brigade commanders up and down the
3 country, didn't you?

4 A. Yes.

10:10:08 5 Q. And if, let's say, SO Williams gave you an order, you would
6 follow it, wouldn't you?

7 A. Yes.

8 Q. And did you hear about the honourables such as Hassan Papa
9 Bangura, who was arrested for looting the Iranian Embassy?

10:10:32 10 A. Yes, I heard about that.

11 Q. So the SLAs were surrendering to arrest. If such orders
12 was given, the discipline was maintained, wasn't it?

13 A. Yes.

14 Q. Now, you say that you were promoted in rank to sergeant in
10:10:59 15 1996, at the time of the SLPP government, don't you?

16 A. Yes.

17 Q. What rank was Honourable Momoh, aka Dotti, at the time of
18 the coup?

19 A. During that time he was a private soldier.

10:11:24 20 Q. So you were more senior in rank to him?

21 A. Yes.

22 Q. But through his position, through his appointment as an
23 honourable, Momoh Dotti held a higher position than you, didn't
24 he?

10:11:41 25 A. Yes.

26 Q. And this was based on the military concept of position
27 superseding rank, wasn't it?

28 A. Yes.

29 Q. Now, during the intervention, you and your squad mates

1 fought against the ECOMOG forces as you've said, didn't you?

2 A. Yes.

3 Q. And you did your best to keep the ECOMOG advance away,
4 didn't you?

10:12:14 5 A. Exactly.

6 Q. And how long, roughly, were you fighting the ECOMOG before
7 you had to pull out?

8 A. We used to fight them continuously, say a week, and there
9 was a cease-fire. When they observed that we were about to
10:12:41 10 capture all of them, they will call for peace. At any time they
11 had some reinforcement from Lungi, they will continue to attack.
12 After one or two weeks, when they found out that they have been
13 stranded, and they knew that we pressured them, we mounted
14 pressure on them, they will ask for a cease-fire, and they
10:13:07 15 continued to beg us. Yes.

16 Q. So, in fact, it was your forces who were pushing ECOMOG
17 back and only when they had been in a difficult situation, they
18 asked for the cease-fire; is that right?

19 A. Yes. They used to advance on us and, at times, we too will
10:13:28 20 repel them unto the place they came from to their trenches, so we
21 used to advance on them. So they will ask us to make a
22 cease-fire, so they will hoist their white flag up.

23 Q. And was one of the reasons why, in the end, ECOMOG overran
24 you, because you ran short of ammunition?

10:13:50 25 A. Yes. We ran out of ammunition. We hadn't RPG bombs, and
26 many other weapons, a lot of weapons, there were no rounds in
27 them.

28 Q. Now, you say that you pulled out of Freetown in around 13
29 February and went to Masiaka; is that right?

1 A. Yes.

2 Q. And at Masiaka you saw SAJ Musa, didn't you?

3 A. Yes.

4 Q. And you said that you did not know his occupation, didn't
10:14:32 5 you?

6 A. I don't know because I heard that he was to come and
7 deputise Johnny Paul but I think that didn't work here.

8 Q. So, is it your evidence that during the whole time you
9 stayed in Freetown, prior to the intervention, you did not learn
10:14:56 10 that SAJ Musa was a soldier?

11 A. I knew. He was one -- the vice chairman NPRC, so I knew
12 very well that he was a soldier and he was a colonel.

13 Q. And he held a senior position in the AFRC government after
14 Johnny Paul Koroma, didn't he?

10:15:28 15 A. Yes, but I didn't know his right position because I heard
16 that he was to deputise Johnny Paul and I heard that since Pa
17 Sankoh was not yet around, he was to deputise Johnny Paul and,
18 during the period, I didn't know the right person and SAJ Musa
19 had his own security and he was a big man but I don't know his
10:15:47 20 right position.

21 Q. Now, you say that when you reached Masiaka you learnt that
22 Johnny Paul Koroma had made an announcement over the radio; do
23 you remember that?

24 A. Yes, I heard about that.

10:16:02 25 Q. Did you learn that Johnny Paul Koroma had announced
26 Operation Pay Yourself because he was unable to pay his troops?

27 A. I didn't hear about that, anyway. I heard that he
28 announced that he was at the hills and he will later come back to
29 Freetown.

1 Q. So you never heard about Operation Pay Yourself; is that
2 what you are saying?

3 A. Operation Pay Yourself, it was common, it was the common
4 expression among all soldiers and RUF. There were some members
10:16:44 5 who will say let us go and surrender but that was common. I
6 wouldn't say it was Johnny Paul who gave that order or not.

7 Q. But Operation Pay Yourself led to looting by SLAs and RUF,
8 didn't it?

9 A. Well, looting was common.

10:17:05 10 Q. Yes, by both SLAs and RUF as they were retreating from
11 Freetown, wasn't it?

12 A. Retreat? That is the time we were withdrawing, that we
13 were going at the rear. That was the time the looting started
14 because the people themselves were afraid and they were running
10:17:27 15 away, when they saw the soldiers, so they ran away. So when the
16 places were left empty, the soldiers and the RUF would enter
17 their places and looted, so looting was going on.

18 Q. Now, you then from Masiaka you moved to Makeni, didn't you?

19 A. Yes.

10:17:52 20 Q. And you stayed about a week there?

21 A. Yes.

22 Q. Was SAJ Musa at Makeni when you arrived?

23 A. SAJ Musa went to Makeni and he passed through Makeni, went
24 to Kabala, and that was where, the place where he was.

10:18:13 25 Q. But were you in Makeni when SAJ Musa passed through?

26 A. Yes.

27 Q. And did you hear that SAJ Musa held a muster parade at
28 Makeni?

29 A. No. Because during that time, as I've told you, SAJ Musa,

1 as I've said in this Court, SAJ Musa hadn't much power in Makeni
2 because during that time, as I've told this Court, every soldier
3 was claiming to be an honourable. The staff sergeants and others
4 were claiming to be honourables. But SAJ Musa hadn't much power
10:18:59 5 during that time. But when we went as far as Mongo, that was the
6 time SAJ Musa had total control. In Makeni, soldiers did not
7 listen to him. If he claimed to be an honourable soldiers will
8 not listen to you because during that time everybody, all the
9 soldiers were disgruntled, and saying that any honourable they
10:19:25 10 saw they would have killed him, so no honourable was bold enough
11 to face them; you understand.

12 Q. I say to you that you are lying and that SAJ Musa did
13 organise the SLAs at Makeni; what do you have to say about that?

14 A. Well, he wasn't there. You were not there. I was there.
10:19:44 15 So what I'm telling you is what you have to rely on, not what
16 people told you. I was there. I believe I'm saying the truth
17 because I am under oath, not what people told you because you
18 gave them money in order for them to tell you. What I am telling
19 you is what you are bound to accept.

10:20:03 20 Q. You then went from Makeni to Lunsar, didn't you?

21 A. When I went to Makeni, I didn't go to Lunsar. I went to
22 Kabala.

23 Q. But you said that the person who said before this Court
24 that Ibrahim Bazy Kamara had robbed a bank in Lunsar was lying
10:20:27 25 because maybe he wanted some money or influence, didn't you?

26 A. That was what I said.

27 Q. What about you; are you lying because you want some money?

28 A. If it were for money, I wouldn't have been, I wouldn't have
29 been in this Court because I am given nothing that would be of

1 benefit to me. I wouldn't have been here to say something in
2 this Court. It is because I want to say the truth, that's why I
3 am here in this Court.

4 Q. I say to you that you have come to this Court to lie in
10:21:01 5 order to protect the three accused who were your brother
6 commanders in the jungle, haven't you?

7 A. That is not true, what you are saying. I am here because I
8 observed, I've observed that the Prosecution is giving money to
9 people to come and say lies to this Court. That is why I've come
10:21:28 10 to -- come and say the truth because people have been saying it
11 out there, that they have been given money to come and say lies
12 against people. But I believe that what I am saying is what you
13 should accept because I was on the ground. They will tell you
14 that the man that was on the ground was more senior to us and he
10:21:49 15 knew what was going on better than we do.

16 Q. So you heard that all the Prosecution witnesses had been
17 paid to come and lie here?

18 A. That's what I've told you. That's exactly what -- that's
19 exactly the way it happened. That's exactly. They've been paid
10:22:09 20 to come and say lies against people in this Court.

21 Q. Now, at Kabala, SAJ Musa was present, wasn't he?

22 A. Yes.

23 Q. And according to you SAJ Musa at that time, in Kabala, was
24 an ordinary man for himself and that it was only after Kabala
10:22:31 25 that he became a commander, don't you?

26 A. He was a commander but he hadn't much saying over the
27 troop. It was only when he went to Mongo, that was the time he
28 had an effective command. When he was at Kabala, the ordinary
29 soldiers had sayings; even if SAJ Musa spoke to them they were

1 not listening to him

2 Q. I say to you that SAJ Musa was not an ordinary man for
3 himself at Kabala and you are lying; what do you have to say
4 about that?

10:23:02 5 A. As I have told you, I said SAJ Musa was a commander but he
6 hadn't effective command. That is what -- that is what I meant a
7 man by himself. You can be a commander but he hadn't an
8 effective -- an effective command. Soldiers had security more
9 than SAJ Musa during that period. Even myself had more security
10:23:26 10 than SAJ Musa. I wouldn't listen to his command because he was a
11 big man. It was only when we went to Mongo that he had an
12 effective command. When he say any word, everybody was listen to
13 him, but when he went to Kabala he spoke to us, we listened, but
14 not that much.

10:23:43 15 Q. So why, after such a short period, did everyone not listen
16 to him and then decide to listen to him?

17 A. Well, when we went back, when we were attacked, we watched
18 around and we realised that he was the most senior person and
19 wouldn't continue going like that, without a head, so, except we
10:24:13 20 had a head. That's the most senior man. So when we went to
21 Mongo, that was the time we realised that SAJ Musa was to be our
22 commander because he was the most senior person amongst us during
23 that time. That was why he was the head straight off, and he had
24 more security that added to the original security, he had at
10:24:36 25 Mongo, there, so that made him to be more powerful and stronger.

26 Q. So, according to you, another ranked soldier could become a
27 commander in the jungle after the intervention provided that he
28 had sufficient boys behind him; is that right?

29 A. Yes, other ranks could be. Somebody can be a commander.

1 You can make yourself a commander if you have money; if you are
2 -- if you are a very strong fighter; the soldiers could respect
3 you, they will be with you. You have vehicles, they will follow
4 you. If you go anywhere they will open the door of the vehicle
10:25:23 5 for you and you alight, so a lot of soldiers were commanders
6 during that time. A lot of them

7 Q. Then, according to you, all these commanders, because of
8 their own strength of personality or respect, then decided to
9 join SAJ Musa at Mongo; is that right?

10:25:40 10 A. Yes, because he was the most senior man. We were not
11 organised. We were scattered here and there. We hadn't a
12 commander as head who would have spoken to all of us. We
13 realised that there were infighting amongst ourselves and a lot
14 of problems among the soldiers. Those things were happening.
10:26:07 15 So, when we went at the rear, we fixed a command structure so
16 that things like that wouldn't happen again, and we wouldn't
17 withdraw as we did because when we were not under command if
18 there was an attack, everybody tried to pull out on his way but
19 if you had a commander, he was going to direct you as to the way
10:26:30 20 you are to follow and you would listen, so, but if anybody was to
21 claim to be a commander, everybody will withdraw on his own.
22 That caused the withdrawal that we -- we made. But when we went
23 to Mongo, when SAJ Musa was commanding us, we did not withdraw
24 again and it was from that time we hit on the ECOMOG.

10:26:52 25 Q. So you would say, according to you, is that Mongo Bendugu
26 that SAJ Musa put effective command in place?

27 A. Yes.

28 Q. Now, you say that you were going, before SAJ Musa put this
29 command in place in Mongo Bendugu, you say you were going up and

1 down in that your vehicle; is that right?

2 A. Yes.

3 Q. What were you doing going up and down in your vehicle?

4 A. Well, when I was going, moving from different places, in
10:27:38 5 fact, when I reached Makeni I had two vehicles. We used to -- we
6 used to move everywhere because the soldiers were at rampage.
7 For instance, the soldiers and the RUF would enter people's --
8 people's houses and my job and members in my group were to
9 restrain them from entering people's houses. Anywhere we saw
10:28:04 10 that the soldiers were to go out of hand we were to put them
11 under control.

12 Q. I say to you that while you were in Kabala, going up and
13 down in your vehicle, you were busy looting and stealing
14 property, weren't you?

10:28:17 15 A. If I looted property, where would I have taken that
16 property? I hadn't anywhere. That time I left Freetown, I had
17 my belongings, so I had no use of property during that time. I
18 had no use of money. The money I had I used to give to civilians
19 and soldiers, those who thought money was valuable during that
10:28:46 20 time. I gave them the monies so that they wouldn't stand, and I
21 told them not to run and go to Guinea so that the soldiers would
22 not kill them. So I hadn't use of property. The soldiers that
23 used to loot were the ones that had wanted to run away. Any
24 soldier that stayed, stayed with us, wouldn't loot but anyone you
10:29:08 25 see looting were the ones that were ready to run away and
26 surrender to the ECOMOG, or go to Makeni when the ECOMOG came
27 there.

28 Q. I say to you that you were so busy looting in Kabala that
29 you wouldn't have any idea about what kind of command structure

1 SAJ Musa put in place at Kabala?

2 A. I have told you that if I had looted in Kabala, I wouldn't
3 have entered the bush because the soldiers that looted, still in
4 the vehicles, there was no way you can keep property. If I had
10:29:48 5 looted, what those looted property would have done for me? What
6 I cared for was the arms and ammunition, yes. That was the end
7 of it all because if I had looted I wouldn't have been able to
8 fight.

9 Q. My question to you is: You had no idea of the command
10:30:05 10 structure in Kabala because you were too busy going up and down
11 in your vehicle, weren't you?

12 A. I had an idea over the command structure in Kabala. In
13 fact, there was no firm command structure at Kabala. As you are
14 trying to talk about command structure, if anybody told you that
10:30:30 15 there was any strong command structure at Kabala that man must
16 have been lying to you. There was no strong command structure at
17 Kabala.

18 Q. Now at Kabala, you saw Santigie Kanu, aka Five-Five, didn't
19 you?

10:30:45 20 A. No.

21 Q. What about Superman, did you meet Superman in Kabala?

22 A. I saw him there. He came from Kono and came to Kabala. I
23 saw him at the roundabout. SAJ Musa was there at that time.
24 Superman came there. Even Mosquito came there. We were all at
10:31:07 25 the junction there.

26 Q. And you forged a good relationship with Superman whilst you
27 were in Kabala, didn't you?

28 A. No.

29 Q. You then went to Mongo Bendugu and then apparently you went

1 to Kurubonla, where you were camp commandant commander; is that
2 right?

3 A. Combat camp commander.

4 Q. And whilst you were combat camp commander you went on
10:31:49 5 unauthorised food-finding missions, didn't you?

6 A. Yes.

7 Q. And when SAJ Musa heard that you had killed civilians on
8 unauthorised food-finding missions, he wanted to demote you,
9 didn't he?

10:32:13 10 A. No. That is not true.

11 Q. And because you were afraid of being demoted you fled and
12 joined Superman in Kono, didn't you?

13 A. That is a lie.

14 Q. Your story that you were staying in this village about 11
10:32:35 15 miles away from Kurubonla for a month is a lie, isn't it?

16 A. I am saying the truth to you. I was there. So if I am
17 explaining to you you should listen. I am saying the truth. You
18 were not there.

19 Q. You were there for a period but then you disappeared off
10:33:01 20 with Superman, didn't you?

21 A. If it had happened that way I should have told the Court
22 about it but it never happened that way.

23 Q. You only joined SAJ Musa at Kurubonla much later when you
24 returned with Superman in around July 1998, didn't you? That's
10:33:33 25 right, isn't it?

26 A. The person who told you that particular word must have lied
27 to you. Probably he only did it for you to give him money. He
28 gave you blank information. That is not true at all.

29 Q. I am not talking about other people, witness, I'm talking

1 about you. You only returned in about July 1998 with Superman,
2 didn't you?

3 A. That is not true. The reason why I spoke about some other
4 people, it is because you are explaining about me as if you were
10:34:05 5 with me or you know much about me. Or that when I told you that
6 if things happened this way you say it is a lie. How -- I am
7 saying the truth. Whatever thing I say to you is true because
8 I am conscious that I am under oath in this Court.

9 PRESIDING JUDGE: Mr Witness, I will remind you, counsel is
10:34:24 10 asking you these questions because he is a barrister with the
11 Prosecution, and that his duty is to ask you these questions.
12 Your duty as a witness is to answer them. Don't go arguing with
13 counsel, just give him a straight answer.

14 THE WITNESS: Yes, okay, My Lord. I will try and do that.

10:34:45 15 MR AGHA:

16 Q. So, by the time you returned to Kurubonla, SAJ Musa had
17 already ordered Alex Tamba Brima and Ibrahim Bazy Kamara to find
18 a base in the Bombali District, hadn't he?

19 A. It's a lie. That is not true.

10:35:04 20 Q. You and Superman then joined SAJ Musa at Koinadugu Village,
21 didn't you?

22 A. It's a lie. That is not true.

23 Q. You say you remained in Koinadugu Village for about a month
24 or two, don't you?

10:35:20 25 A. Yes.

26 Q. And until the final split between SAJ Musa and Superman, at
27 the end of this period, the SLAs and RUF were living together at
28 Koinadugu Village, weren't they?

29 A. Yes.

1 Q. Both the SLAs and the RUF were defending the village
2 against ECOMOG and the CDF, weren't they?

3 A. Yes.

4 Q. And I say to you that this co-operation between the SLAs
10:36:01 5 and RUF only ended when SAJ Musa shot dead the RUF who killed the
6 recruit, didn't it?

7 A. Yes.

8 Q. And whilst you were in Koinadugu Village civilians were
9 forced to work for both the SLAs and RUF, weren't they?

10:36:26 10 A. No.

11 Q. So you never saw civilians being forced to carry food for
12 the SLAs and RUF while you were in Koinadugu Village?

13 A. It was not by force. We did not force anybody. The
14 civilians most times had their free will to work for us and
10:36:55 15 sometimes, when they see us, they ask us, "Sir, please sir, let
16 me help you put your load."

17 Q. So they were voluntarily helping you carry all your things
18 around?

19 A. Yes, yes.

10:37:10 20 Q. I say to you you are lying, you forced those civilians to
21 carry your things for you, didn't you?

22 A. That is not true. Anywhere where SAJ Musa was nobody will
23 use force in that area. The civilians lived with us in Koinadugu
24 peacefully. Not until the time we left Koinadugu that something
10:37:32 25 later happened and that was what I heard but in our case to say
26 soldiers were forcing civilians to work for them, no, it's a lie.

27 Q. What about building guard posts for the SLA and RUF around
28 Koinadugu Village; did you hear that civilians were made to do
29 that?

1 A. There was no checkpoints around Koinadugu Village.

2 Q. But did you hear of civilians being forced to build any
3 kind of structures around Koinadugu Village, whilst you were
4 there?

10:38:08 5 A. No, that never happened.

6 Q. So, according to you, the civilians in Koinadugu Village,
7 whilst you were there, led an ordinary life; is that right?

8 A. Yes.

9 Q. I say to you you are lying and that you forced the
10:38:32 10 civilians to work for you and almost made them slaves?

11 A. If we had forced them they must have run away from us but
12 the civilians were there with us peacefully. In the morning they
13 would go to their farms and in the evening they would come back.

14 If we had used force on them they would have left us there. And
10:38:57 15 I can say the civilians who were there with us, I can say they
16 were living peacefully. So if you see a civilian living around
17 where a junta was living you must have seen that they were living
18 peacefully with us.

19 Q. So civilians weren't locked in, let's say houses in a
10:39:18 20 village in large numbers, maybe 30, 40 in a house and kept there
21 until they were made to come out and work?

22 A. That is not true. It's a lie.

23 Q. Okay. Now, after you left Koinadugu, the RUF didn't kill
24 all the civilians in Koinadugu Village, did they?

10:39:43 25 A. That was what I heard. I was not there. We only heard
26 that they killed civilians and they burnt down the town.

27 Q. And you were told by one of your boys who was trained in
28 Kailahun about the killing of civilians in Koinadugu by the RUF,
29 weren't you?

1 A. Yes.

2 Q. You and the other SLAs were using child soldiers to fight
3 for you, weren't you?

4 A. No. We were all SLA soldiers and RUF.

10:40:26 5 Q. So what did you mean by the expression "your boy"?

6 A. When I say my boy, even if you were 50 years, as long as
7 you were under my command you were my boy because you were under
8 me, working for me. So when I say my boy, even if you were 60
9 years, that is my father's age rank, I will call you my boy

10:40:55 10 because you are under me.

11 Q. And that boy, or your boys, they would also be fighting
12 with you, wouldn't they?

13 A. Yes.

14 Q. And they would be helping you carry your kit around with
15 you, your food, your ammunition, wouldn't they?

10:41:10

16 A. That was their own job, to fight.

17 Q. Yes, but they were under you, weren't they? They were
18 under your command, weren't they?

19 A. Yes.

10:41:33 20 Q. Now, from Koinadugu Village you went to Tamaniya, didn't
21 you?

22 A. Tamaniya.

23 Q. I apologise for the pronunciation. And you were promoted
24 to major there by SAJ Musa, weren't you?

10:41:52

25 A. Yes.

26 Q. SAJ Musa also made you a battalion commander, didn't he?

27 A. Yes.

28 Q. SAJ Musa promoted you due to the good work which you did in
29 covering the withdrawal from Koinadugu Village, didn't he?

1 A. Yes.

2 Q. Now, you say that SAJ Musa had sent an advance party ahead
3 commanded by FAT Sesay, don't you?

4 A. That is what I said.

10:42:31 5 Q. And this advance party was in Rosos, Colonel Eddie Town,
6 don't you?

7 A. Yes. Yes.

8 Q. So this advance party initially set up base camp at Camp
9 Rosos, didn't it?

10:42:49 10 A. That was what I heard, but I was not there.

11 Q. And then it moved off to Colonel Eddie Town, didn't it?

12 A. Yes, we met them at Colonel Eddie Town.

13 Q. You are lying when you say that it was FAT who led the
14 advance party to Rosos and Colonel Eddie Town, aren't you?

10:43:18 15 A. It's not a lie. I'm saying the truth to you. As I told
16 you, I'm under oath, so whatever thing I say in this Court is the
17 truth.

18 Q. Now, did you meet people from the office of the Special
19 Court and give them your statement, tell them your story of
10:43:34 20 events?

21 A. Where?

22 Q. Anywhere, before coming into this Court?

23 A. People who came from Special Court met me to give me
24 statement, or that I met them to give them a statement? Please
10:44:00 25 put me through. I didn't understand you better.

26 Q. Did you meet anyone from the Special Court and did you give
27 a statement to anyone from the Special Court?

28 A. Yes.

29 Q. Now, we have a summary of your statement, and nowhere in

1 that summary is it mentioned about any advance party commanded by
2 FAT going ahead of SAJ. So, did you tell that to the people who
3 took down your statement?

10:44:45 4 A. Well, if I had said that I was going to explain everything
5 that I know about this war in my statement, I want to believe we
6 would have got -- it will have gone up to about two or three
7 months, so I wouldn't have explained everything. You have also
8 said a summary. It's a summary, yes, that is it.

10:45:04 9 Q. I say to you that you are lying; you never, ever, until you
10 came into this Court to give evidence, had any idea that FAT
11 Sesay led any advance party?

12 A. I have. I have an idea about that. I have it. That FAT
13 led the advance party.

14 PRESIDING JUDGE: Would that be a convenient time, Mr Agha?

10:45:31 15 MR AGHA: Yes, it would be.

16 PRESIDING JUDGE: All right. We will take a short break,
17 Mr Witness. I will remind you, don't discuss your evidence with
18 anybody.

19 THE WITNESS: Yes.

10:45:42 20 PRESIDING JUDGE: We will reconvene at 11 a.m.

21 THE WITNESS: Okay, My Lord.

22 [Break taken at 10.45 a.m.]

23 [Upon resuming at 11.04 a.m.]

24 THE PRESIDING JUDGE: Go ahead, Mr Agha.

11:03:46 25 MR AGHA:

26 Q. Now, witness, before we left off, we were talking about the
27 advance party which was led to Rosos and Colonel Eddie Town.
28 Now, I say to you that you are lying and you know full well this
29 advance party was led by Alex Tamba Brima.

1 A. FAT Sesay was the advance team commander.

2 Q. I say to you that Ibrahim Bazzy Kamara was Alex Tamba
3 Brima's second in command of this advance party?

4 A. That is a lie. It's the wrong information that you have.

11:04:27 5 Q. I also say to you that Santigie Kanu, aka Five-Five, was
6 one of the commanders of the advance party?

7 A. That is not true.

8 Q. Now, when you reached Colonel Eddie Town, you say that FAT
9 was in command, don't you?

11:04:53 10 A. Yes, that was what I said.

11 Q. I say to you that's a lie and that Alex Tamba Brima was in
12 command when you arrived at Colonel Eddie Town?

13 A. When I got there, I met Tamba Brima who was under arrest,
14 and Santigie Kanu under arrest, Bazzy Kamara under arrest and
11:05:19 15 some others were also under arrest. The commander that I met
16 there was FAT Sesay. He was in command.

17 Q. I also say that you are lying when you say Keforkeh was D
18 Company commander when you arrived at Colonel Eddie Town?

11:05:43 19 A. Well, anything that I say here is the truth, because I am
20 under oath. I was on the ground. What I say to you is the
21 truth.

22 Q. So you say you're not lying, that Keforkeh was D Company
23 commander?

24 A. I am not lying to you.

11:06:05 25 Q. Now, I also say to you you are lying when you found the
26 three accused under arrest at Colonel Eddie Town, aren't you?

27 A. I am saying the truth. I'm not lying.

28 Q. You're also lying when you say you found them in a box,
29 aren't you?

1 A. The boxes were there in the village. If you ask anybody
2 about those boxes that were there, they will tell you that those
3 boxes were meant for people who were arrested. People whom they
4 thought had done something bad, they will arrest them and put
11:06:45 5 them in there. So what I'm saying to you is the truth, because I
6 was on the ground. I saw for myself. So, I'm saying the truth
7 to you.

8 Q. I say that you're lying when you say the three accused
9 remained under arrest from the advance from Colonel Eddie Town to
11:07:03 10 Freetown?

11 A. I am not lying. The information that you have is what is
12 lying to you. I am not lying to you.

13 Q. Now, you say you knew Santigie Kanu from the NPRC days,
14 don't you?

11:07:32 15 A. Yes.

16 Q. So you know he's referred to as Five-Five, don't you?

17 A. I used to call him Kanu. It is Kanu that I know for him
18 I don't know him for any alias. Kanu was what I used to call
19 him Kanu.

11:07:49 20 Q. But other people used to call him Five-Five, didn't they?

21 A. I don't know about that.

22 Q. You never heard anyone else calling him Five-Five?

23 A. I said it is Kanu that I know to be his name. I don't want
24 you to force me to say something I don't know about. It is Kanu
11:08:12 25 that I used to call him

26 Q. I'm saying to you you didn't hear anyone else calling him
27 Five-Five?

28 A. It is Kanu. He is called Santigie Kanu. That is the name
29 I heard his people calling him, and that is also how I used to

1 call him I don't know about Five-Five. Five-Five. There were
2 so many people who were referring to themselves as Five-Five,
3 because Five-Five is a number. My last two numbers are 56. I
4 had my squad mates who are senior for me, who is senior to me,
11:08:45 5 that was called Five-Five, but I used to call this person you are
6 referring to as Kanu.

7 Q. I say you're lying and you know full well he was referred
8 to as Five-Five?

9 A. I am saying to you that I am saying the truth.

11:09:01 10 Q. Now, you hadn't spoken to Santigie Kanu after the coup
11 until the intervention, had you?

12 A. Yes.

13 Q. You had spoken to him, had you? You had seen him, is that
14 what you're saying now?

11:09:28 15 A. No.

16 Q. Okay. So you hadn't seen him from the coup until the
17 intervention; right?

18 A. Intervention, intervention, intervention, was the time I
19 saw him

11:09:38 20 Q. Okay. And where did you see him at the intervention?

21 A. It was on our way, when we were withdrawing.

22 Q. Yes. And to which places? Did you see him at Masiaka?

23 A. Yes, I last saw him at Masiaka.

24 Q. Okay. But were you friendly with him?

11:10:10 25 A. No.

26 Q. So why did you want to go and speak to him when he was
27 under arrest in Colonel Eddie Town?

28 A. The reason why I had wanted to go and speak to him, it was
29 because I had known him before. You can know somebody without

1 that somebody being your friend. So, I had wanted to know if
2 what was explained about them, that they had done, if whether it
3 was true. So, sometimes you can know somebody, but the person is
4 not your friend. And to say I knew him, but they were not close
11:10:50 5 friends of mine, that was the reason why -- that was the only
6 reason why I went to talk to him

7 Q. If he wasn't a friend of yours, why would you go and plead
8 on his behalf to SAJ Musa? Why would you bother doing that?

9 A. Well, I don't see any reason why you should feel that way.

11:11:16 10 I mean, I can beg for anybody, I can plead for anybody.
11 Sometimes if I have seen that somebody was arrested and being
12 punished for a reason, probably if I realise that that reason was
13 not right, then I would plead for that person. If I see that,
14 even you who is talking, if they say you have been arrested for a
11:11:34 15 reason, and I realise that the reason for which you are arrested
16 was not right, then I would plead for you. If I had the chance
17 to plead for you. And if it was somebody that will listen to me.
18 If I had that person a chance, I would do that.

19 Q. It's a lie, isn't it, that Five-Five was under arrest at --
11:11:52 20 that Santigie Kanu was under arrest at Colonel Eddie Town, isn't
21 it?

22 A. I am saying the truth to you. He was under arrest.

23 Q. You're also lying when you say that SAJ Musa did not create
24 the positions of battle supervisor and battlefield inspector at
11:12:10 25 Colonel Eddie Town, aren't you?

26 A. That never happened. We never had supervisors, or a
27 supervisor.

28 Q. Now, whilst you were at Colonel Eddie Town, SAJ Musa held a
29 muster parade where he announced his intention to come to

1 Freetown and reinstate the national army, didn't he?

2 A. Yes.

3 Q. And at this muster parade SAJ Musa ordered that during the
4 advance from Colonel Eddie Town to Freetown innocent civilians
11:12:56 5 shouldn't be killed, or their houses burnt, didn't he?

6 A. That was what he said.

7 Q. Now, you made an advance through Mange, you say, but you
8 wanted to bypass Port Loko, didn't you?

9 A. Yes.

11:13:19 10 Q. ECOMOG had a strong military garrison at Port Loko, didn't
11 they?

12 A. That was what we heard and we were together with a lot --
13 lots and lots of family members, because we had children amongst
14 us, women and old people. That was why we decided to bypass Port
11:13:47 15 Loko.

16 Q. So it was a good military decision to bypass Port Loko,
17 wasn't it?

18 A. Yes.

19 Q. You then attacked and captured Lunsar, didn't you?

11:14:03 20 A. Yes.

21 Q. And at Lunsar, you acquired large quantities of arms,
22 ammunition and uniforms, didn't you?

23 A. Yes.

24 Q. Your troop put on the uniforms which they had captured,
11:14:18 25 didn't they?

26 A. Yes.

27 Q. Being soldiers, your troop wanted to wear a uniform, didn't
28 you?

29 A. Yes.

1 Q. And most of your troop, as you advanced from Colonel Eddie
2 Town to Freetown, had some kind of combat on, didn't they?

3 A. Yes.

4 Q. And you even gave Father Mario a combat jacket, didn't you?

11:14:53 5 A. Yes.

6 Q. And Father Mario, being a priest, was available to give
7 religious guidance to the troop, wasn't he?

8 A. Yes.

9 Q. Now, after you captured the arms, ammunition and uniforms
11:15:15 10 at Lunsar, you reported back to SAJ Musa, didn't you?

11 A. Yes.

12 Q. And SAJ Musa congratulated you and recommended you for
13 promotion, didn't he?

14 A. Yes.

11:15:26 15 Q. SAJ Musa recommended you for promotion because you had
16 successfully carried out the operation at Lunsar, didn't he?

17 A. Yes.

18 Q. Now, at Mile 38, you sustained serious injuries to your
19 shoulder and hand, didn't you?

11:15:52 20 A. Yes.

21 Q. And those injuries were so serious that some people even
22 thought that you were dead, didn't they?

23 A. Yes.

24 Q. So did you receive any medical treatment for your injuries?

11:16:03 25 A. Well, it was myself, because I had a first aid kit, so I
26 used to give my boys the first aid kit to clean me up, and I used
27 to give myself -- to inject myself on my buttocks. I lay down, I
28 render the needle on the syringe, then I inject myself.

29 Q. And the medical treatment which you were able to give

1 yourself probably saved your life, didn't it?

2 A. It was God. I believe that it was God.

3 Q. Now, SAJ Musa was killed at Benguema, wasn't he?

4 A. SAJ Musa, it wasn't a person that killed him, it was a bomb
11:17:02 5 blast. After the bomb blast, he dropped. When he dropped, from
6 there, it was said that he had died.

7 Q. That was at Benguema, wasn't it?

8 A. Yes.

9 Q. Now, you're lying when you say FAT took command of the
11:17:19 10 troop after SAJ's death, aren't you?

11 A. It is not a lie. I'm saying the truth to you.

12 Q. Alex Tamba Brima took command of the troops after SAJ's
13 death, didn't he?

14 A. That is not true. That is a lie. It was FAT Sesay who was
11:17:47 15 the commander. That was why, when we came to Freetown, he was
16 the one that made the announcement.

17 Q. Ibrahim Bazy Kamara became Alex Tamba Brima's second in
18 command during the advance on Freetown, didn't he?

19 A. That is not true. That is a lie.

11:18:13 20 Q. Santigie Kanu, alias Five-Five, was also a senior commander
21 during the Freetown invasion, wasn't he?

22 A. That is a lie. Santigie Kanu was no important person.

23 Q. Now, you didn't take part in the attack on Benguema, that's
24 where SAJ died, because you were badly wounded and treating
11:18:41 25 yourself; is that right?

26 A. Yes, but I used to see. I was almost at the front line.
27 Everything that occurred, I used to see, because I am not a
28 coward. Even me, I was wounded, I used to go to the front. I
29 wouldn't rely on the information given by other people. That was

1 why I went there, to see myself.

2 Q. But in your evidence, you said you stayed in the
3 headquarters, receiving treatment, didn't you?

4 A. The headquarters was also at the front line. The
11:19:19 5 headquarters -- I told you, SAJ Musa was at the headquarters. He
6 went and fired anti-aircraft to enter Benguema, so you should
7 know that as the troops were moving, the headquarters was also
8 moving, moving. When you look at it from the perspective of a
9 battle, at any time, the battle was intense.

11:19:40 10 Q. And it was a heavy battle at Benguema, wasn't it?

11 A. Yes, it was a heavy battle.

12 Q. Now, when you reached Freetown, please can you explain to
13 me why you went to State House instead of the hospital to receive
14 treatment?

11:19:59 15 A. Well, during that time, I thought that the State House was
16 safer than the hospital. That was why I went to the State House
17 and hid there.

18 Q. But others were receiving treatment in the Connaught and
19 other hospitals in Freetown, weren't they?

11:20:22 20 A. Yes.

21 Q. Despite this, you stayed in State House for a week without
22 going to a hospital to receive treatment for your wounds; is that
23 right?

24 A. Well, it was one from -- one nice woman at Frederick
11:20:45 25 Street, she has a pharmacy there. Until this time, she was the
26 one that cleaned up my wound and removed one of the bullet in my
27 arm. She treated me about four to five times before State House
28 was invaded, and I went to the rear.

29 Q. But you didn't mention any bullet being taken out of you at

1 State House, did you?

2 A. It wasn't at the State House; it was at Frederick Street.

3 Q. And that was when you had gone to the rear, wasn't it?

4 A. It wasn't at the rear, that was central. Central.

11:21:32 5 Q. In your own words, in your own evidence, you said you then
6 - these are your own words - went to the rear and made sure that
7 you got good treatment, didn't you?

8 A. Yes. From the State House to Frederick Street, it is back
9 of the State House, but not the rear. It was the centre. I went
11:21:53 10 there for treatment, but when I went at the rear to Kissy, that
11 was where I got some treatment. From State House to Frederick
12 Street is the rear. From Frederick Street to Kissy, Calaba Town,
13 that is the rear. When I said the rear, that is the rear.

14 Q. And they even extracted a bullet from you in the rear,
11:22:11 15 didn't they, as you've just said?

16 A. Yes.

17 Q. So why didn't you get this treatment when you were at State
18 House? Why were you in State House when you were injured and you
19 needed treatment?

11:22:23 20 A. Well, State House, I was unable to get treatment there,
21 because all the time the jet was raiding. Then I cared much
22 about my security during that time. As I told you, I had my
23 first aid kit, but when I went to the rear, at Frederick Street
24 to that woman, she was able to remove the bullet from me. That
11:22:58 25 was the time I saw some greenish water dripping from my hand.

26 From there, I went at the rear and continued taking treatment.

27 Q. Mr Witness, your troops were able to hold the front line at
28 State House for a week, and you were in State House for a week,
29 so why didn't you take advantage of the medical care available at

1 the front?

2 A. When I said we were at the State House --

3 MR DANIELS: I object. Medical care he is referring --
4 counsel is referring to, which medical care? The witness has not
11:23:34 5 mentioned any medical care at the front.

6 PRESIDING JUDGE: Well, what do you say to that objection,
7 Mr Agha?

8 MR AGHA: I can rephrase it, Your Honour.

9 PRESIDING JUDGE: All right.

11:23:42 10 MR AGHA:

11 Q. So why, when the SLAs were holding the front, and you were
12 at State House, didn't you seek medical treatment in one of the
13 better hospitals near the front?

14 A. Well, during that time, when we had just entered, I was not
11:24:03 15 interested in going to any hospital. As I told you, I had my
16 first --

17 MR MANLY-SPAIN: Your Honours, I think there is a little
18 problem with the interpretation. He said I did not trust to go
19 to any hospital, not interested to go to any hospital. That is
11:24:21 20 what he said.

21 PRESIDING JUDGE: What do you say to that, Mr Interpreter?

22 THE INTERPRETER: Yes, Your Honour, I think -- I'm sure the
23 learned counsel is correct. It's a lapse on the interpretation.
24 The interpreter is very sorry about it.

11:24:34 25 PRESIDING JUDGE: All right, thank you.

26 MR AGHA:

27 Q. I'm saying to you that you're lying and you didn't go to
28 State House at all during the Freetown invasion, did you?

29 A. I went there. There were a lot of soldiers who died in

1 Freetown. When they talk about this hospital, some of them died
2 in those hospital, the wounded, that was where they died. So I
3 felt secured when I went to the north that I -- of my chosen and
4 I had my own treatment. So I was at the State House.

11:25:10 5 Q. I say to you that you were at the rear with other wounded?

6 A. That is not true. I wouldn't mix myself with the wounded.

7 Q. Now, you said that you had a white vehicle, and you would
8 drive around Freetown in it, didn't you?

9 A. In some areas. When I say around, the area where -- the
11:25:41 10 area where the junta was, not the whole of Freetown. Our own
11 area, which we occupied.

12 Q. So how were you managing to drive a vehicle with six bullet
13 wounds in your shoulder?

14 A. Well, if the vehicle were here, I would have illustrated to
11:26:00 15 you the way I used to drive it. I changed the gears, and I
16 controlled the steering, too, because the steering, you can leave
17 it and change the gear. So, inasmuch as you know how to drive
18 perfectly, you can drive the vehicle.

19 Q. I say to you you're lying and you were not driving around
11:26:21 20 any vehicle in Freetown with five or six bullet wounds and a
21 wound in your hand. You're lying, aren't you?

22 A. I'm saying that -- I'm telling you that I'm saying the
23 truth. I wouldn't say anything that is a lie in this Court.

24 Q. Now, you say you were at State House. Whilst you were at
11:26:41 25 State House, Alex Tamba Brima was in command, wasn't he?

26 A. I did not ever tell you that.

27 Q. Ibrahim Bazy Kamara was also a commander present in State
28 House, wasn't he?

29 A. I said I didn't see them in Freetown. So how would I be

1 here, and I didn't see the men, then I come to tell you something
2 that I saw them here as commanders? I told you, I didn't see
3 them

11:27:24 4 Q. Now, you say that you were driving around Freetown, you
5 went to State House, and you also had to withdraw as well; is
6 that right?

7 A. Yes.

8 Q. Now, as the SLAs retreated from Freetown, did you hear that
9 innocent civilians were being killed by them?

11:27:40 10 A. SLAs? I did not hear that. All the time, what I used to
11 hear was the armed robbers that were in the prison, and some
12 surrendered soldiers that were disgruntled were doing bad things
13 in town, and that was why there was widespread of bad things in
14 town. That was what I heard.

11:28:13 15 Q. As you were retreating, did you hear that the SLAs were
16 amputating innocent civilians' arms?

17 A. No.

18 Q. Did you hear that the SLAs were burning down civilian
19 property?

11:28:30 20 A. As I am telling you that I heard, it was surrendered men
21 and armed robbers, those were the people I heard that they were
22 doing bad things in town. Those were the ones I heard about,
23 because nobody ever done such a bad thing as you mentioned before
24 me, because those men, they were not under command and control,
11:28:57 25 because the town is big. You wouldn't be able to command them,
26 after the prison had been opened up, so they will go about doing
27 bad where a commander wasn't.

28 Q. We'll come to the prison, we'll come to the prison,
29 otherwise we'll be here a long time.

1 A. I didn't talk about a prison.

2 Q. So, as the SLAs were retreating from Freetown, did you hear
3 that they were abducting civilians?

4 A. No.

11:29:25 5 Q. I say that you're lying and you're fully aware the SLAs
6 were carrying out the crimes of killing innocent civilians,
7 burning houses and abductions, which I've just mentioned.

8 A. Well, I was not aware of that, that they captured
9 civilians, because a lot of civilians were willing to join the
11:29:54 10 juntas that had entered Freetown during that period. The
11 civilians were willing.

12 Q. Now, Colonel Eddie, he was killed in Freetown, wasn't he?

13 A. Yes.

14 Q. And Woyoh, he was also killed in Freetown, wasn't he?

11:30:11 15 A. Yes.

16 Q. Now, coming back to the detained SLAs, you say that around
17 3,000 detained SLAs were released from Pademba Road Prison, don't
18 you?

19 A. That was what I heard, and that was what happened.

11:30:32 20 Q. But you didn't personally see these 3,000, did you?

21 A. I didn't see all of them, but I saw a lot of them, a lot of
22 people.

23 Q. I suggest to you that the figure was more like --

24 A. A mixed --

11:30:49 25 Q. -- 500 who were released from Pademba Road Prison.

26 A. It's more than that.

27 Q. But you wouldn't know, would you, because you weren't there
28 to see or count them, were you?

29 A. Well, the men that were there, they told me, and one

1 soldier, who was a surrendered soldier, who was also my squad
2 mate, he himself was also one of the soldiers that was with me.
3 When he came from the Pademba Road Prison, I interviewed him as
4 to the number that was there. He told me that there were many.
11:31:28 5 And, in fact, they were not sleeping in the cells, they slept
6 outside.

7 Q. Where did you take his interview; State House?

8 A. The very day he came out. It wasn't at the State House.
9 It was at the Pademba Road, the main street. Because, as he came
11:31:48 10 out, I was by the cotton tree in a vehicle. When he saw me, he
11 was happy. Then I ordered him to come -- to board the vehicle.
12 And as we were going, I interviewed him, and he said he was in
13 the prison, and it was the ECOMOG that brought him -- they locked
14 him up in the prison.

11:32:07 15 Q. And this man joined you?

16 A. Yes.

17 Q. He wasn't going around killing people, was he, innocent
18 civilians?

19 A. At all, not. Right now, he's in the army. He's a soldier.

11:32:24 20 Q. Now, as we've mentioned before, you gave a statement to
21 people from the Special Court, didn't you?

22 A. People working for the Special Court, the Prosecution part
23 or the summary statement that I gave to the people that work in
24 the Special Court, the statement. Just half of it, because I
11:32:51 25 wouldn't be able to give my entire statement concerning the war.

26 Q. Why not? Why wouldn't you have been able to give your
27 entire statement?

28 A. That is a very long story. It could take us a month or
29 two. That could be a book. That could take the time of the

1 Court, that if I give that kind of statement, it will take a long
2 time because the things that I knew --

3 Q. Witness --

4 A. -- and the areas that I went through -- yes.

11:33:26 5 Q. -- witness, you seem very anxious to talk about all your
6 experiences today, and when you last gave witness, so didn't you
7 think this was a significant matter to tell the people who
8 interviewed you about the 3,000 being released and killing people
9 in Freetown?

11:33:45 10 A. Well, it is because you put questions to me, that's why I'm
11 explaining those things, because I wouldn't like to explain all
12 my experience, because I experienced a lot. Not even half of it,
13 just a bit, the tip of the iceberg.

14 Q. I say to you you've just made up this story for the first
11:34:03 15 time when you've come to this Court about 3,000 soldiers being
16 released from Pademba Road, going around doing all the killing
17 and burning.

18 A. Well, that -- the entire country know about it, that the
19 soldiers were on the streets, 3,000. This is not something
11:34:27 20 hidden. That is whether you are in the bush or in town,
21 everybody knew about it, so what I have told you, I hope that you
22 will accept it that it is the truth.

23 Q. Now, you say that you knew the fighting force which entered
24 Freetown was about 900 because you used to look at the nominal
11:34:48 25 roll; do you remember that?

26 A. Yes.

27 Q. What is the nominal roll?

28 A. The nominal roll, it is a paper where you write the
29 soldiers' names and numbers, numbers and names. That is what we

1 refer to as nominal roll in the military. Anywhere that you find
2 a name and number, you call it a nominal roll. That is where you
3 can know the exact soldiers on the ground, the ones that have
4 died and the ones that are living. The ones that are working
11:35:28 5 effectively and the ones that are not working effectively, you
6 can only know about those people through the nominal roll.

7 Q. And who used to keep the nominal roll?

8 A. Well, the nominal roll, SAJ Musa had one, FAT had one.

9 Q. And this roll was regularly updated?

11:35:50 10 A. No. It was the same date that was written on them.

11 Q. So if a soldier died, would he be marked as dead?

12 A. Yes. They can write there KIA. KIA, yes.

13 Q. And if a new soldier joined, would he be added to the list?

14 A. Well, the battalions -- all battalions had their own list,
11:36:26 15 so any soldier that joined a battalion was, his name was going to
16 be added on the list. If you want, you can forward the man and
17 say, "This is the man that has joined my battalion." If he
18 wants, he can just leave it. Because everybody would like, would
19 want his battalion to get more manpower. If he wants, he could
11:36:51 20 only be in the battalion nominal list, but not on the overall
21 nominal list. Those are the ones we met on our way. Those were
22 the soldiers we met on our way, on the road.

23 Q. So each battalion also kept a nominal roll of its fighting
24 force?

11:37:06 25 A. Yes.

26 Q. And who would keep that? Would it be the battalion
27 commander? Do you have an administrative officer?

28 A. The adjutant. The adjutant was responsible for that. He
29 was responsible for keeping the battalion nominal roll. He was

1 in charge of the administration. For instance, patrols.

2 Q. And you say patrols. He would mark who was going on
3 patrols, or who had performed well in patrols?

4 A. No. It was he, because he had the nominal roll, he was the
11:37:52 5 one that summoned the muster parade in the morning, and said:

6 "Today, 20 of you whose name I have called, make an ambush in
7 such-and-such a place, ten or 30, go and make a patrol,
8 such-and-such a place." It was he, the adjutant, who was

9 responsible for that. And from there, he was going to report to
11:38:15 10 the battalion commander, saying that, "Okay, this is what I have

11 done." And the battalion commander will tell him, "This is
12 fine," or "This is not good. Do this or that."

13 Q. So each battalion would hold its own muster parade; is that
14 right?

11:38:31 15 A. Yes.

16 Q. And in each battalion, were there separate companies?

17 A. Yes.

18 Q. So, for example, in one battalion, how many companies would
19 there be?

11:38:47 20 A. Well, like myself, I had three companies, my own
21 battalions. I don't know for the other battalions.

22 Q. But you had three companies?

23 A. Yes. They were not full companies, but I called them
24 companies, because I had wanted my command and structure to be
11:39:11 25 strong.

26 Q. Okay. And did these companies also have platoons, or were
27 the companies too small to make other units or platoons?

28 A. No, we did not have platoon commanders. We only had
29 company commanders, three company battalion commanders. Yes. We

1 did not have platoon commanders. We had company commanders.

2 Q. And roughly how many men were in your battalion?

3 A. Like myself, because my own battalion, which had the
4 largest manpower, yes, I had 160 men under my command.

11:39:56 5 Q. And you had three companies of equal strength under your
6 command?

7 A. Yes. Yes. I divided them into three companies, into 50s.
8 Each company had 50, because then the ten men were with me at the
9 headquarters, yes. 50 each in a company and the ten men were
11:40:24 10 with me at the headquarters.

11 Q. So you had your own headquarters within your own battalion?

12 A. Yes. Every battalion had its headquarters.

13 Q. And who would be in the headquarters in your battalion?
14 You would have the adjutant?

11:40:45 15 A. The adjutant was at the headquarters. The operation
16 commander was at the headquarters. The 2IC, second in command,
17 was as well in the headquarters. Then the ten men that I have
18 talked about were at the headquarters. Then the 50 men, each,
19 that I have talked about, those were serious armed men. They
11:41:06 20 were at the platoon -- I mean, the companies. They had their own
21 companies. They had their company commanders.

22 Q. And through this, your own battalion structure, you were
23 able to keep things well organised?

24 A. Yes.

11:41:26 25 Q. Obviously your battalion, if the idea was successful, so
26 you were able to keep an effective chain of command within your
27 battalion?

28 A. Yes.

29 Q. Now, you say each battalion had its own similar structure?

1 A. Yes, each battalion had its own structure. I can explain
2 to you about mine. I don't know about the other.

3 Q. And did you have a radio?

4 A. Yes, because when I went to Lunsar, at first I didn't have
11:42:06 5 a radio, but when I went to Lunsar, I was able to get eight radio
6 sets, so SAJ Musa gave me one, and I had one of my own radio set,
7 radio communication set.

8 Q. And did you know how -- someone who knew how to work this
9 set?

11:42:26 10 A. Yes.

11 Q. And did other battalions also have radio sets?

12 A. No.

13 Q. Not all of them, or some of them?

14 A. Not all. And the radio sets were not scattered about,
11:42:49 15 except when he had wanted to go for an operation, but I had an
16 operation -- a radio set. But they were not given out like that,
17 because some people never took care of their own, but I had one,
18 because I captured it, so I demanded for one, which I had in my
19 possession.

11:43:08 20 Q. And you were able to communicate with SAJ Musa through this
21 communication set if you wanted to?

22 A. Yes. Yes.

23 Q. Now, you say, coming back to the prisoners who were
24 released from Pademba Road, you say that most of the killing and
11:43:31 25 looting and burning was carried out by those people, don't you?

26 A. I believe so, that they did it, because I heard about it,
27 because, while we were coming along on our way, I didn't hear
28 about that, except when we arrived in Freetown, that I begin to
29 hear different, different things, or different information, so I

1 believe that they did that.

2 Q. If most of the looting and burning was carried out during
3 the retreat from Freetown, three weeks after the invasion, can
4 you explain to me how all this looting and burning was carried
11:44:10 5 out by the people who were released on 6 January?

6 A. I am unable to explain that to you, because I wasn't
7 present. I have told you that somebody wouldn't do that in my
8 presence. So how would you want me to explain to you something
9 that was not done in my presence?

11:44:34 10 Q. I say to you you're lying, and that most of the looting and
11 burning was not carried out by the soldiers who were released
12 from Pademba Road Prison on 6 January?

13 A. Well, as I have told you, I said I heard that they were the
14 ones that did it.

11:44:55 15 Q. Now, after the retreat from Freetown, did you learn that
16 the initial commander in the West Side was Ibrahim Bazy Kamara?

17 A. I don't know about that.

18 Q. I say to you you're lying, and you know full well that
19 Ibrahim Bazy Kamara was the first commander in the West Side?

11:45:23 20 A. That is not true. That is a big lie, to say that Ibrahim
21 Bazy Kamara, that I know that he was the West Side commander, I
22 don't know about that.

23 Q. Now, you were a senior member of the West Side Boys in 2000
24 under Foday Kallay, weren't you?

11:45:43 25 A. Yes.

26 Q. And you were one of the West Side Boys who arrested the
27 UNAMSIL peacekeepers at Mbonia, weren't you?

28 A. Mbonia? Where is Mbonia? I don't go there.

29 Q. I'll spell it. M-B-O-N-I, maybe Mbonia. Perhaps one of my

1 learned friends can help me.

2 A. Magbeni.

3 Q. You were one of those who arrested the UNAMSIL
4 peacekeepers, weren't you?

11:46:23 5 A. I did not arrest any UNAMSIL peacekeeper, because they were
6 about to bring peace in our country, and I, too, wanted peace in
7 this country. So I never made the attempt to arrest them

8 Q. So if you wanted peace so much in your country, can you
9 explain why, in 2000, when you were one of the West Side Boys,
11:46:46 10 you took a British soldier hostage?

11 A. I did not capture a British soldier and held him as a
12 hostage. I did not capture him. The time the British were
13 arrested, I was under arrest, and it was alleged that I had
14 wanted to overthrow Foday Kallay who was the West Side commander,
11:47:12 15 so I did not arrest any British soldier.

16 Q. You were present when the British soldier was arrested and
17 you fled the West Side when the British troops retook it, didn't
18 you? You fled to Port Loko; right?

19 MR DANIELS: Objection, Your Honours.

11:47:27 20 THE WITNESS: That is not the truth.

21 MR DANIELS: I believe the incident being referred to is
22 outside the jurisdiction period of the indictment.

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

24 MR AGHA: It is, indeed, Your Honour, but it's going to the
11:47:41 25 credibility of the witness.

26 PRESIDING JUDGE: If it goes to credit, I'll allow it.

27 MR AGHA:

28 Q. Now, you were arrested and charged with Savage and Foday
29 Kallay for crimes which were committed as part of the West Side

1 Boys, weren't you?

2 A. I and Foday Kallay were not arrested together. Foday
3 Kallay was arrested. I was captured in Port Loko and I was
4 brought down to Freetown, and I was then charged.

11:48:15 5 Q. Yes, exactly. You were charged for crimes committed during
6 the West Side, weren't you?

7 A. Yes.

8 Q. And, in that case, other co-accused, like Savage, Foday
9 Kallay, received very long jail sentences, didn't they?

11:48:39 10 A. That was what I heard, because I wasn't in the Court again
11 when a sentence was handed over them.

12 Q. And in that case against you, you were defended by one of
13 the learned defence counsel for Ibrahim Bazy Kamara in this
14 case, weren't you?

11:49:02 15 A. No, that is not true.

16 Q. I say to you you're lying, and that you've come to this
17 Court to lie to show your appreciation to that defence counsel?

18 A. It is the truth that I'm saying. The lawyers I'm seeing
19 before me here, none of them went to the Court there to defend me
11:49:36 20 in that case. Now, how would you say that I'm trying to defend
21 Ibrahim Bazy Kamara because of the lawyer?

22 Q. Now, you were locked up in Pademba Road Prison for about
23 six years, weren't you?

24 A. Yes.

11:49:56 25 Q. And do you remember last time you gave evidence you spoke
26 about a Mr A and a Mr B?

27 A. Yes, I can recall.

28 Q. So, today, again, I'll refer to them as Mr A and Mr B; is
29 that okay?

1 A. Yes, it is okay.

2 Q. Now, during your cross-examination by the lawyer of the
3 first accused, you were able to reply almost immediately to
4 questions concerning events at Pademba Road Prison concerning
11:50:38 5 Mr A and Mr B, weren't you?

6 A. Yes.

7 Q. You have been meeting with the first accused and others
8 giving evidence before this Court in order to agree your stories,
9 haven't you?

11:50:56 10 A. I never met with them. If the Court proved that I met with
11 them before coming to testify then all that I've said is a lie.
12 But if I've never met with them before coming to testify, then
13 let the Court consider that all that I'm saying is true.

14 Q. You agreed your stories about the released prisoners in
11:51:38 15 Pademba Road committing crimes with others who have given
16 evidence for the accused, didn't you?

17 A. That was what I said.

18 Q. That you agreed your stories or that you didn't agree your
19 stories?

11:51:57 20 A. We did not sit together and discuss. I've told you that.
21 I and nobody sat together and discussed. If it is proven that I
22 and somebody sat together and discussed, then let the Court prove
23 it. But I know that I've never come here on a -- to pay a visit
24 to the first and second and third accused. So, if the Court is
11:52:21 25 able to prove that I have been here to pay a visit to them, it
26 means, then, that you are saying the truth. But if it is on the
27 contrary, then you are saying lies.

28 Q. But you have also been discussing with other witnesses in
29 this case, haven't you? People like Rhino, Keforkeh, you're all

1 buddies. You've all been discussing your evidence, haven't you?

2 A. That is a lie.

3 Q. You agreed your stories about Mr A and Mr B telling you to
4 lie about the accused before the Special Court, didn't you?

11:53:16 5 Well, didn't you?

6 A. That is a lie. That was not the way it happened. That was
7 not the way it happened.

8 Q. Now, you were in Wilberforce Block with Mr A, Mr B, Ayo
9 Cole and Ranger, weren't you?

11:53:37 10 A. Yes. I have stayed with Mr A in the same cell, in fact.

11 Q. Yes, I was going to come to that. Why didn't you tell the
12 Court that when you last gave evidence? You gave hugely detailed
13 evidence about how Mr A invited you into his cell. Why would he
14 invite you into your own cell?

11:54:02 15 A. Well, as I've told you, for the time of the Court, it is
16 not everything that I will explain here, but the way you bring me
17 into your questions will be the kind of way I will answer to
18 them. But for the Court, the time of the Court, not to be
19 wasted, except if you drag me up to that.

11:54:31 20 Q. You wasted, according to your own words, nearly half an
21 hour to 45 minutes, explaining how Mr A and Mr B got privileges;
22 they got chickens; they got oranges; they were taken out to see
23 people. You went into huge detail as to why they called you in
24 the cell and told you to lie. Apparently they even gave you
11:54:50 25 money. Didn't you think it was significant you were sharing a
26 cell with one of them?

27 MR MANLY-SPAIN: May it please, Your Honour. I'm sure the
28 evidence was not that he shared the cell with one of them all the
29 time. He said "For a time I shared a room with Mr A." Counsel

1 has to put to the witness that at the time the events were
2 happening, they were sharing a room

3 JUDGE DOHERTY: Mr Manly-Spain, my recollection is the
4 witness said, "I stayed in the cell with A."

11:55:19 5 MR MANLY-SPAIN: He said for a time. Can he put it to him
6 and clarify it.

7 JUDGE SEBUTINDE: I didn't -- but, Mr Manly-Spain, this
8 witness is an intelligent witness who, if he thinks there has
9 been an error, he's capable of correcting it.

11:55:35 10 MR MANLY-SPAIN: I don't think that --

11 JUDGE SEBUTINDE: You don't have to stand up and defend
12 him. He was the one that went through this experience, and if
13 there appears to be contradictions in his evidence, counsel
14 opposite should indeed bring them out, and then the witness is
15 capable of standing his ground and explaining this contradiction.

16 MR MANLY-SPAIN: Your Honour, with respect, I'm not saying
17 that there is contradiction. I was listening to the evidence he
18 gave, and I believe he said "For a time I even shared a room with
19 Mr A." That is what I'm saying. He did not say all the time.

11:56:09 20 JUDGE SEBUTINDE: Do you think the witness is not capable
21 of making that distinction?

22 MR MANLY-SPAIN: I think he --

23 JUDGE SEBUTINDE: To this present question?

24 MR MANLY-SPAIN: He did. The question is now very vague.

11:56:19 25 MR AGHA: My understanding is that, during his
26 evidence-in-chief, it was not mentioned at all, that for any
27 period of time he shared a room with Mr A. However, another
28 witness has come before this Court and mentioned this witness's
29 name as sharing a room with Mr A. So I'm asking the witness why

1 he didn't mention it at the time. And I think that's a perfectly
2 reasonable question that the witness can deal with.

3 PRESIDING JUDGE: Yes. Counsel's allowed that question.
4 Maybe if you repeat it, Mr Agha.

11:56:51

5 MR AGHA:

6 Q. So, despite giving all this detail about Mr A and Mr B
7 receiving special treatment and privileges within the prison, and
8 how Mr A invited you into his cell, and they told you to lie
9 against the accused, he even offered you money, which you

11:57:12

10 initially took, didn't you think it was important to mention that
11 for a period of time you had even shared a cell with Mr A?

12 A. Well, as I told you, Mr -- it is not everything that I will
13 say in this Court because I am a human being. Yes, the way your
14 questions come in will be the way I will respond to them. The

11:57:44

15 questions you have been asking before but, today, if you have
16 decided to ask different questions, I will respond to the
17 questions you are asking about. If I tell you that I stayed with
18 Mr A in a cell, it was not for all the time, it was for just a
19 period of time. Yes, indeed, I stayed with him in the same block

11:58:10

20 at the same time, sometime in the same cell, but not throughout.
21 So, I want to say I know much about Mr A, and he knows about me.
22 And I was close to him. So, anything that I'd say to you here, I
23 would want you to take that, for granted.

24 Q. What I'm saying to you is: Didn't you think it was
11:58:29 25 significant during your cross-examination, when you were being
26 told of all the pressure that Mr A was putting on you, that you
27 didn't say, "And I even used to share a cell with that man for a
28 time." Didn't you think that was important?

29 MR DANIELS: Your Honour, I believe that the witness has

1 answered the question.

2 PRESIDING JUDGE: Frankly, I'm not sure he has. Mr Agha, I
3 will allow you to ask that question.

4 MR AGHA:

11:58:57

5 Q. So, during your cross-examination, when you were quite
6 eagerly and voluntarily, despite the Court's time, bringing out
7 all these details of what Mr A used to receive, and what he had
8 been promised, and how he was encouraging you, and invited you
9 into his cell, didn't you think it was important for you to say,

11:59:15

10 even, "Yes, I know that man. I even used to share a cell with
11 him for a period of time." Didn't you think that was important?

12 A. Well, as I have been saying to you, this -- in this Court,
13 we have a very short time. If it were the case that I was to
14 make a book, or we were all to make a book about my experience in
15 the prison, I would have done so. But this is just a very short
16 talk in this Court. But the way you bring your questions, I will
17 explain to them. And what you asked me about that particular
18 time is what I'm telling you about.

11:59:40

19 Q. Witness, a very short question: So you didn't think it was
20 significant to bring it up; "yes" or "no"?

12:00:01

21 A. It was important. But, at that particular time, you didn't
22 ask me anything like that.

23 Q. I wasn't asking you any questions at all at that time.

24 A. Yeah.

12:00:15

25 PRESIDING JUDGE: Mr Witness, what counsel is asking you
26 is: Why did you give the impression that you were in Mr A's cell
27 at his invitation when, in fact, you were one of the persons who
28 occupied the cell? That's what you're being asked. What's your
29 answer to that?

1 THE WITNESS: Well, yes, I stayed with Mr A in the same
2 cell, but it was for a very short period. And, so, at the time
3 people left here, and went there, at that time, I was there, but
4 I was not living with him in the same cell, but some other time
12:00:56 5 after that, we shared the same cell, but I realised that that was
6 going to be a very long explanation, and I wanted to cut it
7 short. So, that was what I said at that time. Therefore, I want
8 the Court to understand that I never wanted the prolongation of
9 the talk too much. That is why I did that.

12:01:22 10 PRESIDING JUDGE: Go ahead, Mr Agha.

11 MR AGHA:

12 Q. I say to you you brought it up today voluntarily, because
13 another witness told you that he'd said before this Court that
14 you even shared a cell with Mr A.

12:01:32 15 A. No, that is not true. That witness and I never discussed
16 anything like that.

17 Q. Which witness am I talking about?

18 A. The witness that you are talking about, I don't know the
19 witness. The witness that you said I told you about another
12:01:54 20 witness, I don't know the witness. But it is because you said
21 some other witness, that is why I'm saying that I never discussed
22 that with any witness.

23 Q. You're lying. You've been discussing all your evidence
24 with all the former SLA buddies, haven't you?

12:02:11 25 A. No, that is not true. As the judges have been advising me,
26 they have said that my evidence should stay with me, and I have
27 always maintained that advice.

28 Q. Now, coming back to these other two gentleman, Mr Ayo Cole
29 and Ranger, who, according to you, also accepted to give evidence

1 against the accused, did you mention them to the people who
2 recorded your statement from the Special Court?

3 A. If I did mention their names?

4 Q. Yes.

12:02:54 5 A. No.

6 Q. But you mentioned Mr A and B, didn't you?

7 A. Yes.

8 Q. So you've just made up now, Mr Ayo Cole, and this other
9 gentleman, Ranger, being in the same cell and getting the same

12:03:14 10 offer of treatment, haven't you?

11 A. As I have told you, I have said that I wouldn't be able to
12 explain everything, because I also have some other things to pay
13 attention to. I cannot spend all of my time on just giving a
14 statement. So, I only decided to cut everything short at that

12:03:44 15 particular time. But if I have decided to come to the Court and
16 if, whilst I am in the Court, the Court draws me to an area that
17 is important for me to say [microphone not activated] I will say.

18 Q. You brought up their names in your evidence-in-chief,
19 because you were told by another witness he'd also used their
20 names, didn't you?

12:04:03 21 A. That was not what happened. I don't know if any other
22 witness had been in this Court and had said something like that.
23 What I know is what I am saying. It is not what I heard, it is
24 what I know that I am explaining about, and what I saw with my
12:04:29 25 naked eyes. I want you to get that clearly.

26 Q. Now, when you were in the jail for the six-year period, you
27 didn't meet anyone from IMATT or anyone else who came to the
28 jail, did you?

29 A. Yes, they used to go there, plenty a time. I used to see

1 them, the IMATT British men that went there. But that I met with
2 them personally, no, I didn't.

3 Q. They wouldn't meet with you personally, because they were
4 only interested in former SLAs who were in Pademba Road without
12:05:07 5 charge, like Mr A and Mr B, isn't it?

6 A. Well, I don't know about that. I cannot recall that, to be
7 the reason why they went there, but they used to go there.
8 British people used to go there. I cannot just recall the
9 purpose for which they went there, but IMATT people used to go
12:05:41 10 there.

11 Q. They never met you, because you had been charged with
12 crimes committed in the West Side, hadn't you?

13 MR DANIELS: Objection, Your Honour. I don't know how he
14 is supposed to know the intentions of other persons.

12:05:57 15 PRESIDING JUDGE: Yes, what do you say to that, Mr Agha?

16 MR AGHA: I'll withdraw the question, Your Honour.

17 Q. Now, you say that Mr A was made all kinds of promises to
18 come and give evidence against the accused, don't you, by the
19 Special Court?

12:06:18 20 A. Yes, that was what he said. He said -- he gave me so many
21 promises that -- but when we decided -- if we decided to come and
22 lie against the first, second and third accused, and it was not
23 for us to come and say the truth, it was to come and lie. I told
24 him that I would not be associated with such a thing, to lie
12:06:44 25 against my fellow man, no.

26 Q. Mr A was meant to get certain rewards, like going to
27 Canada, for coming to lie, wasn't he, according to you?

28 A. Yes, that was what he used to say.

29 Q. Mr A never went to Canada after his release from Pademba

1 Road, did he?

2 A. Well, he did say that after all the Court sittings, when
3 everything shall have been completed, will be the time they will
4 take them to Canada. It was not just after the Prosecution's
12:07:26 5 case they will take them. I did not know whether he was saying
6 the truth or he was trying to lie in order to convince me, but
7 that was what he said.

8 Q. But he didn't go to Canada, did he?

9 MR DANIELS: Objection, Your Honour. I believe we heard
12:07:39 10 evidence that Mr A is dead, so he couldn't have gone to Canada.

11 MR AGHA: Well, he's only recently passed away.

12 PRESIDING JUDGE: Anyway, I think the witness answered that
13 question.

14 MR AGHA:

12:07:55 15 Q. Now, you also said that Mr A would have his own vehicle
16 after his release from Pademba Road Prison, didn't you?

17 A. That was what he said.

18 Q. But he never had his own vehicle after he was released from
19 Pademba Road Prison, did he?

12:08:14 20 A. He had a vehicle. He went to see the vehicle in the garage
21 and that was the time, whilst in the garage, he felt bad. He
22 collapsed and then he was taken to the hospital where he died.
23 But he had the vehicle.

24 Q. It is an absolute lie that either Mr A or Mr B tried to
12:08:40 25 persuade you to come and tell lies against the accused at the
26 Special Court for Sierra Leone, isn't it?

27 A. I am saying the truth. I was there with them. So, what I
28 will say to this Court, I am under oath. Whatsoever I say will
29 be what I know and what I saw, not what somebody told me.

1 Q. And it's an absolute lie that either Mr A or Mr B told you
2 that they themselves would lie against the accused before the
3 Special Court, isn't it?

12:09:28 4 A. It's true, because the kind of monies I used to see with
5 them, and the kind of things I used to see with them, I want to
6 believe if you give such things to somebody, you must give him
7 the scope to come and lie against somebody. What he does not
8 even know about the person will be what he will say against that
9 person, simply because of money. You know, some people, when
12:09:47 10 they see money, they can do anything in this world. So,
11 especially for such people that I know, they will have the mind
12 to do that.

13 Q. Would you be one of those people who would do anything in
14 this world for money, like coming here to lie?

12:10:04 15 A. If I was one of such people, I would have teamed up with
16 such men to go on the Prosecution side to lie against these
17 people, but because I know that money don't -- people say it
18 rules the world, but I know that money is not everything. I will
19 not do that kind of thing. I decided not to.

12:10:25 20 Q. Now, you talk about the privileges that Mr A enjoyed. Now,
21 Mr A enjoyed these privileges through his position as being
22 provost marshal, didn't he?

23 MR GRAHAM Your Honour, there was no evidence as to the
24 effect that Mr A was provost marshal. Indeed, he was yard
12:10:48 25 provost, but not provost marshal.

26 PRESIDING JUDGE: In any event, that's the question the
27 witness is being asked now.

28 MR GRAHAM Very well, Your Honour.

29 MR AGHA:

1 Q. Any privileges he received was because he was yard provost,
2 wasn't he?

3 A. No. It was because he was working with the Special Court,
4 and he was giving statements at that time. So, the Special Court
12:11:18 5 needed him highly from the Prosecution side.

6 Q. So, according to you, the prison manual doesn't give any
7 special privileges to the yard provost; is that right?

8 A. You will get some privileges, but not to that extent,
9 because there had been some other people holding that position
12:11:48 10 before those people were appointed. But, at the time he became
11 the provost, the kind of privileges that were afforded to him
12 were too much. So I was meant to believe that it was because
13 this man has been working for the Court Prosecution side. That
14 is why he has been given such privileges at this time.

12:12:11 15 Q. That was only your belief, wasn't it?

16 A. It is not just that it is something that I believe in. It
17 is something that I know. Something that I know is what I am
18 telling you about. It happened that way. It is something that I
19 saw, I know about it, then I believe it. It is something I know
12:12:34 20 that happened. It's happened that way.

21 PRESIDING JUDGE: Mr Witness, if you know that, what
22 privileges does a yard provost normally receive?

23 THE WITNESS: The privileges that the yard provost normally
24 gets is sometimes to man the gate, to prevent the prisoners from
12:12:58 25 coming in and out, but mostly such men --

26 PRESIDING JUDGE: I'm not talking about his duties. I'm
27 talking about the privileges that attracts to that position.

28 THE WITNESS: Well, the privilege is that, most often, he
29 is the last person to be locked up in the jail and, sometimes, he

1 will go out of the prison. He will have contact with his wife.
2 Sometimes he will come into the prison yard with marijuana, pega
3 pack. Sometimes he will go to a guesthouse and he will bring
4 with him chicken. Most times, we saw him wearing -- putting on
12:13:38 5 very nice dresses. And, most times, he will drink in an open
6 place, he will drink wine in an open place. I mean, he was free
7 to do all those things.

8 JUDGE DOHERTY: Mr Witness, I think the question is not
9 this particular person, but yard provosts generally.

12:14:08 10 THE WITNESS: Okay. Well, the privileges accorded to the
11 yard provosts is normally to man the gate to make sure that the
12 prisoners don't walk in and out.

13 PRESIDING JUDGE: Mr Witness, that's not a privilege.
14 That's a duty. I'm asking you, what are the privileges that
12:14:23 15 attach to being a yard provost? Now, you've just mentioned some.
16 Were those privileges --

17 THE WITNESS: The benefits --

18 PRESIDING JUDGE: Just a minute. The privileges you've
19 just mentioned, do they attach to any person who is a yard
12:14:41 20 provost?

21 THE WITNESS: Well, except that your ration, your food,
22 will be added up and additional food will be added to your food.
23 Most times, they will make it plenty for you, more than the other
24 prisoners.

12:15:04 25 PRESIDING JUDGE: Go ahead, Mr Agha.

26 MR AGHA:

27 Q. So, in that position as yard provost, you are entitled to a
28 special diet, aren't you: Milk, cocoa, sugar, Marmite, all the
29 things you mentioned?

1 A. No, no. No. You don't get those things. It is your food
2 that they will add up. They will make it plenty. Your rice.

3 Q. And you're also allowed to close the door for the
4 prisoners. That's one of your privileges, being one of the last
12:15:34 5 people to actually be locked up in your cell at night, isn't it?

6 A. No, he does not lock up the other prisoners' cells.

7 Q. No, he's one of the last. That's one of his privilege,
8 isn't it?

9 A. Yes, yes, that he will be locked up, yes.

12:16:00 10 Q. And Mr B, he also enjoyed certain privileges because of his
11 appointments at the prison, didn't he?

12 A. Yes. He enjoyed so many privileges because of Mr A.

13 Q. No, because of --

14 A. And his position, too, because he was working on the
12:16:23 15 Prosecution side. Because, at that time, he was not working with
16 them, he had never been enjoying that kind of way, but when he
17 had contact with the Prosecution side, he had all sort of
18 privileges accorded to him, and he was enjoying.

19 Q. Mr B held a position within the jail, didn't he?

12:16:44 20 A. No. He was a [redacted], like he said.

21 MR AGHA: Can we redact that part?

22 PRESIDING JUDGE: Is Mr B protected, or would that lead to
23 the identity of this witness?

24 MR AGHA: It would lead --

12:17:11 25 PRESIDING JUDGE: All right. That position that has just
26 been mentioned by this witness will be redacted.

27 MR AGHA:

28 Q. In that position, Mr B had certain privileges, like going
29 to minister to other prisoners, didn't he?

1 A. Yes.

2 Q. He was also involved in taking people who were injured to
3 the hospital of the prison, wasn't he?

4 A. Yes.

12:17:42 5 Q. Because of his position, he had greater freedom of movement
6 and access to other parts of the prison, didn't he?

7 A. That was not it. That position that you are talking about,
8 if anybody had it -- any other prisoner could take people to the
9 hospital, but I am saying the privileges he had were because he
10 was prosecuting at the Special Court. That was the reason why he
11 had all of those privileges.

12 Q. I say you are lying when you say that Mr A, or Mr B, or
13 anyone else in Pademba Road jail was given any special treatment
14 on account of them agreeing to lie against the accused on behalf
15 of the Special Court, aren't you?

16 A. As I told you, I am not lying.

17 Q. Mr A and Mr B's release had nothing to do with the Special
18 Court, did it?

19 A. He had something to do with the Special Court, because the
12:19:01 20 guys used to say it, that they were going to release them, that,
21 as long as they were prosecuting, they were going to be released.
22 They said the Prosecution side will have to advocate on their
23 behalf for them to be released.

24 Q. Mr A and Mr B were released on the intervention of the Red
12:19:21 25 Cross because they were being held without charge, weren't they?

26 A. That is not true, because the guys had spent a very long
27 time there. If that will have been the truth, like you are
28 saying, they would have been released ever since. The guys were
29 coming here, having contact with these people. They said if

1 you -- if only they came to the Special Court and did what they
2 were asked to do, they would be released. That is what I know
3 about their release; that it was not Red Cross that fought for
4 their release, it was the Prosecution side who went out in search
12:20:04 5 of them, for them to get people who would come here and prosecute
6 the accused persons, so that they will be released. That was the
7 reason why they were released, so that they will get something
8 that will convince the Court, and then people will not say, yes,
9 that is it.

12:20:26 10 Q. So if that was the reason for their release, why haven't
11 the 14 others who were released with them given evidence for the
12 Prosecution?

13 A. They never had wanted to be mixed up with lies. I have
14 told you it's not everybody that would like to be associated with
12:20:55 15 lying, but those guys were too greedy. They can do anything for
16 money.

17 MR AGHA: That completes my cross-examination,
18 Your Honours.

19 PRESIDING JUDGE: Thank you, Mr Agha. Any re-examination,
12:21:05 20 Mr Daniels?

21 MR DANIELS: Just two questions.

22 RE-EXAMINED BY MR DANIELS:

23 Q. Mr Witness, my learned friend on the other side was asking
24 you about Mr A, about whether Mr A received any privileges after
12:21:23 25 he was released from Pademba Road Prison. In fact, he suggested
26 to you that Mr A never went to Canada. He suggested to you that
27 Mr A never got a vehicle. What about Mr B? Ever since Mr B has
28 been released from Pademba Road Prison, have you noticed any
29 change in his lifestyle?

1 MR AGHA: I'd object to that question, Your Honour, on the
2 basis that Mr B remains a protected witness, so the status of his
3 protection may cause various changes.

4 PRESIDING JUDGE: Can you tailor your question to not
5 identify Mr B, Mr Daniels?

6 MR DANIELS: I will be conscious of that fact.

7 Q. Please, when you are answering, please be conscious of
8 Mr B's security considerations, given that he is a protected
9 witness. Do you understand my -- so, please let us know whether,
10 indeed, there has been any change in lifestyle to Mr B since he
11 has been released from prison?

12 A. Yes.

13 Q. Why do you say so?

14 A. Well, the man, I have been able to see him in town. He's
15 living very big life. He has money. He wears very nice dresses.
16 Most times, I will meet in town, and he has even been trying to
17 convince me to team up with him to be on his side, to be giving
18 him information. I told him, "No, I am not part of that kind of
19 thing. I have no information to be giving to you. Don't try to
20 convince me." He has said to me he has money.

21 Q. When was it that he met with you to try to convince you?

22 A. About four months ago.

23 Q. How did he try to convince you?

24 A. He said -- he took out some money and showed it to me. He
25 was trying to convince me, using money to persuade me, saying
26 that they need me to help, to give some -- lots of informations
27 about the first, second and third accused. Even if they are not
28 true, I mean, just to help them, for them to believe so that they
29 can accomplish their mission. He said that even Junior Lion, he

1 has been assisted to move out of the country. And he said if I
2 assisted in that kind of way, I'm also a senior man. They will
3 help me; do the same thing for me.

12:24:20 4 MR AGHA: He's talking about other protected witnesses and
5 their status.

6 MR DANIELS: With respect, Junior Lion is not a protected
7 witness.

8 PRESIDING JUDGE: He's not protected.

9 MR AGHA: I apologise.

12:24:24 10 JUDGE SEBUTINDE: Junior Lion is partly protected, as I
11 recall. He is partly protected. He testified without a screen,
12 but he did not forego the entire measure of protected measures.
13 He is partly protected.

14 MR DANIELS: I will take the cue. But he has already been
12:24:45 15 mentioned, so I don't know what we do.

16 Q. Mr Witness --

17 MR AGHA: Could we perhaps redact the part where his name
18 is mentioned?

19 PRESIDING JUDGE: Did I miss something? All I heard was
12:25:02 20 Junior Lion. Was his name mentioned or not?

21 MR AGHA: It's the fact that it was mentioned he is going
22 to a new country.

23 PRESIDING JUDGE: I can't see how that would lead to his
24 identity.

12:25:21 25 MR DANIELS:

26 Q. Mr Witness, do you know --

27 THE INTERPRETER: Your Honours, the counsel's mic --

28 MR DANIELS: I beg your pardon.

29 Q. Do you know whether Mr B drives any particular car as a

1 result of his giving testimony to this Court?

2 A. Well, at that particular time, I met with him in a
3 restaurant. He was in a restaurant, eating, and he was eating
4 very delicious food, and he even called me to eat with him

12:25:58 5 Q. Thank you. Mr Witness, you -- it was put to you that
6 several charges were brought against you while you were in the
7 Pademba Road Prison. What happened to those charges that were
8 preferred against you for atrocities committed, allegedly, at the
9 West Side?

12:26:19 10 A. Well, the Court proved that I was innocent and that I
11 didn't do such things. That was why the Court decided to release
12 me, to free me. The people they realised was responsible for the
13 commission of such atrocities are still in jail.

14 Q. Thank you, Mr Witness.

12:26:45 15 MR DANIELS: I have no further questions of this witness.

16 PRESIDING JUDGE: Thank you, Mr Daniels. That completes
17 your testimony, Mr Witness. You will be allowed to leave now.
18 Just sit there. We'll have the curtains pulled and you will be
19 assisted from the Court.

12:27:10 20 MR DANIELS: Your Honours, for the record, this completes
21 the Kamara individual witnesses.

22 PRESIDING JUDGE: Thank you, Mr Daniels.

23 [The witness withdrew]

24 PRESIDING JUDGE: Mr Manly-Spain, if I could just follow up
12:29:34 25 what Mr Knoops has said this morning. You will be seeing the
26 potential witness he mentioned. Is it today?

27 MR MANLY-SPAIN: We'll try by tomorrow.

28 PRESIDING JUDGE: All right. We'll just remind you that we
29 would appreciate a timely decision on whether you're going to

1 call him as a witness or not.

2 MR MANLY- SPAIN: Yes, we have made some investigation
3 already, and we will be assisted by counsel prosecuting that it
4 might be impossible to get him. We want to have until tomorrow
12:30:12 5 to see what we can do.

6 PRESIDING JUDGE: Thank you.

7 MR MANLY- SPAIN: Your Honour, I will say to my learned
8 friend then we'll try to tender the statement.

9 PRESIDING JUDGE: All right. We'll see what happens.

12:30:25 10 MR AGHA: It was impossible for us to at least seem to find
11 him. Maybe my learned friends will have a better chance.

12 PRESIDING JUDGE: We'll see what develops. Just for the
13 information of the parties, we mentioned that tomorrow will be a
14 status conference. We've filed a scheduling order. It was filed
12:30:47 15 at 10.50 this morning. The agenda will include: Firstly, the
16 length of the final trial briefs; secondly, the date for filing
17 the final trial briefs; thirdly, the date for the presentation of
18 the closing arguments; fourthly, the length of the closing
19 arguments; fifthly, any issues relating to the case.

12:31:35 20 In any event, as I've said, that scheduling order has
21 already been filed and it will be available to you. We'll now
22 adjourn until 9.15 tomorrow morning.

23 [Whereupon the hearing adjourned at 12.32 p.m., to be
24 reconvened on Friday, the 27th day of October 2006,
12:32:37 25 at 9.15 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DBK- 131

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CROSS- EXAMINED BY MR AGHA

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RE- EXAMINED BY MR DANIELS

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