

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

TUESDAY, 23 NOVEMBER 2004
9.44 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Raimund Sauter
Ms Leslie Murray (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.
Ms Claire da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams

1 Tuesday, 23 November 2004

2 [The witness entered court]

3 [The three accused not present]

4 [Open session]

5 [Upon commencing at 9.44 a.m.]

6 PRESIDING JUDGE: Good morning, learned counsel. We're
7 resuming our session and as you would recall, the
8 testimony of witness number TF2-008, the 27th witness, I
9 think, in this trial was interrupted by a sudden illness.
10 We had to defer it and we have the pleasure of having him
11 present to continue today. He had earlier on been
12 cross-examined by the Defence team of the first accused
13 and I think this morning the cross-examination will
14 continue with the cross-examination of the second and the
15 third accused Defence team. So we would like to welcome
16 the witness back.

17 How are you, Mr Witness? How are you doing this
18 morning?

19 THE WITNESS: Fine.

20 PRESIDING JUDGE: You are doing fine?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: I hope it has not been very, very rough on
23 you.

24 THE WITNESS: It has, but thank God now, it is better now.

25 PRESIDING JUDGE: Well, welcome back. Thank God that you are
26 back with us.

27 JUDGE BOUTET: Thank you. Mr Bockarie, we're supposed to be
28 working in a distortion today. It seems to be working
29 this morning. At least I can see that the loudspeaker in

1 the Court seems to be working. So you are not missing
2 anything, the speakers you have in front of you,
3 Mr Bockarie, should be the ones where you will get the
4 voice of the witness. If you are using the earphone, you
5 may hear his voice, but distorted.

6 Please proceed.

7 WITNESS: TF2-008 [Continued]

8 EXAMINED BY MR BOCKARIE:

9 MR BOCKARIE: Yes.

10 Q. Mr Witness, various committees were set up within the War
11 Council whilst you were at Base Zero; am I correct?

12 A. Yes, but I can explain. You need explanation.

13 JUDGE BOUTET: You want to explain, please do so.

14 THE WITNESS: Yeah. When you talk about committee in the War
15 Council, what I said was the War Council that the
16 committees were set. There were committees for food,
17 committees for --

18 Q. I'll come to the various committees.

19 A. Okay.

20 PRESIDING JUDGE: The answer -- the reply to the question is
21 that there were various committees that were functioning
22 within the War Council.

23 THE WITNESS: Within the CDF.

24 PRESIDING JUDGE: Within the CDF.

25 THE WITNESS: Yes, at Base Zero.

26 PRESIDING JUDGE: Were you referring to the War Council or the
27 CDF, Mr Bockarie?

28 MR BOCKARIE: I was referring specifically to the War Council.

29 A. Not specifically within the War Council.

1 JUDGE BOUTET: So what is the difference, in your view,
2 between -- for the response to that question between the
3 CDF and the War Council?

4 THE WITNESS: Well, the committees were formed, as far my
5 knowledge is concerned.

6 JUDGE BOUTET: We're talking about you, yes, you.

7 THE WITNESS: Not within the War Council, but within the, CDF
8 because when you talk about the formation committee and
9 the War Council, my understanding was that it was only
10 the War Council members.

11 PRESIDING JUDGE: Then take the question this way: Were there
12 any committees within the War Council when you were
13 there?

14 THE WITNESS: No.

15 PRESIDING JUDGE: There no committees?

16 THE WITNESS: No.

17 PRESIDING JUDGE: Yes, Mr Bockarie.

18 MR BOCKARIE:

19 Q. Mr Witness, do you no one Daramy Rogers?

20 A. Yes, I do.

21 Q. He was a member of the War Council; am I correct?

22 A. Yes.

23 Q. Mr Witness, do you know of the committee on promotion and
24 appointment headed by Daramy Rogers?

25 A. Not to my knowledge.

26 PRESIDING JUDGE: Appointments and promotions?

27 MR BOCKARIE: Yes, appointments and promotions.

28 Q. Mr Witness, also at Base Zero there was a discipline wing
29 headed by one Dr Jigbao; do you agree with me?

1 A. Yes.

2 Q. Mr Witness, this discipline wing had a mandate; doesn't
3 it?

4 A. Yes, but I have to explain it, My Lord.

5 JUDGE BOUTET: Go ahead, explain it please.

6 MR BOCKARIE:

7 Q. Can you please explain the mandate of the discipline
8 wing?

9 A. Well, the mandate of the discipline wing headed by
10 Dr Jigbao was the recommendations that from the War
11 Council to the National Coordinator needs approval for
12 any punishment he has to implement.

13 Q. Yes.

14 PRESIDING JUDGE: Give us the mandate of the disciplinary
15 committee first. What was its mandate? What were its
16 attributions? I know we have heard it before, but let's
17 come back and refresh our memories on this, because it
18 might distort the secrets of the evidence that is being
19 collected.

20 THE WITNESS: What I am saying actually --

21 PRESIDING JUDGE: You said the mandate consisted in -- the
22 mandate of this committee -- of this disciplinary
23 committee?

24 THE WITNESS: Was to implement the recommended -- approved
25 recommend -- recommendations.

26 PRESIDING JUDGE: Was to implement the approved
27 recommendations?

28 THE WITNESS: Yes, by the National Coordinator.

29 JUDGE BOUTET: You say that the mandate was to implement what

1 had been approved by the National Coordinator?

2 THE WITNESS: Yes, recommendations that had been approved by
3 the National Coordinator.

4 JUDGE BOUTET: Recommendations that were made to the National
5 Coordinator by whom?

6 THE WITNESS: By the War Council.

7 JUDGE BOUTET: So the way it would work, the War Council would
8 make a recommendation to the National Coordinator. If he
9 approved, that would be forwarded to the disciplinary
10 committee who would implement that?

11 THE WITNESS: Yes, exactly.

12 JUDGE BOUTET: Okay, thank you.

13 MR BOCKARIE:

14 Q. Mr Witness, do you know of any case in point where such
15 recommendation was implemented?

16 A. I cannot remember that.

17 Q. Mr Witness, sorry for dragging you back. You said you
18 made recommendations. What kind of recommendations were
19 being made? Can you give us an instance, if any?

20 A. I said here, I think, last time the War Council was to
21 identify strategies and recommend to the National
22 Coordinator for his approval and when these
23 recommendations are approved, if it is on a disciplinary
24 line -- if it is approved and on a disciplinary line, it
25 is sent to the disciplinary officer in charge. I told
26 you here that the recommendations were made in line of
27 disciplinary -- they were not approved, so there was no
28 implementation. So I can't tell you that this was
29 implemented.

- 1 Q. As far as you're concerned?
- 2 A. As far as I am concerned.
- 3 Q. Thank you. Mr Witness, do you know of any Kamajor by the
4 name of Vanjawai?
- 5 A. I do.
- 6 PRESIDING JUDGE: Mr Bockarie, is it a "V" or a "B"?
- 7 MR BOCKARIE: "V", like Victor.
- 8 PRESIDING JUDGE: Thank you. I have a been writing "B", so
9 I'll have to revisit my notes and change.
- 10 MR BOCKARIE: Like Victor, Vanjawai.
- 11 PRESIDING JUDGE: Can I take advantage of getting the real
12 spelling of the name, V-A-N?
- 13 MR BOCKARIE: V-A-N-J-A-W-A-I.
- 14 PRESIDING JUDGE: My colleague Honourable Judge Boutet was
15 also on the "B" note. We are all on the 2 notes. We'll
16 correct the records.
- 17 MR BOCKARIE:
- 18 Q. Mr Witness, was it ever brought to the attention of the
19 War Council and issue involving Vanjawai bordering on
20 misconduct?
- 21 A. Yes, I have said that one here.
- 22 Q. You have said it.
- 23 PRESIDING JUDGE: Mr Bockarie don't forget the term "pegging".
24 That is the vocabulary of this witness. You are not
25 inventing it here. I want to alert you to that term
26 before you go any further.
- 27 MR BOCKARIE: Yes, My Lord.
- 28 PRESIDING JUDGE: Yes.
- 29 MR BOCKARIE:

- 1 Q. Mr Witness, isn't it a fact that Vanjawai was put on
2 trial and sentenced to death; are you aware of that?
- 3 A. Vanjawai was not sentenced to death.
- 4 Q. Was he put on trial?
- 5 A. He was investigated. I use the word "investigation". We
6 did not conduct any trial.
- 7 Q. Thank you. Mr Witness, did you --
- 8 JUDGE THOMPSON: Mr Witness, sorry. Did you say he was not
9 sentenced to death?
- 10 THE WITNESS: That is what I'm saying.
- 11 JUDGE THOMPSON: You said he was not?
- 12 THE WITNESS: He was not.
- 13 JUDGE THOMPSON: Yeah, because counsel did say that he was
14 sentenced to death.
- 15 MR BOCKARIE: I'm putting it to him; he denies it.
- 16 Q. Mr Witness, you recall you told this Court that a threat
17 of death sentence was imposed on Vanjawai?
- 18 A. Was recommended, not imposed.
- 19 Q. A threat was recommended?
- 20 A. Yes.
- 21 Q. Thank you.
- 22 A. By the War Council to the National Coordinator for his
23 approval.
- 24 PRESIDING JUDGE: Let us get that sentence again, a sentence
25 of a threat?
- 26 MR BOCKARIE: Yes, according to his testimony, a threat of
27 death sentence.
- 28 PRESIDING JUDGE: A death sentence?
- 29 MR BOCKARIE: Yes, according to his testimony, a death threat.

- 1 Q. Mr Witness, is it true that the CDF had a cell at Base
2 Zero? They had their own cells, didn't they?
- 3 A. Yes, we had our own cells. I spoke of that.
- 4 Q. And, of course, Kamajors were placed in this cell?
- 5 A. The junior Kamajors.
- 6 Q. Yes, Kamajors were placed in this cell?
- 7 A. Yes, junior Kamajors.
- 8 PRESIDING JUDGE: It is not Kamajors. There is a difference.
9 Junior has qualified his reply, junior Kamajors. You may
10 pursue him on that.
- 11 MR BOCKARIE:
- 12 Q. Mr Witness, could I be correct to say that they were
13 placed in this cell because they misbehaved themselves;
14 isn't it.
- 15 A. Yes, because they misbehaved.
- 16 Q. Mr Witness, can you please just describe briefly how this
17 cell looks like?
- 18 A. Well, I told this Court here.
- 19 PRESIDING JUDGE: You want us to revisit the discussion?
- 20 MR BOCKARIE: Well, probably yes. Okay, I'll abandon that,
21 Your Honour. It is already in evidence.
- 22 PRESIDING JUDGE: It is already in evidence.
- 23 MR BOCKARIE: Yes, Your Honour, yes.
- 24 Q. Mr Witness --
- 25 PRESIDING JUDGE: Mr Bockarie, if for purposes of clarity you
26 want to pursue that point, the Trial Chamber sees no
27 objection at all. You may pursue it.
- 28 MR BOCKARIE: No, I'll abandon it, Your Honour.
- 29 Q. Mr Witness, is it not a fact that your mandate was not

1 just to recommend, but to strategise and plan the war?

2 A. I said before here we identified strategies and
3 recommend. We are not to plan. We didn't know how. We
4 had to identify strategies and recommend to the National
5 Coordinator.

6 Q. Mr Witness, I am putting it to you that planning of the
7 war was within the domain of the War Council.

8 A. I am also putting it to you that it was not.

9 PRESIDING JUDGE: No. No, Mr Witness, we don't want
10 Mr Bockarie to be the second time a victim of this
11 familiar term of "I'm putting it to you". He can put it
12 to you, okay. But you cannot put it to him. You can
13 deny. That is all right, okay.

14 THE WITNESS: That is not correct.

15 MR BOCKARIE:

16 Q. Thank you.

17 PRESIDING JUDGE: Mr Bockarie, can you put the question to him
18 again.

19 MR BOCKARIE:

20 Q. I'm putting it to you that the planning of the war was
21 within the domain of the War Council?

22 A. It was not.

23 Q. Thank you.

24 PRESIDING JUDGE: Mr Witness, if I may ask you a question,
25 taking your reply to this question, you say the planning
26 of the war was not within the domain of the War Council;
27 is that what you're saying?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: When you meet, discuss strategies and you

1 recommend, where do you place that?

2 THE WITNESS: To the National war --

3 PRESIDING JUDGE: In what context do you say that has nothing
4 to do with planning?

5 THE WITNESS: Well, we identified as identification and
6 strategy for the planning, proper planning of the war it
7 lies in the hands of the National Coordinator, the
8 Director of War. These are the people they are dealing
9 with the commanders.

10 PRESIDING JUDGE: After you must have planned. After the War
11 Council must have planned and recommended. Forget about
12 whether the recommendation is accepted or not.

13 THE WITNESS: Sir?

14 PRESIDING JUDGE: I said forget about whether your
15 recommendation is accepted or not, but the truth of it is
16 you would have planned and recommended.

17 THE WITNESS: Well, probably -- we would like to call that one
18 a planning, but as far as I am concerned it was an
19 identification of strategies. But if I can identify the
20 strategy as go along with the planning, okay.

21 JUDGE BOUTET: Can you give us an example of identification of
22 a strategy so we better understand you?

23 THE WITNESS: I'm -- I said that one here. I think I go there
24 back. I said, for example, when they are -- the idea of
25 attacking being the whole attack, so we cannot attack
26 just the whole area like Bo, Kenema, Freetown together.
27 So what we did -- what we recommended was our strategy
28 that we should take Koribundu first and then second, when
29 the Koribundu was taken from the AFRC and RUF, then we

1 would be able to do another thing. So that was our
2 recommendation -- our strategies that we recommended, but
3 to sit down and plan this is how to do, this number of
4 troops go there, that is what I mean the planning.

5 PRESIDING JUDGE: Anyway that could be -- you can pursue the
6 point, but that is a matter for addresses anyway.

7 MR BOCKARIE: Yes.

8 Q. Mr Witness, I am further putting it to you that it was
9 the War Council that was responsible for the deployment
10 of fighting forces on the ground?

11 A. No, that is not correct. That was the work of the
12 Director of War and the battalion commanders, director of
13 operations. That was their work with the War Council.

14 Q. Mr Witness, did the War Council ever meet outside Base
15 Zero? Are you aware?

16 A. I'm not aware of that. I cannot remember that.

17 Q. Mr Witness, are you aware whether the War Council ever
18 met in Kenema in April 1998? Are you aware?

19 A. Yes, now you have reminded me. I remember that one.

20 Q. Thank you.

21 PRESIDING JUDGE: April 1998?

22 MR BOCKARIE: Yes, Your Honour.

23 Q. Mr Witness, during these meetings were the findings put
24 in writing? Do you know whether minutes were taken
25 during this meeting?

26 A. Yes.

27 Q. Mr Witness, I know it is quite some time probably, but
28 can you tell us what were some of the issues that were
29 discussed?

1 A. Yeah, one -- the most important thing was when we took
2 over Bo and Kenema, of course Freetown, the government is
3 now restored. The [inaudible] rebels are back. There
4 was a problem between the National Coordinator and the
5 Kamajors in the east.

6 PRESIDING JUDGE: Just a minute, please. And the commander --

7 THE WITNESS: The Kamajors of the east.

8 PRESIDING JUDGE: And the Kamajors of the east?

9 THE WITNESS: Of the east.

10 PRESIDING JUDGE: Not the commander of the east?

11 THE WITNESS: No, the Kamajors, the entire Kamajors.

12 PRESIDING JUDGE: And this was after the fall of --

13 THE WITNESS: Bo, Kenema.

14 PRESIDING JUDGE: Bo, Kenema and --

15 THE WITNESS: Freetown.

16 PRESIDING JUDGE: And Freetown?

17 THE WITNESS: Yes. These conditions was in respect of the
18 presence of ECOMOG and the subsequent authority over the
19 CDF. ECOMOG tried to take over the CDF.

20 PRESIDING JUDGE: That is the authority of ECOMOG?

21 THE WITNESS: That ECOMOG should relieve CDF.

22 MR BOCKARIE:

23 Q. Mr Witness -- sorry, My Lord, I don't know - it is quite
24 some time - if at all he could be provided with Exhibit
25 28 with a view of refreshing his memory.

26 PRESIDING JUDGE: Just a minute. What was this confusion?

27 What was it? Where was the problem? You said the
28 National Coordinator had a problem with the Kamajors in
29 the east?

1 THE WITNESS: Yes. The problem was that he went to Bo and
2 told us that the Kamajors, including the Honourables --

3 PRESIDING JUDGE: Wait, wait, who went?

4 THE WITNESS: The National Coordinator he said the War Council
5 should meet and discuss, because the Kamajors headed by
6 their member of parliament had decided to secede from the
7 CDF and break away from the CDF and stay on their own and
8 be under the control of ECOMOG.

9 PRESIDING JUDGE: Just a minute. That was what the National
10 Coordinator told you?

11 THE WITNESS: Yes.

12 JUDGE BOUTET: You're saying that the National Coordinator
13 asked that the War Council be convened to discuss these
14 matters?

15 THE WITNESS: Yes, so there should be no breakaway in the
16 organisation.

17 MR BOCKARIE:

18 Q. Yes --

19 PRESIDING JUDGE: Please wait.

20 MR BOCKARIE: Thank you.

21 PRESIDING JUDGE: So the Kamajors of the east wanted to
22 secede, because they did not like the idea of ECOMOG
23 being over the Kamajor movement?

24 THE WITNESS: Yeah, that is what they had wanted. They had
25 wanted to go under ECOMOG.

26 PRESIDING JUDGE: The Kamajors of the east?

27 THE WITNESS: Yeah, that was recommended by their honourable
28 members of Parliament that they should go -- they should
29 accept ECOMOG. So if that happened, they would be on

1 their own and the rest --

2 PRESIDING JUDGE: They would be under ECOMOG?

3 THE WITNESS: Under ECOMOG. And if that happened, according
4 to the National Coordinator, the CDF would be breaking
5 factions.

6 PRESIDING JUDGE: Just a minute, please. You mentioned a
7 parliamentarian or so --

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: Who was he? What was his name?

10 THE WITNESS: Well, like Mobogba, Honourable Daramy. I can
11 name just a few, but according to -- he called us in Bo.
12 He told all those things that this was what they planned.
13 And he wanted the Kamajors to be ruled by ECOMOG. That
14 was -- therefore, he said we should meet and put things
15 together and make strategies and make recommendations.
16 That was the purpose of that meeting. Of course other
17 things were discussed that I cannot remember, but he
18 proposed me -- he called that meeting for that one. I
19 cannot remember very well.

20 PRESIDING JUDGE: So that was the main purpose of the meeting
21 in Kenema?

22 THE WITNESS: Yeah, in Kenema, because we -- we might have
23 discussed other things, which I cannot remember now.

24 MR BOCKARIE: Your Honour, according to him. Yes, Your Honour
25 since it is five years since the meeting was held, I want
26 to apply that the witness refresh his memory with Exhibit
27 28 for further deliberations on it, Your Honour.

28 JUDGE BOUTET: I know you have asked him if it had been
29 recorded and he answered yes, but have you asked him if

1 he had seen minutes of that meeting? I know the
2 question, as I recall, is only recorded. It does not
3 necessarily mean that there were minutes and that he had
4 seen these.

5 MR BOCKARIE: All right. I will take the cue, sir.

6 Q. Mr Witness, you told this Court that the proceedings of
7 this meeting was reduced in writing; am I correct?

8 A. Yes, it was possibly written, because there was a
9 secretary.

10 Q. There was a secretary. Now, if you see these minutes
11 will you remember it?

12 A. Yes, if I see it, I can remember it.

13 MR BOCKARIE: Can you please show him Exhibit 28.

14 JUDGE BOUTET: And that is Exhibit 28?

15 MR BOCKARIE: Yes.

16 JUDGE BOUTET: But allow the witness to look at it carefully,
17 because it was more than just one paragraph, as I can
18 recall.

19 MR BOCKARIE: Yes.

20 Q. Mr Witness, have a look at Exhibit 28. Can you turn to
21 the last page, that is page 5? Have you seen it?

22 MR KAMARA: Your Honours, can the Prosecution be entered into
23 the privilege to have a look at that document? As I
24 recall, it was tendered, but it was not furnished to the
25 Prosecution. We took a look at it, and I was here in
26 court. We took a look at that document and it was
27 tendered, but we never had a copy.

28 MR BOCKARIE: No, they do. Two copies, in fact.

29 MR KAMARA: I'm sorry, we do not have it. I don't mind taking

1 a look at it again. At least let me know what the
2 witness is looking at.
3 JUDGE BOUTET: Yes, you can certainly look at it.
4 PRESIDING JUDGE: What he said in any event, Mr Kamara, is
5 that is that is an exhibit which is already part of court
6 records. Nobody can mislead you on that.
7 MR KAMARA: Yes, but --
8 PRESIDING JUDGE: You look at it anyway.
9 MR KAMARA: It is only as to aspects of that, not the entire
10 document if I recall, only aspects were highlighted to be
11 part of the record of the Court.
12 PRESIDING JUDGE: No, I'm sorry.
13 JUDGE BOUTET: No, not to my recollection.
14 PRESIDING JUDGE: The entire document was tendered.
15 MR KAMARA: Thank you.
16 JUDGE BOUTET: Not to be confused with statements. That
17 document was entered for the whole of its content, to my
18 recollection.
19 MR KAMARA: Thank you.
20 MR BOCKARIE: Yes, Mr Witness -- I can furnish you an extra
21 copy, Mr Kamara.
22 Q. Mr Witness --
23 A. I'm still going through it.
24 Q. Okay.
25 JUDGE BOUTET: I told you, Mr Bockarie, to give him time to go
26 through it. It is more than one paragraph so --
27 MR BOCKARIE: Yes.
28 THE WITNESS: Yes, I have gone through the last page.
29 Q. Mr Witness, does this bear any signature?

- 1 A. Yes.
- 2 Q. Are you familiar with that signature?
- 3 A. Yes.
- 4 Q. Whose signature is that?
- 5 A. That is the chairman of the council.
- 6 JUDGE BOUTET: I'm not sure --
- 7 MR BOCKARIE: Yes, I am sorry.
- 8 JUDGE BOUTET: I just want to remind you that the much of the
- 9 evidence was -- [microphone not activated].
- 10 MR BOCKARIE: Sorry, sir.
- 11 PRESIDING JUDGE: In any event, it has a signature and it is
- 12 the signature of the chairman.
- 13 MR BOCKARIE: Yes, thank you.
- 14 Q. Now, Mr Witness, if you look at page 1, do you know one
- 15 Albert Nallo?
- 16 A. Sorry, page what?
- 17 Q. Page 1, paragraph B. Do you know one Albert J Nallo?
- 18 A. If I look at page 1?
- 19 Q. You will see Regional Director of War Operations South
- 20 Albert J Nallo.
- 21 A. Yes.
- 22 Q. Mr Witness, is it a fact that Mr Albert J Nallo was at
- 23 one time suspended from duties by the War Council?
- 24 A. Not the War Council suspended Albert J Nallo. It is has
- 25 not come to my knowledge that War Council suspended
- 26 Albert Nallo.
- 27 Q. Thank you. Mr Witness, according to the minutes of the
- 28 meeting he held, the War Council directed that Mr Albert
- 29 Nallo's suspension be revoked; isn't it, according to

1 that meeting held?

2 A. Well, the direction recommended --

3 PRESIDING JUDGE: Excuse me. Excuse me, please. Let's get it

4 one more time in the records. Nallo was what? One of

5 his functions was he was the commander of what sector?

6 MR BOCKARIE: Regional Director of War Operations South.

7 PRESIDING JUDGE: Yes, please go on.

8 MR BOCKARIE:

9 Q. Mr Witness, according to that meeting, didn't the War

10 Council give direction for the suspension of Mr Albert

11 Nallo to be revoked?

12 A. Yes, they recommended that it should be revoked.

13 Q. Thank you. Mr Witness, what is the word used "direct" or

14 "recommend"?

15 A. Here the War Council directed. According to the writer

16 here, the War Council directs.

17 Q. Thank you. Mr Witness, do you know one Eddie Massallay?

18 A. Yes, I know Eddie Massallay.

19 PRESIDING JUDGE: Again let's get the spelling of this Eddie.

20 Is it E-D-D-Y or E-D-D-I-E?

21 MR BOCKARIE: E-D-D-I-E

22 PRESIDING JUDGE: Then Massallay.

23 MR BOCKARIE: M-A-S-S-A-L-L-A-Y, Massallay.

24 PRESIDING JUDGE: Thank you.

25 MR BOCKARIE:

26 Q. Mr Witness, you know at one time Mr Massallay was

27 deployed in Kenema; am I correct?

28 A. I am not aware. I cannot remember that.

29 Q. Mr Witness, I'm putting it to that you he was deployed in

1 Kenema and the War Council directed that he must be
2 re-deployed in Pujehun and it was adhered to?
3 PRESIDING JUDGE: Triple-barreled question.
4 MR BOCKARIE: I'm sorry.
5 Q. Mr Witness, I'm putting to you that on the directive of
6 the War Council Mr Eddie Massallay was re-deployed in
7 Pujehun; do you agree with me?
8 A. Well, not to my knowledge.
9 Q. Thank you, not to your knowledge.
10 PRESIDING JUDGE: Re-deployed to Pujehun?
11 MR BOCKARIE: Yes, Pujehun, P-U-J-E-H-U-N.
12 PRESIDING JUDGE: We're getting used to those "UNs".
13 MR BOCKARIE: Yes, sir.
14 Q. Mr Witness, you worked in one of the CDF offices in Bo;
15 am I correct?
16 A. Yes.
17 Q. And the name of that office was called the peace office.
18 A. Later on.
19 Q. Later on the office was called the peace office?
20 PRESIDING JUDGE: Later on?
21 MR BOCKARIE: Later on the office was called peace office.
22 Q. You also worked in that office with Mr Albert Nallo; am
23 I correct?
24 A. Yes.
25 PRESIDING JUDGE: Just for spelling purposes, Nallo is it two
26 Ls or one?
27 MR BOCKARIE: Nallo, yes, Your Honour, two Ls.
28 Q. And also one [redaction]
29 MR KAMARA: Your Honour, that question will lead to reveal the

1 identity of this witness. Those were issues that were raised
2 in the closed session, and the membership of that office is so
3 limited that he, having identified the others, will likely
4 point to this witness.

5 MR BOCKARIE: Your Honour, I know the strength of this office
6 and I just want to rephrase -- to just refresh the memory
7 of the witness so he knows exactly what I'm driving at
8 without any hesitation of disclosing the identity of the
9 witness, Your Honour. In fact, that is the last member
10 of the office I will mention.

11 JUDGE BOUTET: Yes, but the objection is based on the fact
12 that because it was a small membership of that
13 organisation, that the more people you identify, the more
14 likely it will be that identity of this witness will be
15 revealed and you had all agreed to certain admissions
16 before the evidence of this witness was --

17 MR BOCKARIE: Your Honour, I'll abandon it.

18 JUDGE BOUTET: Yes, it is on these lines, as such.

19 MR BOCKARIE: Yes, I will abandon it, yes.

20 JUDGE BOUTET: But I do not want to preclude your
21 cross-examination if it is absolutely necessary. You
22 know there are some means of doing it.

23 MR BOCKARIE: I'll abandon it, Your Honour.

24 JUDGE BOUTET: Thank you.

25 MR BOCKARIE:

26 Q. And the head of this office was Moinina Fofana; am
27 I correct?

28 A. Yes, was Director of War.

29 Q. Then later on he became director of peace; am I correct,

1 Mr Witness?

2 A. He became director of the peace office.

3 Q. Yes, director of the peace office. Thank you.

4 JUDGE BOUTET: It is not quite the same as director of peace.

5 MR BOCKARIE: Yes.

6 Q. Mr Witness, when this office was set up --

7 PRESIDING JUDGE: That was a very quick transition, even

8 without a truce, from the Director of War to Director of

9 Peace. It is a U-turn.

10 MR BOCKARIE:

11 Q. Mr Witness, when this office was set up, you had a

12 mandate; am I correct? The peace office had a mandate?

13 A. Yes.

14 Q. Can you please tell this Court what was that mandate?

15 A. As I said in my statement, that is why I said later on.

16 The office was the war office. After the signing of the

17 Lome Peace Accord we called it peace office and the

18 mandate was to check on the excesses and atrocities of

19 the CDF.

20 Q. Thank you.

21 JUDGE BOUTET: Can you repeat that last answer, Mr Witness,

22 please, to take --

23 THE WITNESS: To check.

24 JUDGE BOUTET: To check.

25 PRESIDING JUDGE: And it was to check --

26 THE WITNESS: To check on the excesses and the atrocities

27 committed by Kamajors.

28 MR BOCKARIE:

29 Q. Yes, Mr Witness, you will agree with me that this office

1 was composed of people who were highly respected within
2 the Bo community; am I correct? Like yourself.

3 PRESIDING JUDGE: Please allow him to drink some water first
4 before he answers.

5 THE WITNESS: Yes.

6 MR BOCKARIE:

7 Q. Mr Witness, this office was manned by people who were
8 highly respected within the Bo community, like yourself;
9 am I correct?

10 A. You are right.

11 Q. Mr Witness, this objective of the office in checking the
12 excesses of the CDF, was it ever attained?

13 A. Yes, we attempted. The office attempted and it did a
14 lot.

15 Q. Did --

16 A. Quite a lot.

17 Q. Thank you. They did quite a lot.

18 PRESIDING JUDGE: That is, they achieved quite a lot.

19 MR BOCKARIE: Yes.

20 Q. Mr Witness, can you please give us instances?

21 A. Well, for instance, we were at the office whenever the
22 NGOs want to go to the interior parts either with supply
23 or to sensitise workshops, they would take officers from
24 the peace office to go with them. So by doing that, they
25 were allowed to hold workshops in Moyamba, Bonthe. We
26 were under the CDF control.

27 Q. And going to those places unmolested and unhindered.

28 A. That is what I'm saying. As long as they were with the
29 officers of the peace office.

- 1 Q. Thank you. Do you know an NGO known as Conciliation
2 Resources?
- 3 A. Yes, I do.
- 4 Q. Now, did you work closely in collaboration with
5 Conciliation Resources?
- 6 A. That is what I've said, yes.
- 7 Q. Thank you, yes. Could I be correct, Mr Witness, to say
8 that the war office in collaboration with Conciliation
9 Resources helped considerably in conciliating peace
10 within Bo?
- 11 A. Within the Fama [phon] region, yes, to liberate Bo.
- 12 PRESIDING JUDGE: Contributed a lot in achieving?
- 13 MR BOCKARIE: Considerable peace within the southern province.
14 He said within the southern province.
- 15 PRESIDING JUDGE: Is Bo not in the south?
- 16 THE WITNESS: It is a district.
- 17 MR BOCKARIE: But it is the southern entire region
18 embracing --
- 19 PRESIDING JUDGE: Yes, that is what I am saying.
- 20 MR BOCKARIE: It is the southern region, sir.
- 21 Q. Mr Witness, I would like to draw your attention to an
22 incident which happened in Ribbi Chiefdom. Are you aware
23 of that?
- 24 A. Ribbi Chiefdom?
- 25 Q. Yes, where the office had to intervene?
- 26 A. Not the Ribbi Chiefdom.
- 27 Q. Okay, which chiefdom?
- 28 A. Kargboro and Bumpe Chiefdom.
- 29 JUDGE BOUTET: Spell it out, please.

1 MR BOCKARIE: Sorry?

2 JUDGE BOUTET: Spell it out, please, the first one.

3 MR BOCKARIE: No, I've been corrected. Rightly so.

4 JUDGE BOUTET: But the witness gave you another chiefdom.

5 What was the name of the Chiefdom.

6 THE WITNESS: Kargboro and Bumpe Chiefdom.

7 [HN231104B 10.45 a.m.]

8 MR BOCKARIE:

9 Q. Kargboro is K-A-R-G-B-O?

10 A. G-B-O-R-O.

11 Q. Yes, Kargboro Chiefdom and Bumpe?

12 A. B-U-M-P-E-H.

13 PRESIDING JUDGE: B-U-M-P-E-H?

14 THE WITNESS: Yes, sir.

15 MR BOCKARIE:

16 Q. Mr Witness, let's start with Kargboro Chiefdom.

17 Mr Witness, it's the fact that Kamajors miscondacted

18 themselves in Kargboro; isn't it?

19 A. Yes.

20 PRESIDING JUDGE: The Kamajors did what?

21 MR BOCKARIE: Miscondacted.

22 Q. Mr Witness, can you tell us exactly what happened in

23 Kargboro?

24 A. Yes.

25 Q. Please tell us.

26 A. There was misunderstanding between the Kargboro Chiefdom

27 Kamajors and Bumpe, so the Kargboro Chiefdom Kamajors

28 came to attack Bumpe, kill a woman there. So this -- and

29 burnt a house. This report was made to the resident

1 minister. At that time we are now the -- the Peace
2 Office is there now, because after the fall of Bo,
3 Kenema, Freetown there is now everybody.

4 Q. And, thereafter, the Peace Office intervened?

5 A. Yeah, so the Peace Office intervened.

6 Q. Mr Witness, can you tell this Court what was the
7 situation --

8 PRESIDING JUDGE: Can we get that down, Mr Bockarie?

9 MR BOCKARIE: Yes, Your Honour.

10 PRESIDING JUDGE:

11 Q. Is it the Bumpe Kamajors who attacked Kargboro?

12 A. Kargboro Kamajors attacked Bumpe.

13 Q. Kargboro Kamajors attacked the Bumpe?

14 A. Yes.

15 Q. Killed a woman and burnt a house?

16 A. And burnt a house. And there was now a threat that the
17 Bumpe Kamajor will go and retaliate.

18 MR BOCKARIE:

19 Q. So what did the Peace Office do?

20 A. So a peace contingent was sent to Bumpe and Kargboro, to
21 bring these Kamajors together to make peace between them.

22 PRESIDING JUDGE:

23 Q. A peace what?

24 A. Peace contingent. The peace-making contingent.

25 Q. Contingent?

26 A. Yes, peace-making contingent was sent. And that was
27 under the command of -- by the instruction of the
28 resident minister -- the then resident minister.

29 Q. Was dispatched to which particular locality?

- 1 A. Sir?
- 2 Q. To which particular locality? Was it in the Kargboro or
3 in the Bumpe?
- 4 A. Well, the contingent --
- 5 Q. The peace mission went where?
- 6 A. Yeah, the contingent went to Bumpe, because that was the
7 entryway -- Mombainda. The first the contingent rested
8 at Mombainda, Bumpe Chiefdom.
- 9 Q. In the village of?
- 10 A. Mombainda.
- 11 Q. Can you spell it, please?
- 12 A. M-O-N-D-A-I-N-D-A.
- 13 Q. Mombainda in the Bumpe Chiefdom?
- 14 A. Bumpe Chiefdom.
- 15 Q. That is where the delegation went first?
- 16 A. First, yes.
- 17 MR BOCKARIE:
- 18 Q. Mr Witness, will I be correct if I describe this as a
19 remarkable achievement by the Peace Office?
- 20 A. Huh?
- 21 Q. Will I be correct --
- 22 MR KAMARA: Objection, Your Honour, that question is
23 argumentative.
- 24 PRESIDING JUDGE: Yes, it's overruled. What were the results
25 of the mission?
- 26 MR BOCKARIE: That is it.
- 27 Q. What was the result of the mission?
- 28 PRESIDING JUDGE: Put the question that way. The mission
29 didn't think it was necessary to go to Kargboro? They

1 went to Bumpe, they didn't go to Kargboro?

2 MR BOCKARIE: We're asking the witness to give us --

3 PRESIDING JUDGE: You should ask him, yes.

4 MR BOCKARIE:

5 Q. Did you go to Kargboro, Mr Witness?

6 A. Yes, went to Kargboro, but when we move from Mombainda,
7 we went and set through in Samu that night. While at
8 Samu, we heard attack, in the morning, on a village in
9 Bumpe Chiefdom. So that morning, when we heard that
10 attack, we moved to that place -- the contingent moved to
11 that place, so that we met the Kamajors run away. So
12 they follow them.

13 So where we -- the Kamajor -- the contingent
14 [inaudible] based is in search of these Kamajors who have
15 caused this havoc. Two Kamajors from this contingent --
16 one was killed, the other one was wounded seriously by
17 those Bumpe -- Kargboro Kamajors. So the contingent
18 based there for the whole day. By six o'clock the
19 contingent went to the town and leave some Kamajors there
20 in order to encourage these boys to come. So when the
21 roll call was called, that was the time we find out that
22 there are two Kamajors are missing. When they went in
23 search of them, one was found by the road seriously
24 wounded and the other one dead. So the contingent
25 retrieved the one that wounded and brought him to Samu
26 for medication.

27 So at that time the contingent was not able to get
28 these people who were involved, like Musa Wai [phon],
29 Sesay Bettie, Kanu Boy, Fasa Bakar. These were the

1 ringleaders. And that first instance, the contingent was
2 not able to reach at them. The contingent was there for
3 one month, they were still causing this havoc. So the
4 contingent returned to Bo.

5 So after some time --

6 PRESIDING JUDGE: Get back to what were the results, then, of
7 this mission?

8 THE WITNESS: Okay, okay. Well, whatever happened, at the end
9 of the day, after some time, just as he was saying,
10 because Conciliation Resources were able to contact the
11 two paramount chiefs -- Bumpe and the Kargboro paramount
12 chiefs. They're able to bring those ringleaders together
13 and workshop was held in Kargboro Chiefdom, so that to
14 talk to these Kamajors.

15 MR BOCKARIE:

16 Q. And thereafter peace reigned?

17 A. Yeah.

18 Q. Will I be correct, Mr Witness, to say that during all
19 this Moinina Fofana was at the helm of the Peace Office?

20 A. Yeah, he was the head.

21 Q. Thank you. Mr Witness, let's come back to Base Zero.
22 You told this Court that whilst you were in Base Zero,
23 you saw an estimate of about 1,000 or 1,500 Kamajors
24 based in Base Zero during your stay at Base Zero; am I
25 correct?

26 A. At a given time.

27 Q. Yes.

28 A. Not constantly.

29 Q. Yes.

1 A. That's what I'm saying. Not constantly, at a given time.
2 When they come for training, they go back. That was what
3 I said.

4 Q. Mr Witness, you'll agree with me that during the junta
5 occupation of Bo Town, so many Kamajors stayed in their
6 environs, like Njala Komboya, Dambala, et cetera,
7 et cetera; am I correct?

8 A. You're correct.

9 Q. Mr Witness, these Kamajors that stayed in their environs
10 of Bo had their own command structure which was quite
11 distinct from what had been at Base Zero; am I correct?

12 A. I said they have commanders --

13 Q. Yes, they operated --

14 A. -- not structure. I'm telling you not a structure.

15 Q. Okay, sorry.

16 A. They were all working under the structure or the command
17 of the National Coordinator and National Director of War.
18 Not a --

19 Q. Mr Witness, just a minute. Mr Witness --

20 PRESIDING JUDGE: He's saying that they did not have a command
21 of their own which was independent of the command that
22 was orchestrated from Base Zero by the National
23 Coordinator.

24 MR BOCKARIE:

25 Q. Mr Witness, I am putting it to you that the commanders
26 who stayed within the environs of Bo acted quite
27 independently of Base Zero?

28 A. That's not true.

29 Q. Mr Witness, were you told the number of Kamajors that

1 converged on Bo after the withdrawal of the juntas in
2 February 1998?
3 A. Pardon?
4 Q. Were you told the number of Kamajors that converged on
5 Bo --
6 A. No.
7 Q. You were not. Mr Witness, will you be surprised to know
8 that it exceeded over 15,000 Kamajors?
9 A. I'll be surprised.
10 Q. You'll be surprised. Mr Witness, how long did it take
11 you to get to Bo after the Kamajors had taken over Bo?
12 When did you finally arrive in Bo?
13 A. I said after four or five days.
14 Q. After four or five days.
15 PRESIDING JUDGE: That's from Base Zero?
16 THE WITNESS: Yeah.
17 PRESIDING JUDGE: Where?
18 THE WITNESS: From Base Zero, I said in my statement, that set
19 to Dasaamu, so --
20 MR BOCKARIE:
21 Q. Mr Witness, upon arrival in Bo, were you told or did you
22 become aware that the activities of the Kamajors whilst
23 they were in Bo was just uncontrollable?
24 A. Pardon?
25 Q. Upon your arrival in Bo, did you know or were you told
26 that upon the arrival of the Kamajors in Bo, their
27 activities became uncontrollable?
28 A. Yeah, that report was there -- that report was made.
29 Because they were not disciplined. Because they were not

1 disciplined.

2 Q. Yes, because they were not disciplined, thank you.

3 Mr Witness, will I be correct that they were
4 uncontrollable because their activities in Bo was not
5 centrally coordinated whilst they were there?

6 A. Well, it should have been centrally coordinated.

7 Q. It should, but it was not. That's the answer: It
8 should, My Lord.

9 PRESIDING JUDGE: [Microphone not activated]

10 JUDGE BOUTET: Let's hear the answer.

11 PRESIDING JUDGE: Don't give an answer which may suit you.

12 Let the witness give the answer.

13 THE WITNESS: Because what I'm saying, they were taking
14 command -- they were supposed to take command from the --
15 if they were disciplined, from the regional Director of
16 Operation. So if the activities were not coordinated,
17 it's because they were not disciplined before this time.
18 If they had been disciplined force, I mean, they would
19 have taken command from their boss.

20 JUDGE BOUTET: What you are saying is there were controls in
21 place --

22 THE WITNESS: There was a control in the place, but because
23 they were not disciplined --

24 JUDGE BOUTET: -- but the fact is would not follow whatever it
25 was because of lack of discipline?

26 THE WITNESS: Yeah.

27 MR BOCKARIE: My Lord, my question is simple.

28 Q. Were the activities centrally coordinated whilst you were
29 in Bo? That's my question.

1 A. How did the centre coordinate when the centre command is
2 over there, but the Director of Operation were there
3 representing the central command. So they should have
4 taken -- the thing was still under coordination -- it was
5 still coordinated.

6 JUDGE BOUTET: I'm lost now. Can you go back on that,
7 Mr Bockarie, please?

8 MR BOCKARIE: Yes.

9 Q. Mr Witness, I am putting it to you when you came to Bo
10 did you know -- or were you made aware that the
11 activities of the Kamajors was uncontrollable because it
12 was not centrally coordinated?

13 A. Not because of that. Not because it was not centrally
14 coordinated.

15 JUDGE THOMPSON: So would he volunteer, now, an answer why
16 they were uncontrollable, because he has now denied that
17 it was not because of lack of coordination that the
18 activities were uncontrollable. I mean, having put to
19 him this argumentative question, I'm sure that he wants
20 to give us some explanation, since he disagrees with your
21 theory.

22 MR BOCKARIE: Yes, Your Honour.

23 THE WITNESS: Yeah, that is what I'm saying. Because from the
24 onset as pretty much the day, the Kamajors were not
25 disciplined.

26 JUDGE THOMPSON: Right, so discipline is at the heart of it?

27 THE WITNESS: Yes.

28 JUDGE THOMPSON: All right. So what is your answer?

29 THE WITNESS: There is central command. The official

1 commander -- regional commander was there, the battalion
2 commanders was there. These are the chain.

3 JUDGE THOMPSON: So your counter theory is that of discipline
4 that was -- lack of discipline --

5 THE WITNESS: Yeah.

6 JUDGE THOMPSON: -- was responsible for the uncontrollable
7 nature of the activities.

8 MR BOCKARIE:

9 Q. Mr Witness --

10 A. Yes.

11 Q. -- will I be correct to say that these guys became
12 uncontrollable because there was no one who was in
13 effective control in checking the activities whilst in
14 Bo?

15 A. That's not correct.

16 MR KAMARA: Your Honour, that question has been asked and
17 answered.

18 PRESIDING JUDGE: It has been asked and answered, it is
19 overruled.

20 JUDGE BOUTET: You mean the objection is sustained, the
21 question is overruled?

22 PRESIDING JUDGE: The question is overruled, yes.

23 MR BOCKARIE:

24 Q. But, Mr Witness, whilst the Kamajors were in town, did
25 they set up any secretariats the first few days they were
26 in town?

27 A. I was not there, how can I say?

28 Q. When you came later, did you make inquiries whether a
29 secretariat was set up or not?

1 A. No, I did not make inquiry into that.

2 MR BOCKARIE: Thank you very much, Mr Witness. That will be
3 all for him.

4 JUDGE BOUTET: He did not?

5 MR BOCKARIE: He did not, no. And I asked whether he'd made
6 enquiries; he said he did not.

7 PRESIDING JUDGE: About what?

8 MR BOCKARIE: The setting up of a secretariat by the Kamajors.

9 JUDGE BOUTET: Thank you, Mr Bockarie.

10 PRESIDING JUDGE: Well, learned counsel, the Court will recess
11 for a few minutes and we will resume shortly to continue
12 with the cross-examination of this witness by the Defence
13 team of the third accused. The Court will rise, please.

14 [Break taken at 11.09 a.m.]

15 [Upon resuming at 11.25 a.m.]

16 JUDGE BOUTET: Mr Williams, you're ready to proceed?

17 CROSS-EXAMINED BY MR WILLIAMS:

18 MR WILLIAMS:

19 Q. Mr Witness, could you tell the Court when you were
20 initiated into the Kamajor society?

21 A. Yes, that was in 1998.

22 Q. 1998. Was it before the fall of Bo?

23 A. Yes.

24 Q. And that was done at Talia Yobehko?

25 A. Yes, of course, Makossi.

26 Q. It was done at Makossi.

27 PRESIDING JUDGE: The initiation?

28 MR WILLIAMS: Yes, Your Honour.

29 PRESIDING JUDGE: You say it took place in Bakussi [sic]?

- 1 THE WITNESS: Makossi.
- 2 MR WILLIAMS: M-O-K-O-S-S-I [sic].
- 3 THE WITNESS: "E".
- 4 MR WILLIAMS:
- 5 Q. S-I-E?
- 6 A. Yes.
- 7 PRESIDING JUDGE: I see, Makossi. Makossi is in which --
- 8 MR WILLIAMS: It's Talia Yobehko, Your Honour.
- 9 THE WITNESS: Yobehko Chiefdom.
- 10 MR WILLIAMS:
- 11 Q. When did you first go to Talia during the junta period?
- 12 A. I can't remember the date anyway.
- 13 Q. You say you can't recall the date. The coup took place
- 14 in May 1997. Could you give us an estimate?
- 15 A. This could be from August, September. The --
- 16 [Mr Williams interrupts]
- 17 Q. [Overlapping speakers] September '97?
- 18 A. -- was in September, yes.
- 19 Q. What were you doing at Talia between August, September
- 20 and December of '97? What were you doing there?
- 21 A. I told this Court that the first time we went to Talia
- 22 Yobehko we are liaising. The delegate that went to Talia
- 23 Yobehko was liaison officer between Talia Yobehko and Bo.
- 24 That was what they are doing. After some time, when they
- 25 finally [inaudible], finally they say to stay.
- 26 Q. So you were liaising between which period? You say you
- 27 were liaising. Between which period?
- 28 A. Pardon?
- 29 Q. You said you were --

- 1 A. From that time I went to Base Zero -- from that time to
2 up to the time of October, November that settle finally
3 there. So that time to September -- towards the end of
4 the September, October. I cannot remember all these
5 dates now anyway.
- 6 Q. I'm not asking about dates. I said what were you doing?
- 7 A. I said we are liaising.
- 8 Q. Liaising between?
- 9 A. I said Base Zero and Bo community.
- 10 Q. You said "we". "We" who?
- 11 A. The delegate. I was liaising between the Bo community
12 and Base Zero.
- 13 Q. Did you not say "we were liaising"?
- 14 A. [Overlapping speakers]
- 15 JUDGE THOMPSON: Yes, I thought -- just a minute. I heard him
16 say delegation.
- 17 THE WITNESS: Delegation, I said delegation.
- 18 JUDGE THOMPSON: He was part of the delegation that was in
19 this area at the time.
- 20 THE WITNESS: I am talking about delegation.
- 21 MR WILLIAMS: All right. I mean --
- 22 JUDGE BOUTET: His evidence-in-chief, Mr Williams, was that he
23 first went to Base Zero as part of the delegation of
24 concerned citizens of Bo and that's how it happened.
- 25 MR WILLIAMS:
- 26 Q. Could you tell the Court when the War Council was formed?
- 27 A. Well, that was formally -- the appointment letters were
28 given December 30th. That was formal appointment or
29 launching was December 1997 -- 1998, rather.

- 1 Q. 1998?
- 2 A. 1997.
- 3 Q. You said you were formally appointed in December 1997; is
4 that correct?
- 5 A. You're right.
- 6 Q. But before December 1997 --
- 7 A. There were casual meetings of people. Personalities
8 were --
- 9 Q. Could you wait for the question, please. Before December
10 1997 you had been performing functions as a member of the
11 War Council?
- 12 A. Not as a member of War Council.
- 13 Q. Answer my question, please.
- 14 A. I said not as a member of War Council.
- 15 Q. Were you performing functions as a member of the War
16 Council before December 1997?
- 17 A. No.
- 18 Q. This letter of appointment -- I think it's Exhibit 26 --
- 19 JUDGE BOUTET: 28.
- 20 MR WILLIAMS: No, the letter of appointment. Sorry, My Lord?
- 21 JUDGE BOUTET: You want Exhibit 26 or 27?
- 22 MR WILLIAMS: It's a letter dated 30 December 1997.
- 23 JUDGE BOUTET: Exhibit 27.
- 24 MR WILLIAMS:
- 25 Q. Your letter of appointment is dated 30th December 1997;
26 is that correct?
- 27 A. Yes.
- 28 Q. The Black December operations --
- 29 PRESIDING JUDGE: 20th of November?

- 1 MR WILLIAMS: 30th December '97.
- 2 Q. The Black December operations were conceived and planned
3 before that date; is that correct?
- 4 A. Yes.
- 5 Q. Did you take part in the planning of the Black December
6 operations?
- 7 A. I took part in the discussion of Black December.
- 8 Q. Did you take part in the planning of the Black December
9 operations?
- 10 A. Not really.
- 11 Q. Not really.
- 12 PRESIDING JUDGE: Did you in a way, if not really?
- 13 THE WITNESS: Yes, the way not planning.
- 14 PRESIDING JUDGE: Yes, tell us how you planned.
- 15 THE WITNESS: At that time the people were there -- some of us
16 were there as dignitaries. You know, we used to meet and
17 discuss -- not at War Council, but we used to discuss
18 things. But because we succeeded a lot of things we're
19 discussing and recommending, so, therefore, the National
20 Coordinator thought that there would be a War Council and
21 there would be members, and some of these people were
22 recommended to be members of the War Council at that
23 time. So this was planned -- this was suggested and it
24 was planned before that time.
- 25 PRESIDING JUDGE: So in a way, you took part in the planning
26 of the Black December?
- 27 THE WITNESS: Of course.
- 28 PRESIDING JUDGE: In a way.
- 29 MR WILLIAMS:

- 1 Q. In a way.
- 2 A. Yes, in a way.
- 3 Q. There is evidence before this Court that the War Council
4 was formed on or about July, August of 1997; what do you
5 have to say about that?
- 6 A. Not to my knowledge. If the evidence is there, it's not
7 to my knowledge.
- 8 Q. And you deny that?
- 9 A. I said not to my knowledge.
- 10 Q. That is not an answer. Do you accept that or deny that?
- 11 PRESIDING JUDGE: It is not to his knowledge. That is his
12 answer.
- 13 MR WILLIAMS: [Overlapping speakers]
- 14 PRESIDING JUDGE: Mr Williams, please, it is an answer. It is
15 not to his knowledge, he does not know.
- 16 THE WITNESS: I don't know.
- 17 MR WILLIAMS:
- 18 Q. I'm putting it to you that the War Council was in place
19 well before December 1997?
- 20 MR KAMARA: Your Honour, that question has been asked and
21 answered. If counsel has evidence, he can put it to this
22 witness. As I said, it has been led before this Court.
- 23 PRESIDING JUDGE: He can deny a second time. Put it to him.
- 24 MR WILLIAMS:
- 25 Q. I am putting it to you that the War Council was in place
26 well before December of 1997?
- 27 A. I say not to my knowledge. By the name of War Council.
28 I'm talking about a new operation, when [inaudible] was
29 given to an organisation?

- 1 Q. You recall the month in which the Black December
2 operation was planned?
- 3 A. I cannot recall that month.
- 4 Q. Cannot recall. Do you recall when it was executed?
- 5 A. In December.
- 6 Q. In December of 1997. How many statements did you make to
7 the investigators?
- 8 A. Pardon?
- 9 Q. How many statements did you make to the Prosecutor?
- 10 A. I cannot remember that, whether I made various
11 statements, but I made statement to investigators. All I
12 know that I made statement to investigators.
- 13 Q. Did you make a statement on the 28th of November 2002?
- 14 A. I cannot remember these dates, because I was not taking
15 dates or months. I made statements, but I cannot recall,
16 except you provide me a document on that.
- 17 Q. All right, thank you. But at the end of your
18 statement -- the statement that you made to the
19 Prosecutor, you were asked to sign; is that correct?
- 20 A. Of course.
- 21 MR WILLIAMS: My Lord, I just want to refresh his memory. I
22 am not seeking to have this tendered. I just want to
23 refresh his memory about --
- 24 PRESIDING JUDGE: Let's have the date again, please,
25 Mr Williams?
- 26 MR WILLIAMS: 28 November 2002.
- 27 JUDGE BOUTET: And it's a document of how many pages?
- 28 MR WILLIAMS: It's 11 pages, My Lord.
- 29 JUDGE BOUTET: If you want to show him the document to refresh

1 his memory, I will suggest to you that you must show him
2 the whole of the document, of course.

3 MR WILLIAMS: Sorry, My Lord.

4 JUDGE BOUTET: I said if you want to show that document for
5 the witness to refresh his memory, you'll have to show
6 him the totality of the document, not only this
7 paragraph.

8 MR WILLIAMS: Exactly.

9 JUDGE BOUTET: So you have to give him the time to read that
10 statement.

11 MR WILLIAMS: No, it's just, like, one paragraph I want to --

12 JUDGE BOUTET: I know. I know this is what you've said, but,
13 in fairness to the witness, if you give him the
14 statement, you have to give him the totality of the
15 statement, not only that paragraph. You have to give him
16 the eleven pages.

17 MR WILLIAMS: I have the eleven pages with me.

18 JUDGE BOUTET: Fine, but you have to give it to him, ask him
19 if that is the statement and then give him the time to
20 read it.

21 MR WILLIAMS: As it pleases Your Honour.

22 JUDGE BOUTET: If you want to ask the witness to refresh his
23 memory, you are going to have just one line to say well,
24 read that line and then this is refreshing your memory
25 for that line.

26 MR WILLIAMS: If he recognises the document as his statement,
27 I only wish to -- to save time, Your Honour, I only wish
28 to refer him to one paragraph.

29 JUDGE BOUTET: I hear you, Mr Williams, and I don't dispute

1 what you're saying. What I'm suggesting to you is, in
2 fairness to the witness, if you're asking him to refresh
3 his memory, you have to allow him to look at the whole of
4 the document and --

5 MR WILLIAMS: If that is the way Your Lordship's mind is
6 working, I have no objection. It is only that it will be
7 time consuming.

8 JUDGE BOUTET: I know it is time consuming, but that is the
9 only way to do it.

10 MR WILLIAMS: As it pleases Your Honour.

11 JUDGE BOUTET: But ask him if this is the document that he
12 recalls having --

13 MR WILLIAMS: Yes.

14 Q. Is this one of the statements you made to the
15 Prosecutors?

16 A. Yes.

17 JUDGE BOUTET: This is your statement, Mr Witness?

18 THE WITNESS: Yes.

19 JUDGE BOUTET: Fine. Mr Prosecutor, I didn't ask you, but I
20 presume you have seen the document. Mr Prosecutor, I
21 presume you have seen the document the witness is looking
22 at.

23 MR KAMARA: I haven't seen it, but if it's the statement --

24 JUDGE BOUTET: Well, Mr Walker, could you please show this
25 document --

26 MR KAMARA: I'll get it. Yes, it is.

27 JUDGE BOUTET: Thank you. Mr Witness, will you please look at
28 this document and read it carefully, if it is your
29 statement. You'll be asked a few questions to refresh

1 your memory. I don't know which page. Which page are
2 you talking about?

3 MR WILLIAMS: It's the last paragraph of page 5.

4 JUDGE BOUTET: You'll be asked a question on the last
5 paragraph of page 5, more specifically.

6 THE WITNESS: Yes, I've read it, last paragraph on page 5.

7 MR WILLIAMS:

8 Q. So it will be correct to say that operation Black
9 December was a Kamajor War Council decision?

10 A. I said it here.

11 Q. Would it be correct to say that operation Black December
12 was a War Council decision?

13 A. Yes, because at that time, now there's War Council, after
14 the appointment. We took the decision before the
15 appointment, but we are operating at that level.

16 Q. I'll come to that, Mr Witness. Please limit yourself to
17 my question. Operation Black December was a Kamajor War
18 Council decision?

19 A. Yes.

20 Q. Thank you. How long did it take you to plan that
21 operation?

22 A. I cannot remember the time difference, but the War
23 Council recommended this decision to the National
24 Coordinator, the War Council's planning. I've told you
25 this in this Court. That when these recommendations are
26 made, conditions are sent to the National Coordinator, he
27 has to approve it. And the Director of War and the
28 operation commanders -- battalion commanders, they have
29 to plan and they implement it. So I cannot tell you this

1 was from this time to this time.

2 Q. You held several meetings before you arrived at that
3 decision to undertake the Black December operation? The
4 War Council held several meetings before you took the
5 final decision to undertake the Black December operation?

6 A. Yes, meetings were held.

7 PRESIDING JUDGE: Counsel didn't say "meetings"; he said
8 "several meetings". Mr Williams, you said several
9 meetings were held before the decision --

10 MR WILLIAMS: Before the final decision was made to undertake
11 the Black December operation.

12 PRESIDING JUDGE: Mr Witness, do you agree that there were not
13 just meetings, but several?

14 THE WITNESS: Meetings were held.

15 PRESIDING JUDGE: Meetings were held, okay.

16 MR WILLIAMS:

17 Q. And the rationale behind the Black December operation was
18 to prevent the AFRC and allies from moving from one part
19 of the country to another; is that correct?

20 A. That's very correct.

21 Q. You want the Court to believe that you became a War
22 Council member before you were initiated as a Kamajor?

23 A. Pardon?

24 Q. Do you want this Court to believe that you became a War
25 Council member before you were initiated as a Kamajor?

26 A. Yes, that's correct.

27 Q. Did you ever undergo military training?

28 A. You'll have to explain what is a military training,
29 because I don't know what is this military training.

- 1 I was trained as -- undergo the Kamajor training.
- 2 PRESIDING JUDGE: Were you trained as soldier?
- 3 THE WITNESS: No, sir, I was not trained as soldier.
- 4 PRESIDING JUDGE: Mr Williams, does that satisfy you?
- 5 MR WILLIAMS: A little bit, My Lord, but I'll pursue it
- 6 further. I'm grateful, My Lord.
- 7 PRESIDING JUDGE: We will have it on record then that he says
- 8 he was not trained as a soldier. He was initiated, but
- 9 he was not trained as a soldier.
- 10 MR WILLIAMS: Yes, I am grateful, My Lord.
- 11 Q. Were you a combatant? Did you ever engage in combat?
- 12 A. I did not engage in combat.
- 13 Q. Never engaged in --
- 14 A. In combat. But to CDF, as long as you are initiated, you
- 15 term it as combatant. So --
- 16 JUDGE THOMPSON: That's not the question, Mr Witness. Were
- 17 you ever engaged in combat, that's the question.
- 18 THE WITNESS: No, sir.
- 19 MR WILLIAMS:
- 20 Q. And you were never trained in the use of arms?
- 21 A. I was trained.
- 22 Q. You were trained in the use of arms?
- 23 A. Yes, therefore I was given certificates.
- 24 Q. There was what?
- 25 A. I say yes, I was trained.
- 26 Q. Who trained you?
- 27 A. Chief Norman, Mbogba, one Ojuku.
- 28 PRESIDING JUDGE:
- 29 Q. Mbogba what?

- 1 A. Mbogba. He was Director of Training.
- 2 Q. Who else?
- 3 A. Ojuku.
- 4 Q. [Microphone not activated]
- 5 A. Ojuku, yes, sir.
- 6 Q. Those were the three people who trained you?
- 7 A. Yes, sir. Chief Norman -- Chief Sam Hinga Norman himself
8 was a trainer, he trained us. Ojuku, Mbogba -- these are
9 people. Mbogba was the Director of Training, and
10 MS Dumbuya.
- 11 MR WILLIAMS:
- 12 Q. Mr Witness, when you went to Talia, was the chairman of
13 the War Council already there?
- 14 A. No.
- 15 Q. He was not; he came later? He came later?
- 16 A. Whether the Chief Quee was there?
- 17 Q. Yes.
- 18 A. Yes, he was there.
- 19 Q. You met him there?
- 20 A. Yeah, but when you give the title "chairman", it confused
21 me.
- 22 Q. I'm sorry about that. Was he there in February of '98?
23 Did you see him at Talia in February of '98?
- 24 A. Yes.
- 25 Q. When was the last time you saw him at Talia in '98? Was
26 it in March?
- 27 A. I left Talia in February, so I will not -- I not see
28 somebody in March in Talia when I was not there.
- 29 Q. Okay, I'm sorry, thank you. Did the two of you leave

- 1 together?
- 2 A. I did not leave with him.
- 3 Q. You did not leave with him?
- 4 PRESIDING JUDGE: He's referring to the chief/chairman.
- 5 MR WILLIAMS: Sorry, My Lord?
- 6 PRESIDING JUDGE: Chief/chairman --
- 7 MR WILLIAMS: Yes, My Lord.
- 8 PRESIDING JUDGE: -- for the purpose of convenience.
- 9 MR WILLIAMS: Yes.
- 10 Q. Whilst at Talia, you saw helicopters coming and going?
- 11 A. Yes.
- 12 Q. And these were military helicopters?
- 13 A. Yes.
- 14 Q. And these helicopters, did they have anything to do with
- 15 ECOMOG?
- 16 A. Well, the only helicopter that came has something -- I
- 17 know has something to do with ECOMOG was General Khobe
- 18 when he went to Base Zero at that time. But the rest who
- 19 were coming, I didn't know whether they have any link
- 20 with ECOMOG.
- 21 Q. You mentioned that General Khobe went to Talia. Could
- 22 you tell the Court the purpose of that visit? You've
- 23 mentioned that General Maxwell Khobe went to Talia.
- 24 A. Sir, he wants me to tell the Court again, I will say -- I
- 25 will do it.
- 26 Q. Mr Witness, please, we're not quarrelling. Just answer
- 27 my questions, please. Could you tell the Court?
- 28 A. Yes.
- 29 Q. Please go ahead.

1 A. I said General Khobe went to Talia as a result of
2 planning to launch the final attack on AFRC; that is, to
3 take Bo, Kenema and Freetown. That was the purpose he
4 went there. And that meeting happened in his absence,
5 because the War Council recommended that he should be
6 contacted. I take --

7 Q. The War Council recommended that Maxwell Khobe be
8 contacted?

9 A. Yes, I recommend to the National Coordinator. He had
10 that chance, he contacted, and later on we saw General
11 Khobe at Base Zero.

12 Q. Could you tell the Court why the War Council recommended
13 that Maxwell Khobe be contacted?

14 A. Yes.

15 Q. Please go ahead.

16 A. He was in charge of Freetown. The ECOMOG was in
17 Freetown. So we cannot just send CDF to come and attack
18 Freetown without his knowledge. That was the reason.

19 PRESIDING JUDGE: You say General Khobe was in Freetown --
20 ECOMOG was in Freetown?

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: So he could not do what?

23 THE WITNESS: So if we want to attack Freetown, we will not
24 attack Freetown when their forces were there, without
25 informing them -- without sitting together, and know that
26 we are doing that.

27 MR WILLIAMS:

28 Q. So when General Maxwell Khobe went to Talia, he had a
29 meeting with the War Council?

- 1 A. Yes, with the whole commanders -- not only War Council,
2 the other commanders also were there.
- 3 Q. So you had a meeting with the War Council and commanders?
- 4 A. Yes.
- 5 Q. Could you tell the Court what exactly was discussed at
6 that meeting?
- 7 A. Yes.
- 8 Q. Please go ahead.
- 9 A. General Khobe was told the purpose of his visitation,
10 that CDF want to embark on final assault on the AFRC and
11 the RUF. But you want to --
- 12 PRESIDING JUDGE: Witness, please take it easy. A final
13 assault on?
- 14 THE WITNESS: Assault on AFRC and RUF.
- 15 PRESIDING JUDGE: So he told you that he came because --
- 16 THE WITNESS: The CDF wanted to launch a final assault on the
17 AFRC and RUF in Bo, Kenema and Freetown, but we cannot
18 attack Freetown without his knowledge because his forces
19 are there. He was also told that the CDF is planning to
20 send about 7,000 Kamajors to Freetown. That's what was
21 discussed in that meeting.
- 22 MR WILLIAMS:
- 23 Q. And what was resolved?
- 24 A. Well, the result was that CDF was -- 7,000 Kamajor were
25 not sent to Freetown again.
- 26 Q. No, I said what was resolved at that meeting. You made a
27 proposal to Maxwell Khobe.
- 28 A. Okay.
- 29 Q. And what was finally resolved?

1 A. Well, he agreed at that point that, "Okay, CDF will come
2 and assist ECOMOG to take the town as you have proposed.
3 So I will send helicopter to come and take CDF to
4 Freetown."

5 PRESIDING JUDGE: The helicopter took him and conveyed the CDF
6 fighters?

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: From?

9 THE WITNESS: Base Zero to Western Area.

10 PRESIDING JUDGE: From Base Zero to the Freetown area?

11 THE WITNESS: Freetown, yes -- Western Area, Freetown.

12 Because they were to be somewhere else before coming to
13 Freetown, therefore it's the Western Area.

14 JUDGE BOUTET: But there is one thing I don't fully
15 understand. Why would the CDF/Kamajor attack Freetown if
16 Freetown was controlled by the ECOMOG?

17 THE WITNESS: No, it was not controlled by ECOMOG. It was in
18 the hands of AFRC and RUF. ECOMOG were at Lungi, but
19 since they -- yeah. So since they were around, if they
20 hear any fighting, well, they will call me and they will
21 help the other group.

22 JUDGE BOUTET: Okay. When you say that ECOMOG were in
23 Freetown, they were not in Freetown; they were in Lungi?

24 THE WITNESS: Lungi and some part of Hastings, because they
25 were deployed there. The checkpoints were there.

26 JUDGE BOUTET: They were in the surrounding of Freetown, but
27 not in Freetown?

28 THE WITNESS: Not inside Freetown, yes.

29 JUDGE BOUTET: Thank you.

1 MR WILLIAMS:

2 Q. Was it also planned at that meeting that Bo and Kenema
3 would be attacked simultaneously with Freetown?

4 A. Not simultaneously. There was no planning they will
5 attack simultaneously, but the Kamajors were -- the CDF
6 would have provided Kamajors for Bo, Kenema and for
7 Freetown. Whether it was going to be simultaneous,
8 that's left to the war planners. At times the war
9 strategy will not be revealed, even if they're other
10 corps commanders.

11 Q. So is it correct to say that the Kamajors were also to
12 work in consonance with ECOMOG to attack Bo and Kenema?

13 A. ECOMOG was not Bo, it was not in Kenema. It was only in
14 Freetown here they have plans.

15 Q. Could you answer my question, please?

16 A. No.

17 PRESIDING JUDGE: Learned counsel, there was no planned
18 ECOMOG/Kamajor attack for Bo and Kenema?

19 THE WITNESS: Yes.

20 MR WILLIAMS: Yes, My Lord.

21 Q. Did ECOMOG, at any time in '98, jointly conduct
22 operations with the Kamajors?

23 A. Not to my knowledge.

24 Q. Not to your knowledge. The weapons that came to Talia on
25 board these helicopters were coming from Liberia; is that
26 true?

27 A. Yes.

28 Q. And, to be specific, they came from the ECOMOG base in
29 Liberia?

1 A. Well --

2 MR KAMARA: Objection, Your Honour. That is not the evidence
3 before this Court. If counsel is asking that question as
4 to whether they came from the ECOMOG base, I can
5 understand. But it does not seem like a question; it's a
6 statement, that it came from the ECOMOG base, as a rider
7 to his previous question. If it is a question, then
8 I will suggest my learned friend put it as a question
9 rather than as a statement assuming a fact not in
10 evidence.

11 PRESIDING JUDGE: He could, but in this particular
12 circumstance it is delicate to admit that question that
13 way.

14 MR WILLIAMS: Sorry, My Lord?

15 PRESIDING JUDGE: It's delicate to admit that question that
16 way. You should turn it around and find out from him
17 does he know where the arms came from in Liberia?

18 MR WILLIAMS:

19 Q. Can you tell the Court where --

20 PRESIDING JUDGE: He has admitted that the arms came from
21 Liberia.

22 MR WILLIAMS:

23 Q. Yes, where they came from in Liberia.

24 A. That is what we were told by Chief Norman. National
25 Coordinator told us that these arms are from Liberia --
26 they came from Liberia.

27 Q. And, specifically, from the ECOMOG base?

28 A. Well, he said one of his friends -- one Abdulai Mohammed
29 Wan gave him these arms. Whether it was at ECOMOG base

- 1 or not, I don't know that one.
- 2 PRESIDING JUDGE: You gave the name of the friend.
- 3 THE WITNESS: Yeah, he told us his name, one Abdulai Mohammed
- 4 Wan.
- 5 MR WILLIAMS:
- 6 Q. General Abdulai Mohammed Wan was the ECOMOG field
- 7 commander in Liberia?
- 8 A. I don't know whether he was.
- 9 Q. You don't know whether he was?
- 10 A. Yes.
- 11 Q. Mr Witness, did you leave Talia for Bo immediately after
- 12 you were told that Bo had fallen to the Kamajors?
- 13 A. Yes.
- 14 PRESIDING JUDGE: And it took them about four, five days, he
- 15 said.
- 16 THE WITNESS: We left Talia Yobehko, but on the road --
- 17 immediately when we heard that, we left, but we are on
- 18 the road for about four or five days.
- 19 PRESIDING JUDGE: Four or five days, yes.
- 20 THE WITNESS: Yes.
- 21 MR WILLIAMS:
- 22 Q. Chief Quee was with you -- you left together with Chief
- 23 Quee?
- 24 A. No.
- 25 Q. No. You say no?
- 26 A. No.
- 27 Q. Did you meet Chief Quee at Dasaamu?
- 28 A. No.
- 29 Q. You know a commander called Charlie Tucker?

- 1 A. Yes.
- 2 Q. Was he frequently at Talia?
- 3 A. Yes, he used to go there.
- 4 Q. Did he, on one such visit, tell you about a boy that came
5 to Talia with -- let me rephrase it. Did he, on one such
6 visit to Talia, tell you of the disappearance of a boy?
- 7 A. Yes.
- 8 Q. And it is true that you took up the issue with Kondewa?
- 9 A. Pardon?
- 10 Q. Would I be right to say that when Tucker told you about
11 the disappearance of this boy, you took up the matter
12 with the War Council and with Kondewa?
- 13 A. Yes, of course.
- 14 MR WILLIAMS: May I proceed, Your Honour?
- 15 JUDGE BOUTET: I missed your question. We do have concerns
16 about some questions.
- 17 PRESIDING JUDGE: About this line of question; that's all.
18 We're saying nothing about that.
- 19 MR WILLIAMS: Yes, I take the cue. Just one or two more
20 questions and I'll be through with that.
- 21 JUDGE BOUTET: Yes, but you know our concerns have nothing to
22 do with -- it is about some evidence that is in Court
23 that is not necessarily of a public nature. Anyhow,
24 carry on. We just want you to be cautious with these
25 type of questions, Mr Williams.
- 26 MR WILLIAMS: Just one or two more questions.
- 27 Q. You said you took up the issue with Kondewa and the War
28 Council?
- 29 A. Yes.

1 Q. Why did you take up the issue with Kondewa in particular?

2 A. This -- well, Kondewa, as a member of War Council --

3 Q. He was a member of the War Council?

4 A. Yeah, of course, representing the interests of
5 initiators. And so he was the War Council, and when this
6 matter came -- he's a Kamajor, the boy was a Kapra. He's
7 a very strong man there. So we told him that this what
8 has happened. So the matter, because of his being an
9 initiator and that is an initiate, so, therefore - and a
10 member of War Council - we told him.

11 Q. Is it true that because of the strong protest from the
12 War Council, and from you in particular, the boy was
13 later found -- was later found alive?

14 A. Yes. These --

15 Q. Just hold on. Hold on, please.

16 A. Yes, My Lord. Can I speak, sir?

17 PRESIDING JUDGE: Yes, you may speak.

18 THE WITNESS: There's confusion. There are two boys who
19 missed there. This one, this Kapra boy, who this boy
20 brought, is quite different from the other one that was
21 found. That's what difference is. Now you're talking
22 about finding and you're talking the case of this Kapra.
23 The Kapra was never found, as far as I was concerned. I
24 did not hear that, whether he was found.

25 JUDGE BOUTET: So when you said the boy was found, you were
26 not talking of the Kapra boy?

27 THE WITNESS: Kapra, yes.

28 JUDGE BOUTET: You were talking of a different boy?

29 THE WITNESS: Different boy.

1 JUDGE BOUTET: The Kapra, as far as you know, was never found?

2 THE WITNESS: Was never found.

3 MR WILLIAMS:

4 Q. Would I be right to say that the War Council performed
5 its functions until March 1998, effectively? The War
6 Council effectively performed its functions until March
7 of 1998?

8 A. Not effectively.

9 Q. Not effectively?

10 A. Yeah.

11 PRESIDING JUDGE: Mr Williams, March 1998?

12 MR WILLIAMS: Yes, My Lord.

13 Q. I'm putting it to you, Mr Witness, that Kondewa was never
14 a member of your War Council -- that he was never a
15 member of the War Council?

16 A. He was.

17 Q. Are you in a position to tell the Court who appointed him
18 a member of the War Council?

19 A. Pardon?

20 Q. Are you in a position to tell this Court the person that
21 appointed Kondewa a member of the War Council?

22 A. Yes.

23 Q. Who was that?

24 A. The National Coordinator, Chief Hinga Norman, according
25 to his status.

26 JUDGE BOUTET: When you say "according to his status," you're
27 talking of Norman or Kondewa?

28 THE WITNESS: Kondewa's status as initiator -- chief initiator
29 or High Priest.

1 PRESIDING JUDGE:

2 Q. You're saying because of his status as a High Priest and
3 chief initiator?

4 A. Yes.

5 MR WILLIAMS:

6 Q. Could you tell the Court the functions of the High
7 Priest?

8 A. Yes.

9 Q. Yes, go ahead.

10 A. I cannot go into details because I'm an initiate. So his
11 function was -- the only thing I know that he's the
12 leader of all initiators. What they do there now, I
13 don't know, because I'm not an initiator.

14 Q. But you're an initiate -- you were initiated; right?

15 A. Yes.

16 Q. And his functions, we want to know his functions?

17 A. He initiated me. He, too, is an initiator.

18 Q. Yes.

19 A. And his function as Chief High Priest is leader of all
20 other initiators in this country. That was the
21 appointment given to him by Chief Norman.

22 Q. Kondewa told you, when he initiated you, the laws of the
23 Kamajors; is that correct?

24 A. At that time we joined the Kamajors, we are not told law
25 -- to do this, do this, no.

26 Q. You were not told?

27 A. Yes. To be frank, no.

28 Q. Were you initiated with other people?

29 A. Yes.

1 Q. How many?

2 A. I don't know the number.

3 Q. Large?

4 A. Yes.

5 Q. Would it be correct to say that you later got to know the
6 laws of the Kamajor society?

7 A. I knew before this time -- before joining the Kamajor,
8 the laws, that when an initiator [inaudible], I told this
9 Court Hassan Sheriff when he was initiating, there was a
10 law. That law, just after the overthrow, there was no
11 more control for initiation, nobody know who is the
12 initiating person. When initiates were recommended by
13 committee people, there was a law, and that was to Kamoh
14 Hassan Sheriff. After that there was no more law.

15 Q. Is it correct to say that Kondewa, just as yourself, was
16 never engaged in active combat?

17 A. Yeah, that is true, yes.

18 Q. That is true. Did you say in your evidence-in-chief,
19 when Mr Kamara was leading you, that Allieu Kondewa's
20 role was to advise on whether Kamajors went to war or
21 not?

22 A. I said Allieu Kondewa, whenever Kamajors were going to
23 war, they have to go to him, he has to advise them. He
24 will look around, say, "You don't go to war this time."
25 So they have to go to him. He must bless them before
26 going. That's what I've said. As a High Priest.

27 Q. So he was based at Talia and combatants all over the
28 country would have -- he would have to see them before
29 they go into combat?

- 1 A. All the combatants, the commanders that come to Base
2 Zero, will take the [inaudible], especially commanders.
- 3 Q. We're not talking about commanders now. We're talking
4 about foot soldiers. Just a second, please. We're
5 talking about foot soldiers. You want the Court to
6 believe that every foot soldier would go and see Kondewa
7 before he goes into war?
- 8 A. Not that I'm saying. I'm not saying that. I said those
9 who were at Base Zero, whenever they want to go, whether
10 a foot soldier or commander, as long as Kondewa is around
11 they will go to him. Not from every corner that they
12 [inaudible] come there, no.
- 13 Q. I'm putting it to you that it was not Kondewa's business
14 to deploy or not to deploy soldiers or combatants?
- 15 A. Kondewa -- I did not tell you that Kondewa was deploying.
16 I did not say that.
- 17 Q. All right. It was not his business to decide who and who
18 is deployed -- not his business?
- 19 A. What do you mean?
- 20 Q. I mean, according to you, Kondewa would have to give --
21 has a lot of say as to who and who is deployed. I mean,
22 he can say you cannot go or you can go. I'm telling you
23 that that was not Kondewa's business, he never exercised
24 those functions?
- 25 A. When the Kamajors -- what I'm saying here, when the
26 Kamajors were asked to go to warfront, I say they go to
27 Kondewa. Already they are deployed by the Director of
28 War, say go to warfront. Everybody will go and say,
29 "Yes, sir", they go and bow down and say bless them for

1 the coup. Deployment was left purely with National
2 Coordinator and the National Director of War and the
3 operation commanders. Kondewa was just to bless these
4 people. That's what I'm saying. But, in the same, if he
5 call and say, "Well, you don't go." Just as a fortune
6 teller -- future teller, somebody can tell. Well, you go
7 you have problem this time. That was not a deployment.

8 Q. How many battalions did the Kamajors have?

9 A. I cannot remember now.

10 Q. Could you give an estimate, please?

11 A. I cannot.

12 Q. How many commanders do you know?

13 A. I can -- actually, I don't know all --

14 Q. Not commanders. I'm asking about battalions now. How
15 many commanders did you know within the Kamajor -- the
16 CDF?

17 A. The Kamajors were many.

18 Q. Name some of them.

19 A. Okay, you have operational commanders, regional
20 commanders, you have battalion commanders.

21 Q. Name some battalion commanders for this Court, please.

22 A. You have Rufus Collier, who was the base commander --
23 battalion commander, Rufus Collier.

24 Q. That was the first battalion at Talia?

25 A. Whether it was first, but he was based at there.

26 Q. Yes, go on.

27 A. You have --

28 PRESIDING JUDGE: Mr Williams, do you have any particular
29 objective for him to make a recital of all the commanders

1 here?

2 MR WILLIAMS: No, no, I'm not asking him for all, My Lord. I
3 just want him to tell us --

4 PRESIDING JUDGE: Do you have any particular interest? Why
5 don't you ask him if you had a particular commander in
6 mind?

7 MR WILLIAMS: No, My Lord, I don't have any particular one in
8 mind.

9 PRESIDING JUDGE: I see.

10 THE WITNESS: That's only commander I can remember.

11 PRESIDING JUDGE: Mr Williams, you may proceed.

12 MR WILLIAMS: Yes.

13 Q. Albert Nallo was a commander; right?

14 A. Regional operational director, that's what I'm saying.
15 Not a battalion commander.

16 Q. Charlie Tucker was a battalion commander?

17 A. Yes, he was in the north of Lome.

18 PRESIDING JUDGE: You say Nallo was what?

19 THE WITNESS: National -- Regional Director of Operations --
20 war operations. He was a battalion commander.

21 PRESIDING JUDGE: Nallo is for the southern region, I think;
22 mm?

23 MR WILLIAMS: Yes.

24 Q. In evidence-in-chief you said there was a food and arms
25 store at Talia, and that the CO ordnance was Musa; is
26 that correct?

27 A. What?

28 Q. You said in your evidence-in-chief that there was a food
29 and arms store at Talia?

- 1 A. Yes.
- 2 Q. And that the CO ordnance was somebody called Musa?
- 3 A. What you call CO ordnance?
- 4 Q. I don't know.
- 5 A. I did not talk about CO ordnance.
- 6 Q. Who was responsible for the store? Was it Musa?
- 7 A. Yes, I said Musa.
- 8 Q. Okay, sorry. Could you tell the Court where -- I mean,
9 you've mentioned that the arms came from Liberia. Let me
10 ask you this: The arms for the attack on Bo, did it come
11 from Maxwell Khobe?
- 12 A. No.
- 13 Q. It did not?
- 14 A. Not.
- 15 Q. Where did it come from?
- 16 PRESIDING JUDGE: You say the arms --
- 17 MR WILLIAMS: For the attack on Bo did not come from General
18 Maxwell Khobe.
- 19 Q. Where did it come from?
- 20 A. Those arms, ammunitions came specifically for the attack
21 of Bo, but there were arms and ammunitions in the store
22 which was given to some the Kamajor who had arms,
23 ammunitions at that time.
- 24 Q. I mean, from your evidence, Mr Witness, it would appear
25 that you were dissatisfied with a lot of things that were
26 going on whilst you were at Talia -- whilst you were a
27 member of the War Council?
- 28 A. Well, whatever happened as individual differences, there
29 will be -- there were certain things that were going on,

- 1 like discipline, I was not satisfied with those things.
- 2 That's true.
- 3 Q. Would you tell the Court why you stayed and why -- could
- 4 you tell the Court why you did not quit?
- 5 A. Yes.
- 6 Q. I mean, if you are so dissatisfied, why didn't you quit?
- 7 A. Yes. You see, in the war -- when you have differences
- 8 [sic] in war, even with your security, you find it
- 9 difficult to survive. At that point anybody within that
- 10 community -- Talia Yobehko, who went against something,
- 11 say you'll -- which you will not survive. So we decided
- 12 to say until the war is over. So I decided to stay until
- 13 when all of us will exist together.
- 14 Q. Did you ever quit as a War Council member?
- 15 A. I did not quit.
- 16 Q. No, I mean even when you left Talia, you went to Bo, you
- 17 went to Kenema. Did you ever quit -- did you ever resign
- 18 your position?
- 19 A. I did not resign, but when we left, went -- after
- 20 February, the War Council was no longer a force
- 21 effectively, so there was no need of resigning.
- 22 Q. You attended a meeting of the War Council at Kenema in
- 23 April of 1998?
- 24 A. Yes.
- 25 Q. Were there subsequent meetings?
- 26 A. I cannot remember.
- 27 Q. Cannot remember. The meeting of the War Council in
- 28 Kenema decided to establish new -- I mean, three new
- 29 battalions; is that correct?

- 1 A. I prefer you refresh my memory now, cause it's far back
2 times.
- 3 MR WILLIAMS: Mr Walker, can we have Exhibit 28, please?
- 4 PRESIDING JUDGE: Give it to counsel.
- 5 MR WILLIAMS: I have a copy with me.
- 6 Q. I refer you to page 3 paragraph 5, under the rubric
7 "Establishment of New Battalions"?
- 8 A. Yes.
- 9 Q. So at that meeting you decided -- the War Council decided
10 to establish three more battalions of the CDF?
- 11 A. Yes.
- 12 Q. Whilst at Base Zero, did you have cause to establish
13 battalions?
- 14 A. Yes, battalion commanders were appointed.
- 15 Q. I mean, did the War Council have cause to establish
16 battalions?
- 17 A. Yes, we recommend establishing battalions.
- 18 Q. And those recommendations were followed?
- 19 A. Yes.
- 20 Q. I refer you to page 1 of that document, Exhibit 28?
- 21 A. This one?
- 22 Q. Yes, the first page 1 paragraph (b) -- paragraph 1(b).
- 23 A. 1(b)?
- 24 Q. Yes. You also decided to restructure the CDF in the
25 eastern and southern regions at that meeting; is that
26 correct?
- 27 A. Yes.
- 28 Q. And you proceeded to appoint people into positions?
- 29 A. To appoint?

- 1 Q. Yes. For example, Mustapha Kondewa was appointed
2 Regional Assistant Director of War and Operations?
- 3 A. This was just recommendations. The National Director of
4 War has to make appointment, say you recommended. This
5 not appointment.
- 6 Q. If you look paragraph 1(b) again, nothing is mentioned
7 there of recommending. You were giving directives; is
8 that correct?
- 9 A. [Inaudible] the fact was this is my first time since
10 after that meeting that I been given [inaudible] I refer
11 you to this minute to read for the first time, I would
12 have protest a lot of things there. But now is only this
13 time I'm seeing this minute -- [Mr Williams interrupts]
- 14 Q. It's now you're objecting to a lot of things, Mr Witness.
15 Just answer my question, please.
- 16 A. Yes.
- 17 Q. Paragraph 1(b) does not speak of recommendation. It
18 speaks --
- 19 A. Of course.
- 20 Q. Just a second. It speaks of directions?
- 21 A. Yes.
- 22 Q. Is that correct?
- 23 A. Yes.
- 24 Q. So you were directing and not recommending; correct?
- 25 A. This is not correct.
- 26 Q. No, no. Were you directing or --
- 27 A. We are recommending.
- 28 Q. You are recommending?
- 29 A. Yes, as far as I know.

1 Q. I'm putting it to you, Mr Witness, that that is not
2 correct?

3 A. It's correct.

4 PRESIDING JUDGE: Learned counsel, what meaning do you make of
5 the word "direct"?

6 MR WILLIAMS: Sorry, My Lord?

7 PRESIDING JUDGE: What meaning do you make of the word
8 "direct"? Direct the creation, direct appointment. How
9 different is it from a recommendation?

10 MR WILLIAMS: Recommendation is not authoritative, My Lord.
11 Direction is -- you direct somebody to do something, that
12 is like he's almost obliged to do it.

13 PRESIDING JUDGE: In the context of the evidence we have about
14 the command structure, do you think they could really
15 peremptorily direct?

16 MR WILLIAMS: Those are my instructions, My Lord.

17 PRESIDING JUDGE: Okay, thank you.

18 MR WILLIAMS:

19 Q. Whilst you were at Talia, did the War Council recommend
20 the restructuring of the first battalion at Talia?

21 A. Not to my knowledge; I cannot remember that.

22 Q. Not to your knowledge. And, Mr Witness, can you look at
23 paragraph 8 of the document you have with you?

24 A. Which page?

25 MR KAMARA: I'm sorry, my learned friend, Mr Williams. I beg
26 directions from the Bench since my learned friend is
27 using Exhibit 28, which is a document which speaks for
28 itself. He's exhaustively going through this document
29 for this witness to interpret and give answers to that

1 document, and there is no evidence before this Court that
2 the War Council met thereafter to adopt the minutes that
3 my learned friend is using now to put to this witness.
4 The document is an exhibit and the Court can read and
5 analyse it for itself.

6 PRESIDING JUDGE: But it does not preclude counsel from asking
7 questions based on the document that is already an
8 exhibit before the Court. If the witness can answer, he
9 should answer. This document is already before the
10 Court, you know. It's already a court document and
11 counsel can ask any questions on it, I think.

12 MR KAMARA: I agree with, Your Honour, he can ask questions,
13 but for this witness to interpret that document --

14 PRESIDING JUDGE: Let him say what he can. Counsel is
15 perfectly entitled to put the questions to him.

16 MR KAMARA: As Your Lordship pleases.

17 MR WILLIAMS: My Lord, I am merely asking him to amplify on
18 things.

19 PRESIDING JUDGE: Yes, please, ask, so that we can move and
20 finish quickly.

21 JUDGE BOUTET: You see, this witness has told you that he had
22 never seen these minutes --

23 THE WITNESS: Yeah.

24 JUDGE BOUTET: -- these records before today. That was the
25 first time he has ever read this document. He was at the
26 council -- he has admitted that he was at that meeting in
27 Kenema, but what he has, Exhibit 28, he has consistently
28 told you that this is the first time. He just answered
29 to your question that the minutes do not correctly

1 reflect his recollection, because it was not a direction,
2 it was a recommendation. So, yes, you can ask questions
3 and you're going to get this kind of explanation from the
4 witness.

5 MR WILLIAMS: Those answers are fine by me.

6 JUDGE THOMPSON: Let me say that I don't think you ought to
7 limit your cross-examination. You're perfectly entitled
8 to cross-examine as exhaustively as you can on a document
9 that has already been put in evidence in its totality, as
10 long as you don't violate any rules of cross-examination.
11 This witness has testified exhaustively to matters and
12 admitted that he was a member of War Council, he was also
13 there, he made a distinction between planning and
14 strategising, and I think it's a fair position that you
15 should be able to cross-examine as exhaustively as you
16 can as long as you don't violate the rules. That would
17 be my own position on this.

18 MR WILLIAMS: I'm most grateful, My Lord.

19 Q. Look at page 4.

20 JUDGE BOUTET: Are we still at paragraph 8 or it's a different
21 paragraph?

22 MR WILLIAMS: It's paragraph 8, My Lords, on page 4.

23 JUDGE BOUTET: It's okay, I don't have the document. You
24 first referred the witness to paragraph 8 and now you're
25 talking about page 4.

26 MR WILLIAMS: Paragraph 8 is on page 4.

27 JUDGE BOUTET: Okay.

28 MR WILLIAMS: Yes.

29 Q. Could you take your time and read it?

1 PRESIDING JUDGE: Mr Williams, if you want to pursue in more
2 detail the contents of Exhibit 28, wouldn't you think it
3 would be better to allow this witness to read it properly
4 for -- I mean, if you want to pursue many more questions
5 and queries on this document, wouldn't you think it would
6 be better for us to allow him read it before you can
7 really cross-examine him effectively on it?

8 MR WILLIAMS: My Lord, I'm entirely in Your Lordship's hands.
9 It sounds like the most appropriate thing to do. I mean,
10 he can go with the document during the lunch break and
11 come back. I won't be more than 15 minutes with him when
12 we come back.

13 JUDGE THOMPSON: But I don't want to be on record, as a member
14 of this Court, as having limited your cross-examination
15 on a matter which I think you're perfectly entitled to
16 cross-examine. The whole document is in evidence and if
17 there are aspects of it that you've been instructed to
18 put to this witness, I think it's fair, having regard to
19 the philosophy of equality of arms, that you put your
20 questions to him and not be limited by any expediency.

21 MR WILLIAMS: I'm grateful, My Lord.

22 PRESIDING JUDGE: This said, I think it would be unfair for
23 the witness to take cognizance of this document on the
24 spot in Court and be expected to give credible answers to
25 learned counsel's questions. So we do advise that the
26 Prosecution and the Defence for the third accused work
27 together for this witness to take proper cognizance of
28 that document. He should read it during the lunch break,
29 so that by the time we resume sitting at 2.30 he will be

1 better prepared to take an answer more intelligently to
2 questions that will be put to him by Mr Williams for the
3 third accused.

4 So we shall rise now for the lunch break and we'll
5 be resuming the session at 2.30. The Court will rise,
6 please.

7 [Luncheon recess taken at 12.50 p.m.]

8 [On resuming at 2.45 p.m.]

9 [HN231104C]

10 PRESIDING JUDGE: Good afternoon learned counsel we're
11 resuming the session and we would --

12 JUDGE BOUTET: Carry on, Mr Williams. You had indicated that
13 you would have about 15 minutes. We'll see if you will
14 observe your description.

15 PRESIDING JUDGE: They have their 15 elastic, or 20 elastic
16 minutes. As time goes on they keep expanding and
17 expanding.

18 JUDGE BOUTET: We know that lawyers are very good about giving
19 estimates of that nature. Thank you.

20 MR WILLIAMS:

21 Q. Mr Witness, have a look at page 2 of Exhibit 28.

22 JUDGE BOUTET: So you're no more on paragraph 8. You're
23 moving to another one now?

24 MR WILLIAMS: Yes, My Lord.

25 PRESIDING JUDGE: You've finished with page 4, paragraph 8?

26 MR WILLIAMS: I've abandoned that for now. I might return to
27 it later.

28 PRESIDING JUDGE: Okay.

29 MR WILLIAMS: I'm sorry.

- 1 PRESIDING JUDGE: No, it is okay. That is where we stopped.
- 2 MR WILLIAMS:
- 3 Q. Paragraph 1(D) --
- 4 PRESIDING JUDGE: Page what is that?
- 5 MR WILLIAMS: Page 2, My Lord, paragraph 1(D).
- 6 Q. The reference to CDF, SL secret society in that paragraph
- 7 is a reference to the Kamajor society?
- 8 A. Yes.
- 9 PRESIDING JUDGE: The reference to what?
- 10 MR WILLIAMS: CDF SL secret society. It is synonymous with
- 11 Kamajor society.
- 12 Q. You would see from that paragraph that the War Council
- 13 was directing a stop to initiations as from Tuesday, 21st
- 14 April 1998. Did you see that?
- 15 A. I saw it.
- 16 Q. You saw it. Okay, just wait for the question now,
- 17 please. Was that directive complied with?
- 18 A. Well, as I told you, it wasn't a directive. It was just
- 19 a minute recommended to the National Coordinator for his
- 20 approval. And in fact, Your Lordship, I'm going through
- 21 this document and I have a few observations, which if you
- 22 can allow, I can make on this document. If the Court can
- 23 allow me.
- 24 PRESIDING JUDGE: Yes.
- 25 MR WILLIAMS: My Lord, may that come after --
- 26 PRESIDING JUDGE: No, but take his question. Do you want to
- 27 take his question before you make this explanation or
- 28 what do you want to do?
- 29 THE WITNESS: I want to comment on this document forever to be

1 direct, so I can take his question. Later I can comment
2 on the document, what I have observed.

3 JUDGE BOUTET: Because that seems to follow up on your
4 questioning now that you seem to be exploring this
5 document in detail with this particular witness. As an
6 example, you say well, the document shows that the War
7 Council directed that such and such an activity be taken.
8 The witness is saying well, this is what it says, but
9 that is not what happened. So he is trying to explain
10 that so to avoid discrepancies and dichotomy. He's
11 trying to explain that, but whichever way you want to
12 proceed. If you want to carry on and he gives his
13 explanation at the end --

14 MR WILLIAMS: No, his explanation would not be at my own
15 instance.

16 JUDGE BOUTET: It is not directly, but it is as a result of.

17 MR WILLIAMS: [Overlapping speakers] ask him to expand at any
18 time, but it is not at my own instance. I'm entirely --

19 JUDGE BOUTET: Go ahead then, and we'll see at the end to ask
20 the witness to give an explanation.

21 MR WILLIAMS: As My Lords please.

22 Q. Yes, that particular directive was that complied with?

23 A. No.

24 Q. It was not complied with?

25 A. No, never.

26 PRESIDING JUDGE: The directive to stop initiations?

27 MR WILLIAMS:

28 Q. As from the 21st of April, 1998.

29 A. Never [inaudible].

- 1 PRESIDING JUDGE: As from?
- 2 MR WILLIAMS: Tuesday, 21st April 1998.
- 3 JUDGE BOUTET: Yes, proceed please.
- 4 MR WILLIAMS:
- 5 Q. Let me ask you this, Mr Witness. This meeting that took
6 place, at previous meetings of the War Council were the
7 proceedings documented? Did they take minutes of the
8 meetings in previous meetings?
- 9 A. At Base Zero, no.
- 10 Q. No. So this was the first and only meeting of the War
11 Council that the proceedings were documented? That
12 records of the proceedings were documented?
- 13 A. After the fall of Bo, Kenema and Freetown, yes.
- 14 JUDGE BOUTET: That was not the question.
- 15 MR WILLIAMS: He is volunteering.
- 16 JUDGE BOUTET: Repeat your question.
- 17 MR WILLIAMS:
- 18 Q. The minutes that you have before you, is that the only --
19 all right, let me rephrase it. Was it usual for minutes
20 of the meetings of the War Council to be taken?
- 21 PRESIDING JUDGE: He has said no.
- 22 THE WITNESS: I said no.
- 23 JUDGE THOMPSON: He said no.
- 24 [Overlapping speakers]
- 25 MR WILLIAMS:
- 26 Q. The minutes -- these are the first minutes you have ever
27 seen of a War Council meeting?
- 28 A. Yes.
- 29 Q. All right. Was it within the powers of the War Council

1 to direct how initiations were done?

2 A. How? I don't know how initiations were done. I don't
3 know what you mean. What do you mean? I don't
4 understand that question, how initiations were done.

5 Q. Was it within the power of the War Council to determine
6 how and when initiations were done?

7 A. Well, not as such, but when the boss is giving the War
8 Council --

9 PRESIDING JUDGE: No, Mr Witness, the question is simple. Ask
10 him the question again. You should just answer that
11 question again. Please do not go into an explanation
12 unless you are asked.

13 MR WILLIAMS:

14 Q. Was it within the powers of the War Council to determine
15 how and when initiations --

16 JUDGE THOMPSON: No, in fact, that is a rolled-up question;
17 how and when. Why not split it up? The answer to one
18 could be different from the answer to the other. It is
19 too conjunctive.

20 MR WILLIAMS: As My Lord pleases.

21 JUDGE THOMPSON: Yes, it is bringing two concepts together
22 which need not necessarily be together.

23 MR WILLIAMS: But I'm asking him how initiations were done.
24 I thought by --

25 JUDGE THOMPSON: I thought so in fact. I thought he would
26 understand that. And then "how" and "when" made as
27 conjunct even complicates your question. The answer to
28 one could be different from the answer to the other. I
29 mean, just to make things easy for the evaluation of the

1 evidence, because I would find it difficult to evaluate
2 an answer where you have such two conjuncts which are
3 different.

4 MR WILLIAMS:

5 Q. Could the War Council determine when initiations were
6 done?

7 A. No, it couldn't.

8 Q. Did the War Council have any control over initiators?

9 A. No.

10 Q. Look at paragraph 1(C) on page 2. In that paragraph --
11 the War Council was directing that no initiator shall
12 have more than six security guards.

13 A. Yes.

14 Q. Would you say the War Council had the powers to do that?

15 A. Oh, yeah, they've got power. But they haven't got the
16 power.

17 PRESIDING JUDGE: Are you suggesting, learned counsel, that
18 controlling the number of bodyguards amounts to
19 controlling the activities of the initiators?

20 MR WILLIAMS: Sorry, My Lord?

21 PRESIDING JUDGE: Are you suggesting that controlling the
22 number of bodyguards each initiator has amounts to
23 controlling the activities of the initiators?

24 MR WILLIAMS: My Lord, I'm not saying that. I referred him to
25 a particular portion of Exhibit 28.

26 PRESIDING JUDGE: But the witness is saying that the War
27 Council can control the number of bodyguards?

28 THE WITNESS: I said no.

29 PRESIDING JUDGE: No?

1 MR WILLIAMS:

2 Q. So would you say that the War Council was transcending
3 its power or functions and when it ordered a reduction in
4 number of -- bodyguards were initiated in paragraph C?

5 A. Well, I don't understand what you mean by sending.

6 Q. Exceeding its powers when it ordered that initiators --
7 the bodyguards to initiators be reduced to six. Would
8 you say that they were exceeding their powers?

9 A. Well, to me this is not an order. As far as I am
10 concerned, it is not an order.

11 Q. So what were they doing -- what was the War Council
12 doing?

13 A. It was a recommendation.

14 Q. A recommendation?

15 A. Yes, for the approval of the National Coordinator and the
16 high priest as far as initiators were concerned.

17 Q. The National Coordinator, was he a member of the War
18 Council?

19 A. He was.

20 Q. He was a member?

21 A. By virtue of his position.

22 Q. Sorry?

23 A. By virtue of his position he was.

24 Q. And you're saying that the War Council -- you're saying
25 that the director of -- the National Coordinator was a
26 member of the War Council?

27 A. Yes.

28 Q. And yet still that War Council was making recommendations
29 to the director -- to the National Coordinator?

- 1 A. Yes.
- 2 Q. That's what you're saying?
- 3 A. Yes.
- 4 Q. Does that make sense to you?
- 5 A. Yes, it was above where he is sitting in the council
6 sometimes.
- 7 Q. That makes sense to you?
- 8 A. Yes.
- 9 Q. Look at --
- 10 PRESIDING JUDGE: It makes sense to me too.
- 11 MR WILLIAMS: To you too?
- 12 PRESIDING JUDGE: Yes, I've lived through those experiences.
- 13 MR WILLIAMS: I've not gone through those experiences, My
14 Lord.
- 15 JUDGE BOUTET: Of War Council?
- 16 PRESIDING JUDGE: I have had similar experiences and I have
17 seen it, you know, work in other places. Oh, yes, and in
18 other circumstances.
- 19 MR WILLIAMS: As My Lord pleases.
- 20 Q. Look at page 3, paragraph 6. It says that the War
21 Council was giving directives for the establishment of
22 district defence committees in all districts in the
23 region. Why was that necessary? Why was it necessary
24 for district defence committees to be set up?
- 25 A. Yes.
- 26 Q. Why was it necessary?
- 27 A. Particularly in Kenema, there was a very big division
28 between the CDF Kamajors and the civilians. Before the
29 Kamajors went -- [inaudible] there was a district defence

1 committee comprised of civilians. So these committees
2 were working. When the CDF took over, they went to
3 Kenema. They had wanted to abolish this defence. The
4 people rejected. So this report went to the National
5 Coordinator. When the council met on this, they said
6 okay that is who they want, therefore it is to be
7 established. That was the reason.

8 Q. What were the functions of this -- these committees?

9 A. Well, since this defence -- the defence committee they
10 were in the town. What happened when AFL was there, they
11 have to, you know, identify where these new type of
12 parties were heading. They have identified whether this
13 is a junta collaborator or -- fighters -- you were not
14 there. You have to get people to direct you. So that
15 was the other function.

16 Q. And that directive was complied with?

17 A. Well, I can't say it was complied with, because did I not
18 follow whether it was done.

19 Q. Before we went for lunch break, you said that the third
20 accused was a member of the War Council, did you?

21 A. Yes.

22 JUDGE BOUTET: He also added, if I'm not mistaken, because of
23 his functions as well.

24 MR WILLIAMS:

25 Q. Was he present at the meeting that was held on the 20th
26 and 21st of April 1998 in Kenema?

27 A. He was not there.

28 Q. He was not there, thank you. And I'm putting it to you
29 that the third accused never attended meetings of the War

1 Council, because he was not a member.

2 A. He attended.

3 Q. I'm going to refresh your memory again with the statement
4 you made to investigators on the 28th of November 2002.

5 JUDGE BOUTET: Mr Williams, this is the same statement that
6 you talked about this morning?

7 MR WILLIAMS: Yes, My Lord.

8 JUDGE BOUTET: Okay. Does he have a copy of it?

9 MR WILLIAMS: I'm going to. Maureen.

10 Q. On page 1 you mentioned exhaustively the members of the
11 War Council and you never mentioned the third accused?

12 A. This was not adopted. I have looked at it once.

13 Q. Look at it again.

14 A. Okay.

15 Q. Could you read the last paragraph for the Court?

16 JUDGE BOUTET: What are you intending to do with this document
17 now, Mr Williams? Are you intending to use it for the
18 witness to refresh his memory or to produce it as an
19 interesting statement.

20 MR WILLIAMS: That is my intention at this stage, My Lord.

21 JUDGE BOUTET: You should read it for the Court if the only
22 purpose, at this stage, to follow what you are saying, is
23 for the witness to refresh his memory.

24 THE WITNESS: My Lordship will not know what he is reading
25 except if it is read aloud. I want the Court to know
26 what exactly is said in the statement for the purpose
27 of --

28 JUDGE BOUTET: But, Mr Williams, you know what refreshing the
29 memory of a witness is all about. I mean, you give him a

1 statement. He is refreshing his memory with that
2 statement and then he will answer your question. We need
3 not to know unless you want to use that statement for
4 another purpose. I'm not precluding you from that.

5 MR WILLIAMS: My intention is to --

6 JUDGE BOUTET: But let's not mix things. So let's go that way
7 and we'll see.

8 MR WILLIAMS: Yes.

9 Q. The last paragraph of page 1 you exhaustively mention the
10 names of the members of the War Council and you did not
11 mention of name of Allieu Kondewa?

12 A. That is not correct. These were members representing the
13 district or region. I said the representation was
14 two-fold or three. I said it here. [Inaudible] all
15 those were stakeholders, you know, like Kondewa and other
16 people. So this was not exhaustive.

17 Q. Look at the last page -- the second to last page of that
18 document, the last paragraph. In that paragraph you said
19 that when a boy got missing, you informed Allieu Kondewa
20 and the War Council; is that what you said there?

21 A. Yes. It is there.

22 Q. Yes, you said that?

23 A. Yes.

24 Q. Were you not distinguishing between Allieu Kondewa and
25 the War Council in that paragraph?

26 A. No.

27 Q. You were not?

28 A. No, I was not.

29 PRESIDING JUDGE: Mr Witness, you said that in Exhibit 28

1 those mentioned there are stakeholders or what did you
2 call them?
3 THE WITNESS: I said they were people according to the
4 operation that were CDF.
5 PRESIDING JUDGE: Yes, representing?
6 THE WITNESS: Representing interest groups.
7 [Overlapping speakers]
8 PRESIDING JUDGE: I'm sorry, the statement.
9 JUDGE THOMPSON: It is not Exhibit 28.
10 PRESIDING JUDGE: Representing the various interest groups?
11 THE WITNESS: Yes.
12 PRESIDING JUDGE: And you call them stakeholders?
13 THE WITNESS: Of course CDF.
14 JUDGE THOMPSON: Witness, did you also say that list on that
15 page is not exhaustive?
16 THE WITNESS: Yes, it was not exhaustive.
17 JUDGE THOMPSON: Okay, thank you.
18 MR WILLIAMS:
19 Q. And you said the names mentioned in your statement were
20 names of people representing what?
21 JUDGE THOMPSON: Interests, stakeholders he called them.
22 THE WITNESS: Representing districts, regions and the interest
23 groups.
24 MR WILLIAMS:
25 Q. You mentioned the name of Sam Hinga Norman?
26 A. Yes.
27 Q. As well?
28 A. As the National Coordinator as the supreme head of CDF.
29 Q. Let's go back to Exhibit 28 on page 4, paragraph 10. Do

1 you see that?

2 A. Yes, I have seen it.

3 Q. Under the heading of "Registration and Deployment of
4 Fighting Forces", the second to last sentence starts with
5 the word "accordingly". It reads, "Accordingly the
6 council orders Mr Eddie Massallay battalion commander for
7 Pujehun and the Special Forces presently resident in
8 Kenema to proceed to Pujehun immediately and set up their
9 command in that district."

10 A. Well, yes.

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

12 A. All these command, order, instruction is the
13 recommendation is for the National Coordinator. It is
14 the only language the sector used for order.

15 Q. [Overlapping speakers] but that request or recommendation
16 was complied with?

17 A. Not at all.

18 Q. Eddie Massallay did not go to Pujehun?

19 A. He stayed at Kenema.

20 Q. He did not go to Pujehun?

21 A. Of course.

22 JUDGE BOUTET: So you know that yourself?

23 THE WITNESS: Well, there was a report he stayed at Kenema.
24 He did not go. After the meeting we had left when the
25 report was still coming in. Whether he went or didn't
26 go, what time, because he has to have the approval of the
27 National Coordinator.

28 MR WILLIAMS:

29 Q. Mr Witness, did Eddie Massallay comply with the

- 1 instructions and the recommendation or order in paragraph
2 10, did he? Whether it was late, whether it was -- did
3 he?
- 4 A. I don't know, because the compliance was going according
5 to the approval of the National Coordinator.
- 6 Q. Forget about the National Coordinator for goodness sake,
7 just concentrate on the actions that followed, please.
- 8 A. I cannot.
- 9 Q. Are you saying categorically that he did not go?
- 10 A. I don't know.
- 11 Q. You don't know. I'm referring to final page, page 5 of
12 the same document.
- 13 PRESIDING JUDGE: Paragraph?
- 14 MR WILLIAMS: It is not numbered, My Lord, but it is the third
15 to last sentence -- no, no, sorry -- the fourth to last
16 sentence, My Lord.
- 17 PRESIDING JUDGE: You're still on Exhibit 28?
- 18 MR WILLIAMS: Yes, My Lord.
- 19 Q. It says: "The war in the east - that is Kailahun and
20 Kono - was the most paramount item on the agenda for
21 discussion by the War Council"; is that correct?
- 22 A. Yes, it was paramount.
- 23 Q. It is. Why was it the most paramount item?
- 24 A. Because it was threatening Kenema District and at that
25 time the War Council wanted the world to put the war at
26 the back, so therefore it was extensively -- the most
27 paramount was extensively discussed.
- 28 Q. Do I take it that Kailahun and Kono were still under
29 rebel occupation at that time?

- 1 A. You are correct.
- 2 JUDGE BOUTET: Kailahun and?
- 3 MR WILLIAMS: Kailahun and Kono.
- 4 JUDGE BOUTET: Yes.
- 5 MR WILLIAMS:
- 6 Q. And the war -- and because of that you said Kenema was --
7 sorry.
- 8 A. Okay, go.
- 9 Q. You said because Kailahun and Kono were under rebel
10 occupation, Kenema was threatened. Kenema was under some
11 form of threat?
- 12 A. Yes.
- 13 JUDGE BOUTET: Please proceed.
- 14 MR WILLIAMS:
- 15 Q. And it was the business of the War Council to see that
16 Kenema was secured?
- 17 A. Yes.
- 18 Q. I'll refer you again to Exhibit 28. The sentence after
19 the one I've just read to you.
- 20 A. To what?
- 21 Q. The last page, the sentence following the one I've just
22 read to you. It reads: "It was discussed in detail and
23 agreed upon in the War Council that the two regions will
24 mobilise troops in order to pursue the war to a speedy
25 conclusion. That both regions will send to the warfront
26 400 Kamajors."
- 27 A. Yes.
- 28 Q. That was a true reflection of the --
- 29 A. [Inaudible] yes.

1 Q. That you agreed?

2 A. Suggested that.

3 Q. Oh, you suggested to say that the two regions would send
4 400 troops to the warfront?

5 A. Yes.

6 Q. Is it 400 troops a piece? Each region will send 400, or
7 400 in total? It is not quite clear. I just want to
8 rely on your recollection.

9 A. Both regions would send to warfront 400 Kamajors, both.

10 Q. Which two regions were you referring to?

11 A. That is south and east.

12 Q. South and the east.

13 MR WILLIAMS: Your Honours, I don't have any further
14 questions.

15 JUDGE BOUTET: Thank you. Is the witness in possession of
16 Exhibit 28 now?

17 MR WILLIAMS: Yes, he is. Your Honour, I don't know
18 whether -- the witness was saying that he wanted to
19 clarify something. I don't know whether I should wait
20 for that before I close my cross-examination, because I
21 --

22 [Trial Chamber confers]

23 JUDGE BOUTET: We'll accept that your cross-examination is
24 concluded, but the Court will ask the witness. The Court
25 will be asking the witness to explain what he meant at
26 that time.

27 MR WILLIAMS: Yes, My Lord.

28 QUESTIONED BY THE COURT:

29 JUDGE BOUTET: Mr Witness.

1 THE WITNESS: Yes.

2 JUDGE BOUTET: The Court would like to hear your explanation
3 about this.

4 THE WITNESS: This document was that -- one, this document is
5 related to the day after that meeting. I've seen it and
6 gone through and it was never read in any other minutes,
7 corrected and adopted. That is my observation. And
8 whether all these things here to see that matter arising
9 for the minute whether it was implemented. It has never
10 happened.

11 Number two, whether this document was going to be
12 used by the commanders, it has to be approved by the
13 National Coordinator and it has no significance here.
14 That means -- I mean, this was just a recommendation
15 whether the word "directive", "instruction" was used or
16 whatnot, it is the recommendation for the attention of
17 the National Coordinator. So that is what I noted on
18 this document.

19 JUDGE BOUTET: Thank you. Prosecution, do you have any
20 questions on re-examination?

21 MR KAMARA: No, Your Honours, that was the very question I was
22 going to ask and he has clarified it.

23 JUDGE BOUTET: As we have asked the question, you may, if you
24 wish to, clarify any issue that the witness has provided.
25 I'll allow you to do that, but not to re-open your
26 cross-examination.

27 FURTHER CROSS-EXAMINATION BY MR WILLIAMS:

28 Q. Look at Exhibit 28. What is the title of that document?

29 A. The Conclusion of the CDF National War Council meeting

1 held in Kenema.

2 Q. So, as a matter of fact, it was not minutes of a meeting.
3 It was conclusion -- the conclusions of the meeting. It
4 was not minutes of the meeting, but conclusions of the
5 meeting?

6 MR KAMARA: Objection. That is argumentative, Your Honours.

7 JUDGE BOUTET: It is. It is. I think the document speaks for
8 itself. This is not arising out of his explanation to
9 this.

10 MR WILLIAMS: It is, My Lord. The witness has said matters
11 arising from the minutes, that we did not meet again to
12 adopt the minutes, but what we are saying --

13 JUDGE BOUTET: You are saying that these are not minutes; they
14 are conclusions.

15 MR WILLIAMS: Conclusions.

16 JUDGE BOUTET: Fine. The document in this respect speaks for
17 itself. I hear the distinction you're making.

18 PRESIDING JUDGE: I think Mr Williams says the distinction is
19 very understandable. When you look at it --

20 JUDGE BOUTET: Yes, they are not minutes.

21 PRESIDING JUDGE: They are what you call --

22 JUDGE THOMPSON: Conclusions, summaries.

23 PRESIDING JUDGE: Conclusions or resolutions at the end of any
24 important meeting, and resolutions usually flow from
25 minutes of a meeting. That is it, so -- what I'm saying
26 is it is a pertinent point you've made.

27 MR WILLIAMS: As My Lord pleases.

28 JUDGE BOUTET: We will not allow that you argue with the
29 witness, but we'll take into consideration your reasons.

1 MR WILLIAMS: My Lord, would the witness be allowed to answer
2 the question?

3 JUDGE BOUTET: Which question?

4 JUDGE THOMPSON: I think, following what my learned brothers
5 have said, the issues that have now been raised would be
6 matters that should properly be taken into account when
7 we come to determine the probative value of this
8 particular document, but not at this stage.

9 PRESIDING JUDGE: Maybe at the level of address. These are
10 things you can address the Court on when it comes to
11 time. The important thing is that the document is in as
12 an exhibit, so every party is allowed to submit on it and
13 make any comment that it wishes, you know, at the
14 appropriate time.

15 MR WILLIAMS: That is all, My Lord.

16 JUDGE BOUTET: Thank you.

17 MR JABBI: On the pattern of allowing Mr Williams to ask a
18 question on the explanation given by the witness after
19 his cross-examination --

20 JUDGE BOUTET: It was only because this matter was raised
21 abundantly by Mr Williams. Tell the Court what it is
22 that you want to ask so we will see. We are not trying
23 to [overlapping speakers] renew the cross-examination for
24 everybody now.

25 MR JABBI: No, My Lord. The witness made an observation which
26 I would want to check out when he was commenting after
27 your question was posed to him.

28 JUDGE THOMPSON: At this stage I would say -- [Overlapping
29 speakers]

1 MR JABBI: The question concerns his comment that the document
2 is not signed. He made a comment that the document is
3 not signed.

4 JUDGE BOUTET: Signed by the National Coordinator, that is
5 what he said. He has not said that it is not signed. He
6 said that it had to be approved by the National
7 Coordinator and it has not been signed by him. He did
8 not say that the document was not signed.

9 JUDGE THOMPSON: As far as I understand the law, the issue
10 whether a document is not signed or authenticated does
11 not in any way mean that this Court cannot examine the
12 probative value to determine whatever weight to attach to
13 it. My own suggestion, at this point in time, is that
14 this document is already in, and the questions that have
15 been asked now are better reserved for addresses when we
16 will come to examine the probative value because,
17 clearly, I don't know what the counsel is inviting the
18 Court to do now. The Court asked a question and
19 examination-in-chief is over, cross-examination is over
20 and re-examination is over. The Court put a question and
21 out of that any attempt by counsel on both sides to ask
22 any questions would be with the leave of the Court. It
23 is not as a right, otherwise that procedure would be
24 regular.

25 MR JABBI: No, My Lord, that is why I was seeking the leave.
26 My Lord, it is not a right, but because the witness made
27 an observation, I wanted to check out factually what that
28 observation is and that would go towards the assessment
29 of the probative value later on.

1 JUDGE BOUTET: But as I say, Dr Jabbi, if your question was
2 because the witness has said the document was not signed,
3 this is not my understanding of it and, in fact, the
4 document speaks for itself. It has a signature on it.
5 So I don't think that's what the -- my understanding and
6 what I have written in my notes is that it was not signed
7 by the National Coordinator and had to be approved to be
8 valid. Basically that's his evidence. So, he didn't
9 say, "There is no signature on it."

10 MR JABBI: Did I not get him as saying that it was not signed
11 by the National Coordinator. I think he just said there
12 is no signatory to it.

13 JUDGE BOUTET: Well, even that. I mean, the document speaks
14 for itself, Dr Jabbi, if that's your question. It won't
15 change the nature of the evidence in this respect.

16 That concludes the evidence of this witness,
17 Mr Presiding judge?

18 PRESIDING JUDGE: Mr Witness, thank you very much for coming.
19 You have at least survived this day without another
20 breakdown. I hope that things will go with you on the
21 positive side and that you will henceforth enjoy very
22 good health.

23 So we want to seize this opportunity to thank you
24 for coming and being of assistance to the Tribunal and
25 assisting it in giving evidence that will contribute to
26 arriving at a decision on this matter.

27 We have for now finished with you, I would say, but
28 I wouldn't entirely say so, because there might -- there
29 might arise a necessity for us to call you back here. We

1 hope that if we do, or if we have to do, we would get in
2 touch with you through the normal channels, and that it
3 will be a pleasure to come back here and still guide us
4 on matters that are within your personal knowledge in
5 this matter.

6 So we thank you very much and we wish you a safe
7 journey back to wherever you live. Thank you.

8 THE WITNESS: Thank you too.

9 PRESIDING JUDGE: I think we would have to rise for some
10 minutes and allow the next witness to be brought in. So
11 the Court will rise at this stage, please.

12 [Recess taken at 3.32 p.m.]

13 [On resuming at 3.47 p.m.].

14 PRESIDING JUDGE: We're resuming the session, learned counsel.

15 JUDGE BOUTET: So, Mr Prosecutor, are you ready to proceed
16 with your next witness, which is, if I am right, TF2-119?

17 MR SAUTER: Right.

18 JUDGE BOUTET: And this is your 31st witness?

19 MR SAUTER: Correct. Excuse me, did you say 31st? It is
20 number 30.

21 JUDGE BOUTET: All right. One had been deleted, okay. Thank
22 you.

23 WITNESS: TF2-199 sworn

24 [The witness answered through interpretation]

25 JUDGE BOUTET: Yes, Mr Prosecutor, please proceed.

26 EXAMINED BY MR SAUTER:

27 Q. Good afternoon, Mr Witness.

28 PRESIDING JUDGE: It's TF2-what?

29 JUDGE BOUTET: 119.

1 PRESIDING JUDGE: 119.

2 MR SAUTER:

3 Q. Let me first put some questions to your personal data.

4 PRESIDING JUDGE: He is testifying in what language?

5 MR SAUTER: Krio.

6 Q. How old are you, Mr Witness?

7 A. I am 39 years old.

8 JUDGE BOUTET: Mr Witness, you are giving evidence in Krio and

9 you have to wait for the translation to be done from

10 English to Krio to you and then it will be translated

11 back to the Court. Thank you.

12 MR SAUTER:

13 Q. In which district were you born, Mr Witness?

14 A. I was born in Tonkolili District.

15 JUDGE BOUTET: Can you spell that out.

16 MR SAUTER: Tonkolili is T-O-N-K-O-L-I-L-I.

17 Q. Where are you residing, Mr Witness.

18 A. I was in Bo Town.

19 Q. And you agree that you speak Krio, okay?

20 A. Yes, sir.

21 Q. Are you married?

22 A. Yes, sir.

23 Q. And do you have children?

24 A. Yes, sir.

25 Q. Once again, Mr Witness, we agreed that you're speaking --

26 or answering my questions in Krio, okay?

27 A. Yes, sir.

28 JUDGE BOUTET: Mr Witness, just wait. When the question is

29 asked of you, it will be translated to you in Krio and

- 1 then don't go too fast, please.
- 2 MR SAUTER:
- 3 Q. Do you have children Mr Witness?
- 4 A. Yes, sir.
- 5 PRESIDING JUDGE: He says he is how old again?
- 6 MR SAUTER: 39.
- 7 Q. How many children do you have?
- 8 A. I have six children.
- 9 Q. Did you attend school?
- 10 A. Yes, sir.
- 11 Q. And for how many years?
- 12 A. For 12 years.
- 13 Q. Which languages are you speaking?
- 14 A. I speak English language; I speak Temne language and the
- 15 Krio language as well.
- 16 Q. And what is your profession, Mr Witness?
- 17 A. I am a police officer.
- 18 Q. When did you start to work as a police officer?
- 19 A. I started in 1990.
- 20 Q. So did you work as a police officer in the year 1997?
- 21 A. Yes, sir.
- 22 Q. At which place were you deployed in 1997?
- 23 A. I was deployed in Bo Town.
- 24 Q. Are you aware of a coup in the year 1997 which happened
- 25 in Freetown?
- 26 A. Yes, I was in Bo and that was the time when the AFRC
- 27 government overthrew the democratic government of Alhaji
- 28 Tejan Kabbah.
- 29 Q. Did this occurrence have any impact on your work as a

- 1 police officer?
- 2 A. Yes.
- 3 Q. Could you please describe what impact this occurrence
4 had?
- 5 A. During the time in question, the AFRC soldiers used to
6 molest and harass police officers.
- 7 Q. Yes.
- 8 A. Okay, sir.
- 9 Q. Go on, please.
- 10 A. They were also harassing civilians and they looted their
11 property.
- 12 Q. Have you personally become a victim of AFRC
13 infringements?
- 14 A. Yes, something happened to me during that time.
- 15 Q. Could you please describe to this Court what happened to
16 you?
- 17 A. Yes, I could tell the Court.
- 18 Q. Please.
- 19 A. On the 15th of June 1997 --
- 20 Q. Yes.
- 21 A. -- I was on duty at the supermarket at Bo. I was the
22 night guard, on duty on night guard.
- 23 Q. Go on, please.
- 24 A. About between the hours of 3.00 and 3.30 in the morning I
25 was on duty --
- 26 Q. Go on.
- 27 A. -- when I heard sounds of breakage outside the
28 supermarket.
- 29 Q. Yes.

- 1 A. I picked up my rifle and put on the security lights.
- 2 Q. Did you see anything extraordinary?
- 3 A. Yes. When I came out, then I saw one taxicab parked by
4 the supermarket.
- 5 Q. What was with this taxicab?
- 6 A. The taxicab had quantity of imported rice parked in the
7 boot and in the back seat as well.
- 8 Q. Could you see any driver inside the car or close to the
9 car?
- 10 A. No, sir. I watched that and there was nobody by the car.
11 I did not see anybody by the car. What I saw -- what
12 I saw was the rice store was broken into and the door was
13 open.
- 14 Q. Am I right that you are speaking of the rice store of the
15 supermarket?
- 16 A. Yes. There was an extension store by the supermarket.
- 17 Q. So what did you do after this observation?
- 18 A. Then I watched -- I looked in the front and I saw the
19 insurance policy and the key on the switch and I picked
20 all of them.
- 21 Q. Did you do anything else?
- 22 A. Yes. Therein I informed -- I informed two watchmen who
23 were by me and supermarket boys and as well as two
24 Lebanese businessmen by the neighbouring house and other
25 security nearby the supermarket.
- 26 Q. Did anyone else come to the scene?
- 27 A. All of those that I called, they all came to me and they
28 asked what happened.
- 29 Q. Could you find the taxi driver or anyone else who was

- 1 responsible for the taxi?
- 2 A. No, I was not able to see anybody at that moment. Nobody
3 was seen.
- 4 Q. So what happened after all these people were at the
5 scene?
- 6 A. Then I took the switch key and the insurance policy and
7 handed them over to one of the Lebanese businessmen for
8 safekeeping to the other day for further investigations.
- 9 Q. Did you do anything to prevent the car from being driven
10 away?
- 11 A. Yes, I defused my weapon and deflated the front tyres so
12 the thieves could not take the car away in case of any
13 attack at that moment.
- 14 Q. After you had flattened the tyres, did anyone else
15 appear?
- 16 A. Yes, after that therein three vans all filled with junta,
17 AFRC soldiers and they came to the scene. They all came
18 and alighted.
- 19 Q. Did you know the person who was in command of these AFRC
20 or junta soldiers?
- 21 A. Yes, the one amongst them with the commander was called
22 Abubakar Kamara who was the captain, Captain Abubakar
23 Kamara.
- 24 Q. Did Captain Kamara address you?
- 25 A. Yes, the first question he asked me was that who released
26 the shot and I said, "I released the shot".
- 27 Q. What was the reaction of Kamara after you have told him
28 that you have flattened the tyres?
- 29 A. Therein he asked me -- he said why did I deflate the

- 1 tyres and who gave me the orders to deflate the tyres.
- 2 Q. What was your answer?
- 3 A. I explained to him that thieves had attacked me that
- 4 night, but he said he did not want to hear that. Who am
- 5 I to stop him his order. He sent the men.
- 6 Q. What do you mean when you say he said he sent the men?
- 7 A. He told me that I have no right to deflate the tyres of
- 8 the car, that I have defied his order. He ordered the
- 9 men.
- 10 Q. He ordered the men to do what?
- 11 A. He ordered the men to go and loot the supermarket.
- 12 Q. So did Captain Kamara order anything with regard to you?
- 13 A. Yes, therein he asked his men to disarm me by force and
- 14 they should tie me and put me in the boot of the car --
- 15 into the van.
- 16 Q. So did this really happen, that you were tied and brought
- 17 into the van?
- 18 A. Yes, the men grabbed me and they wrestled with me and
- 19 they disarmed me. They tore my uniform and they tied me
- 20 and they put me in the van -- in the trunk of the van.
- 21 Q. What happened after you were taken into the van?
- 22 A. From there they drove off for about 200 metres from the
- 23 supermarket, that they were carrying me to the cemetery
- 24 to have me killed.
- 25 Q. What exactly happened at the cemetery?
- 26 PRESIDING JUDGE: Have they reached the cemetery, Mr Sauter?
- 27 MR SAUTER: He just said "They drove me to the cemetery to be
- 28 killed."
- 29 PRESIDING JUDGE: They were taking him -- they were not yet in

1 the cemetery. The question is: Have they reached the
2 cemetery yet? Ask him whether they took him to the
3 cemetery.

4 MR SAUTER: Yes, sir, I will do so.

5 Q. So where did you go to or where were you taken to?

6 A. When we went about the distance of about 200 metres, he
7 stopped. He took out his pistol and fired me on the leg,
8 on the right leg.

9 Q. Who fired you?

10 A. It was Captain ABK, Abubakar Kamara.

11 Q. Did you suffer any injury by this shot?

12 A. Yes, he shot me on the right leg; the bones were broken.
13 The bullet broke the bones and the bullet came out the
14 other way and the bullet cut the calf at the back and
15 I fell on the ground.

16 Q. So after you fell on the ground did they do anything else
17 to you?

18 A. Yes, I was dragged and put into the van and they took me
19 to the cemetery where they said they would cut my throat.

20 Q. Now there is some confusion for me. I understood they
21 took you to the cemetery earlier, that the cemetery was
22 the place where you were shot at; no?

23 A. No. On the way going they only moved 200 metres off the
24 supermarket and there he came down with his pistol and he
25 shot me with the pistol and from there they proceeded to
26 the cemetery.

27 Q. Okay, thank you, Mr Witness. I understood they took you
28 to the cemetery to be killed; is that right?

29 A. Yes, that was what they said.

1 Q. So what really happened at the cemetery?

2 PRESIDING JUDGE: Did they take him to the cemetery,
3 Mr Sauter? Did they take him to the cemetery? He is 200
4 yards away from the supermarket, which was looted. Did
5 they from there take him to the cemetery? Let's get the
6 evidence sequentially, please.

7 MR SAUTER: Yes, My Lord.

8 Q. Did they really take you to the cemetery?

9 A. They were taking me there, but did not reach there, but
10 they were on the way. They were on the way taking me to
11 the cemetery.

12 Q. Are we now at the point after you have been shot?

13 A. Yes, after I have been shot, I was loaded on the vehicle
14 and they said they were taking me to the cemetery and it
15 was the time they moved with me. They went with me.

16 Q. So where did they go with you?

17 A. They were on the way taking me to the cemetery and as
18 they reached the Commercial by the swamp -- by Commercial
19 therein one of the men, whom was also held to be killed,
20 jumped from the vehicle.

21 JUDGE BOUTET: What is the place where the witness says they
22 reached?

23 MR SAUTER:

24 Q. Would you please repeat what the place was called, the
25 place you reached?

26 A. We reached to us Commercial.

27 Q. What is Commercial?

28 A. Commercial Secondary School. There was only few yards to
29 the cemetery by the swamp -- by the swamp. Therein one

1 of victims jumped out of the vehicle and run away.

2 Q. You said one of the victims, which victim do you mean ?

3 A. One of my comrades whom I called from the neighbouring
4 there to help me, he too was captured. He too was fired,
5 so they took both of us in the vehicle to carry us. So
6 it was he who jump from the vehicle, but his own leg was
7 not broken. His wound was not broken, even when he was
8 shot, so he jumped out of the vehicle and ran away.

9 Q. The person you're speaking about, was this a police
10 officer as well?

11 A. Yes, he too was a police officer.

12 Q. Am I right that this person came to the supermarket to
13 assist you?

14 A. Yes. I sent to him. I sent to call him.

15 JUDGE THOMPSON: He had got assistance from him. One of his
16 comrades, he said.

17 MR SAUTER: Yes.

18 Q. You said this person became a victim as well. What
19 happened to him?

20 PRESIDING JUDGE: He has said what happened to him.

21 JUDGE THOMPSON: He too was captured.

22 PRESIDING JUDGE: He was shot on the leg, not too fatally as
23 he was, and then he was able to jump out of the vehicle
24 and to escape.

25 JUDGE THOMPSON: They were all on their way to the cemetery,
26 according to him.

27 MR SAUTER: Okay, if Your Honours are satisfied with his
28 testimony, I'm satisfied as well, thank you.

29 JUDGE THOMPSON: We're just a few yards from the cemetery.

1 PRESIDING JUDGE: A few yards from cemetery at the swamp near
2 the Commercial College in the place just a few steps from
3 the cemetery, that is where the man jumped from the
4 vehicle.

5 MR SAUTER:

6 Q. So, Mr Witness, your colleague managed to run away. What
7 about you?

8 PRESIDING JUDGE: What happened to him? Who ran away first?

9 THE WITNESS: Because by that time my leg was broken, the bone
10 was broken. I was not able to move. I lay in the van
11 while the man jumped and escaped and ran away.

12 MR SAUTER:

13 Q. Did the juntas take you to any other place?

14 A. Yes, after they looked out for the man and they hoped
15 that they would kill him and after they searched for him
16 and they could not find him, they said if they take me to
17 the cemetery and kill me, that man will prosecute me, so
18 they took me to the Secretary of State house and informed
19 him.

20 Q. Would you please repeat to whom they took you?

21 A. They took me to the SOS, the Secretary of State,
22 Mr Captain Major AF Kamara, his lodge, the Secretary of
23 State's lodge. That is where they took me instead of the
24 cemetery.

25 Q. What happened when you were before this Secretary of
26 State?

27 A. When they reached with me, the Secretary of State came
28 out and asked the captain why have they taken me in this
29 kind of condition?

1 PRESIDING JUDGE: What was the name of this Secretary of State
2 again?

3 MR SAUTER: Major AF - A stands for Augustine Kamara. I don't
4 know what the F stands for.

5 PRESIDING JUDGE: Do you know the other name? F stands for
6 what, Mr Witness? You don't know?

7 THE WITNESS: No, sir. It is Augustine F Kamara, Major
8 Augustine F Kamara.

9 PRESIDING JUDGE: And you say he was the Secretary of State?

10 THE WITNESS: Yes, My Lord, Secretary of State South.

11 PRESIDING JUDGE: You say he asked them why they brought you
12 in that condition?

13 MR SAUTER:

14 Q. What was the answer?

15 A. The captain said that he met me stealing at the
16 supermarket, that is why he caught me and shot me. That
17 is the allegation that he made.

18 Q. Did Major Kamara give any orders to his men or to the
19 juntas?

20 A. Yes. He told the captain that the policemen are within
21 the township of Bo for security purposes, but this man
22 cannot say anything now to defend himself. Take him to
23 the hospital for medication until I get his explanation
24 in the morning hours.

25 Q. So, Mr Witness, were you taken to a hospital?

26 A. Yes, they took me to the hospital, but I was not
27 admitted. They just abandoned me under their tent.

28 Q. Did you stay there?

29 A. Yes. They left me there and that's where I was lying,

- 1 because I couldn't get up by myself.
- 2 Q. Have you finally been admitted to a hospital or the
3 hospital?
- 4 A. Well, I later found myself in the Bo Government Hospital
5 in Ward 3. I found myself in a bed when I gained
6 consciousness. That was -- at that time my foot was in
7 the local traction.
- 8 Q. So for how long time, approximately, you stayed at the
9 hospital until you were released?
- 10 A. Well, from the 15th of June up to the 14th of October
11 1997. That was when I was discharged from the hospital.
- 12 Q. Could you return to your police duties?
- 13 A. No. I couldn't work at the time, because I was under
14 sick. I was just in the barracks. The doctors had said
15 that I should stay there and I should be taking treatment
16 from the hospital. I was in a crutch to walk at that
17 time.
- 18 Q. When you say that you were at the barracks, what do you
19 mean?
- 20 A. I was discharged at that time. When the doctors had
21 discharged me, they sent me home to stay with my family.
- 22 Q. Am I right that you said that you were living with your
23 family in the police barracks in Bo at this time?
- 24 A. Yes. I was in the barracks with my whole family.
- 25 Q. Do you know how long the juntas were in control over Bo?
- 26 A. I can't exactly tell the duration of time that they took
27 in Bo.
- 28 Q. Did they leave Bo at any time?
- 29 A. Well, yes. They had to pull out at one time from Bo.

1 They pulled out later.

2 Q. Would you give us a year?

3 A. That was in the year 1998, in the month of February 1998.

4 That's when they pulled out -- pulled out from Bo, from
5 Bo Town.

6 Q. Do you happen to know a date within February 1998 when
7 this happened?

8 PRESIDING JUDGE: February what?

9 MR SAUTER: February 1998.

10 PRESIDING JUDGE: Yes, I thought you said 1997.

11 THE WITNESS: Could you ask your question again?

12 MR SAUTER:

13 Q. Could you eventually remember a date when the juntas
14 pulled out from Bo? You said it was in February 1998.

15 A. Yes, the juntas pulled out on Friday at night, on Friday
16 at night.

17 PRESIDING JUDGE: He said on a Friday at night? On a Friday?

18 If he can remember, I mean, the date, fine, but they
19 pulled out on Friday, means they pulled out on a Friday.

20 MR SAUTER:

21 Q. Once again, Mr Witness, could you remember the date, the
22 date, not the weekday, the date when this happened that
23 the soldiers pulled out from Bo?

24 A. Yes, it was on the 15th of February 1998, on Friday at
25 night.

26 Q. Thank you. Were the junta soldiers replaced by any other
27 military force?

28 PRESIDING JUDGE: When the junta soldiers left, what happened?

29 When the junta soldiers left, what happened?

1 MR SAUTER:

2 Q. Thank you. When the junta soldiers left, what happened?

3 A. On Saturday, the 16th of February 1998 I was at my house.

4 Q. Go on, please.

5 A. When I started seeing Kamajors coming from all corners of
6 the barracks, coming into the barracks.

7 Q. How did you identify the persons coming from all sides
8 into the barracks as being Kamajors?

9 A. They had a dress called ronko which they wore. This
10 ronko had glasses, and secondly, I knew most of them,
11 because I had served for six years. Most of them from
12 the surrounding villages I had known them and they were
13 from amongst this group who came.

14 Q. Did they come to your house?

15 A. Yes, that was in the afternoon hours, between the hours
16 of 2.00 to 2.30. I was lying in my bedroom when a group
17 of Kamajors came to my house.

18 Q. Did they enter your house?

19 A. Yes, they entered the veranda and asked for the owner of
20 the house. So I took my crutch and came out to meet
21 them.

22 Q. Did they tell you for what purpose they came to your
23 house?

24 A. Yes, they told me that they had gone there to search
25 everybody's house for arms and ammunition and also for
26 whoever was harbouring soldiers in his house. That is
27 what they were searching for.

28 Q. Did they search your house?

29 A. Yes, they asked me to enter the house. We entered the

1 parlour and when they entered there, four of them they
2 surrounded me in the parlour.

3 Q. What happened after they had surrounded you?

4 A. The rest of them entered the rooms and searched.

5 Q. To your knowledge, did they find anything that was of
6 special interest for them?

7 A. No, nothing of the sort was discovered. They didn't find
8 anything amongst the things that they were looking for.

9 Q. What did they do after this futile search?

10 A. They asked me to open the three suitcases that I have, my
11 wife's and my children. They wanted to search in them.

12 Q. Did you open the suitcases?

13 A. I was looking out for the keys when they took the
14 suitcases out and damaged all three and overturned
15 everything on the ground.

16 Q. What happened to the contents of the suitcases?

17 A. After they had searched and not found anything, they
18 picked all the valuables, my wife's, mine and my
19 children. They picked up all the valuables and took them
20 away.

21 Q. Could you give an estimate of the value of the items
22 taken away from you?

23 A. I cannot give an exact value, because my wife's things
24 were there, many of them, including those belonging to
25 the children.

26 Q. Would it be right to say that they took away most of your
27 belongings?

28 PRESIDING JUDGE: They took away all valuables, valuables.

29 Forget about the rest of them. They took away valuables.

1 MR SAUTER: Thank you.

2 Q. So what happened after?

3 PRESIDING JUDGE: Maybe you -- he told you of the valuables of
4 his wife, the children and himself. Do you want him to
5 enumerate the valuables?

6 MR SAUTER: I just wanted to know if any essential part of his
7 belongings was left back, independent from the valuables
8 of the things taken away.

9 PRESIDING JUDGE: You can ask him.

10 MR SAUTER:

11 Q. So, Mr Witness, would I be right to say that most of your
12 belongings were taken away?

13 PRESIDING JUDGE: That is a leading question. You cannot ask
14 this question.

15 MR SAUTER: I abandon this question.

16 Q. So what happened after this?

17 A. After they had gone I entered and I laid down unhappy.
18 After some time I took my kettle, my mat and my crutch
19 and I went across the street to go and hide in the bush.

20 Q. Did you really hide in the bush?

21 A. Well, when I went across the street, I was on my way
22 going when some of the Kamajors traced me and threatened
23 me that if I did not get back to my house, they would
24 kill me on the spot. I should not go anywhere.
25 Everybody should be indoors. Everybody should be back at
26 his house. So I was afraid and I went back to my house
27 and I sat down.

28 Q. Did anything else happen on this date?

29 A. Yes. I was sitting at my house 'til between the hours of

1 9.00 and 10.00 at night. I was at my house with three of
2 my friends who had come to visit me and I was explaining
3 to them about this incident. Another group of Kamajors
4 came.

5 PRESIDING JUDGE: He talked of 10.00. Is that 10.00 p.m. or
6 10.00 a.m.? 10.00 in the morning or 10.00 in --

7 THE WITNESS: 10.00 p.m., yes, My Lord.

8 MR SAUTER:

9 Q. So did this group of Kamajors enter your house as well?

10 A. Yes. When they first went, they surrounded me. I saw
11 them coming -- I told my three friends to run away. They
12 came and surrounded me and they asked for my three
13 friends and I told them that they had all gone. They
14 took me and asked me that we should go into my parlour.

15 Q. So did you go to your parlour?

16 A. Yes, we entered the parlour and they asked me to give
17 them all my particulars pertaining to my police job.

18 Q. What exactly were they interested in?

19 A. These Kamajors told me that -- that I should surrender my
20 uniform to them, my documents, my certificate of
21 appointment that was given to my by the government for
22 the job. I asked them why I was going surrender my
23 documents to them.

24 Q. Did they give you an answer to your question?

25 A. Yes, they told me that they were demanding these things
26 because our own time is over, police and soldiers. They
27 said our time is over. They are coming to replace us.
28 They were coming to succeed us.

29 Q. Did they in more detail tell you what would happen after

1 they have taken over control? Who should replace police
2 and soldiers?

3 A. Yes. Yes, they further told me that -- that Chief Hinga
4 Norman had given them order that they should kill all the
5 policemen and the soldiers. And he further told them
6 that before they could kill any soldier or police that
7 they would captured, let the police officer or the
8 soldier surrender his particulars, including his
9 uniforms. And that was not all. And that was not all.

10 Q. So did you hand over what they were asking for?

11 A. Yes. After they had further stated that now that our
12 time has expired, when I'm surrendering everything to
13 them, I should give my particulars. They said Hinga
14 Norman has placed them under defence and had given them
15 the full assurance that after they would have killed the
16 policemen and the soldiers --

17 Q. Slow down. Go on, please.

18 A. -- after they would have killed the policemen and the
19 soldiers, he would do everything to talk to the
20 government to approve them as military officers, soldiers
21 and police officers, and we would start receiving
22 salaries. And they didn't just stop there.

23 [HN231104D 4.45 p.m.]

24 Q. What happened after you had handed over the uniform and
25 other items?

26 A. After I had handed over the uniforms and the particulars,
27 one of them who was the head took my uniform and
28 particulars and handed them over to one of the Kamajors,
29 and they said he was to take my position.

1 PRESIDING JUDGE: Is it their leader who took it and handed it
2 over to one of the Kamajors?

3 MR SAUTER: Yes.

4 PRESIDING JUDGE: Mr Sauter, is that the evidence?

5 MR SAUTER: What he said was the commander took his uniform
6 and gave it to one of the Kamajors saying that he will
7 take over his position in future.

8 Q. Did anything happen next, after your uniform has been --
9 and the other items have been handed to one of the
10 Kamajors?

11 A. Yes. They told me again -- they produced one text
12 book -- a notebook, I mean. They produced a notebook
13 which they showed to me that this was what Chief Hinga
14 Norman had given to them to take down all the particulars
15 of those who they would kill, and this text book was in a
16 tabulated form. It had some columns, it had a serial
17 number -- the notebook had a serial number, it had name,
18 it had force number, it had rank, it had nature of duty,
19 and the last one was it had the division to which you
20 were assigned. All of these were in the notebook.

21 Q. Did the Kamajors --

22 PRESIDING JUDGE: So they produced that book to him? The
23 Kamajors showed you the book?

24 MR SAUTER: I'm coming to this question right now.

25 Q. Did the Kamajors ask you for these details?

26 A. Yes, I gave them all my particulars. I gave them all my
27 particulars and they filled them in the columns against
28 my name after I had handed over all my particulars.

29 Q. Could you see that they had filled your particulars in to

1 the book?

2 A. Yes, they had a three battery torchlight which they used.
3 One held the torchlight, and another was inserting all my
4 particulars inside the book.

5 Q. What happened after this was done?

6 A. After that I cried for mercy -- I pleaded for mercy but
7 the man said they would never defy their boss's order.
8 As long as he's given him the order, they would execute
9 what he had told them to do.

10 PRESIDING JUDGE: They would execute what who had told them to
11 do?

12 THE WITNESS: They said as long as Chief Hinga Norman has told
13 them to kill all the policemen, my plea wouldn't hold
14 sway -- they won't accept it, they wouldn't defy their
15 boss's order.

16 MR SAUTER:

17 Q. So, Mr Witness, what did they do next?

18 A. They asked me now I should show them -- I should tell
19 them some reasons why they shouldn't kill me. I showed
20 them the first reason that, please, I am a forces man. I
21 was fight -- if they were fighting interests of the
22 government then they shouldn't kill me and they said no,
23 that wouldn't hold sway.

24 Q. Please go on.

25 A. The other one asked me to give the other reason. By then
26 they had all surrounded me. I gave them the other reason
27 that my children were very young -- they were very young.
28 That let them not allow me to leave the children my
29 children at that age and they said no, there was no

1 chance for that. The order which Hinga Norman had given
2 them, they were going to execute. They asked me for the
3 third reason.

4 Q. Go on, please.

5 A. So, by then, those who were at my back started mutilating
6 me on my head. I got confused and I couldn't even think
7 of the third reason.

8 Q. At which place did this happen? Inside your house?

9 A. No, it was in my compound. They took me by the side of
10 my compound, where we had some potato heap, that's where
11 they took me, by the side of my block, my compound, but
12 was in my compound.

13 Q. What happened next?

14 PRESIDING JUDGE: Did you finally manage to think of a third
15 reason?

16 MR SAUTER: I understood that he was so confused that he could
17 not.

18 PRESIDING JUDGE: That is why I said did he finally. Finally.
19 Follow me properly, please.

20 THE WITNESS: The third reason -- I was thinking about the
21 third reason, but the way I was being treated, I couldn't
22 get the third reason again because they had harassed me
23 too much.

24 MR SAUTER:

25 Q. What exactly did they do to you?

26 A. I was thinking about the third reason when one of them
27 said a code word, Alah Hu Akabra. But I thought it was a
28 word of sympathy relating to what I was explaining to
29 them. I didn't know that was a code word.

1 Q. How did you get to know that Alah Hu Akabra was a code
2 word?

3 A. Well, I came to know when he said it, the other one which
4 mutilated me -- as soon as he said it the other one
5 mutilated me on my ears. My ear was cut off, it was
6 hanging down.

7 Q. Were other injuries inflicted on you?

8 A. Yes, when he chopped my ears, I turned my face towards
9 him and the other one chopped me on my face. It was
10 split and my face was open. As you can see the mark.
11 The other one chopped me here too.

12 Q. Any other injury?

13 A. Yes, that's when I raised my hand up. As soon as I
14 raised my hand up it too was chopped on my arm. That's
15 when I fell on the ground facewards. I fell down.

16 Q. Was this all or did you suffer any other injuries?

17 A. Yes, they chopped me on my head at the back of my head.
18 And that was not all, there is another place.

19 Q. Don't stand up?

20 A. They also chopped me on my back, as you can see the
21 wounds on my left shoulder, even my left arm. On the
22 right foot too was chopped. The big toe -- the bone in
23 my big toe.

24 JUDGE BOUTET: His shoulder and his left arm.

25 PRESIDING JUDGE: On the back as well. For the records -- I
26 think it should be reflected on the records that the
27 witness has shown a number of wounds on his face, on his
28 back --

29 JUDGE BOUTET: The back of his head.

1 PRESIDING JUDGE: The back of his head, his right arm.
2 MR SAUTER: Could you please turn around --
3 JUDGE BOUTET: Be careful.
4 PRESIDING JUDGE: Don't stand up.
5 MR SAUTER: Show us with your fingers where the scars are.
6 PRESIDING JUDGE: The one on your left shoulder, is that one
7 of the wounds?
8 THE WITNESS: This is the first wound. This is the first
9 wound. This is the second wound. The other one chopped
10 me here. This is the other one. This is the other
11 wound. This is another wound. Then at the back, on my
12 shoulder. On the arm, my right arm. From there, they
13 cut my heel. Yes, this was cut -- this is the other
14 wound [indicating]. The bone was broken in my toe and
15 they cut on the heel and they told me that I was dead.
16 That's when they all went away.
17 JUDGE BOUTET: So all this was on your right foot that they
18 did that?
19 PRESIDING JUDGE: No, the left. This one was on the left.
20 The gunshot was on the right foot?
21 THE WITNESS: On my right foot. The left foot was not
22 affected.
23 JUDGE BOUTET: The one you just showed, that was the right
24 foot [overlapping speakers]
25 PRESIDING JUDGE: Was it the right foot? Is that so?
26 THE WITNESS: [No interpretation]
27 PRESIDING JUDGE: It was the right foot.
28 THE WITNESS: The right foot, yes, sir [Not interpreted].
29 MR SAUTER: Take your time to dress yourself.

1 PRESIDING JUDGE: So just briefly, for the records, he had
2 wounds on his face, on his head, on his left shoulder, on
3 his right leg, on his left arm, and on his right foot --
4 not the leg, really, on the right foot, and on his right
5 arm as well. These are scars. The scars have been shown
6 to the Court.

7 JUDGE BOUTET: And his ears as well.

8 PRESIDING JUDGE: Yes, and of course he testified that his ear
9 was chopped and it was hanging. We don't know -- is the
10 ear there?

11 THE WITNESS: Yes, it was slit in the middle.

12 PRESIDING JUDGE: You still have an ear?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: [Microphone not activated]

15 THE WITNESS: Yes, it's there, but I do suffer some pains at
16 intervals -- yes, at times. At times I do suffer some
17 pains.

18 PRESIDING JUDGE: [Microphone not activated] represent a good
19 picture of the injuries you suffered from this alleged
20 assault.

21 MR SAUTER:

22 Q. Mr Witness, which weapons were used to inflict these
23 injuries?

24 A. They had machetes, some had knives, some had axes in
25 their hands. Others had weapons.

26 Q. When you say weapons, which kind of weapons do you mean?

27 A. They had different types of infantry weapons, like AK-58,
28 some had AK-47s, some had SMGs. Firearms, exactly.

29 PRESIDING JUDGE: AK-48?

1 THE WITNESS: Yes, My Lord. AK-48, AK-47, SMGs and RPG
2 weapons. Then some had LMGs.

3 MR SAUTER:

4 Q. But I understood that this opportunity they did not use
5 firearms to inflict injuries on you?

6 A. No, no, no, no. They only use machetes on me.

7 Q. So now that you were seriously wounded, what else
8 happened?

9 A. They left me, saying I have died, and they went away. I
10 crawled and went behind my block, till I went down -- I
11 went across the street to an unfinished house where I hid
12 myself inside the house. I spent the night there.

13 Q. What did you do after the night had gone?

14 A. In the morning hours I was there till between the hours
15 of 2.00 to 2.30 p.m. I was thirsty and flies were
16 disturbing me. I started losing sight. I dragged myself
17 and went down the swamp to look for water.

18 Q. And could you find water?

19 A. Yes, fortunately, I met a water well like twice my hand,
20 but the water was deep down a little. I laid down flat,
21 because I couldn't sit up straight. I laid down flat and
22 stretched my left hand and scooped some water twice.

23 Q. After you had fetched water what happened?

24 A. During my third time to get a handful, after I'd drunk
25 it, that's when I started feeling a little bit conscious,
26 but immediately I lost consciousness and I went straight
27 into the water well. I went with my head and my head
28 went first. I was in the water well struggling.

29 Q. Could you manage to get out of the water well?

1 A. No, I struggled for some time and I couldn't up to the
2 hour of 5.00 p.m. About the hour of 5.00 p.m. I was
3 still in the water well struggling. That's when I saw
4 one of my friends who had run away the night when the
5 Kamajors came to kill me. God brought him and he stood
6 by the water well.

7 Q. Did he manage to rescue you from the well?

8 A. Yes, he struggled and caught me by the hand and drew me
9 out, out of the water well. My head and my chest had all
10 come out of the water well. He was trying to get me out
11 entirely when I was so surprised when I saw two Kamajors
12 who grabbed him from the back. They grabbed him and
13 pulled him as he turned towards them and he let go of my
14 hands and I went into the water well, and they took him
15 along.

16 Q. So you fell into the well again?

17 A. Yes.

18 Q. Who finally rescued you from the well?

19 A. It was the people from the Red Cross. Two Red Cross
20 white people and other blacks whom I just saw appear at
21 the water well. At that time I was a bit unconscious.
22 They took me out of the water well and said they were
23 taking me to the hospital. They took me to the hospital
24 again.

25 PRESIDING JUDGE: You said the Red Cross team was made of who?

26 THE WITNESS: I saw two Red Cross white people and other
27 blacks. They were all in Red Cross uniform.

28 PRESIDING JUDGE: And they took you to the hospital?

29 THE WITNESS: Yes, My Lord.

1 MR SAUTER:

2 Q. Had you been admitted to the hospital?

3 A. Yes. They took me to Ward 2 at the Bo Government
4 Hospital and there I was admitted.

5 Q. Did anything happen while you were in the hospital?

6 A. Yes. While I was in the hospital I lay there, therein.
7 After some days there was still firing going on and they
8 were transporting patients there continuously in the
9 hospital. And then one morning, a group of Kamajors
10 entered Ward 2 and they captured four boys whom they
11 accused to be juntas. They were dragged out of the
12 hospital. They were shouting while they took them out.

13 PRESIDING JUDGE: Were the boys in Ward 2 with you?

14 THE WITNESS: Yes, yes.

15 MR SAUTER:

16 Q. Do you know what they did to these boys?

17 A. Well, I don't know really what intention they had for
18 them, but they were told that they should not admit those
19 boys because they were juntas and so they should die.
20 Men were crying as they went along, they dragged them and
21 took them away. And by then there was nobody to
22 challenge them. The situation was out of control.

23 Q. Was this the only incident which happened while you were
24 in the hospital?

25 A. No. After the first group had gone, a few minutes later
26 another group came and captured other four boys again.
27 They took them away and they accused them of the same --
28 accused them that they were juntas. They took them out
29 again.

1 Q. Again, the same question; do you know what happened to
2 these four boys?

3 A. No. That second time when they were taken away I too
4 started feeling uneasy. People started taking their
5 patients out of the ward. We didn't know what they
6 really did to them, but they took them out of the
7 hospital.

8 Q. What about you, did you stay inside the hospital?

9 A. Yes, because the hospital was overcrowded by victims.
10 They brought in people and laid them on the ground. Many
11 had no caretakers and many had no parents and we didn't
12 know where they were taken from. So the whole hospital
13 was overcrowded with victims. I was still in the
14 hospital, because I had nobody to take care of me.

15 Q. Did anything happen to you personally while you were in
16 the hospital?

17 A. Yes, I lay in the hospital. When the third batch of
18 Kamajors came, when they entered they came and captured
19 the last man who was close to my bed. It was a black
20 young man. He had the drip in his arm. He said it was
21 the juntas that really shot him on the bed during the
22 time they were pulling out. He too was carried away and
23 that he was a junta.

24 Q. My question was if anything happened to you personally
25 while being in the hospital?

26 A. Yes, that time I lay down, I move from the first place, I
27 beg people to -- so they took me to the back of the
28 people where I lay in refuge. Therein God brought in one
29 nurse to me. The nurse entered and locked the door,

1 because people were crying there, because of the people
2 that were entering there. So she locked the door.

3 When she locked the door, that was the time when two
4 other Kamajors came. They had no means of entering, so
5 they went round and came by my side and stood by the
6 window where I lay. Therein one of the Kamajors holding
7 the knife in his hand and the other one with the weapon
8 G3.

9 The one with the knife, he pass his hands through
10 the steel window -- there were no glasses on the window.
11 He was trying to stab me on my stomach but the hand could
12 not reach me. So the hand really only got to the iron
13 bed where I was. The hand was not able to reach me, it
14 only stopped at the bed. He was struggling to stab me
15 and I saw him. I was not able to get up. I accept some
16 assistance from somebody. So I was not able to push
17 away. He struggled to stab me; he was not able. The
18 people by me were all shouting because everybody had
19 left.

20 Therein he called another Kamajor. He spoke to him
21 to make ready his weapon to fire me. The Kamajor was
22 struggling. He was fighting with the weapon but the
23 weapon could not really cock. That was in the afternoon.

24 They were struggling when we heard heavy firing from
25 the hospital gates. We saw people moving about, up and
26 down. That was the time when I saw the two Kamajors jump
27 from the veranda and all the people scattered and they
28 went away. After they had left --

29 Q. Okay, go on?

- 1 A. They ran away. Then I saw some young men with guns.
2 People said they were juntas that have come back, but the
3 way they were dressed, some had combat shirts and jean
4 trousers. They had young girls with them. These young
5 girls had black blouses on and jean trousers and armed
6 with weapons. Some wore combat trousers -- some of the
7 men. Then they had T shirts on. All of them came. They
8 held on the door and trying to force it to open, but the
9 door was locked. They asked whether there was any
10 Kamajor inside. Everybody replied that there was no
11 Kamajor, so they ask for them to be given entrance to
12 enter. The nurse didn't want to open and they said that
13 if they didn't open then all of us were to be termed
14 Kamajors, so the nurse opened the door and allowed them
15 in. After they have searched the room and they could not
16 see any Kamajor, they left. So they went about looting.
- 17 Q. What did they do?
- 18 A. I was there in bed -- the pharmacy for MSF, which was
19 between Wards 2 and 3 -- and from the window where I lay
20 was just few yards from the pharmacy.
- 21 Q. When you say MSF, what do you mean?
- 22 A. I mean Medecins Sans Frontieres.
- 23 PRESIDING JUDGE: What time do you have for your
24 examination-in-chief, please?
- 25 MR SAUTER: Another 10 minutes.
- 26 PRESIDING JUDGE: Another 10 minutes, okay. Please proceed.
- 27 MR SAUTER:
- 28 Q. So you said they looted the pharmacy?
- 29 A. Yes, they broke into the pharmacy and took away all the

1 medicines.

2 Q. And after that?

3 PRESIDING JUDGE: Who broke into the pharmacy and took away
4 all the medicines? Who?

5 THE WITNESS: The juntas that last came. They were the ones
6 that broke into the pharmacy and took away all the
7 medicines.

8 MR SAUTER:

9 Q. After that?

10 A. After that they went away. I was in the hospital until
11 when finally ECOMOG finally took over Bo Town. That was
12 the time I was transferred to Ward 3.

13 Q. Do you know when approximately this happened; when ECOMOG
14 came to Bo? How many days after the Kamajors came?

15 A. No, I will not be able to tell exactly because I was in
16 serious pain. All what I thought was about my life,
17 whether I was going to survive or not. So I cannot
18 really recollect. Only that at one time, when I was
19 awoken overnight, at about 3.00 a.m. in the morning, but
20 I cannot tell the day or the date. So my colleagues
21 police who were damaged who had people to care for them,
22 their wives came and they woke me up. They told me that
23 ECOMOG was finally there and I saw some soldiers in
24 combat uniform who introduce themselves that they were
25 Nigerians. So that gave me the confidence, then I
26 believed that it was ECOMOG. But I cannot really exactly
27 remember the date or the dates, but it was overnight that
28 they took over Bo.

29 Q. Thank you, Mr Witness. So after some time you were

1 released from hospital; that's right?

2 A. Yes, it was on the 26th of March 1998 when I was
3 discharged from the hospital and then referred me to
4 Kingtom Hospital in Freetown for further medical
5 treatment.

6 Q. Did you go to Kingtom Hospital in Freetown?

7 A. Well, I boarded a vehicle to bring me to Freetown for
8 medical treatment, but by then nobody could travel
9 without a pass from the Kamajors. So on the 28th, after
10 the police authorities have obtained the pass from the
11 Kamajors at Bo, together with my discharge card, then the
12 police also gave me their own pass which had an official
13 stamp for them to travel with me conveniently, but.

14 Q. So did all these documents enable you to go to Freetown?

15 A. Well, those documents were given to me for at least to be
16 conveyed to Freetown safely. So on the way coming,
17 together with my small brother who went to fetch me, when
18 we got to the Brigade Junction along the Freetown Road
19 from Bo, we met a checkpoint -- it was a Kamajor check
20 point and there were some Kamajors in their booths and
21 some by the checkpoints. That was on the 28th of March
22 1998. So they told the driver to park aside and asked
23 all the passengers to alight.

24 Those who went to inspect the vehicle asked me where
25 I was with so many plasters on my body, and I told them
26 that I was a police officer and I was a patient who has
27 been referred to Freetown for medical treatment. Therein
28 they ask me to alight, but my foot was broken and then I
29 had crutches. I told the man but he could not accept.

1 So I took my crutch and struggled to come down. It was a
2 red minibus.

3 Before I could touch the ground the Kamajor held on
4 my clothes and started to pull me. When I alighted the
5 vehicle he asked me for my pass and I presented three
6 documents to him. He looked at them, then he condemned
7 them that they were not authentic document, that they
8 were forged document, and he returned them to me. At
9 that time my younger brother was by me. He gave them
10 back to me and I put them in my pocket.

11 Those documents -- he gave me -- he ordered me to go
12 to the back for the two of them. One in front and one at
13 the back. So I took my crutches and started to walk
14 away. Then the other Kamajors, they came and held on my
15 brother and took him to the booths. They said he was a
16 collaborator.

17 Within that time, so many of them surrounded me,
18 about 30 of them, they said they were to kill me. Then
19 the men said that we should go to the booth. While I was
20 going -- we did not get to the booth. Therein the
21 Kamajor was in front, held on my shirt and pulled me so
22 that I could walk faster, and therein my leg was broken,
23 so I missed my steps and I fell down with the crutch. So
24 he continued to drag me until he took me at the back of
25 the booth. I was still crying. All the plasters were
26 removed. I went along shouting then he told the others
27 that they should bring the weapon to him. I saw the man
28 took the weapon -- the AK-47.

29 By then he had dragged me, he had taken me at the

1 back of the booth and at the back of that booth there is
2 a pit -- an open pit. As he took me close to this pit
3 and I saw two bodies lying in the pit. These bodies --
4 both of them were men but they were all stripped naked.
5 That gave me the cause so I held on his trousers. He
6 wanted to push me in the pit. The man with the weapon
7 was now coming running with the weapon. So I started
8 shouting, loudly, but God was on my side.

9 Immediately I saw two ECOMOG soldiers, one a
10 corporal and one a sergeant. They came -- the ECOMOG
11 came and intercepted. They asked the two men -- the two
12 Kamajors, "What did this man do" and they claimed that I
13 was a rebel commando.

14 Then the man said, "Could you allow this man to
15 explain himself", but they said no. But the other one
16 was really stressing to push me into this pit, but the
17 ECOMOG corporal cocked his weapon and said he would not
18 allow this man to die without explanation before they
19 could release me. Then the ECOMOG soldier asked me
20 whether I had any document pertaining to my job and whom
21 I was. Then I explained that I was a police officer who
22 was admitted, but they were taking me to Freetown for
23 further medical treatment.

24 Then he asked me whether I had any document for the
25 job and -- pertaining to the job and I said yes. Then I
26 took out the three documents and presented them. So the
27 man went through the three documents. Then he told the
28 Kamajors that this man -- that I have seen document with
29 this man showing that he was a police officer, why then

1 you want to kill him? Then they said that I had joined
2 the rebels and I was a commando. The man said then
3 before we could hand over his man for you to kill him I
4 want you to take this man to my boss, that was to the
5 ECOMOG commander, for questioning before they could do
6 anything.

7 From there, I told the man that my younger brother
8 was with them. So the other ECOMOG soldier went and took
9 my brother and brought him back to me. So they took all
10 of us, myself with my crutch, and went to the brigade
11 commander's compound and I explained.

12 When we went there, within the time of one hour,
13 about 60 Kamajors --

14 PRESIDING JUDGE: Wrap up this story, it's getting too long
15 now.

16 MR SAUTER: Shortly before coming to that.

17 Q. So you were brought before the commander?

18 A. Yes.

19 Q. [Overlapping speakers] decided that you could proceed to
20 Freetown; that's right?

21 A. From there the commander went through the documents and
22 he saw that the documents were true and correct and from
23 there he gave us an escort to bring us for medical
24 treatment.

25 Q. One final question. When you were in Bo Hospital did any
26 one of the big ones come to the hospital?

27 A. Yes, when I was transferred to Ward 3, after a week
28 therein Chief Hinga Norman came and visited us at the
29 hospital. He was with the Red Cross officers -- the two

1 white Red Cross officers, he was with the force ECOMOG
2 commander of Bo, he was with the principal medical
3 officer of the Bo Government Hospital.

4 Q. What did he say -- did he address the patients?

5 A. Yes. He talked to us that they have captured Tongo --
6 his troops have captured Tongo to Kenema, and now they
7 have finally captured Bo, and so they were now proceeding
8 to Freetown. He said he had gone and seen what had
9 happened in Bo Town, but we have to really bear up. That
10 is the result of war, either you die or you live and so
11 we have to be really bear up with the things. But what
12 he had to tell us is he would go all out to wipe out all
13 the bad elements from this country.

14 MR SAUTER: Thank you, that's all for this witness.

15 PRESIDING JUDGE: Learned counsel, I think we of course did
16 not expect that we would go on with the cross-examination
17 today. We shall be adjourning the proceedings and to
18 resume them tomorrow at 9.30 with the cross-examination
19 of this witness by the Defence team of the first accused
20 person.

21 Mr Witness, you will go home and still come back
22 here tomorrow for cross-examination by the Defence team.
23 The Prosecution has finished with you. The Defence team
24 will have to ask you certain questions on your testimony.

25 MR BOCKARIE: Yes, Your Honour, I'm just making inquiries sir.

26 I'm just inquiring --

27 PRESIDING JUDGE: Tomorrow is Wednesday, I'm sorry.

28 MR BOCKARIE: Yes, Your Honour.

29 PRESIDING JUDGE: But we are sitting in the morning.

1 MR BOCKARIE: Yes, Your Honour, I know.

2 PRESIDING JUDGE: Tomorrow at 9.30.

3 MR BOCKARIE: No, I just wanted to know we are sitting --

4 PRESIDING JUDGE: I'm sure we'll finish with the

5 cross-examination before it is one o'clock. I would

6 imagine so. Dr Jabbi?

7 MR JABBI: Yes, My Lord, I will be very brief.

8 PRESIDING JUDGE: You will be very brief. Mr Bockarie, I'm

9 sure you'll be very brief as well. There is nothing

10 really contentious here.

11 MR BOCKARIE: Yes.

12 PRESIDING JUDGE: Mr Williams, I'm sure you will, as usual, be

13 very brief.

14 MR WILLIAMS: Under one minute, My Lord.

15 PRESIDING JUDGE: Right, the Court will rise and we'll resume

16 tomorrow at 9.30. Good night.

17 [Whereupon the hearing adjourned at 5.37 p.m., to be

18 reconvened on Wednesday, the 24th day of November 2004,

19 at 9.30 p.m.]

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C E R T I F I C A T E

We Roni Kerekes and Ella K Drury, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Roni Kerekes

Ella K Drury