



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

MONDAY, 16 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:

Mr Si mon Mei senberg

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Karim Agha
Mr Vincent Wagana
Ms Maja Dimitrova (Case Manager)

For the accused Alex Tamba
Brima:

Mr Koj o Graham

For the accused Brima Bazy
Kamara:

Mr Mohamed Pa-Momo Fofanah

For the accused Santigie Borbor
Kanu:

Mr Ajibola E Manly-Spain

1 [AFRC16OCT06A - MD]

2 Monday, 16 October 2006

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 [Upon commencing at 9.18 a.m.]

7 PRESIDING JUDGE: Yes. Who is this witness in the witness
8 box?

9 MR MANLY-SPAIN: This is DBK-117. Good morning, Your
10 Honours.

09:19:05

11 PRESIDING JUDGE: Good morning.

12 MR MANLY-SPAIN: 117. DBK-117.

13 THE WITNESS: Yes, Your Honour.

14 PRESIDING JUDGE: I understand the AV section wants some

09:19:25

15 time to adjust something that should have been done before we
16 started in Court; is that still correct, Court Management? That
17 AV section wants some time or has the matter been adjusted?

18 MS KAMUZORA: Your Honour, they still want some time.

19 PRESIDING JUDGE: What exactly is the problem?

09:19:52

20 MS KAMUZORA: Your Honour, I'll request to call one of the
21 staff to come and explain to the Court.

22 MR ARNOLD: Good morning, Your Honours.

23 PRESIDING JUDGE: Good morning.

24 MR ARNOLD: My name is Arnold. I am with the AV

09:20:26

25 department. We have a problem with one of the video recording
26 machines and we need to change it out.

27 PRESIDING JUDGE: How long is that going to take?

28 MR ARNOLD: A maximum of ten to 15 minutes.

29 PRESIDING JUDGE: Right. When did you discover this

1 problem?

2 MR ARNOLD: About 20 minutes ago. We were doing our normal
3 checkups to make sure that everything is working fine and we
4 found that error.

09:20:55 5 PRESIDING JUDGE: All right. You want 20 minutes from now?

6 MR ARNOLD: Ten to 15. We have already started the process
7 of changing it.

8 PRESIDING JUDGE: All right. Well, we don't have any
9 option here. We are going to -- we'll give you until 9.30.

09:21:11 10 That's ten minutes.

11 MR ARNOLD: Thank you.

12 PRESIDING JUDGE: And while we're still on the Bench,
13 Mr Manly-Spain, you mentioned something about some truth and
14 reconciliation witnesses. Will they still be coming today?

09:21:27 15 MR MANLY-SPAIN: Yes, we are expecting them. They have
16 gone to collect them, but, in case they are not here, we have
17 another witness; the military expert will take the stand.

18 PRESIDING JUDGE: We still have 117 to deal with.

09:21:45 19 MR MANLY-SPAIN: Yes, that's after 117. We expect to call
20 the military experts after 117.

21 PRESIDING JUDGE: I see.

22 MR MANLY-SPAIN: But in the event they are not here, the
23 military experts will take their place.

24 PRESIDING JUDGE: I understand. Thank you.

09:21:56 25 MR MANLY-SPAIN: Thank you.

26 PRESIDING JUDGE: And, Mr Graham, your client is with the
27 doctor at the moment; is that right?

28 MR GRAHAM: Good morning, Your Honours. That is so, Your
29 Honour.

1 PRESIDING JUDGE: Well, I've been told he is coming over
2 with the detainees from the other trial; is that correct?

3 MR GRAHAM: Your Honour, my understanding is that he is not
4 coming in this morning. I mean, as of my last -- the last
09:22:24 5 information that I got just before I came into the Court, I think
6 he's waived his rights to be here in the Court.

7 PRESIDING JUDGE: He's waiving his right then?

8 MR GRAHAM: That is right.

9 PRESIDING JUDGE: There'll be no objection to the
09:22:37 10 proceedings going on in his absence?

11 MR GRAHAM: That's right, Your Honour.

12 PRESIDING JUDGE: All right. Thank you.

13 MR GRAHAM: I am grateful. Thank you.

14 PRESIDING JUDGE: All right. We'll need to adjourn until
09:22:47 15 9.30.

16 [Break taken at 9.22 a.m.]

17 [Upon resuming at 9.34 a.m.]

18 MR MANLY-SPAIN: Good morning, Mr Witness. Your Honours,
19 he's going to give evidence in Krio.

09:34:56 20 PRESIDING JUDGE: Yes. I think we will have him sworn
21 first, Mr Manly-Spain.

22 MR GRAHAM: Your Honours, respectfully, before that is
23 done, I am just informing the Court that the first accused,
24 Mr Brima, is in Court.

09:35:09 25 PRESIDING JUDGE: Yes. Thank you, Mr Graham.

26 WITNESS: DBK-117[Sworn]

27 [The witness answered through interpreter]

28 EXAMINED BY MR MANLY-SPAIN:

29 PRESIDING JUDGE: Yes, go ahead.

1 MR MANLY-SPAIN: Thank you, Your Honour.

2 Q. Good morning, Mr Witness.

3 A. Good morning, sir.

4 Q. Mr Witness --

09:36:21 5 A. Yes, sir.

6 Q. -- you were born in 1976?

7 A. Yes, sir.

8 Q. And you were born in Freetown?

9 A. Yes, sir.

09:36:34 10 Q. And you went to school in Freetown but only completed
11 your --

12 A. Yes, sir.

13 Q. -- primary school education?

14 A. Yes, sir.

09:36:43 15 Q. You cannot read and write English?

16 A. Yes, sir.

17 Q. Thank you. And you are presently a member of the -- a
18 private soldier in the Sierra Leone Army, serving somewhere in
19 the provinces?

09:36:59 20 A. Yes, sir.

21 Q. Mr Witness, please wait for the interpretation; okay?

22 A. Yes, sir.

23 JUDGE SEBUTINDE: Sorry, Mr Manly-Spain, did you say he is
24 a member of the private army?

09:37:14 25 MR MANLY-SPAIN: No, I said he's a private, presently
26 serving in the Sierra Leone Army, somewhere in the provinces.

27 Q. Mr Witness, you were enlisted in the Sierra Leone Army in
28 1992; am I right?

29 A. Yes, sir.

1 Q. As a member of the Sierra Leone Army at that time, did you
2 know the third accused, Santigie Borbor Kanu?

3 A. Yes, sir.

4 Q. As what did you know him?

09:37:51 5 A. I knew him as a soldier.

6 Q. Thank you. Mr Witness, I want you to recall the 25th of
7 May 1997?

8 A. Let me go ahead and say something?

9 Q. Do you remember that date?

09:38:13 10 A. Yes, sir.

11 Q. On that date, where were you?

12 A. I was in the hospital.

13 Q. Which hospital was that?

14 A. I was admitted at the 34 Military Hospital.

09:38:35 15 Q. Is that the hospital at Wilberforce barracks?

16 A. Yes, sir.

17 Q. Do you remember what caused you to be admitted in the
18 hospital?

19 A. Yes, sir.

09:38:50 20 Q. What was it?

21 A. I was shot at.

22 Q. Where did this happen?

23 A. [No interpretation].

24 Q. Thank you. And what were you doing there?

09:39:21 25 JUDGE SEBUTINDE: We didn't hear the interpretation.

26 MR MANLY-SPAIN: Sorry, Your Honour.

27 JUDGE SEBUTINDE: What was that?

28 THE INTERPRETER: Your Honour, could counsel ask the
29 witness again.

1 MR MANLY- SPAIN:

2 Q. What caused you to be fired at?

3 A. Well, we were deployed at one of the villages which was --

09:39:41

4 THE INTERPRETER: Your Honour, the interpreter did not hear
5 the village, the name of the village the witness called?

6 PRESIDING JUDGE: Also, Mr Manly-Spain, in English to fire
7 at somebody is not necessarily to hit the person.

09:40:02

8 MR MANLY- SPAIN: I was going to clarify that, but when the
9 interpreter said that I was shot at, that stopped me. But I will
10 clear it.

11 PRESIDING JUDGE: Indeed. There is a difference between
12 being shot at and being shot.

13 MR MANLY- SPAIN: Yes. I am sure -- I know, yes.

14 Q. Mr Witness --

09:40:16

15 A. Yes.

16 Q. -- the village --

17 A. Yes, sir.

18 Q. -- or town in which this incident happened?

09:40:35

19 A. Well, the town was Tihun Sogbeni. The town was Tihun
20 Sogbeni. Matru village.

21 Q. What big town is near that?

22 A. Matru Jong, about six miles up from the village to Matru
23 Jong.

09:41:01

24 Q. I can hazard a guess as to the spellings, T-U-I-S-H-U-B-A-Y
25 [sic]. Matru Jong is M-A-T-R-U one word and J-O-N-G is the
26 second word. After you were fired at, you were shot at, did
27 anything happen to you?

28 A. Yes, sir.

29 Q. What happened to you?

1 A. When I was shot at, after my brothers repelled the attack,
2 they took me with vehicle and brought me to Bo hospital. By then
3 there was a cut-off point in the road. They took me and then
4 carried me to the military hospital, 34, in Freetown.

09:41:49 5 Q. Yes. What happened to you?

6 A. I do not understand.

7 Q. When you were shot at, what happened to you?

8 A. They shot my hand. It was my hand that they shot at, so I
9 felt the pain. I was feeling the pain. The place where they

09:42:20 10 shot me they -- my hand broke so they decided to take me to the
11 hospital.

12 Q. Thank you, Mr Witness. Mr Witness --

13 A. Yes, sir.

14 Q. -- you said you were in hospital on 25 May 1997. Do you
09:42:39 15 recall if anything happened in Sierra Leone on that day?

16 A. Yes, sir. I heard that -- I heard that they overthrew,
17 over the radio.

18 Q. Thank you. Who overthrew that you heard of?

19 JUDGE SEBUTINDE: Mr Witness, do you mind moving slightly
09:43:10 20 back from the microphone? That's right. Just about there.

21 THE WITNESS: Yes, sir.

22 MR MANLY-SPAIN: Yes. Let me put the question again.

23 Q. Who did you say overthrew the government?

24 A. Well, I only heard it over the radio. It was
09:43:37 25 Corporal Gborie that I heard from over the radio, that he had a
26 government.

27 Q. Do you know whether any government was formed after this
28 overthrow?

29 A. Well, the government that I heard of was AFRC.

1 Q. And do you know whether the AFRC had a leader?

2 A. Yes, sir.

3 Q. Do you know the name of the leader?

4 A. Yes, sir.

09:44:22 5 Q. What was his name?

6 A. Johnny Paul Koroma.

7 Q. Thank you, Mr Witness. After this overthrow, did you hear
8 anything about the third accused, Santigie Borbor Kanu?

9 A. No, I didn't hear anything about him, about him

09:44:47 10 Q. Thank you, Mr Witness. Mr Witness, how long did you stay
11 in hospital?

12 A. Well, I was in the hospital for about six months. I was
13 admitted at the hospital.

14 Q. Were you discharged after the six months?

09:45:13 15 A. Yes, sir. I was discharged after the sixth month. Not
16 long after I had the information.

17 Q. Mr Witness, after you --

18 A. Yes, sir.

19 Q. -- discharged were you deployed anywhere as a soldier?

09:45:35 20 A. Well, I was in the outpatient when I heard about that
21 incident and I was reporting at Cockerill, where all the soldiers
22 used to go to.

23 Q. Thank you, Mr Witness. Mr Witness, do you recall --

24 A. Yes, sir.

09:45:56 25 Q. -- the month of February 1998?

26 A. Yes, sir.

27 Q. Where were you then?

28 A. I was at Cockerill then. I used to report at Cockerill. I
29 was there.

1 Q. Thank you. Do you know if anything happened in Sierra
2 Leone in February 1998?

3 A. Yes, sir.

4 Q. What happened that you remember?

09:46:31 5 A. Intervention came into the country at that time, and it was
6 the ECOMOG forces that did the intervention.

7 Q. As a result of this intervention, did anything happen with
8 the AFRC?

9 A. Yes, sir.

09:47:00 10 Q. What happened with the AFRC?

11 A. We had some attack from the ECOMOG troops.

12 Q. Yes. Just go right on. What happened to the AFRC as a
13 result?

09:47:32 14 A. During, at that time, ECOMOG used to launch bombs from
15 Lungi, to Magazine Cut, Eastern Police, and we normally saw jets
16 going around destroying and it was attacking all over, around the
17 military area.

18 Q. Thank you, Mr Witness. Mr Witness, I want you to
19 concentrate now on the intervention; okay?

09:47:58 20 A. Yes, sir.

21 Q. You've talked about the intervention and it was ECOMOG that
22 intervened. What was the result of that ECOMOG intervention?

23 A. What -- what was the result of that? The ECOMOG troops
24 used to attack us.

09:48:37 25 Q. Yes, carry on, Mr Witness.

26 A. Okay.

27 Q. Around that time 1998, when the ECOMOG attacked and there
28 was this intervention --

29 A. Yes, sir.

1 Q. -- please explain to the Court what happened?

2 A. Well, what really happened, we saw different forces and it
3 was the ECOMOG forces that deployed at Jui. Whilst they were
4 making a cut-off point on the road and they did not permit
09:49:21 5 vehicles to go through --

6 Q. Yes, go on.

7 A. -- so, by then, I left Cockerill. As it came to the
8 closing day, when I was at Cockerill, a jet came and bombarded
9 Cockerill and damaged a lot of soldiers, who were my comrades.

09:49:56 10 Q. Thank you, Mr Witness. Mr Witness, you said that Johnny
11 Paul Koroma was the leader of the AFRC. At the time when the
12 ECOMOG was intervening, in February 1998, did Johnny Paul Koroma
13 do anything?

14 A. Yes, sir.

09:50:21 15 Q. Do you recall what he did?

16 A. Well, after they had formed their government, Johnny Paul
17 used to speak to the soldiers and say that he was the commander,
18 he was the head of state.

19 Q. Mr Witness --

09:50:53 20 A. Yes.

21 Q. -- what did you do as a result of the intervention? Did
22 you do anything?

23 A. I do not understand.

24 Q. You said that you remember February 1998 and that there was
09:51:11 25 intervention by ECOMOG; am I right?

26 A. Yes, sir.

27 Q. When the intervention by ECOMOG took place, did you do
28 anything?

29 A. If I did anything?

1 Q. Yes.

2 A. Well, during that time, I falling in Cockerill. When the
3 intervention came from the ECOMDG, we fought against them. We
4 fought against them.

09:51:52 5 Q. Did you succeed in this fight against them?

6 A. No, we were unable to succeed. The men overran us by then.

7 Q. Did you do anything about -- after that, when they overran
8 you? Please move back, move back from the mic a little. Yes,
9 yes. Carry on.

09:52:29 10 A. They overran us and later we pulled out.

11 Q. Why did you pull out --

12 A. Because we didn't want the civilians to have casualties and
13 we decided to pull out and it was JP that told us to pull out.

14 Q. Thank you. Did you pull out?

09:52:52 15 A. Yes, sir. We pulled out.

16 Q. And who -- did JP tell you -- tell to pull out?

17 A. It was the soldiers. He called all soldiers to his lodge
18 and he explained to us that now the ECOMDG, they have overran us,
19 they have come in and they have captured State House and the jet
09:53:23 20 kept on pressuring us, and some of us did not have the time to
21 meet with our families, where we normally used to go and meet
22 with them because the ECOMDG had discovered the places. After
23 that, from there, he said we should pull out. Thursday, before
24 Friday morning, we pulled out from Freetown.

09:53:46 25 Q. Thank you, Mr Witness. When you pulled out, where did you
26 go to?

27 A. Well, when we were pulling out, at that time we did not
28 pull out together. We went in groups. So, we passed through the
29 peninsular, because they had already captured the main highway

1 and there was no road to take the main highway to go to Waterloo,
2 so we passed through the peninsular to Tombo. From Tombo, we
3 left all our properties at Tombo. The vehicles that we were
4 with, we left them at Tombo. We took a boat and we went across
09:54:27 5 to Masiaka.

6 Q. Thank you. Mr Witness, did you spend any time at Masiaka?

7 A. Yes, sir. I don't understand.

8 Q. Did you spend any time at Masiaka?

9 A. Yes, we spent some time at Masiaka.

09:54:47 10 Q. Were you at Masiaka with any persons?

11 A. Yes, sir. When we entered into Masiaka we met a company of
12 Guinean soldiers. They were deployed there with ammunitions and
13 support weapons.

14 Q. Yes. Who did you see at Masiaka, apart from the Guinean
09:55:15 15 ECOMOG soldiers?

16 A. Well, when we arrived at Masiaka, we were with a lot of
17 soldiers. JP was with us. SAJ Musa was with us. Then FS, FS
18 Koroma, who was the army chief of staff, JP's elder brother were
19 with us with some senior officers. They were with us when we
09:55:46 20 were at Masiaka.

21 Q. Thank you, Mr Witness.

22 A. We were with the CDS at Masiaka. Yes, sir.

23 Q. Mr Witness, from Masiaka, did you go anywhere?

24 A. Well, from Masiaka, we were at Masiaka -- some of our
09:56:05 25 brothers tried to move out to take their relatives to their
26 villages. I was at Masiaka. Later the Guineans decided to
27 attack us. JP had gone ahead. JP had gone ahead. Some of the
28 soldiers who were there, the Guineans, because the amount of
29 soldiers who were there, when we came to Masiaka the Guineans

1 were afraid. They met us so that we can give us money.

2 Q. Mr Witness, hold on. Please listen to my question. I
3 don't want you to go into all this explanation. Okay? Just
4 answer the question straight. If you say "yes" or you give me
09:56:55 5 the direct answer. I asked you: From Masiaka did you go
6 anywhere? Leave out the explanation.

7 A. Okay. Okay. It was because you asked me whether I spent
8 some time at Masiaka. That was why I was explaining.

9 Q. Mr Witness, thank you. From Masiaka, did you go anywhere?

09:57:18 10 A. Yes.

11 Q. Where did you go to?

12 A. I went to Makeni.

13 Q. And --

14 A. From Makeni I went to Kono.

09:57:30 15 Q. Thank you. And do you remember what time in 1998 you
16 reached Kono?

17 A. Yes, sir.

18 Q. Tell us?

19 A. It was when I came from Makeni, then I went to Kono.

09:57:51 20 Q. Do you know the month, of 1998? The month in 1998 that you
21 arrived in Kono?

22 A. Yes. It was in April.

23 Q. Thank you. Mr Witness, when you arrived in Kono, who did
24 you meet there?

09:58:08 25 A. Well, when I arrived in Kono, I met some of my friends, the
26 soldiers, because I didn't go there alone. I went along with my
27 fellow soldiers. We travelled all the way to Kono. When I --
28 when we went to Kono, I met one Kallay, I met Papa Bomb Blast,
29 and I met Junior Lion, Bobby, Staff Alhaji, Salami Savage, who is

1 Mr Die. On the side of the RUF, I met a lot of RUFs in Kono.

2 Q. Do you know whether the SLAs whom you met there had a
3 leader amongst them?

4 A. Actually, they didn't have direct command. They were
09:59:22 5 taking command from the RUF, the ones that I met there.

6 Q. Thank you. Do you know whether the RUF had a commander in
7 charge --

8 A. Yes.

9 Q. -- in Kono at the time?

09:59:37 10 A. Yes.

11 Q. Do you know who that was?

12 A. The overall commander in Kono was Superman.

13 Q. And do you know whether he had a deputy under him, a second
14 in command?

09:59:47 15 A. Yes.

16 Q. Do you know the name of that person?

17 A. It was Morris Kallon, he was the second in command to
18 Superman, because all the SLAs that I met there took command from
19 the RUF.

10:00:06 20 Q. Thank you, Mr Witness. Mr Witness, when you were there at
21 that time, did you see the third accused there?

22 A. No, I did not meet him there.

23 Q. Thank you. Mr Witness, where in Kono did you stay?

24 A. Well, I was there together with my SLA brothers at Masingbi
10:00:37 25 Road. Whilst the RUF, they were all over in Koidu Town. Beware
26 at Masingbi Road. That's what they called the place. That was
27 where we deployed.

28 Q. Thank you. Mr Witness, whilst you were deployed there --
29 Your Honour, I believe the names he called have all been

1 mentioned before. Thank you.

2 JUDGE SEBUTINDE: Except, Mr Manly-Spain, when the man says
3 he went to Kono, Kono is a district or is it a town?

4 MR MANLY-SPAIN: Yes, it's a district.

10:01:11 5 JUDGE SEBUTINDE: So perhaps you could narrow it down to
6 specific places within the district. Kono is too big.

7 MR MANLY-SPAIN: Yes, Your Honour. That is what I just
8 asked him and I believe he said he was at Masingbi Road.

9 THE WITNESS: I was deployed at Masingbi Road.

10:01:29 10 MR MANLY-SPAIN:

11 Q. In Koi du Town?

12 A. Well, Masingbi Road is Koi du Town.

13 Q. Whilst you were there with the other SLA soldiers, did
14 anything happen, that you remember?

10:01:42 15 A. Yes.

16 Q. What happened?

17 A. Something happened. We were patrolling when we discovered
18 some handset. It had an aerial. That handset you were able to
19 carry. It's portable. We discovered it where the South Africans

10:02:07 20 were, so we took the set and we brought it Foday Kallay, and

21 Foday Kallay said we should test the set to see the range it

22 covers. So we went by Konomanyi Park and we were communicating

23 with Foday Kallay whilst Superman, and his other officers, Komba

24 Gbundema, met us talking with our brother from Masingbi Road, and

10:02:37 25 we were saying that we were at Konomanyi Park and we were going

26 towards Superman's area by the Damondeh Street area. As he heard

27 that, he moved straight off and told Superman and said he met

28 some SLA soldiers communicating with Nigerians, because they had

29 a plan to surrender themselves to Nigerians. So, as that man was

1 moving off, who was Komba Gbundema, to explain to Superman, we
2 left there and immediately we saw an RPG bomb blast where we
3 were, and there was a fight and we started firing against them
4 and they themselves were firing against us. We were defending
10:03:26 5 ourselves but some people pulled out because the population of
6 the RUF, there were many. There were more than the SLA soldiers
7 so they cornered us whilst some of our brothers escaped, and then
8 we were cut off from then.

9 Q. While you were -- I believe you said they were at a place
10:03:50 10 called Konomanyi Park, it's K-O-N-O-M-A-N-I [sic]. Who are the
11 soldiers that were with you at Konomanyi Park?

12 A. We made a patrol to go the distance.

13 Q. I want to know the names of the soldiers who were with you
14 at Konomanyi Park?

10:04:16 15 A. Well, we were not many; it was one section. There was a
16 soldier called Abravo and the driver called, because we wanted a
17 vehicle, the driver was called Fifty. Yes, and Kordulay, and the
18 other three soldiers, I've forgotten their names, we were not
19 many who went and made the testing.

10:04:53 20 Q. So after you were attacked by the RUF, did anything happen
21 to you?

22 A. Yes, something happened.

23 Q. I'm asking you what happened to you?

24 A. Well, I was trapped in a cut-off while my -- the others
10:05:12 25 pulled out and went to the Kabala direction. They went to the
26 area of SAJ Musa.

27 Q. By the others, whom do you mean?

28 A. The thing that took place?

29 Q. No. No. You said you were left in a cut-off and the

1 others moved to Kabala. Who are the others that went to Kabala?

2 A. Well, the other soldiers with whom I was. Some soldiers,
3 they pulled out.

4 Q. What are their names?

10:05:52 5 A. Well, those with whom I pulled out and went to Kabala was
6 Junior Lion, Bobby.

7 Q. Sorry, Mr Witness. You said "the ones I pulled out with"
8 the ones, who pulled out?

9 THE INTERPRETER: Your Honour, what the witness said is
10:06:15 10 what I'm interpreting. I did not know all the men who went.
11 Only some of us who remained that I understood.

12 MR MANLY- SPAIN:

13 Q. Okay. Tell us those who went and those who remained.
14 First of all who were the ones who went, that you know?

10:06:40 15 A. Those who went, who were the SLA soldiers, who escaped,
16 those who went were Papa Bomb Blast, he went. Then he went with
17 some soldiers.

18 Q. What happened to Junior Lion? Did he remain in Kono?

19 A. No, he did not remain, after the attack that the guys made
10:07:10 20 against us.

21 Q. What about --

22 A. He pulled out.

23 Q. -- what about Kallay?

24 A. Well, Kallay, he remained in the cut-off. All of us left
10:07:21 25 in the cut-off, because he had a fracture. He was wounded and he
26 was the senior commander amongst us. He was the commander, among
27 the SLA who remained.

28 Q. Thank you, Mr Witness. Mr Witness, when you remained --

29 A. Yes.

1 Q. -- did anything happen to you?

2 A. Yes. I had an instruction from the RUF.

3 Q. When you say "instruction," is it the same as a command?

4 As command?

10:08:02

5 A. Well, when we remained behind the cut-off, they were
6 torturing us during that time. They felt that we were going to
7 escape, so we were under tight security.

8 Q. At that time who was the commander?

9 JUDGE SEBUTINDE: What was that they were doing to them?

10:08:37

10 MR MANLY-SPAIN: Torturing them, and they were under tight
11 security.

12 Q. Who was torturing you?

13 A. Superman passed an order to his deputy in order for him to
14 take care of us, so he gave us securities.

10:08:50

15 Q. Thank you. From whom did you and the other SLAs now take
16 command?

17 A. We were all taking command from the RUF, from Superman, who
18 was the overall commander.

19 Q. You mentioned one Staff Alhaji?

10:09:20

20 A. Yes.

21 Q. Do you know what happened to him after this attack by the
22 RUF on the SLAs?

23 A. Yes, sir.

24 Q. What happened to him?

10:09:33

25 A. He had an appointment. He was a commander.

26 Q. Commander who?

27 A. He was taking command from Superman. We had Staff Alhaji.
28 We had Savage. He, too, had -- became -- had become an RUF
29 during that time.

1 Q. Thank you, Mr Witness. Mr Witness, whilst you were now
2 taking command of the RUF, did anything -- taking command from
3 the RUF, did anything happen in Kono?

4 A. Yes, sir.

10:10:23 5 Q. What happened?

6 A. Well, we were there. We deployed. We were with the RUF
7 during that time, so they sent us for defensive, and we had an
8 information that the ECOMOG was moving, from Makeni to Kono,
9 whereas the RUF, we and the RUF were advancing towards -- to
10 Sewafe.

10:11:00

11 Q. Did the ECOMOG ever arrive at Kono?

12 A. Yes, sir. They arrived there. They attacked us and
13 flushed us out.

14 Q. What do you mean? Out of where?

10:11:15

15 A. They evict us from Kono and we went towards the Guinea
16 Highway. It was called Superman Ground. That was where Superman
17 based, it was there that we all based, while the ECOMOG had
18 captured the entire Koidu Town.

19 Q. Yes. Do you know how long you stayed there at this
20 Superman base?

10:11:41

21 A. Yes.

22 Q. How long was that?

23 A. Well, we deployed there. We were at Guinea Highway for
24 about six months.

10:12:04

25 Q. Thank you, Mr Witness. Whilst you were deployed there, did
26 you do anything or did the RUF do anything?

27 A. Yes. During that time Superman was taking us to make some
28 night combat against the ECOMOG who were attacking their
29 positions.

1 Q. Thank you. And do you recall December of 1998?

2 A. Yes, sir.

3 Q. And did anything happen whilst you were with the RUF in
4 Kono?

10:12:45 5 A. Yes. We made -- we made -- what happened, Superman took us
6 for an operation. It was codenamed Fiti Fata to remove the
7 ECOMOG from Koi du Town.

8 Q. Thank you. Do you know the result of that -- did you
9 attack at all?

10:13:14 10 A. Yes, we attacked the ECOMOG at Koi du Town.

11 MR MANLY-SPAIN: I believe, Your Honours, he said Fiti
12 Fata, an operation called Fiti Fata.

13 THE WITNESS: Yes.

14 MR MANLY-SPAIN: F-I-T-I F-A-T-A.

10:13:37 15 Q. Do you know what Fiti Fata means in Krio?

16 A. Well -- well, they had that code. They were the one that
17 named that operation, Fita Fata operation.

18 Q. Thank you. I don't know if that is an explanation. I will
19 move on. And do you know the result of that operation?

10:14:02 20 A. Yes, sir.

21 Q. What was the result?

22 A. The result of that operation was that we flushed the ECOMOG
23 from Hill Station as far as Five-Five area. We removed them out
24 of Koi du Town.

10:14:25 25 Q. Thank you.

26 A. Then, during that time, we had casualties.

27 Q. Thank you. Who was the commander who led the attack on
28 Koi du Town?

29 A. The commander was Superman. Then he had other

1 subcommanders.

2 Q. Thank you. Do you remember any of the subcommanders?

3 A. Yes.

4 Q. Who were they?

10:14:57 5 A. Well, he was having Komba Gbundema, Morris Kallon, CO Rambo
6 and CO Isaac, CO Isaac, CO Alfred, who was an STF man. So they
7 too was in the RUF. CO Kennedy, he too was an STF. We all did
8 operation.

9 Q. Thank you. As a result of the operation, did the RUF do
10:15:32 10 anything?

11 A. Well, are you talking about the attack?

12 Q. What was the result of the attack?

13 A. The attack, we flushed the ECOMDG out, and we made
14 defensive positions.

10:16:02 15 Q. Where did you make these defensive positions?

16 A. Well, the areas where we made the defensive positions,
17 anywhere we flushed, when we flushed the ECOMDG out of Koidu
18 Town, we removed them out of the villages. We made some
19 deployment at Sewafe, all those areas; we made deployment there.

10:16:29 20 Q. Now that the RUF was back in Kono, in charge of Kono, did
21 anything happen?

22 A. Yes. Well, something took place later when Issa Sesay
23 came, when he came from Buedu.

24 Q. What happened?

10:16:49 25 A. When he was the overall commander. What happened was that
26 mining took place.

27 Q. And --

28 A. We were mining in the area.

29 Q. Sorry. Where in Kono did the mining take place?

1 A. Number 11 and Bakundu; those were the areas the mining was
2 taking place.

3 Q. Bakundu I can guess is B-A-K-U-N-D-U, Your Honours. How
4 did you know that the mining took place in these places?

10:17:39 5 A. Well, how I managed to know, later, I was made a mining
6 security commander under the overall -- under the overall mining
7 commander, who was Peleto, so I was the mining security commander
8 within the Opera area, from Opera as far as Tankoro, so I was
9 supervising that area.

10:18:14 10 Q. What were your duties as a supervisor, mining security
11 commander? What did you actually do? Please move back a bit.
12 Move back a bit from the mic, yes. What did you do as a mining
13 supervisor?

14 A. Well, what I did as a mining supervisor, I was just there.
10:18:40 15 Anywhere they removed the gravel, they will make two piles.
16 Then, I was there to place a stick on one of the pile and say,
17 because the order that he gave me, whenever they were mining, the
18 government will have, would have its own pile. That is the RUF
19 government that was in charge. When I arrived there I was going
10:19:06 20 to a point at either of the pile and if there was that pile
21 anything that you have there, I hand it over to my commander.

22 Q. Thank you. So I want you just to explain a little bit.
23 You said government pile. What do you mean by government pile?

24 A. Well, the government pile, the commanders of the government
10:19:36 25 of that area, because during that time we were in full command.
26 It was the RUF government that was there, the People's Army.

27 Q. So am I right that you had to choose a pile as that
28 belonging to the RUF government that was there?

29 A. Yes. That was the instruction that they gave me as

1 inspection commander. Anywhere that removed gravel, I will
2 choose and say this is for -- this is the government pile and I
3 also had others who were supervising, watching me. If I had
4 appointed and it was watched, Issa Sesay's boys were with me, so
10:20:40 5 anything that we have after washing, I hand it over.

6 Q. Thank you. Mr Witness, who particularly in the RUF gave
7 you the orders?

8 A. Well, during that time it was Issa Sesay who was the
9 overall commander in that area, when Superman -- whilst Superman
10:21:07 10 was not around there again. They have changed command.

11 Q. Thank you, Mr Witness. To whom did you give the diamonds
12 when you received them?

13 A. Well, I handed them over to Peleto, Amara Peleto, who was
14 the overall mining commander, while he, too, handed them over to
10:21:33 15 Issa Sesay.

16 Q. Mr Witness, you said that there was another plant called
17 number 11, another mining area called number 11. Do you know
18 whether anyone was the mining supervisor there or mining security
19 commander there?

10:21:50 20 A. Yes.

21 Q. Do you know the person?

22 A. I knew the person, who was Staff Alhaji. He was the
23 supervisor in that area.

24 Q. And do you know whether he performed the same duties as
10:22:09 25 yourself?

26 A. Yes. He, too, was doing the same functions. All the
27 mining activity that was taking place in that area, he was doing
28 the same functions as I was doing.

29 Q. Thank you, Mr Witness. Mr Witness, you had mentioned

1 earlier that this Staff Alhaji was there. Before that time had
2 you known Staff Alhaji?

3 A. Yes. Staff Alhaji, I knew him as a soldier. I knew him as
4 a soldier. He was from sergeant to staff.

10:23:03 5 Q. Mr Witness, do you know who were actually mining the soil?
6 Who actually did the mining?

7 A. Yes.

8 Q. Who were they?

9 A. Well, the civilians, with whom the RUF commanders had,
10:23:33 10 during that time, those civilians were the ones that -- that were
11 digging.

12 Q. Thank you, Mr Witness. And, Mr Witness --

13 A. Yes.

14 Q. -- how long did you continue in this capacity as mining
10:23:55 15 security commander?

16 A. Well, I was there until the cease-fire. After the
17 cease-fire --

18 Q. What were they mining? I believe I left that out. What
19 were they mining at that time?

10:24:26 20 A. What they used to mine?

21 Q. What they were mining for?

22 A. Well, during that time it was diamond. They were mining
23 for diamond in that area.

24 Q. And, Mr Witness, finally, after all this, did you go
10:24:44 25 through the DDR programme or did you re-enlist?

26 A. Yes.

27 Q. The SLA under [overlapping speakers]?

28 A. No. Yes, I went through the DDR. I disarmed and I went
29 through the British training.

1 MR MANLY-SPAIN: That is all for this witness, Your Honour.

2 PRESIDING JUDGE: Thank you, Mr Manly-Spain. Do Defence
3 counsel wish to ask questions in cross-examination?

4 MR GRAHAM Your Honour, no questions from counsel for the
10:25:23 5 first accused, Mr Brima. Thank you.

6 PRESIDING JUDGE: Thank you, Mr Graham Yes, Mr Fofanah.

7 MR FOFANAH: Good morning, Your Honours, just a few
8 questions for the witness.

9 CROSS- EXAMINED BY MR FOFANAH:

10:25:33 10 Q. Mr Witness --

11 A. Yes.

12 Q. -- during your stay at Kono, did you witness or observe the
13 burning of houses in Kono, at Koidu Town?

14 A. Well, the only time that I knew was the time the ECOMOG
10:25:51 15 dislodged us finally from Koidu Town. It was some of the RUF, I
16 saw each one that came out of the house he put -- he set on fire
17 on that house. Then, the ECOMOG again, the jets were bombing
18 some houses.

19 Q. How, how was the jet bombing houses, the ECOMOG jets?

10:26:27 20 A. They had some bombs, they called cluster bombs. If they
21 drop it on any house it will destroy the house. It will burn it.
22 It will -- some areas will break.

23 Q. You said you saw some RUFs burning houses. Can you
24 estimate the number of RUF soldiers you saw burning houses?

10:26:53 25 A. Well, during that time, because we were under the command
26 of the RUF, all RUFs, so they were receiving order from the
27 commanders that --

28 Q. Mr Witness, listen to the question and then just give a
29 precise answer. Can you estimate the number of some of the RUFs

1 you saw burning houses?

2 A. I cannot tell you, because I did not know the total number
3 of them

4 Q. Okay. Thank you. And do you know if these RUFs who were
10:27:36 5 burning houses were under the command of anyone?

6 A. Yes.

7 Q. Who was their commander?

8 A. The overall commander was Superman.

9 Q. Now, was it to your knowledge that Superman instructed
10:27:56 10 these soldiers to burn houses?

11 A. Well, I was not there when Superman told them but one RUF
12 man, I asked one RUF man. I said, "Why are you just coming from
13 the house and set it on fire"? He said that was the command that
14 he had had from his commander. If he was coming out of the house
10:28:19 15 he should burn it.

16 Q. And who was he referring to as the commander?

17 A. The person from whom he was taking instruction.

18 Q. And did he tell you who that person was?

19 A. Yes.

10:28:50 20 Q. Who?

21 A. He told me that --

22 Q. Who was the person?

23 A. He told me that it was Superman who passed an order that,
24 and order that because -- since the ECOMOG were dislodging us
10:29:05 25 they should not have a place to live, so that we will be able to
26 remove, dislodge them again from that area.

27 Q. Thank you, Mr Witness. Now, during your stay at
28 Masingbi Road, in Koidu Town, and throughout your stay at Koidu
29 Town, did you see or hear about any Ibrahim Bazzy Kamara giving

1 orders to soldiers to burn houses?

2 A. I did not see him there. He wasn't there.

3 Q. Did you hear about any Ibrahim Bazy Kamara giving orders
4 to soldiers to burn houses?

10:29:44 5 A. I did not know that man. That man was not there. Ibrahim
6 Bazy Kamara, he was not there.

7 Q. The word is hear. Did you hear?

8 A. No. He was not there.

9 MR FOFANA: Okay, Mr Witness. That is all for the
10 witness. Thank you.

11 PRESIDING JUDGE: Thank you. Yes, Mr Wagona.

12 MR WAGONA: Thank you, Your Honours.

13 CROSS- EXAMINED BY MR WAGONA:

14 Q. Good morning, Mr Witness.

10:30:25 15 A. Yes, good morning, sir.

16 Q. I have some questions for you and I would kindly request
17 you to answer directly in response to my question, and for some
18 of the questions you can just say, "yes," "no," or "I don't
19 know;" is that okay?

10:30:43 20 A. Okay. Excuse me, let me drink some water. Okay.

21 Q. Now, during the AFRC government, did you hear about the
22 term "honourable"?

23 A. Yes. That one, I heard about it. But I did not know the
24 meaning of "honourable".

10:31:40 25 Q. Did you hear that the first accused, Alex Tamba Brima, was
26 an honourable?

27 A. I only heard that he was an honourable.

28 Q. Did you hear that the second accused, Ibrahim Bazy Kamara,
29 was an honourable?

1 A. I knew him as a soldier. He was a sergeant, in the army
2 headquarters.

3 Q. But did you hear that he was also an honourable?

10:32:56

4 A. I only heard, but I never saw him on television or neither
5 do I heard him over the radio. It was my colleague soldiers who
6 told me that that man was an honourable.

7 Q. Did you hear that the third accused, Santigie Borbor Kanu,
8 was also an honourable?

9 A. Yes. I heard that he was an honourable.

10:33:27

10 Q. Did you hear that the people who came to be known as
11 honourables --

12 A. Yes.

13 Q. -- during the AFRC government had participated in
14 overthrowing the SLPP government?

10:33:36

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

16 Q. Did you get to hear of names of some of those people who
17 participated in overthrowing the SLPP government?

18 A. Yes.

19 Q. What names did you hear?

10:34:09

20 A. Well, the names that I heard over radio were -- was
21 Corporal Gborie. I heard him announce. Then, later, I heard
22 about JP, Johnny Paul Koroma. Then I knew one honourable who was
23 Foday Kallay. We were in Kono together. Then I knew an
24 honourable called Cobra. I also knew Honourable Bio, Honourable
25 Bio.

10:35:03

26 Q. Now, you don't recall all of them, do you?

27 A. If I can recall all of them? Yes, sir.

28 Q. Was Hassan Papa Bangura one of them?

29 A. Yes, sir. He too, he was shown to me as an honourable.

1 Q. And the others you have mentioned, whom you said you know,
2 were they all honourables? They were all honourables, weren't
3 they?

4 A. Only Zagalo, who was Abu Sankoh, that I knew that he was a
5 PLO.

10:35:56

6 Q. Now Hassan Papa Bangura, the one you said was honourable,
7 was also called -- was also known as Bomb Blast, wasn't he?

8 A. Yes. I knew that name, that he was Papa Bomb Blast.

9 Q. I put it to you that the first accused, Alex Tamba Brima,
10 the second accused, Ibrahim Bazzy Kamara, and the third accused,
11 Santigie Borbor Kanu, were also involved in overthrowing the SLPP
12 government; what do you say?

10:36:36

13 A. I do not know. I never saw them on a television or heard
14 them on the radio. Tamba Brima, both of us were admitted at
15 hospital. It was at the hospital that I knew him. During that
16 time he was a soldier.

10:37:07

17 Q. And you said you yourself you are a soldier. Are you a
18 trained soldier?

19 A. Well-trained. I was trained at Lungi garrison, Robot
20 Battalion.

10:37:33

21 Q. And would you say that you are also a well-experienced
22 soldier?

23 A. Yes, I am a well-experienced soldier.

24 Q. Now, as a well-trained and well-experienced soldier, do you
25 know that during armed conflict it's wrong for you to kill
26 civilians?

10:37:53

27 A. Yes, I know that. It was wrong to fight with the civilians
28 but we were there to protect the civilians.

29 Q. And do you know that it's wrong for you to kill surrendered

1 enemies?

2 A. Yes, sir.

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

4 A. I knew that. Then, we never applied that.

10:38:48 5 Q. Do you know that it's wrong to rape women and girls?

6 A. Yes, I knew that. It is something that should not be in
7 place.

8 Q. Do you know that it's wrong to burn houses and other
9 properties of people?

10:39:11 10 A. Yes. That is the reason why I asked one of the RUFs that
11 when you are coming out of the house, why are you burning that
12 house again? I asked him about that and he told me the
13 instruction that he was given.

14 Q. Mr Witness, can you just answer my questions only and then
10:39:37 15 we just go along. Do you know that it's wrong to engage in
16 looting?

17 A. Yes. I knew that it was something that was wrong.

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

19 A. It was not good at all. It is something that is not good
10:40:11 20 to be done.

21 Q. And do you know that it is wrong to force civilians to work
22 for fighters and commanders?

23 A. Yes, I know that that is bad.

24 Q. Now, in the army you have been following orders of your
10:40:40 25 commanders; is that right?

26 A. Yes. The instructions that they gave me in the military is
27 what I followed.

28 Q. And you can be punished if you don't follow your
29 commander's orders; is that right?

1 A. Yes, you are correct. You will be punished for that.

2 Q. And you have seen other soldiers also following orders of
3 their commanders; right?

4 A. Yes, sir. You should take all orders from your commander.

10:41:39 5 Q. And as you stated, while in Kono, fighters were following
6 orders of their commanders; right?

7 A. Yes, sir. They were taking all orders from their
8 commanders, those that were there.

9 Q. Now, you testified that when you pulled out of Freetown you
10:42:14 10 went up to Masiaka; do you remember that?

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

12 Q. And who was leading the troops?

13 A. It was JP Koroma who was the commander when we pulled out;
14 when we first pulled out.

10:42:42 15 Q. And do you remember that Johnny Paul Koroma declared an
16 operation called Operation Pay Yourself?

17 A. No, I never heard about that operation.

18 Q. I put it to you, Mr Witness, that Johnny Paul Koroma
19 declared Operation Pay Yourself because he had no money to pay
10:43:15 20 the fighters; what do you say?

21 A. Well, I'm telling you that I am a Christian. I have sworn
22 on my Bible. All that I'm telling you here is the truth so I
23 want you to believe that anything that I take out of my mouth and
24 explain here is the truth. I never heard those orders about
10:43:37 25 Operation Pay Yourself. I never heard about that.

26 Q. And I put it to you that after that declaration, you, the
27 SLAs, and RUFs, started massive looting; what do you say about
28 that?

29 A. During the time that I went to Masiaka, from Masiaka to

1 Makeni, I was never with a group that entered in people's places.
2 In fact, Makeni, the day I entered there was the day that the jet
3 appeared there, when people dispersed in the town and I was not
4 able to sit in there and then I went to Kono.

10:44:22 5 Q. And I put it to you that this looting continued on the way
6 to Makeni and while in Makeni; what do you say about that?

7 A. Well, I did not see that and I did not have -- I did not
8 get that order from JP during that time.

9 Q. You testified that while in Kono, at some stage RUFs
10:45:03 10 engaged in burning; you remember that?

11 A. Yes. During that time, I can remember it was during the
12 ECOMOG was trying to dislodge us finally from Kono.

13 Q. Now did you -- were you able to go to any neighbouring
14 villages?

10:45:36 15 A. The time that I arrived in Kono?

16 Q. While you were in Kono?

17 A. Yes, I patrolled in Tombodu, where Savage was. I went to
18 just stroll there.

19 Q. Now, did RUFs also engage in abductions?

10:46:00 20 A. Well, during the time that I went to Kono, I did not see
21 any civilian in Kono. They all have pulled out and went to
22 Guinea. There was no civilians there.

23 PRESIDING JUDGE: We are getting to that stage where we
24 have our normal morning break, Mr Wagona.

10:46:24 25 MR WAGONA: Much obliged.

26 PRESIDING JUDGE: Mr Witness, we are going to have a short
27 break. I will tell you that you are not permitted to discuss
28 this case or the evidence with any other person during the break,
29 or at any time while you are giving evidence; is that leer?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: We will break until 11.05.

3 [Break taken at 10.46 a.m.]

4 [Upon resuming at 11.05 a.m.]

11:06:37 5 MR WAGONA:

6 Q. Mr Witness --

7 A. Yes, sir.

8 Q. -- RUF forced civilians to carry loads for them in Kono
9 District, didn't they?

11:06:52 10 A. When I was moving towards Kono, there were no RUFs. I met
11 them there.

12 JUDGE SEBUTINDE: Mr Wagona, sorry; what is the question
13 you asked?

14 MR WAGONA: Your Honours, the question was that while in
11:07:21 15 Kono District, the RUFs forced civilians to carry loads for them

16 Q. And you say you did not find -- what was your answer again,
17 Mr Witness?

18 A. When I was on my way to Kono --

19 Q. While you were in Kono District, in the operations that you
11:08:04 20 were involved in the patrols?

21 A. Yes, okay.

22 Q. Yes, did the RUF force civilians to carry loads for them;
23 is that right?

24 A. Yes.

11:08:26 25 Q. And again, while you were in Kono, the RUFs had children as
26 soldiers among them, didn't they?

27 A. Yes, sir. They had them and they called them SBU.

28 Q. And while you were in Kono District, the RUFs carried out
29 amputations, didn't they?

1 A. Inside Kono, no.

2 Q. Within Kono District, while you were there?

3 A. No. Inside Kono, the place that I was, no, I didn't see
4 any amputation.

11:09:17 5 Q. What about in the neighbouring villages; did you hear that
6 RUFs amputated civilians in neighbouring villages?

7 A. Yes, I got the information.

8 Q. The RUFs also raped women and girls while in Kono District
9 and the neighbouring villages, didn't they?

11:09:48 10 A. Yes. When they were going on patrol, they did that.

11 JUDGE SEBUTINDE: Mr Wagona, we have to get this straight.
12 Are we talking about Kono District or are we talking about Koidu
13 and neighbouring villages within Kono District?

14 MR WAGONA: Your Honours, I'm talking about Kono District
11:10:09 15 and I'm talking about Koidu and the neighbouring villages.

16 JUDGE SEBUTINDE: But we are still within Kono District?

17 MR WAGONA: Yes.

18 JUDGE SEBUTINDE: That is inside Kono?

19 MR WAGONA: Kono District.

11:10:20 20 JUDGE SEBUTINDE: Not outside of the district?

21 MR WAGONA: No, Your Honour.

22 Q. And while in Kono District, the RUFs also killed civilians
23 in Koidu and in neighbouring villages, didn't they?

24 A. Yes, that used to happen, yes. It did happen.

11:10:48 25 Q. I put it to you, Mr Witness, that the SLAs were working
26 together with the RUFs during that time in Kono District; what do
27 you say?

28 A. No. We didn't have any SLA at that time. I was not an SLA
29 by then. I was People's Army.

1 Q. I put it to you that the atrocities you attributed to RUF,
2 while in Kono District, were committed by both SLAs and RUF; what
3 do you say?

4 A. That's a lie. It didn't happen that way.

11:11:38 5 Q. And you testified that SLAs had no commander of their own;
6 do you remember that?

7 A. Yes.

8 Q. I put it to you, Mr Witness, that the second accused,
9 Ibrahim Bazzy Kamara, was the highest and overall SLA commander
11:12:02 10 while in Kono District based at Masingbi Road; what do you say?

11 A. For me, I would tell you that I did not see that man in
12 Kono the time I was there. And I didn't even heard about him,
13 that he was there.

14 Q. I put it to you, Mr Witness, that the SLAs had their own
11:12:33 15 commanders while in Kono District; what do you say?

16 A. No. SLAs did not have any commander. They took command
17 from the RUFs.

18 Q. I put it to you that the second accused, Ibrahim Bazzy
19 Kamara, while in Kono District at that time, was involved in
11:13:02 20 planning and ordering operations and the patrols that you talked
21 about; what do you say?

22 A. I never saw him there. I have told you that. I didn't see
23 him. I never heard about him and nobody told me about him, that
24 he was there.

11:13:30 25 Q. Do you know whether in Kono District there were various
26 battalions and commanders deployed in various villages?

27 MR MANLY-SPAIN: May it please Your Honour --

28 THE WITNESS: Yes, they deployed around.

29 MR MANLY-SPAIN: -- I was just going to ask for

1 clarification. Battalions of who? SLAs or RUF or both?

2 PRESIDING JUDGE: Yes, do you want to reply to that?

3 THE WITNESS: It was RUF deployment.

4 MR WAGONA: I intend that he answer this question first.

11:14:06 5 Then I will come to that.

6 PRESIDING JUDGE: Well, he did answer something. I missed
7 his answer.

8 MR WAGONA: I'll ask again, Your Honours.

9 Q. Mr Witness, do you know whether in Kono District, at the
11:14:20 10 time when you were there, there were various battalions and
11 battalion commanders deployed to various villages in Kono
12 District?

13 A. Well, during those times, there were no battalions. It was
14 a group of RUF. And then, the SLAs were not many, so just a
11:14:50 15 small size of SLAs that we had there.

16 Q. I put it to you, Mr Witness, that during that time there
17 were various battalions consisting of a mixed force of SLA and
18 RUF deployed in various villages in Kono District; what do you
19 say?

11:15:12 20 A. I have already said that the SLAs that were there, we fall
21 in command of the RUFs. Those who were in the villages, that I
22 knew about as SLAs, were Savage, Staff.

23 Q. And I put it to you that most of the battalion commanders,
24 in those different villages, were SLAs; what do you say?

11:15:49 25 MR MANLY- SPAIN: I'm objecting, Your Honour. Your Honour,
26 the witness has said categorically that there were no battalions.
27 That's what he said.

28 PRESIDING JUDGE: Yes. Do you want to reply to that
29 objection?

1 MR WAGONA: Your Honour, I know he has said so, but I'm
2 putting the Prosecution case to him

3 PRESIDING JUDGE: Yes. I think you've already put it
4 myself, Mr Wagona.

11:16:13 5 MR WAGONA: Much obliged, Your Honour.

6 JUDGE SEBUTINDE: Mr Witness, what was your answer? We
7 didn't hear your answer?

8 THE WITNESS: RUF deployed around.

9 MR WAGONA:

11:16:40 10 Q. Mr Witness, did you go to Jagbwema?

11 A. Yes, I went to Jagbwema Fiama.

12 Q. I put it to you that in Jagbwema there was an SLA/RUF
13 battalion and a Captain Junior and SLA; what do you say?

14 A. Captain Junior, we were all RUFs, for he was not a
11:17:23 15 battalion commander.

16 Q. And you said you went to Tombodu; is that right?

17 A. I went to visit, on a visit to Tombodu.

18 Q. Was it on a visit or on a patrol?

19 A. I went on a visit.

11:17:58 20 Q. And you said that Savage was in Tombodu; is that right?

21 A. Yes. Savage was at Tombodu. Staff Alhaji was the
22 commander and Savage was the deputy. But they were afraid of him
23 more than the commander that was there.

24 Q. And I put it to you that both of them, Savage and
11:18:19 25 Staff Alhaji, were both SLAs; what do you say?

26 A. We were all People's Army then because we were subject
27 under the command of the RUFs.

28 Q. Did you go to Bumpe?

29 A. Yes, I went to Bumpe.

1 Q. I put it to you that there was a battalion consisting of
2 SLA and RUF and a Lieutenant Kallay, who was SLA, at Bumpe; what
3 do you say?

4 A. The commander that I knew of at Bumpe was Captain Komba
11:19:13 5 Gbundema. He was the commander when I went to Bumpe.

6 Q. Did you go to Sewafe?

7 A. Yes.

8 Q. I put it to you that there was a mixed SLA/RUF force at
9 Bumpe, I mean, at Sewafe, with Lieutenant Mosquito, who was SLA
11:19:36 10 as their commander; what do you say?

11 A. Yes. Lieutenant Mosquito, they promoted him and myself as
12 an officer. We were at Sewafe when we did blockading there for
13 the ECOMOG that were coming by then.

14 Q. Did you go to Yengema?

11:20:09 15 A. No, I didn't go to Yengema.

16 Q. Did you go to Woama?

17 A. No, Woama, I didn't go there.

18 Q. Did you go to Yamadu?

19 A. No, I didn't go to Yamadu.

11:20:38 20 Q. I put it to you that all those places I've just mentioned
21 to you had a mixed SLA/RUF force there; what do you say?

22 A. Yes, sir. I have told you that during those times they
23 didn't have SLAs. We were all People's Army.

24 Q. And you've just mentioned that while you were in Kono you
11:21:09 25 and Lieutenant Mosquito were promoted; do you remember that?

26 A. Yes, I can remember that.

27 Q. Who promoted you?

28 A. It was Superman that promoted me.

29 Q. I put it to you, Mr Witness, that it was the second

1 accused, Ibrahim Bazzy Kamara, who promoted Lieutenant Mosquito,
2 yourself and all the other battalion commanders; what do you say?

3 A. No, that's a big lie. In fact, that Lieutenant Mosquito,
4 during -- when we were trying to capture Kono, that Fiti Fata
11:22:01 5 operation, that was there he died. That was the first guard post
6 of the ECOMOG that we attacked and he died there. When they
7 promoted us they gave us these buttons. They were pressuring us
8 to go to the front line by then. They pressured us until that
9 man died.

11:22:37 10 Q. You were not involved in the operation to capture Kono
11 District, were you?

12 A. The time that we went to remove the ECOMOG, I was involved
13 then. I was involved in the capturing of Kono. That's the Fiti
14 Fata operation. I was there. I was in that operation.

11:23:03 15 Q. Were you involved in the original attack and occupation of
16 Kono District?

17 A. Yes.

18 MR MANLY-SPAIN: Your Honour, again, he's answered but,
19 again, the original attack and occupation by whom?

11:23:21 20 PRESIDING JUDGE: Yes. What do you say to that objection?

21 MR WAGONA: I will clarify that, Your Honours.

22 Q. Mr Witness, I'm asking you about the original movement of
23 the fighters into Kono District; you understand?

24 PRESIDING JUDGE: Who are you referring to, Mr Wagona?

11:23:47 25 THE WITNESS: What I want you to make clear is that the
26 time?

27 PRESIDING JUDGE: Who are you referring to?

28 MR WAGONA:

29 Q. Now, this is after the --

1 JUDGE DOHERTY: Mr Wagona, there's been a question directed
2 to you from the Bench; please reply.

3 PRESIDING JUDGE: I've asked you twice. Who are you
4 referring to when you say fighters?

11:24:07 5 MR WAGONA: Your Honour, I'm going to clarify that.

6 Q. Mr Witness, you remember you talked about the intervention?

7 A. Yes.

8 Q. When the AFRC government was removed from power?

9 A. Yes.

11:24:29 10 Q. [Inaudible]?

11 A. Yes.

12 Q. Johnny Paul Koroma and finally you ended up in Kono
13 District?

14 A. No, Johnny Paul Koroma left me at Masiaka. It was when I
11:24:46 15 went to Kono that they told me that he has gone ahead to

16 Kailahun. So we did not go together to Kono.

17 Q. But you went to Kono?

18 A. Yes, yes. I went to Kono.

19 Q. Okay. Now, did the group you went with to Kono, was it the
11:25:05 20 one that captured Kono?

21 A. No.

22 Q. Had Kono been captured earlier?

23 A. They had captured Kono. Whilst I was pulling out from
24 Masiaka, Makeni, Makeni to Kono, that was the time I went to

11:25:34 25 Kono. Yes.

26 Q. So Kono had been captured before you went there; is that
27 correct?

28 A. Yes.

29 Q. Now, do you know whether the third accused, Santigie Borbor

1 Kanu, was involved in the capture of Kono, before you went there?

2 A. No. They did not tell me and I did not see him. I did not
3 see him and they did not tell me that they captured Kono. I
4 never met them there and they did not go there.

11:26:16 5 Q. I put it to you, Mr Witness, that the third accused,
6 Santigie Borbor Kanu, was involved in the operation to capture
7 Kono; what do you say?

8 A. No. He was not involved in the capturing of Kono.

9 Q. Now, for you -- you've been talking about the People's
11:26:50 10 Army?

11 A. Yes.

12 Q. So who were the People's Army?

13 A. Well, that was the language we made from RUF. They were
14 calling themselves People's Army. So we were all People's Army.
11:27:09 15 They said they didn't have any SLA. They had People's Army, RUF.

16 Q. I put it to you, Mr Witness, that what you are calling
17 People's Army consisted of both SLA and RUF; what do you say?

18 A. No. We were all People's Army. We were there. The SLA
19 that's I knew about, they were with SAJ Musa. I heard that SLAs
11:27:48 20 were with SAJ Musa.

21 Q. Now, you mentioned earlier that you saw Bobby in Kono; you
22 remember that?

23 A. Yes. It was when I went to Kono I met him there.

24 Q. You also saw him in Freetown during the AFRC government,
11:28:12 25 didn't you?

26 A. No. I did not see him in Freetown. I saw him at Masiaka.

27 Q. And the Bobby you are talking about is also known as
28 Alimamy Bobson Sesay, isn't he?

29 A. Yes, alias Yapo. That's his country name. I knew him as a

1 soldier. He's a driver.

2 Q. Now, while you were in Kono, in December 1998, you talked
3 about the Fiti Fata operation; do you remember that?

4 A. Yes.

11:29:08 5 Q. And you said that in that fight you had a lot of
6 casualties; is that right?

7 A. Yes.

8 Q. Now, those casualties were attended to by your medical
9 team, weren't they?

11:29:34 10 A. Yes. At Jagbwema Fiana, the medical team was there, when
11 we came from that Guinea Highway to capture Koidu Town.

12 Q. Now, the mining you talked about, in Kono District, that
13 took place after December 1998; is that right?

14 A. Yes.

11:30:23 15 MR WAGONA: Just a moment, Your Honour. Your Honours, that
16 concludes my cross-examination. Thank you.

17 PRESIDING JUDGE: Thank you. Any re-examination,
18 Mr Manly-Spain?

19 MR MANLY-SPAIN: Yes, I have a couple of questions.

11:30:36 20 RE-EXAMINED BY MR MANLY-SPAIN:

21 Q. Mr Witness --

22 A. Yes, sir.

23 Q. -- in answer to my learned friend, you said that you
24 visited certain areas like Bumpe, Tombodu, Jagbwema, et cetera.

11:30:54 25 My question is: Was that after April 1998 when you arrived in
26 Kono?

27 A. No. It was after the ECOMOG, they have removed us, it was
28 later that we captured that area. That was the time I went on a
29 visit to the areas, when we were advancing.

1 Q. By that, you mean after December 1998?

2 A. Yes, sir. After the Fiti Fata operations I went around
3 those areas.

4 Q. Yes. You have said that you were promoted and you have
11:31:40 5 told the Court who promoted you. To what post or what rank were
6 you promoted to?

7 A. He promoted me to Lieutenant, at the time we were about to
8 attack ECOMOG at Koidu Town; that was the time he promoted
9 Mosquito and myself.

11:32:11 10 MR MANLY-SPAIN: Thank you, Mr Witness. That is all, Your
11 Honour.

12 PRESIDING JUDGE: Thank you.

13 MR MANLY-SPAIN: Except for the witnesses who are going to
14 be led by Professor Knoops, that is all the third accused has as
11:32:23 15 witnesses, as the close of our case.

16 PRESIDING JUDGE: Yes. Thank you, Mr Manly-Spain. I note
17 that there are two TRC witnesses and some experts. Are they all
18 going to be common witnesses?

19 MR MANLY-SPAIN: Yes, Your Honour.

11:32:40 20 PRESIDING JUDGE: I see. Thank you. Mr Witness, thank you
21 for coming to Court to give evidence. Your testimony is finished
22 now and you will be allowed to leave. Just sit there and we will
23 get the Court attendant to pull the curtains and then you can go.

24 THE WITNESS: Yes, sir.

11:33:01 25 [The witness withdrew]

26 MR KNOOPS: Good morning, Your Honours.

27 PRESIDING JUDGE: Good morning, Mr Knoops.

28 MR KNOOPS: Your Honours, the next witness who will appear
29 is TRC-01 but, before the witness enters the courtroom, I would

1 like to request the Court to consider an extension of the
2 protective measures under Rule 75 to this witness and at the same
3 time I apply for a short closed session under Rule 79A under(ii)
4 just for the credentials of this particular witness.

11:35:39 5 PRESIDING JUDGE: Well, it seems as though in the past you
6 have never applied for any protective measures for this witness.

7 MR KNOOPS: Correct.

8 PRESIDING JUDGE: So there is none applying at the moment.
9 Which protective measures did you wish to extend to him?

11:35:54 10 MR KNOOPS: The only one is that the identity of the
11 witness will not be revealed and that he can testify under his
12 pseudonym TRC- 01.

13 PRESIDING JUDGE: All right. So he testifies behind the
14 screen the same as any other protected witness?

11:36:13 15 MR KNOOPS: That's right. Yes.

16 PRESIDING JUDGE: Is there any problem there with the
17 Defence?

18 MR AGHA: No, there is no objection, Your Honour.

19 MR GRAHAM Your Honours, sorry, the first accused would
11:36:52 20 want to use the restroom with your kind permission?

21 PRESIDING JUDGE: Yes, he can leave.

22 [The witness entered Court]

23 PRESIDING JUDGE: Yes, well, Mr Knoops, I take it that the
24 protective measures to be ordered, that you are asking to be put
11:37:54 25 in place in regard to this witness TRC-01, and the following TRC
26 witness, are the following: That all protected -- that the
27 witness shall be screened from the public when testifying and
28 that the name of the witness, and any other identifying data, or
29 information on file with the Registry, or any other information,

1 which could reveal the identity of the witness, shall not be
2 disclosed to the public or the media. And that this order shall
3 remain in effect after the termination of the proceedings in this
4 case. Are they the orders you are asking for?

11:38:37 5 MR KNOOPS: That's correct, Your Honour. I'm grateful.

6 PRESIDING JUDGE: All right. Well, those orders for
7 protective measures are made in respect of this witness and the
8 following TRC witness.

9 MR KNOOPS: Rule 79 (ii) we would respectfully apply for a
11:39:39 10 short closed session just to introduce the witness and to ask for
11 his credentials.

12 PRESIDING JUDGE: All right. We will just have the witness
13 sworn, first.

14 MR KNOOPS: Thank you.

11:40:20 15 WITNESS: TRC-01 [Sworn]

16 PRESIDING JUDGE: Well, there is an application for a short
17 closed session. Does the Prosecution have any problems with
18 that?

19 MR AGHA: No, Your Honour.

11:40:28 20 PRESIDING JUDGE: All right. Well, we are going to have to
21 close the court for a very short time because this witness is
22 about to be asked questions which might reveal his identity. And
23 seeing he is a protected witness those questions should be asked
24 in a closed session. So public and press will need to leave the
11:40:53 25 Court now for a short time and any Court monitors may remain.

26 Yes, Madam Court Attendant, if you can make arrangements for a
27 closed session, please.

28 [At this point in the proceedings, a portion of the
29 transcript, pages 47 to 51, was extracted and sealed under

1 separate cover, as the proceeding was heard in a closed session]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 [Open session]

2 PRESIDING JUDGE: Yes, go ahead, Mr Knoops.

3 MR KNOOPS: Thank you, Your Honour.

4 Q. Mr Witness, let us turn now to the substance of your

11:56:41 5 testimony. Mr Witness, can you recall that you filed a brief
6 with the Sierra Leone Truth and Reconciliation Commission.

7 A. Yes, My Lord.

8 Q. Can you recall, Mr Witness, when you filed that brief,
9 which year?

11:57:15 10 A. The brief was filed in the year 2003.

11 Q. Thank you. Mr Witness, what you stated in that brief, was
12 that, according to your knowledge, the truth?

13 A. Sorry, My Lord, I did not get that.

14 Q. What you stated in that brief you filed with the TRC was
11:57:42 15 that according to the truth?

16 A. According to which truth, My Lord?

17 Q. Your truth; was it the truth?

18 A. Yes, My Lord.

19 Q. Mr Witness, are you able to identify the brief you filed
11:58:06 20 with the TRC?

21 A. Yes, My Lord. If I'm shown a copy I will be able to
22 identify.

23 MR KNOOPS: Your Honours, at this stage I would ask the
24 permission of the Court to ask the Court attendant to show a copy
11:58:19 25 of the brief. For Your Honours, it's page 18184 till 18188 of
26 the Court documents. It was filed by the Defence on 10 May this
27 year.

28 PRESIDING JUDGE: It's 218189, isn't it?

29 MR KNOOPS: It's in my record 18184 till 18189.

1 PRESIDING JUDGE: Madam Court Attendant?

2 MR KNOOPS: I have a clean copy.

3 Q. Mr Witness, you are shown -- I'm showing you the document.

4 Is that the document you referred to as your brief?

11:59:42 5 A. Yes, My Lord. This is what I presented to the TRC.

6 MR KNOOPS: Your Honours, at this stage, we would like to
7 tender this document as a Defence exhibit under confidentiality.

8 PRESIDING JUDGE: Yes. The Prosecution has been served
9 with a copy, I believe?

12:00:07 10 MR AGHA: Yes, the Prosecution objects to it being tendered
11 as an exhibit, Your Honour.

12 PRESIDING JUDGE: Why?

13 MR AGHA: Firstly, because when the Defence were asked to
14 file a list of exhibits they didn't file any and it was based on
12:00:21 15 a case-by-case basis. So despite this document being served on
16 us, by way of a summary, it was never classified as an exhibit.
17 Secondly, we have the same document which I believe the Court
18 has, under the same numbering, and it purports to be the opinion
19 of the witness. Now, this witness is an not an expert witness.

12:00:45 20 He has never been classified as such and, therefore, he is an
21 ordinary witness who is only entitled to give the evidence which
22 he saw and heard at the time, rather than his conclusions and
23 findings. We therefore object to it fully in that he is not an
24 expert witness, and that document draws on conclusions and
12:01:10 25 opinions and as such should be excluded. He should give oral
26 about what he saw and heard at the time, Your Honour.

27 PRESIDING JUDGE: Yes, Mr Knoops?

28 MR KNOOPS: I have not a problem with delaying the
29 tendering of the document until after the testimony of this

1 witness. I would like to stress that in no way we see this
2 document as an exhibit. This is simply the authentication of the
3 summary of the statement of this witness we provided on 10 May.
4 And, secondly, in no way we ever asserted that this witness is an
12:01:55 5 expert witness. In addition to that, I believe that the
6 assessment of the weight of this statement is something for the
7 Court to decide when it comes to the probative value of this
8 potential statement and in this regard it should be noted that
9 the witness clarified, I think his position, the knowledge he has
12:02:18 10 about the conflict. He also indicated that he was here during
11 the conflict for a certain time. And before, I think, speaking
12 about the admission of the statement, we should probably first
13 hear the witness as to how he comes to certain observations.
14 They are not merely opinions or conclusions, in my humble
12:02:44 15 submission, based on his credentials.

16 PRESIDING JUDGE: All right. Well, you are saying that for
17 the time being you are not going to tender it until you have led
18 some evidence; is that correct?

19 MR KNOOPS: I have no problem with that, Your Honour.

12:03:01 20 PRESIDING JUDGE: Well, I'm not directing you either way.
21 We will rule on it now, if that is what you want, or do you want
22 to delay the tender until you --

23 MR KNOOPS: I will delay the tendering until after the
24 testimony of this witness, Your Honour.

12:03:25 25 PRESIDING JUDGE: Did you want the document in front of the
26 witness while you ask questions? Are you going to refer him to
27 the document?

28 MR KNOOPS: He is going to refer to it, Your Honour.

29 PRESIDING JUDGE: All right.

1 MR KNOOPS: May I proceed, Your Honour?

2 PRESIDING JUDGE: Yes.

3 MR AGHA: Your Honour, the Prosecution also object at this
4 stage because this, in essence, is a statement of the witness and
12:03:52 5 the Prosecution would submit this is most unusual for the witness
6 to be having his statement in front of him during his oral
7 testimony.

8 PRESIDING JUDGE: Well, why don't we wait and find out what
9 Mr Knoops is going to ask him and then you can make your
12:04:07 10 objection.

11 MR AGHA: Thank you.

12 MR KNOOPS: Your Honour, the reason to have this document
13 in place before the witness is not to ask the witness to read
14 from it but just for reference.

12:04:18 15 Q. Mr Witness, do you have direct knowledge on the causes of
16 the conflict?

17 A. My Lord, I will state a few issues which are my personal,
18 in my personal opinion, led to the conflict in Sierra Leone.
19 Amongst those issues was the large-scale under-development of the
12:04:53 20 country. The large-scale illiteracy. The poor security
21 deployment nation-wide of both the principal government of Sierra
22 Leone security agencies, that is, the police and the armed forces
23 then. Lack of credible intelligence and the intelligence
24 infrastructure.

12:05:28 25 PRESIDING JUDGE: Yes, Mr Agha?

26 MR AGHA: Your Honour, he was asked if he had any direct
27 knowledge. He has now said this is his personal opinion and then
28 he's proceeded to say what his personal opinion was. Now, as the
29 Prosecution earlier submitted, this witness is not an expert.

1 He's an ordinary witness. If he has personal knowledge he can
2 tell the Court what he saw at that time, what he heard and what
3 he observed.

4 PRESIDING JUDGE: Yes. Well, I understood you to say that
12:05:56 5 the evidence of this witness is going to be within his direct
6 knowledge, rather than an expression of an opinion.

7 MR KNOOPS: Correct.

8 PRESIDING JUDGE: And I might also add it looks as though,
9 with due respect to the witness, he is referring to his document.

10 I've seen him glance at it before he gives his answer.

11 MR KNOOPS: Your Honour, I was about to ask the witness
12 whether these observations were based on his factual
13 observations. That was my question. I am happy to ask that
14 question before and I have no problem with the witness -- that
15 the document is being retracted from the witness.

16 PRESIDING JUDGE: Yes. Madam Court Attendant. Did you
17 want that document back yourself, though?

18 MR KNOOPS: Yes.

19 PRESIDING JUDGE: Yes, if you can.

12:06:55 20 MR KNOOPS:

21 Q. Mr Witness, before we proceed, before I pose my questions
22 to you, the first question we asked you: What the causes of the
23 conflict were. Now, before you answer that, could you please
24 state whether you are able to answer that question based on your
12:07:16 25 own knowledge or observations?

26 A. My Lord, I will come again to say I will answer based on my
27 knowledge and also the observations flow through the knowledge.

28 Q. Mr Witness, in this regard, the summary of the factors you
29 just gave us, to which period you are referring?

1 A. I will take the -- Your Honour, I will take this discussion
2 and this testimony through from 1990 to the year 2000.

3 Q. And it's correct to say that you were, most of the part,
4 yourself, within the country?

12:08:10 5 A. Yes, My Lord.

6 MR KNOOPS: Your Honour, I hope this clarifies the scope of
7 knowledge of the witness.

8 Q. And, Mr Witness, based on your observations and your direct
9 knowledge, could you please shortly, and briefly, state the
10 causes of the conflict up until May 1997?

11 MR AGHA: Objection, again, Your Honour. In the humble
12 submission of the Prosecution, it is for the witness to say what
13 he saw, not comment upon the causes and, as a second matter, what
14 is the relevance to the causes, going back to 1990, have to the
15 indictment? This is a witness of fact, who should tell us he
16 went to X and saw Y. It is not a question of drawing his
17 conclusions.

18 PRESIDING JUDGE: Do you wish to reply to that objection,
19 Mr Knoops?

12:09:18 20 MR KNOOPS: Your Honour, with all due respect, I think the
21 second element of the objection is already dealt with extensively
22 before this Court, namely, the relevance of the history of the
23 conflict. And my second question is, to the witness, the history
24 of the army and the state of the army in May 1997. I believe
12:09:42 25 there is also extensive jurisprudence of the ICTY largely in
26 Prosecution v Oric case, in I believe it's judgement of 30 June
27 2006, IT-03-68-T, paragraphs 768, 769, paragraphs 770, 771,
28 whereby the ICTY Trial Chamber extensively went into the collapse
29 of law and order in a society, in order to implement these

1 observations in the assessment of the responsibility of those
2 individuals who were facing trial. And I believe that also the
3 opening statement submissions of the Defence went into this issue
4 and I think it's not a proper mechanism to restrict any of the
12:10:46 5 defences of the Defence we are going to raise at this early
6 stage. In this regard, my learned friends rightly also refer to
7 paragraph 9 of the indictment, whereby it's mentioned that the
8 RUF, under the leadership of Foday Sankoh, began organising armed
9 operations in Sierra Leone in March 1991. I believe, therefore,
12:11:20 10 with all due respect for my learned friends, that the issue of
11 relevance cannot longer be in dispute. Secondly, when it comes
12 to --

13 PRESIDING JUDGE: I don't like to interrupt, Mr Knoops, but
14 the objection is not on the grounds of relevance, it's on the
12:11:36 15 grounds of a witness who has not been qualified as an expert
16 expressing opinions. Now opinion evidence, unless it comes from
17 an expert, as you know, is not admissible.

18 MR KNOOPS: Correct.

19 JUDGE SEBUTINDE: Also additionally, Mr Knoops, I've
12:11:52 20 observed the answer of this witness, when he was asked, his
21 opinions are based on what period? He named the period 1990 to
22 2000. Now, in closed session, it's clear from the information
23 that this witness gave Court that in the year 1990 it is not
24 possible for him to have been in a position to form this opinion.
12:12:19 25 And furthermore, that period 1990 to 2000, he was not at all
26 times within Sierra Leone.

27 MR KNOOPS: Correct.

28 JUDGE SEBUTINDE: You see, so when you are laying
29 foundation for these opinions, and I do agree with the

1 Prosecution that they are opinions, and you are trying to say
2 that these opinions are based on factual knowledge, I think you
3 are falling far short of establishing that factual knowledge when
4 you have shown the Court that this witness was not at all times
12:12:47 5 in this country, and was not at all times in a position to
6 formulate these opinions about the causes of the conflict. I,
7 for one, am not satisfied that you've laid that foundation.

8 MR KNOOPS: Your Honour, I was still addressing, by the way
9 the second issue. I believe my learned friend indeed questioned
12:13:13 10 the relevance of the issue and, with all due respect, I think
11 Your Honours told me that with respect to the first issue, I
12 agree he is not an expert, but Defence is asking him questions
13 about the conflict, the state of the army, which fall within his
14 direct knowledge. So I am happy to go through all different
12:13:38 15 factors and ask per factor whether he saw or heard it himself.

16 PRESIDING JUDGE: I do think the problem lies in the way
17 the questions were put, perhaps, Mr Knoops. You are laying
18 certain groundwork and then virtually asking him for his opinion.

19 MR KNOOPS: Okay. I will then rephrase my questions in
12:13:59 20 this regard.

21 MR AGHA: Your Honour, may I make an observation at this
22 stage?

23 PRESIDING JUDGE: We have heard your objection; what is
24 your observation?

12:14:09 25 MR AGHA: The Defence do have a military expert, a Major
26 General Prins --

27 PRESIDING JUDGE: Yes, we are aware of that.

28 MR AGHA: Who will come to deal with all this background
29 information so that is just for the Court's information.

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

2 MR KNOOPS:

3 Q. Mr Witness, I would like to go to the state of the army, in
4 May 1997. But, before I'm going to ask you any questions about
12:14:38 5 that, were you able to see, hear, or perhaps through other
6 sources, experience the state of the army, in terms of
7 discipline, command and control, training, promotion,
8 recruitment, equipment, career appointment and the position of
9 the other ranks?

12:15:12 10 A. Your Honour, with regards to training, a lot of training
11 went on.

12 Q. Mr Witness, I'm sorry. Are you -- please answer the
13 question first. Are you saying that you have seen, heard about
14 these issues yourself?

12:15:39 15 A. Yes, My Lord.

16 Q. And could you first explain to the Court what sources you
17 rely on? What did you see or hear yourself on these various
18 aspects?

19 A. My Lord, during the period under review, I was actively
12:16:02 20 involved in virtually all aspects of those issues you mentioned
21 ranging from training --

22 JUDGE SEBUTINDE: Mr Witness, what is the period under
23 review? What is the period under review, Mr Knoops?

24 MR KNOOPS: The witness says 1990 until 2000 but I ask
12:16:28 25 again.

26 Q. Sir, are you referring to the same period as mentioned
27 before, 1990 until 2000?

28 A. Yes, My Lord.

29 Q. What about 1990? The Honourable Judge indicated that in

1 1990 you weren't in Sierra Leone; is that correct?

2 JUDGE SEBUTINDE: I didn't say he wasn't in Sierra Leone.
3 I said he wasn't in -- I don't want to say the details but that's
4 not when he started his training, let me say. That's not when he
12:17:04 5 started.

6 MR KNOOPS: That is correct.

7 JUDGE SEBUTINDE: He started after that, so when you say
8 the period under review, I need to know.

9 MR KNOOPS: Yes.

12:17:13 10 Q. Mr Witness, do you agree with the observation that in 1990
11 you weren't part of any training?

12 A. Yes, My Lord, I entirely agree with Your Honour, and I wish
13 to review the dates from the start of the civil war to the year
14 2000.

12:17:39 15 Q. The start of the civil war, in your opinion, which year was
16 it?

17 A. March 1991, My Lord.

18 MR AGHA: Your Honour, can we have not his opinion again on
19 these issues?

12:18:02 20 PRESIDING JUDGE: Yes, that's the basis of the original
21 objection, Mr Knoops. You're asking opinions.

22 MR KNOOPS:

23 Q. Mr Witness, are you able to comment on these issues over
24 the period 1991 until 2000 based on your own observations?

12:18:23 25 A. I'm able to comment on them, My Lord. Not only as per
26 observation, my own personal observation, but because I took part
27 in certain decisions actively within that period of time.

28 Q. When you joined the army, in 1991, had the civil war at
29 that time commenced?

1 A. Yes, My Lord.

2 Q. How did you come to join the army?

3 A. My Lord, it was through the normal standard, normal
4 standard intake and recruitment into the armed forces.

12:19:27 5 Q. Throughout the years 1991, until in this event May 1997,
6 were you able to observe the level of discipline within the
7 Sierra Leone Army?

8 A. Yes, My Lord.

9 Q. What did you observe?

12:19:49 10 A. My Lord, during the 1991 to '97 period, there was a lot of
11 hurried recruitment into the armed forces, and this did not
12 cognizance of doing sufficient background checks, a whole
13 personality profile, like it's normally done, of both those who
14 were recruited especially into the soldiers' ranks and officers.

12:20:36 15 Q. Mr Witness, do you recall that any promotion or
16 appointments system was in place in the period 1991 until May
17 1997?

18 MR AGHA: Your Honour, I object to the answer to the last
19 question. He said what his observations were about discipline in
12:20:58 20 general. Well, what observations did he see about discipline?
21 What is he talking about? What are the specifics of this? He is
22 a witness of fact. Again, the answer would fall into a general
23 observation opinion.

24 PRESIDING JUDGE: What do you say to that, Mr Knoops?

12:21:21 25 MR KNOOPS: I am happy to ask the witness any specifics,
26 Your Honour.

27 PRESIDING JUDGE: Mr Witness --

28 JUDGE SEBUTINDE: More importantly, foundation for these
29 opinions that he is giving. We want to know if he was on any

1 disciplinary body or any recruitment body that recruited these
2 people. That's the kind of background we want, for foundation.

3 MR KNOOPS: Very well. Thank you.

4 Q. Mr Witness, did you have any specific position to make
12:21:50 5 these observations in the periods 1991 to 1997?

6 A. Yes, My Lord. If you'll look through the brief you read
7 here, I was in some of those committees, both as a member for the
8 recruitment boards and, on one or two occasions, I chaired
9 recruitment boards into the army then.

12:22:23 10 Q. Can you recall the year when you were --

11 A. Specifically the recruitment of 1993, February, for officer
12 cadets.

13 Q. Any other special positions in those days to enable you to
14 make such observations?

12:22:46 15 A. Your Honour, I don't know if I should say out any position
16 now, as the session is an open session, I would want to ask your
17 permission, sir, that I go easy on that, or I can write it down
18 for you.

19 Q. Perhaps for the sake of time if the witness is able to
12:23:09 20 write it down?

21 MR AGHA: May we also request the time-frames in which he
22 held these positions, Your Honour?

23 MR GRAHAM Your Honours, the second accused would want to
24 use the restroom, with your kind permission.

12:24:33 25 PRESIDING JUDGE: Mr Kamara can leave the courtroom. Do
26 you want this document back or what do you want?

27 MR KNOOPS: Could the document please be tendered as a
28 Defence exhibit?

29 PRESIDING JUDGE: Any objections from the Prosecutor?

1 MR AGHA: No objection.

2 PRESIDING JUDGE: Thank you. That document written by the
3 witness, in which he describes various posts held by him, will be
4 admitted into evidence as Exhibit D33. Madam Court Attendant,
12:30:18 5 you take custody of this document, please.

6 [Exhibit No. D33 was admitted]

7 PRESIDING JUDGE: Yes, go ahead Mr Knoops.

8 MR KNOOPS: Mr Witness -- thank you.

9 Q. Just for clarity, in the functions you just mentioned on
12:30:40 10 that Defence exhibit D33, were you dealing in that capacity also
11 with discipline of the forces?

12 JUDGE SEBUTINDE: Mr Knoops, there are no functions
13 mentioned; they are positions held. The positions are without
14 functions in that document.

12:30:58 15 MR AGHA: And, Your Honour, I object to leading the witness
16 as well. He is an ordinary witness.

17 PRESIDING JUDGE: I think I ought to explain to the
18 witness, too. You are probably wondering what on earth is going
19 on here. The document that you prepared was prepared for a
12:31:24 20 different kind of proceeding. That is why there have been
21 objections from the Prosecution in this trial. What is
22 admissible in one proceeding is not necessarily admissible in a
23 trial of this nature and that's why you have been hearing legal
24 arguments going back and forth about the admissibility of the
12:31:50 25 document which was never prepared for this type of trial. I just
26 thought I would let you know what the controversy is all about.

27 THE WITNESS: Thank you, Your Honour.

28 PRESIDING JUDGE: Go ahead, Mr Knoops.

29 MR KNOOPS: Thank you, Your Honour, for the clarification.

1 Q. Mr Witness, could you briefly explain what these positions
2 exactly entail, very briefly?

3 A. Your Honour, the positions written down, the shell of
4 responsibility comprised of both administration and the
12:33:03 5 day-to-day running of the armed forces in terms of welfare, in
6 terms of welfare, in terms of personnel management, in terms of
7 training and operations.

8 Q. Thank you.

9 A. Those, especially the last one written down, the last two,
12:33:21 10 specifically dealt with the armed forces on a day-to-day, whilst
11 the first one dealt with the relationship between the political
12 leadership and the armed forces; the armed forces.

13 Q. Mr Witness, do you also have knowledge as to the normal
14 methods of recruitment of privates and officers over the period
12:33:52 15 1991, 1997?

16 A. The recruitment standard, Your Honour, during that period,
17 was based on a "safari system". That was taking people within
18 the training directorate and branch. Those personnel toured the
19 country with a view to recruiting abled-bodied men and women to
12:34:26 20 serve the country within the armed forces, and they would lay
21 down criteria for that recruitment, such as age, qualifications
22 for both officer cadets and other ranks, and soldiers and also
23 medical fitness, like it is done world-wide, when you want to
24 recruit soldiers to serve in the national army.

12:34:55 25 MR AGHA: I would object again to this, Your Honour. Again
26 on the basis of foundation. What time period was he involved in
27 recruitment? Which recruitment did he do? What is this suffrage
28 system we are talking about?

29 MR KNOOPS: Your Honour, I didn't have a chance to ask --

1 PRESIDING JUDGE: You are going to develop that, Mr Knoops?

2 MR KNOOPS: Yes, of course.

3 Q. Mr Witness, first of all, how do you know what you just
4 stated to the Court? What is the foundation of your
12:35:28 5 observations?

6 A. My personal input and my personal -- I took part activity
7 in those ventures when I was holding an appointment too, as
8 written down in that paper.

9 Q. Which --

12:35:55 10 A. Otherwise, there were other people who were tasked to
11 handle those issues, like I just mentioned to you, when I was
12 holding other appointments. Such as the joint medical unit, the
13 armed forces training centre, and the armed forces education
14 centre.

12:36:22 15 Q. Mr Witness, which year are you speaking about? Which
16 time-frame are you speaking about, referring to this recruitment
17 assessment and criteria?

18 A. Specifically 1991 to 1996.

19 Q. You mentioned the term "safari" system?

12:36:48 20 A. Yes, My Lord.

21 Q. Could you please explain to the Court what you mean with
22 that word?

23 A. The safari system allowed, and, Your Honours, simply means
24 touring the country for the purpose of recruiting able-bodied
12:37:06 25 young men and women from their local regions, to be able to serve
26 in the Republic of Sierra Leone Army Forces. Then it was
27 referred to as the Sierra Leone Army, SLA.

28 Q. Mr Witness, are you able to comment on the question whether
29 this system you refer to always existed during the time-frame you

1 spoke about?

2 A. Yes, My Honour. If I should talk about the system that
3 existed, before then, it was the card system. That was when
4 recruitment was done true political patronage and godfatherism,
12:38:03 5 wherein people were given cards to be recruited in the army, with
6 no merits, or thereabouts. They did not probably even have the
7 requisite qualifications to enter the armed forces.

8 Q. Were you able to see this yourself?

9 A. Yes, My Lord.

12:38:26 10 Q. On how many occasions you were able to see this?

11 A. My Lord, long before the start of the safari system of
12 recruitment, which was more on meritocracy. Some -- I was
13 personally a victim of this card system because the card --
14 without the card you could not get employment into the armed
12:38:52 15 forces. Whether you merited it or you had all the qualifications
16 required, or you were fit, if you did not have any patronage it
17 was difficult for you to be employed into the armed forces then.
18 But, later, even at the start of the war, the safari system
19 started and that was a bit more open.

12:39:24 20 Q. Mr Witness, do you know who dealt that card issue, that
21 card system issued?

22 A. No, My Lord, I really did not know but I know there was a
23 leadership at that time. At all times there was leadership in
24 the armed forces. Probably that was the method then that they
12:39:48 25 employed to recruit.

26 MR AGHA: Objection, Your Honour. That is his opinion
27 again.

28 PRESIDING JUDGE: What do you say to that objection,
29 Mr Knoops?

1 MR KNOOPS: Well, he said "I know this."

2 PRESIDING JUDGE: Well, you haven't asked him how he knows
3 yet.

4 MR KNOOPS:

12:40:01 5 Q. Mr Witness, how do you know this?

6 A. Well, as I said, I believe that there was a leadership of
7 the armed forces at that time and perhaps that was the method
8 they employed.

9 MR AGHA: That's exactly my point, Your Honour.

12:40:18 10 PRESIDING JUDGE: Yes. Well, that's an opinion, Mr Knoops.

11 MR KNOOPS:

12 Q. Mr Witness, can you, apart from yourself, mention an
13 example of the observations you just gave; very specific?

14 A. Your Honour, I don't understand the question very well.
15 Can you please come back.

12:40:49

16 Q. You just said that something like this happened to you,
17 yourself. You were a victim of that card system, I believe you
18 testified; is that correct?

19 A. Yes, My Lord.

12:41:03

20 Q. Can you mention another example of such?

21 A. Your Honour, there are plenty examples about. I would not
22 really want to name them here, sir.

23 Q. What do you mean with the word "victim"?

12:41:29

24 A. Your Honour, meaning probably you went through certain
25 rigours of the recruitment process, and at some stages you were
26 perhaps dropped for very funny reasons simply because you did not
27 have people who would push you through for you to be employed.
28 That's all I mean, Your Honour.

29 Q. Mr Witness --

1 MR AGHA: Your Honour, at this stage this is where I would
2 ask for these examples to come out. If he is a victim of it,
3 let's hear how he was a victim of it.

4 PRESIDING JUDGE: Well, it's up to Mr Knoops to lead his
12:42:03 5 witness, lead the evidence, but what is your objection
6 specifically?

7 MR AGHA: My objection, Your Honour, is we are getting
8 statements, but there is no foundation behind the statement.

9 PRESIDING JUDGE: Well, I thought the witness was referring
12:42:17 10 to his own experience. Is that right or not?

11 MR KNOOPS: Yes. I would like to ask him My further
12 question would be to him because the Prosecution wants to have
13 examples, what exactly, what the effect --

14 PRESIDING JUDGE: Well, that is the objection. Where are
12:42:33 15 these examples coming from? His own experience or opinions?

16 MR KNOOPS:

17 Q. Mr Witness, could you -- you just mentioned that you have
18 many examples; is that correct?

19 A. Yes, My Lord.

12:42:52 20 Q. Do you know of any other individual in the army who,
21 according to your words, was a victim of that system?

22 A. Your Honours, most or some of the people I know even in the
23 armed forces, they are not serving in the armed forces, simply
24 because they could not make the system, that existed long before.

12:43:18 25 Q. Right. How many individuals you are referring to,
26 approximately?

27 A. Your Honour, I cannot categorically state now the numbers.

28 Q. What happened with yourself in this regard?

29 A. Well, that's an interesting one, Your Honour. I went

1 through a certain processes of the selection into the armed
2 forces, way back in 1985, and also 1988. But, during that
3 period, not knowing the card system was in existence, I did not
4 get that card to be able to be employed. At the final, the final
12:44:16 5 selection over a day, or during the final selection process, so
6 that is what I was referring to, when I said the card system I,
7 and a couple of other people who I see around in other
8 professions now, fell victim of.

9 Q. Mr Witness, what effect did it have on you, as a person?

12:44:38 10 A. Well, certainly it created some -- it created some level of
11 probably rejection from the -- I wouldn't say society, from the
12 institution. You were thinking probably on your feet but,
13 really, you perhaps did very well, in all the academic exercises,
14 and also even the physical aspects and in the final selection,
12:45:14 15 perhaps, a few people are selected whom perhaps you even, you
16 know, did better than, and performed better in both physical and
17 academi cs.

18 PRESIDING JUDGE: Is that a convenient point or did you
19 want to develop what was being said there?

12:45:30 20 MR KNOOPS: If the Court allows me just one question to ask
21 the witness what he means with the word "rejection".

22 PRESIDING JUDGE: Yes.

23 MR KNOOPS:

24 Q. Mr Witness, before we have the break, could you please
12:45:42 25 explain to the Court what you mean with some form of rejection, I
26 believe you just mentioned, when I asked you what effect did it
27 have on you, as a person you used the word rejection. What is
28 the meaning of that word?

29 A. Your Honour, simply put, you felt, you know, you were not

1 fit enough to serve your country through the armed forces.

2 MR KNOOPS: Thank you, Mr Witness. I think this is a
3 convenient moment, Your Honour.

12:46:20

4 PRESIDING JUDGE: Well, Mr Witness, we are going to have a
5 break for lunch now. I will just caution you, you probably
6 already are aware that you are not permitted to discuss your
7 evidence or the case with any other person while you are in the
8 course of giving evidence; is that clear?

9 THE WITNESS: Yes, Your Honours.

12:46:36

10 PRESIDING JUDGE: Right. We will adjourn until 2.15.

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

12 [AFRC16OCT06B - MD]

13 [Upon resuming at 2.15 p.m.]

14 PRESIDING JUDGE: Yes, go ahead, Mr Knoops.

14:18:29

15 MR KNOOPS: Thank you, Your Honour.

16 Q. Good afternoon, Mr Witness. Mr Witness, before the break
17 you explained to us about the so-called card system, when it
18 concerns recruitment. Were you able to see any recruitment
19 records yourself?

14:18:51

20 A. No, Your Honour.

21 Q. On which knowledge can speak about the recruitment system,
22 the card system you mentioned?

23 A. Your Honour, we were privileged to have some information
24 regarding such a system.

14:19:17

25 Q. Can you explain what knowledge you were able to obtain?

26 A. Please, Your Honour, please say that again. I did not get
27 this.

28 Q. Actually, how did you come to know what the recruitment
29 system was, this card system you mentioned before the break?

1 A. Yes. Such systems were not hidden, because like earlier on
2 I told you, I took part, myself, in applying for recruiting into
3 the armed forces, and by -- with such application, I got to know
4 that such systems did exist before.

14:20:10 5 Q. Thank you, Mr Witness. Mr Witness, do you know whether
6 this system, this card system, was always followed during the
7 war, referring to the period 1991, 1996, you mentioned?

8 A. Your Honour, if you remember, I mentioned to you that
9 after, it was the period before the safari system before the war,
14:20:36 10 the safari system was what was employed 1991, 1996, during that
11 period.

12 PRESIDING JUDGE: Mr Knoops, if I can just interrupt you
13 hear. Something I omitted to do before lunch. The last exhibit
14 was admitted as D33. I think I forgot to order that that exhibit
14:21:02 15 be marked confidential. If that is the case, then I now order
16 that Exhibit 33 is to be marked confidential. I am sorry to
17 interrupt you but I thought I would do it while I'm remembering
18 it.

19 MR KNOOPS: I think that's very accurate, Your Honour.
14:21:21 20 Thank you, we're grateful for that.

21 Q. Mr Witness, do you have knowledge about the recruitment
22 system in 1997? You informed us about the period 1991, 1996. Do
23 you have knowledge about the recruitment system in the year after
24 1997?

14:21:46 25 A. Your Honour, I was not here in 1997 so I don't even know if
26 there was any recruitment done in that period. I doubt if there
27 was any recruitment done or training done during that time. But
28 I was not in the country at the time, so I have no knowledge of
29 that.

1 Q. Mr Witness, do you know the size of the Sierra Leone Army,
2 in 1992?

3 A. Your Honour, the army, as at 1992, strength was between
4 5,000 to 8,000 personnel.

14:22:22 5 Q. Do you know the size of the army in 1995, 1996?

6 A. Your Honour, by '95/'96, both regular and irregular forces
7 was between 15,000 and 17,000 persons.

8 Q. Mr Witness, before I ask you to explain how you know these
9 figures, I would like you to explain to the Court what you mean
10 with the terms regular and irregular?

14:22:52

11 A. Regular forces, Your Honour, are those troops that are
12 trained to serve the national armed forces as military service
13 personnel, who have their names written down on the database and
14 who were given regular forms of promotions, and they benefitted
15 from all emoluments within the service, or that was available to
16 the service. Meanwhile, the irregular personnel are those such
17 as the Sierra Leone border guards and vigilantes and the Civil
18 Defence Force militia groups. Those are people that never went
19 through formal military training, but they decided on giving out

14:23:23

20 support for the defence of, probably, their local regions, their
21 local areas where they came from, by giving limited intelligence
22 and, also, perhaps, helped with food preparation and

14:23:56

23 load-carrying for the troops going into combat theatre of
24 operations. Those are the ones I refer to as irregular forces,
25 and also there were a number of combatants, between 15,000 and
26 17,000.

14:24:15

27 Q. Thank you, Mr Witness. Before we continue, please explain
28 to the Court how you know that the size of the Sierra Leone Army,
29 in 1992, was such as mentioned before by you?

1 A. Your Honour, I don't have the records here but these were
2 on records. I don't have any document, per se, with me now but
3 those were the figures we were dealing with because we were
4 catering for such number of personnel.

14:24:54 5 Q. Mr Witness, were you able to have a look into those records
6 yourself?

7 A. Your Honour, at some point in my career, yes, sir.

8 Q. Thank you. How do you know, Mr Witness, about the size of
9 the army in 1995/1996, referring to the figure you've just
14:25:15 10 mentioned?

11 A. Your Honour, I know of the size because between January and
12 July of '96 I was holding a very senior executive appointment in
13 this armed forces, and I was privy to have information directly
14 from the database.

14:25:34 15 Q. Thank you, Mr Witness. You should recall that you should
16 not go into specificities when it concerns your own position, in
17 case questions would arise which would necessitate you to go into
18 specificities, please indicate it and we can --

19 A. Thank you very much, Your Honour, for that correction.

14:25:53 20 Q. Mr Witness, now going back to the wording regular,
21 irregular forces, you just mentioned in that regard the term
22 regular promotions. Could you please explain to the Court what
23 you mean with irregular promotion?

24 A. Your Honour, please, come again. You mentioned something
14:26:18 25 of -- mention of the word irregular promotions. I really don't
26 understand.

27 MR AGHA: Your Honour, could we also have some foundations
28 for his knowledge of these irregular forces, which he's also
29 named.

1 PRESIDING JUDGE: Yes. There is objection on the ground of
2 foundation.

3 MR KNOOPS:

4 Q. Mr Witness, how do you know that there were, in your
14:26:45 5 wording, regular and irregular forces within the army in the time
6 limit we discussed?

7 A. Your Honour, you want a clarification of how I knew there
8 were regular forces?

9 Q. Yes.

14:27:04 10 A. Well, I was very much privy to note that there were
11 elements within the institution, who were not employed formally
12 by the central recruiting agent office, but from the local areas,
13 their names were just fed over to, or supplied to the
14 headquarters, and they were given small emoluments for the little
14:27:40 15 services they rendered in the defence of the nation, by way of
16 serving as vigilantes. Those are the ones I was referring and I
17 am referring to as irregular forces. They were given some little
18 form of training, limited training, on how to, you know, operate
19 small arms and light weapons.

14:27:58 20 Q. Mr Witness, did you see, yourself, those individuals which
21 were referred to as irregular forces?

22 A. Your Honour come again, please.

23 Q. Did you see, yourself, individuals which you refer to as
24 irregular in the period 1992-1996, within the Sierra Leonean
14:28:24 25 Army?

26 A. Yes, My Lord, I saw a good number of them.

27 Q. Are you able to explain what you mean with the words
28 "formal training"?

29 A. Yes, Your Honour. Formal training, in explaining this,

1 simply means those persons who went through the normal military
2 academy, or military training schools for both officer cadet
3 training to be qualified as an officer, or to come out as a
4 trained and professional soldier at the end of the training.

14:29:08 5 Q. Mr Witness, were you yourself involved in training of the
6 army, in either one of the three capacities you mentioned on that
7 piece of paper, in the period 1992-1996?

8 A. Yes, my honour.

9 Q. During which period exactly you were involved, yourself, in
14:29:36 10 training of the army?

11 A. Your Honour, I was involved in the organisation of
12 training, both local and international, in 1992, when we
13 recruited a good number of officers to train as cadets abroad,
14 and also between '95 and '96 when we trained a good number of
14:30:03 15 soldiers at the armed forces training centre, Waterloo.

16 Q. Thank you, sir. Mr Witness, do you know the length of the
17 training of the privates or the other ranks, in 1992?

18 A. Your Honours, in 1992 it was between four and six months
19 because of the exigencies of the war, so it was hurriedly
14:30:30 20 compressed training. Normally, such training should last one
21 year, but because of the need for manpower and personnel, it was
22 done within a six-month time frame.

23 Q. And the individuals you refer to as the irregular forces,
24 did these forces receive the same training you just referred to?

14:30:55 25 A. No, Your Honour.

26 Q. Could you please explain what the length of the training
27 was they received?

28 A. Your Honour, for irregular troops and forces, they were
29 trained hurriedly within the local areas. For example, where

1 units were deployed, perhaps for four weeks, for four-week
2 period, and they were given weaponry and so on to carry.

3 Q. Mr Witness, out of the number of approximately 50,000 you
4 mentioned the strength of the army in 1995/1996, what number out
14:31:42 5 of those 50,000?

6 JUDGE SEBUTINDE: It was 15 not 50.

7 MR KNOOPS: Thank you.

8 Q. Fifteen. Do you know how many out of those 15,000 members
9 of the army were qualified as irregular forces? Do you know
14:32:11 10 this?

11 A. Your Honour, when you say qualified, you mean how many were
12 irregular soldiers or --

13 Q. Yes. What was the division? How many regular, how many
14 irregular?

14:32:26 15 A. Your Honour, clearly, I would not be able to say because
16 there was not that clear distinction. When emoluments were
17 prepared, they were prepared basically for every service
18 personnel. We considered them personal service, because one of
19 the criteria that was used for their training was that,

14:32:45 20 ultimately, at the end of the war, they would be made to be
21 absorbed into the national army, so they were then considered
22 that way. There was not a clear cut distinction or division in
23 any book.

24 Q. Thank you, Mr Witness. You just informed the Court about
14:33:00 25 the length of the training of the other ranks in 1992. Do you
26 know the length of the training of the privates and other ranks
27 in 1996?

28 A. Your Honour, no training took place, to my knowledge, in
29 1996, I wouldn't say, but the training that was done a year

1 before, I can tell you the length of that training.

2 Q. First of all, Mr Witness, how do you know that, in 1996, to
3 the best of your knowledge, no training took place?

14:33:46

4 A. Your Honour, because I was around in that period and I was
5 very integral and I was electioneer at that time. I know that a
6 group graduated in January of that '96. But, beyond that, after
7 that group graduated, both officers and recruits, no training
8 took place for the rest of the year.

14:34:20

9 Q. Mr Witness, do you know whether a specific reason existed
10 for the fact that beyond January of that year no training took
11 place?

12 A. Your Honour, please, come again.

13 Q. Do you know whether a specific reason existed for the fact
14 that no training took place beyond January 1996?

14:34:41

15 A. Your Honour, I don't know why because I disengaged by July
16 of 1996 for my further training.

17 Q. Now, you just referred to the year before, 1995. Do you
18 know the length of the training of the recruits in the year 1995?
19 Do you have knowledge about the length of the training in that
20 year?

14:35:12

21 A. Your Honour, like I earlier on mentioned, because of the
22 exigencies of the war, such training normally lasted six months.
23 It lasted for six months. So those people started training in
24 July of '95, and they graduated and commissioned in January '96.

14:35:35

25 PRESIDING JUDGE: So that obviously deals with officer
26 candidates.

27 MR KNOOPS: Right. Yes.

28 PRESIDING JUDGE: You are not asking about normal recruits?

29 MR KNOOPS: That's correct. Your Honour. That was also

1 my, if I may use the word, observation.

2 Q. Mr Witness, I take it that your answer relates, what you've
3 just said, to the commissioned officers; is that correct?

4 A. Yes, Your Honour. Both soldiers and officer cadets. They
14:36:06 5 all trained side by side. They were trained within the same
6 period.

7 Q. So there was not a specific training in place for recruits
8 in that year, is that your --

9 A. Your Honour, the training in that period was concentrated
14:36:29 10 in one location, simply because the forward theatre of operations
11 was very busy prosecuting the war, and so the facilities were all
12 concentrated within the Waterloo zone.

13 Q. Mr Witness, do you know, comparing the year 1992 and 1995,
14 whether the training procedures changed over those years; do you
14:37:03 15 know that?

16 A. Yes, I am aware there were some changes, especially with
17 the '95 group.

18 Q. First of all, how do you know that there were some changes?

19 A. Your Honour, because of the appointment I held, which I
14:37:16 20 wrote in that paper I circulated. I'm aware, and the group that
21 came in to train the particular batch in 1995, I was very
22 integral in their coming to Sierra Leone.

23 Q. And are you able to explain, Mr Witness, to explain to the
24 Court in what way some changes occurred?

14:37:37 25 A. Your Honours, certainly I can. The group that was trained
26 in that period had a bit more training to do with
27 counterinsurgency operations and the level of professionalism
28 displayed by that particular training team, which came in country
29 was one that was appreciated by all members of the armed forces,

1 because we observed the significant improvement in the level of
2 response of the troops after that training, and also the officers
3 who partook in that training and who benefitted in that training
4 to the prosecution of the war.

14:38:28 5 Q. Mr Witness, taking you now back to the size of the army,
6 you explained to us that the size of the army in 1996 was
7 increased to 15,000 soldiers; correct?

8 A. Yes, Your Honour.

9 Q. Do you know whether the increasement of the army had any
14:38:58 10 effect on the army itself?

11 A. Your Honour, certainly such increase would have its own
12 effect, because the funding to continue maintaining the armed
13 forces probably was not increased that significantly, so it led
14 to a reduction of emoluments, and the like, and also to the
14:39:27 15 distribution of software, such as uniforms and boots for the
16 entire army. It was not easy for the economy then, which was a
17 war-battered economy, to cater for such a huge number of groups,
18 or persons to be well catered for, and, also, even accommodation
19 was a very, very big problem.

14:39:48 20 Q. Mr Witness, first of all, how do you know that the effect
21 on funding occurred, as mentioned by you? How do you know this?

22 A. Your Honour, you will be able to tell because though a good
23 percentage of the national economy was diverted towards the war
24 effort, still getting the requisite logistics required to support
14:40:25 25 and sustain the troops forward was a bit difficult during those
26 periods, simply because you had to now get more food items, more
27 fuel to move troops, and the like, so certainly we knew that the
28 increase in strength impacted negatively with the provision of
29 logistics.

1 Q. Mr Witness, were you, in either of the three capacities you
2 wrote down on the piece of paper before the break, involved in
3 the issue of salary payments or welfare of the troops in the
4 period 1992-1996?

14:41:11 5 A. Your Honour, in 1996, by virtue of the level of authority
6 vested in me, certainly I was involved in welfare and emoluments.
7 I was supervising the branches that were responsible for that,
8 and I had to make sure that the welfare of those individuals
9 under the command were well catered for. So I was very heavily
14:41:34 10 involved in seeing them on a day-to-day basis and making sure
11 that their welfare was well taken care of, making sure they got
12 their salaries on time and they got the right salaries, and
13 making sure that people did not pilfer with their funding.

14 Q. Mr Witness, before we continue on this issue, I would like
14:41:54 15 you to answer the question whether you have knowledge on how the
16 payments took place and how the welfare system existed in 1992.

17 A. Your Honour, in 1992, payments were made directly to
18 individuals by hand in the various theatre of operations.

19 Q. How do you know this?

14:42:24 20 A. And, in some cases, Your Honour, some people catered for
21 family members to pick their salaries. We call -- we refer to
22 that as allotment. They allotted their salaries for, perhaps,
23 next of kin, wives, family members, to pick up salaries from
24 designated areas they so suggested, because they were in the war
14:42:47 25 theatre and could not easily communicate backwards to their
26 family members.

27 Q. How do you know this relating to 1992?

28 A. Because I was also affected directly. I was partaking in
29 that and I was the one person who was receiving my salary behind.

1 The banking system, Your Honour, wasn't very common then for the
2 military force.

3 Q. Mr Witness, are you able to say whether you received your
4 salary afterwards, apart from that example you mentioned in 1992?

14:43:25 5 A. Your Honour, I don't understand what you mean by
6 afterwards. Do you mean on a regular basis or --

7 Q. Yes?

8 A. If you mean regularly, yes, I received salary regularly.

9 Q. Now, you have set forth the reimbursement system, and
14:43:43 10 welfare system in 1996 and that in 1992. Are you able to say to
11 the Court whether, and in which way, those systems changed?

12 MR AGHA: I object, Your Honour. I would suggest the
13 witness can only say how they changed as regards himself.

14 PRESIDING JUDGE: Didn't this witness say he had
14:44:13 15 supervision of those particular departments, emoluments.

16 MR AGHA: It would depend over what period of time he is
17 having this supervision, Your Honour. I don't think that is
18 clear.

19 PRESIDING JUDGE: Possibly you can clear that up.

14:44:29 20 MR KNOOPS: Thank you, Your Honour.

21 Q. Mr Witness, before you answer to my last question, could
22 you please explain to the Court about what period you speak when
23 you say, "I supervised that payment system"?

24 A. Your Honour, on the paper I floated around, the last
14:44:54 25 appointment held, I was there for six months. And so, within
26 that six-month period, I closely monitored and supervised
27 particular directorate.

28 Q. And just for clarity, what year?

29 A. Well, Your Honour, you mentioned we must not be specific.

1 I don't know if I should mention the year again.

2 MR KNOOPS: Your Honours, I believe the year is mentioned
3 on the defence Exhibit 33. Thank you.

4 Q. Mr Witness, speaking about yourself, can you explain to the
14:45:35 5 Court whether and how the reimbursement -- the way reimbursements
6 were distributed -- changed for you over the years 1992-1996.
7 I'm now speaking just about you as an individual?

8 A. Your Honour, the reimbursements within those periods, for
9 me, never changed. I always received it by hand and did the
14:46:04 10 banking afterwards.

11 Q. Mr Witness, were you able to say whether and how the system
12 changed for other ranks, based on your position you mentioned
13 over the years 1992-1996?

14 MR AGHA: Objection, Your Honour. I don't think he said he
14:46:27 15 held that position supervising these monies. I believe he said
16 for a six-month period.

17 PRESIDING JUDGE: That is what he said, Mr Knoops.

18 MR KNOOPS: That is correct. I noticed that. But my
19 question was whether, from that position, albeit six months, he
14:46:45 20 was able to have an overview of the whole period. For instance,
21 whether he saw any files or documents so I could, if the Court
22 allows me, go into that question.

23 Q. Mr Witness, you just testified that you were only
24 supervising that system for six months?

14:47:03 25 A. Yes, Your Honour.

26 Q. Do you have any knowledge on the system beyond that six
27 months? Just answer "yes" or "no"?

28 A. No, Your Honour.

29 Q. Are you able to comment whether the system you mentioned

1 changed in those six months you supervised?

2 MR AGHA: Objection, Your Honour. The witness is not here
3 to comment; he is here to say what he saw or observed.

4 PRESIDING JUDGE: Yes, you can rephrase.

14:47:36

5 MR KNOOPS:

6 Q. Mr Witness, do you know whether, in those six months, the
7 system changed?

14:47:55

8 A. Your Honour, the period within those six months, we also
9 introduced the banking system within the very pay centre. And
10 there was some form of banking that was done by those who were
11 interested.

12 Q. Mr Witness, do you know whether payments were always being
13 distributed on a regular basis to other individuals except --
14 apart from you, within the army?

14:48:18

15 A. Your Honour, the entire armed forces received emoluments
16 regularly and payment of salaries.

17 Q. Do you know whether -- no, you are speaking about the
18 entire army?

14:48:40

19 MR AGHA: It's asked and answered, Your Honour. He said
20 the entire armed forces.

21 MR KNOOPS:

22 Q. Mr Witness, do you know whether payments were being
23 distributed other than by hand or bank?

24 A. Your Honour, please come again. Whether?

14:49:09

25 Q. Are you aware if payments to the army were being
26 distributed other than through hand or bank?

27 A. Those were the two methods and the two forms of -- in which
28 payments were made, to my knowledge.

29 Q. Thank you. Mr Witness, did you go yourself to the front in

1 1992- 1996?

2 A. Yes, Your Honour.

3 Q. When exactly?

4 A. Your Honour, I was in the theatre of operations only a

14:49:55 5 couple of occasions, not a lot of occasions, and I led battle
6 groups to recapture very important and significant towns which
7 were held by the elements of the RUF then.

8 Q. And we are speaking about the period 1992-1996?

9 A. Yes, Your Honour.

14:50:22 10 Q. What did you see on the battlefield?

11 A. Your Honour, please come again. What did I see about whom?

12 PRESIDING JUDGE: It's a very broad question, Mr Knoops.

13 MR KNOOPS: I know. I know.

14 Q. Mr Witness, from your experience as a battlefield commander
14:50:46 15 in those days, are you able to say how the troops reacted to the
16 RUF?

17 A. The reaction of the troops to the RUF, Your Honour, was
18 very positive. In a sense, they were very determined to ensure
19 the completion and conclusion of the civil war in Sierra Leone,
14:51:29 20 which was brought upon us by the RUF. And they were full of very

21 high spirits in ensuring a conclusion of that, despite the
22 shortcomings that existed logistically, and the like. But they
23 definitely had the country at heart and they had zero tolerance
24 about allowing the RUF making roads into the country. There were
14:51:59 25 setbacks, definitely, because it was guerrilla warfare and the
26 nature of the terrain hampered a lot of things and movements, but
27 I would always praise the troops of the Sierra Leone Army then.

28 Q. Mr Witness, you just referred in your statement to the
29 shortcomings in the logistics. Are you able -- first of all, how

1 do you know this?

2 A. Being an integral member of the armed forces, Your Honour,
3 and holding very senior and sensitive appointment, I certainly
4 knew that we had a lot of things and entitlements which were
14:52:39 5 missing. For example, the conditions of service for the troops
6 was outdated. It was a 1965 document that was still being used
7 as the terms and conditions of service documents, which is a
8 contractual obligation between the government and the troops.

9 Now, with such a document which had figures which were taken at
14:53:10 10 that time, 1965, for example, due to the structure adjustment
11 programme and inflation, and the economy that had -- you know,
12 had some changes, such a document did not have any positive
13 impact on the troops' welfare and well being, or even for their
14 retirement, on what they would benefit at the end of probably
14:53:36 15 giving 20 years of their life, their abled-bodied life, to the
16 service of the nation. So such things were some of the things
17 that were setbacks --

18 Q. Mr Witness --

19 A. -- and did not go down well with the troops.

14:53:56 20 Q. What do you mean by that "did not go down well with the
21 troops"?

22 A. They were not happy with such documents that, in the event
23 you have to retire, what would be your take-home emoluments, or,
24 if you were injured, you had probably a limb damage during the
14:54:14 25 crisis, during the period of war, what was going to be your
26 end-of-service benefit. Those things were not really clearly
27 specified in those conditions of service, which we were still
28 using.

29 Q. Mr Witness, were you, yourself, involved in the arming of

1 the troops in those days?

2 A. Involved in the arming of troops? Your Honour, there were
3 people who had that mandate. The logisticians did the arming of
4 troops.

14:54:46 5 Q. And did you have any responsibility for those people who
6 were involved in these logistics?

7 A. No, My Lord. I was mostly in the operational theatre and
8 training.

9 Q. Mr Witness, do you have any knowledge on the level of
14:55:13 10 supplies and ammunitions in those days?

11 A. Yes, My Lord. By virtue of the fact I was in the
12 operational theatre, or directorate, I had privy knowledge on
13 knowing the quantum of ammunition. Normally supplies were done
14 through various brigade headquarters and they, in turn, would
14:55:42 15 supply down to the unit. So the flow was from the joint logistic
16 unit headquarters, which we were referring to then as the
17 ordnance, army ordnance department, straight up to the various
18 brigade headquarters. We had especially one in the Southern
19 Region town of Bo and then there was another one in the eastern
14:56:03 20 headquarters. Those were the two areas where the war raged on,
21 so there were two brigade headquarters, both Bo and Kenema.

22 Q. Mr Witness, are you able to comment -- no. Mr Witness, do
23 you know whether the level of supplying ammunition changed over
24 the years 1992-1996?

14:56:25 25 A. The level improved and increased between '92 and '96. I
26 would not say beyond that. I was not around much, so I would not
27 be able to state anything beyond that, but certainly I know that
28 between '92 and '96 there was good quantum of ammunition that was
29 brought into the country as against the previous year, and then

1 the quality of the arms and the ammunition was very improved,
2 highly improved type of ammunition.

3 Q. Do you have knowledge on the level of the supplies over
4 1997?

14:57:07 5 A. No, My Lord.

6 Q. Mr Witness, you explained to us that you were involved in
7 three functions or positions and you state that on a piece of
8 paper. Were you, in either one of them, involved in the
9 endorsement of discipline of the recruits?

14:57:47 10 A. Yes, Your Honour.

11 Q. Could you please explain to the Court how you were involved
12 without --

13 A. By virtue of the second appointment listed down, I was
14 monitoring very closely the activities of the training centre on
15 a regular basis. In fact, on a daily basis. So any issues that
16 warranted disciplinary action would ultimately come down from the
17 commanding officer, up to my level, for further administrative
18 discharge or administrative action, and so I was directly
19 involved in the disciplinary aspect of the training.

14:58:30 20 Q. Right. Mr Witness, in that capacity, were you able to
21 observe any complaints filed against rank or file?

22 A. My Lord, before such complaints got to my level, they had
23 been treated and dealt with at the local area of the training
24 school or the training centre by the appropriate superior
14:59:04 25 authorities then, who were so charged with the powers of command
26 to take such appropriate actions as they thought and deemed
27 necessary. If it warranted intervention from my level, then I
28 will have been able to intervene, but I had no cause for
29 intervening. I mean, such actions were dealt with at the local

1 level.

2 Q. Were you able to see the amount of disciplinary actions in
3 those days?

4 A. Yes, sir.

14:59:34 5 Q. Did you have the overview of how many of those complaints
6 were filed?

7 A. I would not lay hands, Your Honour, on any specific
8 document as of now because a lot of ravaging took place in those
9 years. Probably if not that, I wouldn't have been able to

14:59:53 10 specifically get those documents and present here or tender here.
11 But one thing I must state is that those who fell short of the
12 normal disciplinary standards expected were ostracated from the
13 training institutions.

14 Q. Mr Witness, do you know whether the level of disciplinary
15:00:17 15 complaints changed over the years 1992, 1996?

16 A. Your Honour, I don't think it changed dramatically or
17 drastically between those years.

18 Q. Mr Witness, do you know whether in that period mentioned,
19 1992-1996 any uprisings took place amongst the recruits?

15:00:49 20 A. No, Your Honour, not to my knowledge.

21 Q. Do you have any knowledge whether this occurred in 1997?

22 A. No, Your Honour.

23 Q. Mr Witness, just a few minutes ago you spoke about the
24 consequences of the increasement of the size of the army compared
15:01:22 25 over the years 1992, 1995, 1996 and the burden for the budget,
26 governmental budget; is that correct?

27 A. Say again, Your Honour. I did not get the last word.

28 Q. You referred to the burden of funding, the increasement of
29 the army?

1 A. Yes, Your Honour. I mentioned that it affected -- it did
2 affect, in some cases, the emoluments and the provision of the
3 logistics items.

4 Q. Do you know, Mr Witness, whether in that period, this
15:02:05 5 affected the position of individual soldiers?

6 MR AGHA: Objection, Your Honour. I believe that the
7 witness should be speaking for himself and not individual
8 soldiers.

9 PRESIDING JUDGE: No, I overrule that objection. Go ahead,
15:02:27 10 Mr Knoops.

11 MR KNOOPS:

12 Q. Do you know of incidents, of examples, whereby these had
13 effects for soldiers?

14 A. Yes, Your Honour. The lack of funds created shortage in,
15:02:46 15 for example, uniforms, good uniform, quality uniforms for the
16 troops and boots. The lack of funds made it difficult for troops
17 to be conveyed from point A to point B because there was not much
18 finding to buy sufficient troop-carrying vehicles, and so on.

19 Q. Do you know how the recruits or the ranks reacted to these
15:03:24 20 results?

21 A. Your Honour, to which results? To the lack of funding?

22 Q. Yes.

23 A. Your Honour, the recruits' reaction was not very
24 significantly different from the standards expected. We did not
15:03:44 25 or I did not observe any significant change in their reaction. I
26 probably think they were eager to get trained and to join the
27 national army, so they decided on conforming to standards of
28 discipline expected of, you know, such persons, and so they did
29 not behave in any way out of the way, at that time.

1 Q. At the time, Mr Witness, you were at the war front, were
2 you able to observe -- to notice any effects on the soldiers in
3 the front?

4 A. Your Honour, which type of effects? Of course, the war --
15:04:33 5 battle weariness set in, in some cases. There were people who
6 suffered from schizophrenia, and you had this battle bog, which
7 also set in as a result of battle fatigue. There was also some
8 amount of fear in some young minds who had not gone through what
9 we call battle inoculation, so that is battle inoculation,
15:05:09 10 meaning going through the initial baptismal fire, so those fears
11 existed. Those were noticeable when you went out to the war
12 theatre on operations. But once they became seasoned, they got
13 over the fears. Once they went into one or two combat action,
14 they got over those such fears. Those were very noticeable.

15:05:35 15 Q. Mr Witness, in closed session you testified about certain
16 periods you returned to this area. That was my last question
17 during the closed session. I will not repeat it, but you recall
18 my question. Were you, when you returned in that period, able to
19 get knowledge or information on the state of the Sierra Leone
15:06:09 20 Army at that time?

21 A. Yes, Your Honour. At the time you're mentioning I
22 returned, there was resentment, definitely, due to the fact that
23 the extra militia group was abusing and misusing their
24 privileges, which caused destruction and carnage. At the time,
15:06:42 25 also, prior to the events that made me return back to come and
26 assess, there was weak command and control at the level of the
27 leadership then. And also the lack of the terms and conditions
28 of service document which was not updated, it brought about
29 resentment in the minds of the personnel who were then serving in

1 the Sierra Leone Army. Those facts I was able to gather when I
2 returned back. It created some problems.

3 Q. Mr Witness, when you speak about the extra militia, what do
4 you mean by that?

15:07:29 5 A. Specifically referring to the Civil Defence Forces,
6 especially the Kamajors.

7 Q. And do you know whether these elements you just referred to
8 had any impact on the other ranks?

9 A. Well, each had mentioned they were abusing and misusing
15:07:56 10 privileges. They were given opportunities to serve alongside the
11 national army. But, Your Honour, they were assuming the -- they
12 were probably over-assumptious of issues assuming that they were
13 now the national army, and they were taking laws into their
14 hands. Because I know of one or two incidents which led to a
15:08:30 15 very serious confrontation. And, at one instance, some members
16 of the Sierra Leone Army were deliberately executed by these
17 people, about 13 or 14 of them, and this brought about resentment
18 to the then members of the Sierra Leone Armed Forces, because the
19 leadership of the Kamajors did not render them and did not bring
15:08:55 20 those people to book.

21 Q. Mr Witness, do you have any knowledge as to why these
22 elements you've just described occurred? You referred to weak
23 command and control; resentment; and some other factors. Do you
24 know what the reasons for those factors were?

15:09:28 25 A. Your Honour, weak command and control is the individual's
26 ability to be able to project himself with the powers vested in
27 him, or the authority of command vested in him. When I say weak
28 command and control, in that year, those who were commanding the
29 forces probably did not react in the manner expected of you, the

1 commander, when you were given some privy information on certain
2 issues. So that is what I refer to as weak command and control,
3 or did not take decisive action when they came to take a
4 decision.

15:10:12 5 Q. And what do you mean with the word resentment?

6 A. Resentment is the feelings of the troops, the feeling of
7 reject, the feeling of bitterness. Because troops are seeing
8 their colleagues being treated in such manner, they felt bitter
9 but could not do anything, because they hadn't -- they could not
10 take the laws into their hands. But they expected at least
11 somewhere justice would have prevailed.

12 Q. Mr Witness, were you able to see yourself whether this form
13 of resentment had any effect on the morale of the troops in that
14 year?

15:10:54 15 A. Yes. Certainly it affected the morale of the troops very
16 much. It brought it down a lot to a very large extent.

17 Q. Could you please explain to the Court in what way it
18 brought down the morale?

19 A. My Lord, I am sure the troops became weary and scared of
15:11:20 20 participating in combat, or in venturing into the hinterland
21 because of fear of the unknown, or because they were afraid with
22 such action, if they ventured into the hinterland and they are
23 caught by these Civil Defence Forces or militia men, they would
24 also suffer the same fate like the first 13 I referred to. So it
15:11:46 25 brought a lot of fear and it sapped on the morale of the men,
26 especially when people failed, who were in command at that time
27 or in authority at that time, to take action against those people
28 who took the law into their own hands.

29 Q. Mr Witness, do you have any direct knowledge as to how the

1 relationship between the senior and the junior ranks were at that
2 time?

3 A. Your Honour, the relationship was cordial, at that time.
4 There was not much cause for complaints. You had one or two
15:12:28 5 isolated incidents that did occur here and there from hearsay,
6 which I got. But the relationship overall was cordial.

7 Q. One final question. Mr Witness, do you know whether and
8 how promotions took place in the period you just referred to?

9 A. Your Honour, at the time I referred to, promotion was done
15:13:26 10 through sometimes merit, valour, and because there was a very
11 huge attrition rate, then, between '92 and '96, people were
12 retired because of cowardice, people were retired because of lack
13 of performance as a result of the war. Others were given
14 appointments, and subsequently the ranks would fill the
15:13:51 15 appointments. Even in the other rank strata, that is the soldier
16 strata, that was how promotion was done during the war period.

17 Q. Mr Witness, did you experience yourself any forms of
18 irregular promotions in those days?

19 A. Your Honour, at the time, a couple of promotions were done
15:14:25 20 to fill, due to exigencies of the war, to fill strategic
21 vacancies, to fill vacancies at the top.

22 MR KNOOPS: Your Honours, at this point, we have no further
23 questions, and we would seek to tender the statement of this
24 witness.

15:14:48 25 PRESIDING JUDGE: Yes. Mr Agha, do you object to that?

26 MR AGHA: Yes, Your Honour, the Prosecution do object. It
27 is a statement of opinion and this expert is a witness of fact.

28 PRESIDING JUDGE: You have just referred to him as an
29 expert.

1 MR AGHA: I beg your pardon. If the witness is a witness
2 of fact, whereas the document is more in the way of expert giving
3 opinion and, on that basis, the Prosecution would strenuously
4 object to that statement being adduced as an exhibit and that the
15:15:20 5 witness's oral evidence should stand.

6 PRESIDING JUDGE: Do you wish to reply to that objection,
7 Mr Knoops?

8 MR KNOOPS: Yes, Your Honour. First of all, we believe
9 that, technically, this document is not an exhibit because it was
15:15:45 10 filed beforehand to the Prosecution as a summary of what this
11 witness was about to say in Court. Now, therefore, we disposed
12 of our obligation to inform the Court and the Prosecution about
13 what this witness was about to say and, secondly, in this regard,
14 the witness has explained extensively today his knowledge and the
15:16:23 15 basis thereof. He has not testified as an expert, he has
16 testified as a witness of fact, but one with a very specific and
17 highly skilled background. I will not go into details because of
18 the closed session issue. Thirdly, we believe that, according to
19 previous decisions of the Honourable Chamber, the ultimate
15:16:57 20 assessment of the weight of his statement and the summary, as we
21 see it, we disclosed, is up to the Court, not as a matter of
22 admissibility, but as a matter of probative value.

23 Now, the Prosecution has all opportunities to challenge the
24 knowledge of the witness in cross-examination, and therefore we
15:17:18 25 see no reason why the document should not be tendered, not in the
26 least because it simply authenticates the statements which this
27 witness has provided with the TRC. And, lastly, to the best of
28 my knowledge, it is of course highly relevant for the Defence,
29 but, to the best of my knowledge, it is also disclosed as a

1 public annex to the report of the TRC. Therefore, we don't, in
2 summary, see it as an exhibit; it has sufficient foundation;
3 thirdly, it is relevant for the defence and its weight is
4 ultimately to be decided by Court when it comes to the weight of
15:18:14 5 the arguments. Thank you.

6 PRESIDING JUDGE: Yes. Well, firstly, we note that this
7 witness has not been called as an expert witness. The document
8 sought to be tendered now is a document that was tendered before
9 the Truth and Reconciliation Commission. The title of the
15:19:09 10 document is "A Brief to the Truth and Reconciliation Commission,"
11 and it's quite clear from the opening clause, that the maker of
12 the statement, or the maker of the document, was asked to provide
13 his opinion on the reasons for the conflict. The opening
14 paragraph states, "The civil war, in my mind, was caused by a
15:19:45 15 myriad of factors." The document is, in essence, an opinion as
16 to the causes of the conflict.

17 Now, it was no doubt prepared in accordance with the terms
18 of reference of the Truth and Reconciliation Commission.
19 However, those terms of reference are not to be confused with the
15:20:13 20 Rules of Procedure and Evidence of this Court, and opinions of
21 persons who are not experts are not admissible as evidence in
22 this Trial Chamber. For those reasons, we reject the tender.
23 Now, are there any other questions in chief from the Defence
24 counsel?

15:20:42 25 MR FOFANAH: Yes, sir. Your Honours on behalf of Kamara
26 the defence, just a few questions for the witness.

27 EXAMINED BY MR FOFANAH:

28 Q. Good afternoon, Mr Witness.

29 A. Good afternoon, Your Honour.

1 Q. Mr Witness, with your knowledge about the Sierra Leone
2 Army, do you know if a sergeant can recruit any person into the
3 Sierra Leone Army?

4 MR AGHA: Objection, Your Honour. It's again asking for
15:21:19 5 his opinion.

6 MR FOFANAH: His knowledge.

7 PRESIDING JUDGE: No, he said to the best of his knowledge,
8 Mr Agha. I will allow the question. Go ahead.

9 MR FOFANAH:

15:21:27 10 Q. Do you know if a sergeant of the Sierra Leone Armed Forces
11 can recruit any person into the Sierra Leone Army, without
12 necessarily going through the procedures laid down in the army?

13 A. Your Honour, the sergeant is not permitted to recruit any
14 persons into the armed forces.

15:21:50 15 Q. And by that stretch, do you also know, within your
16 knowledge, as to whether a sergeant can promote a person who has
17 become a member of the Sierra Leone Army without recourse to the
18 rules laid down by the Sierra Leone Army for promotion?

19 A. It's not permitted, no, Your Honour.

15:22:17 20 Q. Do you also know if a member of the Sierra Leone Army, who
21 has been recruited and given a registration number, a Sierra
22 Leone Army registration number, can have that number stripped
23 away from him and then given to another person?

24 A. That is not allowed, Your Honour. It is not done in the
15:22:41 25 army.

26 Q. When you say in the army, you are referring to the Sierra
27 Leone Army?

28 A. And armed forces worldwide.

29 Q. Can we restrict ourselves to the Sierra Leone Army, please?

1 A. All right, Your Honour.

2 Q. So by reference to the army, do you mean the Sierra Leone
3 Army?

4 A. Yes, Your Honour.

15:23:02 5 Q. Do you also know if a person who has been trained and given
6 a Sierra Leone Army number, can again be retrained and then given
7 another Sierra Leone Army number?

8 A. Not to my knowledge, Your Honour.

9 MR FOFANA: That is all for the witness. Thank you very
15:23:22 10 much.

11 PRESIDING JUDGE: Thank you.

12 MR GRAHAM: Your Honours, I have no questions for the
13 witness.

14 PRESIDING JUDGE: Yes, Mr Agha.

15:23:48 15 CROSS-EXAMINED BY MR AGHA:

16 Q. Witness, I have some questions for you. Most can be
17 answered with a yes or no answer, or I don't know, even, and then
18 if I require any further explanation, I will ask that from you.
19 Is that understood?

15:24:02 20 A. That's understood, Your Honour.

21 Q. Would you agree with me that you are a reasonably
22 well-educated man?

23 A. Yes, Your Honour.

24 Q. And I believe you've had two articles published; is that
15:24:23 25 right?

26 A. Yes, Your Honour.

27 Q. And you also gave a brief to the TRC in 1993 on your
28 opinions on the causes of the war in Sierra Leone, didn't you?

29 A. Yes, Your Honour a written brief.

1 Q. I beg your pardon, in 2003. Currently you are writing a
2 book about the conflict in Sierra Leone; is that right?

3 A. Come again, Your Honour. I did not get that clearly.

4 Q. You are, at this point in time, in the process of writing a
15:24:55 5 book about the conflict in Sierra Leone; is that right?

6 A. Yes, Your Honour, I'm putting bits and pieces together now.

7 Q. And does this book cover the period from 1997 to 2000?

8 A. I did not get that clear, Your Honour.

9 Q. And does this book cover the period 1997 to the year 2000?

15:25:19 10 A. It is planned to cover that period as well, Your Honour.

11 Q. And have you carried out research into the book?

12 A. Yes, Your Honour.

13 Q. And presumably, you've spoken to participants in the
14 conflict for the purposes of your book?

15:25:41 15 A. Yes, Your Honour.

16 Q. And you've spoken to soldiers; is that right?

17 A. Indeed, Your Honour.

18 Q. Officers as well?

19 A. Yes, Your Honour, and members of the civil society as well.

15:25:55 20 Q. Including politicians?

21 A. Not really. I haven't gone that far in the research.

22 Q. Now, although you were not in Sierra Leone at the time of
23 the May 1997 overthrow of the Kabbah government, you say you
24 returned to Sierra Leone in August 1997; is that right?

15:26:18 25 A. Yes, Your Honour.

26 Q. How many months did you stay in Sierra Leone on your return
27 in August 1997?

28 A. Your Honour, I don't want to be very specific, but I was
29 here for a couple of weeks, Your Honour, and I was in a very

1 small area.

2 Q. And whereabouts were you based? Are you able to say? Was
3 it in the Lungi garrison or in that region?

4 A. Again, if I can write that down for you, Your Honour, I
15:26:53 5 would prefer to write it down for you so you see the area.

6 Q. It's sufficient to say: Were you in Freetown?

7 A. No, Your Honour.

8 Q. Now, where you were based, did you come across any loyal
9 SLA troops?

10 A. Yes, Your Honour.
15:27:05

11 Q. And did you have conversations with them about the
12 conflict?

13 A. Yes, at that time, I did have conversation with them, Your
14 Honour.

15 Q. And did you come across any ECOMOG troops at that time?
15:27:18

16 A. Yes, Your Honour.

17 Q. And did you discuss the conflict with those ECOMOG troops?

18 A. Yes, Your Honour.

19 Q. And, presumably, you became aware of the situation in
15:27:36 20 Freetown in August 1997, when you were in Sierra Leone?

21 A. Yes, Your Honour. I was following up on the issues as they
22 occurred.

23 Q. So you knew that the AFRC government was in power?

24 A. Yes, Your Honour.

15:27:52 25 Q. And did you know that the chairman was Johnny Paul Koroma?

26 A. Come again, Your Honour.

27 Q. Did you know that the chairman of the AFRC government was
28 Johnny Paul Koroma?

29 A. Yes, Your Honour.

1 Q. If you can just excuse me a minute. I will just put this
2 up. It might help with the sound. I apologise, Your Honour, for
3 the inconvenience. Hopefully it will help the sound system
4 Now, based on your research for your book, and the time you spent
15:28:33 5 in Sierra Leone in 1997, did you ever hear who the people were
6 who carried out the coup in May of 1997, which removed the Kabbah
7 government.

8 A. Come again, Your Honour. I did not get that clearly.

9 Q. Based on your research for your book -- witness, based on
15:29:24 10 the research for your book and the period of time you spent in
11 Sierra Leone in August 1997, did you ever come to learn the names
12 of those who carried out the coup which removed President
13 Kabbah's government?

14 A. Yes, Your Honour.

15:29:44 15 Q. Did you ever learn that Alex Tamba Brima, the first accused
16 in this case, was one of the other rank soldiers who took part in
17 the coup?

18 A. Yes, Your Honour.

19 Q. And did you ever hear that Alex Tamba Brima was also
15:30:03 20 referred to as Gullit?

21 A. Yes, Your Honour.

22 Q. And are you aware that Alex Tamba Brima was a good football
23 player?

24 A. Yes, Your Honour.

15:30:16 25 Q. Now, did you also come to learn that Ibrahim Bazzy Kamara,
26 the second accused in this case, was also one of the other rank
27 soldiers who carried out the coup?

28 A. Yes, Your Honour.

29 Q. And did you also hear that the third accused, Santigie

1 Kanu, aka Five-Five, was one of the soldiers who carried out the
2 coup, in 1997?

3 A. Yes, Your Honour.

4 Q. And did you learn that Abu Sankoh, aka Zagalo, was one of
15:30:54 5 the soldiers who carried out the coup in 1997?

6 A. Yes, Your Honour.

7 Q. And which other coup members can you recall?

8 A. Your Honour, I can only recall one more name from this list
9 you mentioned, and that is Tamba Gborie, of blessed memory now.

15:31:22 10 Q. Yes. That was the gentleman who went on the radio; is that
11 right?

12 A. Yes, I think it was from the radio I got that name as well.

13 Q. Now, are you aware that Alex Tamba Brima, the first accused
14 in this case, was referred to as an honourable?

15:31:39 15 A. No, My Lord, I did not know that they were referred to as
16 honourables. I just read about that in newspaper papers
17 recently.

18 Q. So you didn't know that Ibrahim Bazzy Kamara, or Santigie
19 Kanu were referred to as honourables either, at that time?

15:32:00 20 A. No, Your Honours.

21 Q. But you have come to discover that only recently, based on
22 newspapers?

23 A. Very recently, as part of my research.

24 Q. Now, Johnny Paul Koroma invited the RUF to join the AFRC
15:32:16 25 government, didn't he?

26 A. Yes, Your Honour.

27 Q. And you would agree with me that the AFRC government formed
28 both members of the SLA and RUF, wouldn't you?

29 A. Yes, Your Honour, which they further referred to as the

1 People's Army, I think. I don't know if I am correct.

2 Q. Now, senior RUF members, who were a part of the AFRC
3 included Sam Bockarie; is that right?

4 A. Yes, My Honour.

15:32:51 5 Q. Gibril Massaquoi?

6 A. Yes, My Honour.

7 Q. Mike Lamin?

8 A. Yes, Your Honour.

9 Q. And Denis Mingo, alias Superman?

15:33:04 10 A. Yes, Your Honour.

11 Q. And would you agree with me that the persons I've just
12 named are senior RUF officials?

13 A. Yes, My Honour. I entirely agree with you. That was the
14 command leadership of the RUF.

15:33:21 15 Q. And you would agree with me that the AFRC governed Sierra
16 Leone until it was pushed out of Freetown by the ECOMOG
17 intervention?

18 A. Your Honour, yes. They governed part of Sierra Leone
19 because there were one or two areas, I believe, that were no-go
15:33:43 20 areas for them as well.

21 Q. Which parts did they govern?

22 A. Specifically, Lungi was a no-go area.

23 Q. What about Kono?

24 A. Well, I don't know of Kono, sir.

15:33:55 25 Q. And Kenema?

26 A. No, I don't know of that area.

27 Q. But Freetown?

28 A. Lungi was a no-go area.

29 Q. But what about -- when I say Kono, could they go to Kono,

1 the AFRC government?

2 A. Not to my knowledge, Your Honour.

3 Q. Now, presumably, through your research you are aware that
4 the AFRC government, like the NPRC government, had a Supreme
15:34:22 5 Council?

6 A. Yes, Your Honour.

7 Q. And did you learn that Alex Tamba Brima was a member of the
8 Supreme Council?

9 A. Yes, My Honour.

15:34:32 10 Q. And did you learn that Alex Tamba Brima was one of the
11 senior most SLAs in the AFRC government after Johnny Paul Koroma
12 and SAJ Musa?

13 A. Yes, My Honour.

14 Q. And did you learn that Ibrahim Bazzy Kamara was a member of
15:34:50 15 the Supreme Council?

16 A. Yes, My Honour.

17 Q. And did you learn that Ibrahim Bazzy Kamara was also one of
18 the most senior members of the AFRC government?

19 A. Not to my knowledge, Your Honour.

15:35:04 20 Q. Okay. What about Santigie Kanu, aka Five-Five, did you
21 learn that he was a member of the Supreme Council of the AFRC
22 government?

23 A. Yes, My Honour.

24 Q. Now, the NPRC government also had PLOs, didn't it?

15:35:21 25 A. Yes, My Honour.

26 Q. And were you aware that Alex Tamba Brima was a security to
27 Captain Strasser, or Chairman Strasser, during the NPRC regime?

28 A. Yes, My Honour. I think the little knowledge I had of
29 Tamba Brima was that he was actually schooling during that

1 period. I was surprised to hear that he was now a member of such
2 a council because, at the point, I know I even contributed some
3 monies to his fees.

15:36:03 4 Q. Are you aware that Ibrahim Bazzy Kamara also worked for a
5 member of the NPRC government?

6 A. Not to my knowledge, Your Honour.

7 Q. But SAJ Musa was a senior member of the NPRC government,
8 wasn't he?

9 A. Yes, Your Honour.

15:36:21 10 Q. So would you agree with me that the use of a Supreme
11 Council and PLOs in the AFRC government was similar to the set up
12 in the NPRC government?

13 A. I agree with you, Your Honour.

14 Q. And that would be logical on the basis that SAJ Musa served
15:36:39 15 under the NPRC government so it would know the setup, wouldn't
16 it?

17 A. Yes, My Honour.

18 Q. Now, after the intervention, the AFRC and its SLA and RUF
19 members fled into the jungle, didn't they?

15:36:58 20 A. I do not know exactly what happened after that, Your
21 Honour, because I did not follow through that, but I know they
22 went into the hinterland somewhere.

23 Q. And did you ever hear through the news, or through your
24 colleagues, or during your research that SAJ Musa was a senior
15:37:16 25 commander in the jungle?

26 A. Yes, My Honour. I gathered that from some other source.

27 Q. And through those same sources, did you learn that Alex
28 Tamba Brima was also a commander in the jungle?

29 A. Yes, My Honour.

1 Q. And through those similar sources, did you also learn that
2 Ibrahim Bazzy Kamara was a commander in the jungle?

3 A. No, My Honour, I did not know of him.

4 Q. What about Santigie Kanu, aka Five-Five; did you hear --

15:37:49 5 A. I did not hear of those two.

6 Q. Now, did you hear that those troops were promoting
7 themselves in rank in the jungle?

8 A. Yes, My Honour.

9 Q. Did you hear that Alex Tamba Brima had promoted himself to
15:38:04 10 an officer?

11 A. Not to my knowledge.

12 Q. Or, rather, did you hear that SAJ Musa or anyone else had
13 promoted him to an officer?

14 A. Not to my knowledge. I had not followed up on that.

15:38:18 15 Q. You never, in your research, came across him being called
16 colonel or brigadier?

17 A. No, my honour, I did not hear of that.

18 Q. What about Ibrahim Bazzy Kamara; did you hear of him being
19 an officer in the jungle?

15:38:33 20 A. The same goes for all the other names you mentioned.

21 Q. Thank you. Now, as you were following the events, and your
22 research into your book, are you aware that the SLA from the
23 jungle and the RUF attacked Freetown on 6 January 1999?

24 A. Yes, Your Honour.

15:38:55 25 Q. And are you aware that Alex Tamba Brima what was the
26 commander of the force that attacked Freetown in January 1999?

27 A. No, Your Honour, I didn't. I was not aware of his
28 appointment and position at that time.

29 Q. But were you aware that he was one of the troops who did go

1 into Freetown during the invasion?

2 A. Yes, Your Honour, I've discovered that.

3 Q. And Ibrahim Bazy Kamara, are you aware that he was also
4 one of the troops who went into Freetown during the invasion?

15:39:24 5 A. I did not trail his own activities much. I'm still getting
6 some feedback, but if you say so, probably.

7 Q. No, it's what you've learnt?

8 A. No, My Honour, not on him yet.

9 Q. What about Santigie Kanu, aka Five-Five, did you hear that
15:39:41 10 he was a part of the Freetown invasion?

11 A. Yes, My Honour.

12 Q. Now, are you aware that, during their retreat from
13 Freetown, the SLAs killed innocent civilians?

14 A. Well, I haven't read that aspect. I'm not aware of that,
15:40:02 15 Your Honour.

16 Q. But you are aware there was burning in Freetown, carried
17 out by members of the SLA?

18 A. Yes, Your Honour. In fact, the war in Sierra Leone, it was
19 more of the Scotch staff policy. I don't know if it was to
15:40:16 20 create fear and mayhem in the minds of people, but I'm aware
21 there was a lot of burning and looting that went on.

22 Q. From your research and studying, did this burning and
23 looting create fear in the minds of people?

24 A. Certainly, Your Honour.

15:40:32 25 Q. And did you hear that the amputation of arms were going on
26 during the conflict?

27 A. Yes, Your Honour.

28 Q. And did you read or learn that the SLAs in the jungle were
29 also amputating the arms of civilians?

1 A. I was unaware of that. I thought it was done and
2 perpetrated by the elements of the RUF, Your Honour.

3 Q. Now, did you hear that as the SLAs retreated Freetown, in
4 the January 1999 invasion, that they abducted civilians?

15:41:04 5 A. Yes, Your Honour.

6 Q. And these civilians included children, didn't they?

7 A. Yes, Your Honour.

8 Q. Now have you heard of West Side Boys?

9 A. Yes, Your Honour.

15:41:20 10 Q. Are you aware or have you learnt that Ibrahim Bazy Kamara
11 was the first commander of the West Side Boys after the Freetown
12 retreat in January 1999?

13 A. Not to my knowledge, Your Honour.

14 Q. Are you aware that Ibrahim Bazy Kamara headed a delegation
15 from Freetown to meet Johnny Paul Koroma in Liberia in 1999?

16 A. Not to my knowledge, Your Honour.

17 Q. So you've never met Ibrahim Bazy Kamara at any kind of
18 meeting in 1999?

19 A. No, Your Honour.

15:42:01 20 Q. Now earlier, you have been talking generally about the
21 start of the conflict, 1991. So I would like to take you back to
22 that period. And you say until 1991 there was a card system that
23 existed; is that right?

24 A. Yes, Your Honour.

15:42:26 25 Q. And after 1991, the suffrage system replaced the card
26 system; is that right?

27 A. The safari, safari system

28 Q. Safari. I beg your pardon. So would you say when the
29 safari system came into place recruitment was more based on merit

1 in the SLA?

2 A. Yes, Your Honour.

3 Q. So from 1991, recruitment in the SLA was more based on
4 meritocracy?

15:42:56 5 A. Yes, Your Honour, a lot of it was based on meritocracy.
6 However, I mention Your Honour, that the time-frame for both
7 training and the recruitment did not allow for background and
8 personality profile to be checked so probably you had a lot of
9 questionable characters.

15:43:15 10 Q. So a few might have sneaked through?

11 A. A few might, questionable, questionable, probably, yes,
12 security records.

13 Q. Now, during the conflict in 1992, to 1997, irregular forces
14 fought alongside the SLA against the RUF, didn't they?

15:43:34 15 A. Yes, Your Honour.

16 Q. And although the irregular forces received less formal
17 training than their SLA brothers, they would have learned
18 on-the-job training, so to speak, during combat, wouldn't they?

19 A. Yes, Your Honour.

15:43:52 20 Q. And after the SLAs finished their formal training they came
21 out as trained professional soldiers, didn't they?

22 A. Yes, Your Honour.

23 Q. Now in 1996, are you aware of whether the irregular forces
24 were still being trained?

15:44:12 25 A. Your Honour, I -- I would not be able to say beyond the
26 date specified in 1996 but until the mid of 1996, in the various
27 local units, a few of these irregular forces were still being
28 trained by unit commanders, individual unit commanders. They had
29 the permission to train them, to be able to strip and assemble

1 small arms and light weapons and also to carry it -- I mean, to
2 carry the weapon and operate the weapon.

3 Q. And whilst the irregulars were working with the
4 professional SLAs they would have also picked up some of the
15:44:58 5 well-trained habits of the SLAs, wouldn't they?

6 A. Certainly, Your Honour, with the marrying up of those
7 forces together they certainly imbibed those culture and the
8 disciplinary traits.

9 Q. And of course this was a time of war, so you would agree
15:45:15 10 with me that very often in times of war less training is able to
11 be given?

12 A. Indeed, yes. I agree entirely with that.

13 Q. Now, you say that you also went to the front from time to
14 time between 1992 and 1996?

15:45:31 15 A. Yes, Your Honour.

16 Q. Now, there was ammunition for the troops during that
17 period, wasn't there?

18 A. Yes, Your Honour.

19 Q. And there was also medical treatment available for the
15:45:46 20 troops during that period, wasn't there?

21 A. Yes, Your Honour.

22 Q. And adequate command and control existed for the troops
23 during that period, didn't it?

24 A. To a very large extent, yes.

15:45:55 25 Q. And there was also adequate transport for the troops,
26 wasn't there?

27 A. Not exactly that. It was not very adequate but then the
28 army still catered for those who required it and brand new
29 vehicles were supplied to various commanders as and when they

1 needed them

2 Q. So there were shortcomings in logistics, wasn't there?

3 A. Yes, I mentioned that earlier. There were definitely
4 shortcomings.

15:46:23 5 Q. But notwithstanding those shortcomings the SLAs performed
6 well against the RUF, didn't they?

7 A. Yes, Your Honour.

8 Q. And you also mentioned there was some resentment later
9 between the SLAs and the Civil Defence Force, some resentment?

15:46:38 10 A. Yes, Your Honour.

11 Q. And I believe you mentioned that despite this frustrations,
12 the SLAs did not take the law into their own hands, did they?

13 A. No, Your Honour.

14 Q. So despite those provocations, the SLAs kept their
15 discipline, didn't they?

15:46:53 16 A. Yes, Your Honour.

17 Q. And this is because they were trained professional
18 soldiers, weren't they?

19 A. Indeed, Your Honour, and they also knew the -- they
15:47:01 20 followed the code of conduct and a lot of training was conducted
21 as well by the RCRC in the international humanitarian law and the
22 laws of war.

23 Q. So the SLAs were well versed then in the laws of war?

24 A. Certainly, Your Honour.

15:47:17 25 Q. And they knew it was wrong to kill civilians?

26 A. Yes, Your Honour. Unarmed civilians.

27 Q. And, presumably, this good ethical training in the laws of
28 wars was also imbibed into the irregular forces who fought
29 alongside the SLAs?

1 A. Yes. Their training was designed for them to respect the
2 standards of the international humanitarian law books -- was also
3 brought to bear with those irregular forces. For instance, for
4 you to be able to respect the places of worship; to be able to
15:47:57 5 help unarmed civilians, and even prisoners of war, to treat them
6 humanely. All of that was taught to -- even these irregular
7 forces, in the little training that was conducted for them in the
8 local areas.

9 Q. So the regular forces got quite a lot of training in this
15:48:12 10 international humanitarian law whilst the irregular forces got
11 less training?

12 A. Yes, Your Honour, but a bit of it was infused into the
13 training. But the regular forces normally had seminars conducted
14 at the training academies. They had some training conducted for
15:48:28 15 them

16 Q. So they would have been aware of the Geneva Conventions?

17 A. Certainly, yes. A lot of the regular troops knew of the
18 Geneva Conventions.

19 Q. So far as you're aware, during the conflict between 1992
15:48:41 20 and 1996, the SLAs and irregulars abided by the laws of war; is
21 that right?

22 A. To a very large extent, yes. To my knowledge.

23 Q. Now, whilst you were at the front line fighting, there was
24 a communication system which allowed the ammunition and other
15:49:00 25 logistics to reach you; is that right?

26 A. Yes, Your Honour.

27 Q. And whilst you were at the front line, because you fought
28 there as a commander; right?

29 A. Yes, Your Honour.

1 Q. How were you structured? Did you have a battalion and
2 underneath the battalion was a company, and you had a company
3 commander? Can you briefly explain that?

4 A. The Sierra Leone Armed forces there now -- the Sierra Leone
15:49:27 5 Army had formal hierarchy in existence. From the platoon
6 commander, you went up to company commander, from company
7 commander to battalion, 2IC or battalion command, and the
8 battalion commander reported to the brigade commander. And
9 probably for every brigade there are three battalions or four
10 battalions, depending on the size of the location of the area of
11 responsibility for that brigade. Like, I mentioned earlier there
12 are two distinct brigades; one in the Southern Region and one in
13 the east. The Southern Region looked at the southern flank of
14 Sierra Leone; that is the southern province, and whilst the east
15:50:07 15 looked at the Eastern Region, the three districts in the east.
16 Basically the areas that were bordering with our neighbours,
17 Liberia.

18 Q. So you had a four-span chain of command; is that right?

19 A. There was complete command structure in place.

15:50:22 20 Q. And it worked, the orders flowing up and down the chain of
21 command?

22 A. The chain, yes. It did work properly, Your Honour. Orders
23 managing from top to bottom.

24 Q. And the soldiers in the SLAs respected the chain of
15:50:35 25 command?

26 A. Certainly, Your Honour.

27 Q. And, presumably, the SLAs and the irregulars won battles
28 against the RUF in combat, didn't they?

29 A. Very large -- to a lot of time, Your Honour. The soldiers

1 definitely routed the Revolutionary United Front from a lot of
2 areas which they captured, especially between 1992 and 1993. As
3 a matter of fact, by end of '93, the RUF rebels were just in one
4 small niche in Sierra Leone. The war was almost over but for a
15:51:12 5 lull in battle, and they went to another phase of war by '94,
6 April.

7 Q. So the SLAs were better trained than the RUF?

8 A. They were not comparable. Those were two different
9 groupings altogether. That was a military force against a group
15:51:31 10 of -- I wouldn't call them rebels because they had no ideologies.
11 Maybe a group of people who were power thirsty and had a lust for
12 diamonds, that was all. Probably bandits.

13 Q. So it was essentially a well-trained military organisation
14 against a bunch of rebel forces who were coming to steal
15:51:51 15 diamonds?

16 A. Well, I would call them bandits, Your Honour. Indeed, they
17 were something like that. And so they never knew of the Geneva
18 Convention and laws of war. So there were occasions they were
19 using, probably, rocket-propelled grenades against human target.
15:52:05 20 That's an anti-tank weapon. An Anti-tank weapon is meant to be
21 used against equipment, not against human beings, but they were
22 using such weaponry against human targets. And so it created the
23 mayhem in the war.

24 Q. So the SLAs were a well-trained discipline force during the
15:52:21 25 war; right?

26 A. Certainly, Your Honour.

27 Q. And RUF were some ratbag bunch of bandits, essentially?

28 A. Yes, Your Honour, with not very good leadership structure
29 in place.

1 Q. So essentially during the war, 1992 to 1996, when you were
2 here, the SLAs had a good functioning military organisation?

3 A. Very much so. Very much so, Your Honour. There were, of
4 course, one or two setbacks in the commanding control of the
15:52:53 5 troops, but that is normal, because, during the war period, it's
6 different from peacetime armies, and the unexpected sometimes
7 happens and people get weak under pressure.

8 Q. So you suffered the same difficulties or frustration as any
9 army would during a war?

15:53:10 10 A. Yes, Your Honour. It was not peculiar only to the SLA. I
11 mean, it's all over.

12 MR AGHA: Thank you. I have no further questions of this
13 witness.

14 PRESIDING JUDGE: Thank you. Any re-examination?

15:53:24 15 MR KNOOPS: Thank you, Your Honour.

16 RE-EXAMINED BY MR KNOOPS:

17 Q. Mr Witness, thank you for your patience. Mr Witness, do
18 you ever saw document produced by the AFRC such as a proclamation
19 that created a Supreme Council?

15:53:46 20 A. No, Your Honour.

21 Q. Thank you. You just, based on questions of Prosecution
22 with regard to the AFRC, commented on certain issues. My first
23 question in this regard is were you able to discover, through
24 your research, whether the AFRC operated as a traditional
15:54:16 25 military organisation after May 1997?

26 A. Your Honour, the AFRC was unable to operate as a
27 traditional military organisation by virtue of the fact they
28 married up with the RUF and referred to themselves as a people's
29 army. There was no good hierarchal structure respected or put in

1 place. There were issues where those who came and married up
2 with them wore wigs and military uniform; wore wigs on their
3 head, female wigs and military uniforms, and were parading in the
4 streets of the capital. That was no proper for regimentation and
15:55:08 5 discipline. Furthermore, there was nothing like command and
6 control wherein proper command was managed from top to bottom
7 Instead, it was other ranks giving commands to officers, which is
8 not allowed anywhere in the world, or for any army in the world,
9 so that was not a military organisation. It was disorder.

15:55:29 10 Q. Were you able to discover, Mr Witness, in this regard in
11 your research, whether the AFRC, when they fled from Freetown,
12 had any strategic military or grand strategy aims?

13 A. Your Honour, nothing strategical occurred during that
14 period, unfortunately. I think things were happening more on the
15:55:58 15 tactical level, not even on the operational level. As a
16 tactical, it was a small bunch and body of personnel, not in a
17 formed and cohesive unit, operating on their own. So the issue
18 of organising plans for operations, battle plans was not clear
19 cut and did not manifest even in the way they operated and
15:56:19 20 carried themselves along. Who was to dish out orders, who was to
21 take orders, those things did not exist, thereby limiting the
22 issue of strategy, because when you say grand strategic plan, you
23 are looking at the national interest and the core values. Now
24 what are the core values. Their own core values were survival.
15:56:35 25 It was merely survival that they were working on, because they
26 had to survive, by all means. So there was nothing like saying
27 the values, the territorial integrity or the sovereignty of
28 Sierra Leone are to be protected and defended at all costs or
29 that we will have to stay here and make sure we protect here. It

1 was running from point A to B, you know, to stay alive. So I
2 don't think there was anything strategic about the movement from
3 Freetown of the AFRC.

4 Q. Mr Witness, were you able to get acquainted with the forms
15:57:07 5 of regimentation within the AFRC?

6 MR AGHA: Objection, Your Honour. This question does not
7 arise out of cross-examination.

8 PRESIDING JUDGE: What area of cross-examination does that
9 come from?

15:57:19 10 MR KNOOPS: Well, the witness himself mentioned the term
11 regimentation. Perhaps I can ask for clarification of that.

12 PRESIDING JUDGE: When are you referring to, Mr Knoops,
13 that he mentioned regimentation?

14 MR KNOOPS: Yes.

15:57:33 15 MR AGHA: Not certainly during the AFRC was it raised after
16 the intervention during cross-examination.

17 MR KNOOPS: Okay. I'll leave that.

18 Q. Mr Witness, you were just mentioning about the fact that
19 the AFRC didn't run as a traditional military organisation in the
15:57:56 20 absence of command, control, et cetera. You referred to the RUF.
21 Do you have knowledge as to how the relationship between the AFRC
22 and the RUF was in that period?

23 MR AGHA: Objection, Your Honour. Again, this question
24 does not arise out of cross-examination.

15:58:19 25 PRESIDING JUDGE: It sounds as though you are embarking on
26 a new examination-in-chief here, Mr Knoops.

27 MR KNOOPS: No, I think, Your Honour, the Prosecution
28 touched upon a totally new area, namely the role of the AFRC
29 after they went out of Freetown. And this wasn't raised in the

1 examination-in-chief. It's a totally new area. I think we are
2 entitled to ask this witness about that new area which was
3 touched upon by the Prosecution.

15:58:52 4 MR AGHA: I believe I only touched upon who was -- if he
5 heard of these people accused holding command positions, and
6 that's it.

7 PRESIDING JUDGE: Yes, Mr Knoops, that question you asked
8 deals with the withdrawal, and we hold that that does not arise
9 from cross-examination. We won't allow the question.

16:00:13 10 MR KNOOPS: Thank you.

11 Q. Mr Witness, one final question. During the
12 cross-examination, you mentioned the training in international
13 law, mentioning the training at the training academy; is that
14 correct?

16:00:31 15 A. Yes, Your Honour.

16 Q. Who were are trained at the training academy?

17 A. We trained both soldiers and officer cadets at the training
18 school, the training academy.

16:00:52 19 Q. And from what year was the training academy opened for such
20 trainings?

21 A. The training academy, Your Honour, was opened back in the
22 60s.

23 Q. With respect to the irregular parts of the army, did you
24 encounter any form of training in the laws of warfare?

16:01:15 25 A. Yes, Your Honour. Like I said, it was infused for the
26 irregular troops at the local areas, but you need commanders;
27 maybe two days' workshop or training session on the laws of armed
28 conflict and international humanitarian law.

29 Q. From which year these programs were infused?

1 A. Well, from the start of the reception and training of
2 irregular forces in 1992.

3 Q. And were you able to discover whether these training
4 programs lasted until 1997?

16:01:56 5 A. I know they lasted until mid-1996. I wouldn't say after
6 that, Your Honour, whether they continued.

7 Q. You don't know or you say they didn't continue?

8 A. I don't know if they continued.

9 Q. Thank you.

16:02:12 10 A. Thank you, Your Honour.

11 MR KNOOPS: That concludes my re-examination.

12 PRESIDING JUDGE: Any other questions in re-examination?

13 MR FOFANAHAH: Yes, Your Honour. Just a couple of questions
14 on behalf of the second accused.

16:02:25 15 RE-EXAMINED BY MR FOFANAHAH:

16 Q. Mr Witness, correct me if I am wrong, did I hear you say
17 that the second accused was a member of the Supreme Council of
18 the AFRC?

19 PRESIDING JUDGE: He did say that.

16:02:46 20 JUDGE SEBUTINDE: Perhaps you could say who the second
21 accused is, the names of who the second accused is.

22 MR FOFANAHAH:

23 Q. The second accused --

24 MR AGHA: It has been asked and answered.

16:02:52 25 PRESIDING JUDGE: He said that. That's on the record.

26 MR FOFANAHAH:

27 Q. Did your research lead you to any indication as to whether
28 the Supreme Council of the AFRC operated as a separate unit from
29 the AFRC itself as a council?

1 A. Your Honour, I never knew that there was any separation.
2 My research did not conduct or did not tell me that, or there
3 were no answers in that regard, Your Honour.

4 Q. So was it your conclusion -- what do you mean by that?

16:03:31 5 A. I did not glean or I don't know if -- I didn't know if
6 there was any difference between the Supreme Council of the AFRC
7 and the AFRC. I never knew of any difference in it or any
8 separate performance of functions.

9 Q. So, to the best of your knowledge, were they one and the
16:03:51 10 same, the Supreme Council and the AFRC?

11 A. I presume so, Your Honour. I presumed they were the same.

12 Q. So you definitely would not be able to know if Ibrahim
13 Bazy Kamara, the second accused, was either a member of the AFRC
14 or the Supreme Council?

16:04:11 15 MR AGHA: Your Honour, he has answered he was a member of
16 the Supreme Council.

17 PRESIDING JUDGE: He said that, and you are starting to
18 cross-examine your own witness, Mr Fofanah.

19 MR FOFANAH: In that case, I have no further questions.

16:04:23 20 PRESIDING JUDGE: Thank you. Mr Graham, anything you
21 wanted to ask?

22 MR GRAHAM: No, Your Honours.

23 PRESIDING JUDGE: All right. Thank you. Mr Witness, we
24 would like to thank you for coming to Court to give evidence and
16:04:37 25 your testimony is completed now. We are going to adjourn the
26 Court, but if you will please just sit there for a few moments
27 and we will make arrangements to draw the curtains so that you
28 can leave the courtroom.

29 THE WITNESS: Thank you, My Lord, and your Lordships.

1 PRESIDING JUDGE: Right. We will adjourn until 9.15
2 tomorrow morning.

3 MR KNOOPS: Your Honour --

4 PRESIDING JUDGE: You had an application, Mr Knoops?

16:05:23 5 MR KNOOPS: I'm Sorry, Your Honour, I just wanted to inform
6 the Court about the programme of tomorrow morning.

7 PRESIDING JUDGE: Yes. We would like to hear it.

8 MR KNOOPS: Thank you. We hope to have TRC-03 here. He
9 was supposed to be here this afternoon. I hope he's still
16:05:40 10 available tomorrow. If not, we can start with the military
11 expert, who is prepared to start with his statement. So if the
12 Prosecution has no objection, we could -- if TRC-03 is not
13 appearing tomorrow morning -- start with the military expert.

14 PRESIDING JUDGE: Well, that is very useful to know. Thank
16:05:59 15 you, Mr Knoops.

16 [Whereupon the hearing adjourned at 4.10 p.m.,
17 to be reconvened on Tuesday, the 17th day of
18 October 2006, at 9.15 a.m.]

19
20
21
22
23
24
25
26
27
28
29

EXHIBITS:

Exhibit No. D33 **64**

WITNESSES FOR THE DEFENCE:

WITNESS: DBK-117 **4**

EXAMINED BY MR MANLY-SPAIN **4**

CROSS-EXAMINED BY MR FOFANAH **26**

CROSS-EXAMINED BY MR WAGONA **28**

RE-EXAMINED BY MR MANLY-SPAIN **43**

WITNESS: TRC-01 **46**

EXAMINED BY MR KNOOPS **52**

EXAMINED BY MR FOFANAH **96**

CROSS-EXAMINED BY MR AGHA **98**

RE-EXAMINED BY MR KNOOPS **115**

RE-EXAMINED BY MR FOFANAH **119**