



Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

THURSDAY, 26 MAY 2005  
9.55 A.M.  
TRIAL

TRIAL CHAMBER I

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Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Sharelle Aitchison Ms Roza Salibekova
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Mohamed Bangura Mr Kevin Tavener Ms Bianca Suci u
For the Principal Defender:	No appearances
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Ibrahim Yillah
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Victor Koppe Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai. Mr Yada Williams Mr Ansu Lansana Mr Martin Michael

1 [HN260505A - CR]

2 [Thursday, 26 May 2005]

3 [Open session]

4 [Accused not present]

09:56:44 5 [Upon commencing at 9.55 a.m.]

6 PRESIDING JUDGE: Good morning, learned counsel. You're  
7 welcome to this session of the CDF trial. For those of you who  
8 have come from abroad, you are particularly welcome for having  
9 done thousands of kilometres to be able to come into this forum  
09:58:44 10 For those who have been waiting in the wings here with us in  
11 Freetown, you are also welcome. The separation has been quite  
12 long and we've missed you a lot. It is nice we are having you on  
13 board once more.

14 I just wanted to inform the assembly here, the Prosecution  
09:59:16 15 and the Defence of a development in Trial Chamber I. As you very  
16 well know, the position of Presiding Judges are rotatory. As you  
17 very well know, the first person to occupy this position in 2002  
18 when we came in was Honourable Justice Bankole Thompson, then I  
19 took over from him, so it was a Sierra Leonean judge who had to  
09:59:48 20 show us our way around Freetown and to introduce us into the  
21 Sierra Leonean society. I think he perfectly accomplished that  
22 position before he handed over to the Cameroonian expatriot to  
23 take over. I have done that.

24 Today, there is a further transition, because our Court has  
10:00:16 25 an international characterisation and structure. So it has moved  
26 from Sierra Leone to Cameroon and today it's moving to Canada.  
27 So under Article 12 of our statute we have unanimously designated  
28 Honourable Justice Boutet as the new Presiding Judge who takes  
29 over from me today.

1 Before I cede the chair, I would like to say how grateful I  
2 am to all the teams: the Prosecution and the Defence for the  
3 wonderful job that they have been doing and that they continue to  
4 do for the trial process to move according to plan. In fact, but  
10:01:17 5 for the dedication both of the Prosecution and Defence, we would  
6 not have got this far. You agree we have come a very long way  
7 from no witness to 61 in the CDF; from no witness to 34 in the  
8 RUF. It is indeed because of the wonderful job, their  
9 competence, the Prosecution and the Defence, their dedication and  
10:01:53 10 understanding that I have been able to achieve this with my  
11 colleagues in the time that we started these trials in June 2004.

12 Let me seek this opportunity to thank all of you very, very  
13 happily and to wish you all the best in the process of continuing  
14 to present your evidence before us. I would like to assure you  
10:02:19 15 that as a member of the panel I will continue to do my very best  
16 to ensure that we do the justice that we are here to administer  
17 in the interests of all.

18 I would like also to thank the entire staff: the  
19 interpreters, our legal staff, the stenographers, the guards who  
10:02:55 20 have been taking care of us for the past one year that I have  
21 been Presiding Judge of this Chamber. I would like them to know  
22 how useful and positively contributive they have been in the  
23 process that has taken us a very long way today and which is  
24 virtually taking us to the close, the completion of the case for  
10:03:15 25 the Prosecution in this particular trial.

26 Please accept my gratitude and accept my disposition to be  
27 available to you at all times that I am required to contribute my  
28 very best so that the mandate that was given to us by the United  
29 Nations and the government of Sierra Leone is fully fulfilled and

1 fulfilled satisfactorily as far as I am concerned, ensuring at  
2 all times that we stand for the principles of justice and nothing  
3 but the principles of justice, which we have all stood for all  
4 along.

10:04:12 5 I would like to inform you now we shall rise and come back  
6 into this Court properly constituted, following the decision by  
7 this Chamber this morning, in fact, since yesterday. So I,  
8 before rising, want to wish Honourable Justice Boutet success in  
9 his term of office that starts today as Presiding Judge of this  
10:04:38 10 Chamber. It is not easy. It has not been easy, but granted his  
11 experience and granted that he's lived through all the moments  
12 that have marked the history of the trials, there is no doubt  
13 that he's going to live up to the challenge and, in this, I wish  
14 him the very best and I do assure him of my cooperation, and to  
10:05:07 15 let him know that I'm available at all times to ensure that this  
16 mandate does even more than I have been able to do in my term of  
17 office. I thank you very much. The Court will now rise and  
18 we'll resume very shortly.

19 [Break taken at 10.04 a.m.]

10:10:58 20 [Upon resuming at 10.09 a.m.]

21 PRESIDING JUDGE: Good morning, everybody. Before we  
22 proceed to call the first witness this morning, let me express my  
23 sincere thanks and appreciation to my predecessor Justice Itoe  
24 and, certainly, I would like to thank him on behalf of the Bench  
10:12:14 25 for his leadership and for having taken us through this very  
26 challenging first year. He was the one presiding at the opening  
27 of this trial and as he has indicated this morning, we have now  
28 reached a stage where we are about to hear witness number 62,  
29 which is a great achievement in these difficult circumstances. I

1 wish to thank him very much for that and thank you for your  
2 leadership in this respect.

3 Justice Itoe, thank you for your cooperation and your  
4 assistance, and I hope I will get the same cooperation and  
10:12:50 5 assistance from all of you so we can move ahead and hope to see  
6 the end of this trial as far as the Trial Chamber is concerned,  
7 at least under my tenure of a year, which would take us until  
8 about May 2006. I hope this is not only wishful thinking, but  
9 that it is a goal that is achievable. Having said that, we will  
10:13:16 10 proceed this morning with Witness Number 62 and ask Court  
11 Management to please ensure that we can bring in the witness.

12 Mr Prosecutor, what is the language of the witness?

13 MR BANGURA: Your Honour, the witness will testify in  
14 English.

10:17:35 15 PRESIDING JUDGE: Would you please proceed to swear the  
16 witness.

17 WITNESS: TF2-079 [Sworn]

18 PRESIDING JUDGE: Please proceed.

19 EXAMINED BY MR BANGURA:

10:18:14 20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. Mr Witness, this morning I would be asking you questions  
23 which you will give answers to. I will urge you not to speak too  
24 fast when you give your answers because the answers you give are  
10:18:39 25 being recorded. I also ask you to speak fairly loud enough so  
26 you are heard.

27 JUDGE ITOE: What's the witness number of this witness,  
28 please?

29 MR BANGURA: Your Honour, it is TF2-079.

1 Q. Mr Witness, I will first ask you questions about yourself.

2 How old are you?

3 A. I am 46 years old.

4 PRESIDING JUDGE: His microphone is not open.

10:19:23 5 MR BANGURA:

6 Q. Can you press the red button?

7 A. I am 46 years old.

8 Q. Where were you born?

9 A. I was born in Bo, Karuka Chiefdom, Bo District.

10:19:36 10 Q. Where do you presently reside?

11 A. I'm residing at Kenema.

12 Q. How long have you been living in Kenema?

13 A. I have been there for nine years.

14 Q. Before living in Kenema, did you live anywhere else?

10:20:21 15 A. Yes, I've been living in Tongo.

16 Q. Are you married?

17 A. Yes, I am married with two children.

18 Q. Are you presently employed?

19 A. Yes, sir.

10:20:36 20 Q. Mr Witness, what languages do you speak?

21 A. I speak Mende, Krio and English.

22 Q. You are able to read and write English; is that correct?

23 A. Yes, sir, I can read and write English.

24 Q. Mr Witness, I will now take your mind to events that

10:21:14 25 occurred in this country sometime ago. First, let me ask you,

26 Mr Witness, are you a Kamajor?

27 A. Yes, sir, I'm a Kamajor.

28 Q. When did you become a Kamajor?

29 A. I became a Kamajor in 1993.

1 Q. Where were you when you became a Kamajor when you joined  
2 the Kamajors?

3 A. In Dodo Chiefdom.

4 Q. That's in?

10:21:51 5 A. In the Kenema District.

6 Q. By what process did you become a Kamajor?

7 A. I was recommended by the paramount chief of my chiefdom.

8 Q. On what basis were you recommended? You say you were  
9 recommended; on what basis? Why do you think you were

10:22:37 10 recommended?

11 A. Well, to join the Kamajor organisation.

12 Q. You were recommended to join the organisation?

13 A. Yes, sir.

14 Q. You were recommended by the elders in your chiefdom; is  
15 that what you said?

10:22:59

16 A. Yes, sir.

17 Q. To whom were you recommended?

18 A. To the defence committee of my chiefdom.

19 Q. At this time, was this the method by which persons who  
20 wanted to become Kamajors did become Kamajors, was this the  
21 process?

10:23:20

22 A. Yes, sir, that was the process.

23 Q. You mentioned earlier you were recommended. On what basis  
24 were persons recommended who had interest in becoming Kamajors?

10:23:45

25 A. Well, people with good characters.

26 Q. Now what motivated you to join the Kamajors, Mr Witness?

27 A. To defend myself from the RUF brutality and to prevent my  
28 community from being attacked by the RUF rebels.

29 Q. Now, you mentioned the RUF rebels. Who were they at this

1 time? What did you know about them?

2 A. Well, the RUF were a rebel group that were fighting to  
3 overthrow the government at that time. They were inflicting  
4 armed attack upon the people of this country, especially in the  
10:24:54 5 east.

6 Q. Mr Witness, as a Kamajor at that time, were you assigned to  
7 any particular duties?

8 A. Yes, sir. I was assigned to man the checkpoint in our own  
9 area.

10:25:15 10 Q. Who assigned this responsibility to you?

11 A. The defence committee.

12 Q. At this time, Mr Witness, were you working alongside any  
13 particular group; any particular force?

14 A. Yes, sir. At that time, we were working and fighting  
10:25:47 15 alongside the SLA, the national army.

16 Q. What was the rule of the SLA?

17 A. They were charged with the responsibility of defending the  
18 country. At that time, they were fighting against the RUF  
19 rebels.

10:26:09 20 Q. Mr Witness, are you able --

21 JUDGE ITOE: Learned counsel, don't you think you are going  
22 too fast?

23 MR BANGURA: Sorry, Your Honour. I will try to slow down.

24 Q. Mr Witness, are you able to tell this Court how the Kamajor  
10:26:39 25 organisation which you joined was structured at that time?

26 A. Yes, sir. At that time, there was -- can I go?

27 Q. Yes, I believe the witness is slowing down. You may speak,  
28 I believe.

29 A. At that time, there was an original umbrella organisation



1 known as the Eastern Region Defence Committee or ERECOM

2 PRESIDING JUDGE: Can you repeat that last term?

3 THE WITNESS: ERECOM, that's the acronym

4 MR BANGURA: Your Honours, it is E-R-E-C-O-M, ERECOM He  
10:27:39 5 says it's the Eastern Regional Defence Committee.

6 Q. Go on, please.

7 A. That was the umbrella organisation of the Kamajor movement  
8 of that region. There was also a chiefdom -- in the chiefdom  
9 there were defence committees. There was a body also known as

10 KENDECOM  
10:28:13

11 Q. Your Honours, KENDECOM is K-E-N-D-E-C-O-M

12 PRESIDING JUDGE: Which means?

13 THE WITNESS: Kenema District Defence Committee. They were  
14 set up for the paramount chief at that time.

15 MR BANGURA:  
10:28:50

16 Q. Mr Witness, this KENDECOM you just referred to, did you say  
17 it was a different body from ERECOM; is that what you're saying?

18 A. Yes, sir, that was the body where the paramount chief sits  
19 and makes decision.

20 Q. Paramount chief from the Kenema District; is that right?  
10:29:06

21 A. Yes, sir.

22 Q. Mr Witness, during the early part of your career as a  
23 Kamajor, that you were in the Kamajor movement, where were you  
24 based?

25 A. I was based in Dodo Chiefdom  
10:29:34

26 Q. Did you at any time play any role in any of these  
27 structures which you have just mentioned?

28 A. Yes, sir. Initially in my chiefdom set-up, I played a role  
29 in the executive.

1 Q. Mr Witness, do you recall the year 1996?

2 A. Yes, sir.

3 Q. Do you recall whether anything new happened to the Kamajor  
4 society -- the Kamajor organisation, as you call it -- in that  
10:30:43 5 year?

6 A. Yes, sir.

7 Q. What do you recall?

8 A. Are you referring to the 1996 year?

9 Q. Yes, Mr Witness.

10:31:05 10 A. The Kamajor organisation was now based on societal issues.

11 Q. When you say it was now based on societal issues, what do  
12 you mean?

13 A. One needs to be initiated. Good and well-behaved Kamajors  
14 were recommended to be in the defence committee and they got  
10:31:47 15 initiated into the Kamajor society.

16 Q. You just mentioned initiation by way of becoming a Kamajor  
17 in 1996. Who introduced this idea of initiation?

18 A. The idea of initiation was first heard of from Chief Hinga  
19 Norman when he went to Kenema and addressed a meeting. That was  
10:32:38 20 in 1996.

21 Q. Can you remember the month in 1996 that Hinga Norman went  
22 to Kenema?

23 A. In September 1996.

24 Q. Did you know Hinga Norman before this time, Mr Witness  
10:33:03 25 this?

26 A. I never knew him before that time. That was my first time  
27 of seeing him.

28 Q. At the time that he came to Kenema, do you remember whether  
29 he was holding any position anywhere?

1 A. Yes, sir. He was, at that time, the Minister of Internal  
2 Affairs and also the Deputy Defence Minister. That was when the  
3 SLPP came to power.

4 Q. You mean in the SLPP government?

10:33:53 5 A. Yes.

6 Q. Mr Witness, when Hinga Norman introduced the idea of  
7 initiation to you at that meeting in Kenema, what did he say  
8 about initiation?

9 A. He said by being initiated one would be protected from  
10:34:22 10 bombs and bullets from the enemies.

11 Q. Was the initiation process supposed to have any other  
12 benefit for Kamajors?

13 A. Yes, sir, once being initiated, according to him, all of us  
14 would belong to a societal group. The Kamajor organisation was  
10:34:59 15 now based on society.

16 Q. How was this idea received in Kenema?

17 A. The idea of initiation was overwhelmingly received by all  
18 Kamajors in that district.

19 Q. Were any arrangements made as to when initiations would  
10:35:36 20 start in Kenema?

21 A. The authorities -- yes, sir -- the authorities -- go over  
22 that question again.

23 Q. Were any arrangements made at that meeting as to when  
24 initiations would begin -- start in Kenema?

10:36:01 25 A. Yes, sir. After his return, he would send the initiation  
26 that would be based in Kenema; that is one late Mualemu Saddam  
27 Sheriff.

28 Q. I cannot get you there clearly, Mr Witness. Can you go  
29 over that answer again.

1           PRESIDING JUDGE: After his return; who are you talking  
2 about?

3           THE WITNESS: Chief Hinga Norman was addressing the  
4 gathering in Kenema about the initiation. The time was stated  
10:36:28 5 that when he returned, the initiation will -- the initiator will  
6 come -- will go and base in Kenema.

7           PRESIDING JUDGE: By return, you mean return back to  
8 Kenema, or return back to some other places? What do you mean by  
9 "after his return"; return where?

10:36:56 10           THE WITNESS: No, he was addressing this meeting in Kenema.  
11 He came from Bo.

12           PRESIDING JUDGE: But in your evidence, you say after his  
13 return, do you mean when he returned back to Kenema?

14           THE WITNESS: When he returned back to Bo, then he would  
10:37:11 15 send an initiator that would be based in Kenema and begins  
16 initiation.

17           MR BANGURA:

18 Q. Who was this person who was designated to start initiations  
19 in Kenema?

10:37:24 20 A. Mualemu Saddam Sheriff.

21 Q. Your Honours, Mualemu, M-U-A-L-E-M-U. Saddam, S-A-D-D-A-M  
22 Mr Witness, did initiations in fact start in Kenema?

23 A. Yes, sir. Initiations started when Mualemu Saddam Sheriff  
24 went to Kenema in September of that year.

10:38:22 25 Q. Did you yourself get initiated?

26 A. Yes, sir, I was initiated.

27 Q. Now, you earlier informed this Court that to become a  
28 Kamajor, you were recommended by authorities in your chiefdom and  
29 that was the case for others who wanted to become Kamajors at

1 that time. Now that initiation had been introduced, what was the  
2 process for persons who intended to become Kamajors? How did  
3 they become Kamajors at this stage?

10:39:13 4 A. It was the same procedure: one needed to be recommended by  
5 the authorities of his chiefdom and then the authorities would  
6 raise money and they pay for all those that were recommended to  
7 be initiated. That is good and well-behaved Kamajors; that was  
8 the same procedure.

10:39:55 9 Q. Mr Witness, was there time ever when persons got initiated  
10 who were not recommended by the chiefdom authorities?

11 A. Yes, sir, there was a time. A time came when whether they  
12 were recommended or not, once you have the money, you would be  
13 initiated by the initiator. That was in October of 1996. That  
14 was the time when that game begun, and --

10:40:28 15 Q. Why was this the case?

16 A. The initiator -- the initial initiator was killed in a gun  
17 battle between soldiers and Kamajors, that is Mualemu Saddam  
18 Sheriff and Kamoh Brima Bangura was elected to be the initiator.  
19 In October of that year, that is 1996, people were not  
10:41:01 20 recommended as before. So as long as we are having the money to  
21 pay them directly --

22 Q. Slow it a bit, Mr Witness. Yes, continue, please.

23 A. As long as we are having the money to pay the initiator  
24 directly, you will be initiated. Whether under a particular  
10:41:50 25 chiefdom or not, you would be good to go.

26 Q. Would you say, Mr Witness, at this particular time, there  
27 was no vetting of persons to ascertain their character before  
28 they became Kamajors?

29 A. No, sir.

1           PRESIDING JUDGE: No, meaning there was no vetting?

2           JUDGE THOMPSON: Yes, I want that clarified.

3           PRESIDING JUDGE: It is confusing.

4           JUDGE THOMPSON: No, meaning what?

10:42:27 5           PRESIDING JUDGE: No, there was, or no --

6           MR BANGURA:

7   Q.     Witness, I'm not saying overall, but at this time that you  
8   have testified there was the practice of people paying money  
9   directly to the initiator and becoming Kamajors through

10:42:45 10   initiation. I was asking you, does it mean there was no vetting  
11   at all of those persons who paid money directly to the initiator  
12   in terms of their character? There was no more vetting by  
13   chiefdom authorities; was that the case?

14   A.     They were not in fact asked whether they were coming from  
10:43:06 15   one chiefdom or not. Once they have the money, I mean, they go  
16   through.

17   Q.     Can you tell this Court whether this practice did have any  
18   effect on the society in terms of discipline?

19   A.     What sort of practice do you mean?

10:43:32 20   Q.     This new idea of Kamajors paying directly to the initiators  
21   and becoming Kamajors without recommendation?

22   A.     Was it having?

23   Q.     Did it have an effect on discipline among Kamajors?

24   A.     Yes, sir, discipline became a hard thing to do at that  
10:43:52 25   point.

26   Q.     Mr Witness, you have talked about a new system of  
27   initiation introduced by Mr Hinga Norman into the society. What  
28   did the Kamajor look like at this time? What did the society  
29   look like? You now had a new idea about initiation as against

1 what it was before.

2 A. Now, at this time, the Kamajor issue -- the organisation  
3 was now a national issue. The organisation was now being  
4 controlled by Chief Hinga Norman, being that he was the Minister  
10:44:55 5 of Internal Affairs and Deputy Minister of Defence. So it was  
6 now a national issue and the defence committee were slowly dying  
7 down.

8 Q. About this time, Mr Witness, were you deployed anywhere?

9 A. Yes, sir.

10:45:30 10 Q. Where?

11 A. I've now moved to Kenema to play a role in the executive of  
12 the district set-up.

13 Q. Mr Witness, do you recall the AFRC coup that took place in  
14 1997?

10:46:07 15 A. You mean the May 25 coup?

16 Q. Yes, Mr Witness?

17 A. Yes, sir.

18 Q. You recall that event?

19 A. Yes, sir.

10:46:21 20 Q. To your knowledge, Mr witness, what became the military  
21 situation in and around the country after this coup?

22 A. At that time, the SLPP government was overthrown by the  
23 SLA. The government went into exile in Guinea. The SLA formed a  
24 government and called that government the AFRC. They called the  
10:47:13 25 RUF rebels from the bush to join them, which they did.

26 Q. Yes, please.

27 A. And the Kamajors that were fighting in the interests of the  
28 ousted government now in exile in Guinea went underground; they  
29 went to the bushes.

1 Q. In effect, Mr Witness, the Kamajors were not able to  
2 function normally at this time; is that correct?

3 A. Yes, sir, we were not functioning as before. The Kamajors  
4 took to the bushes.

10:48:17 5 Q. Were Kamajors at any point after the coup able to assemble  
6 anywhere?

7 A. Yes, sir. After the coup there was an announcement made  
8 over the BBC radio programme known as Focus On Africa.

9 Q. What was the purport of that announcement?

10:48:59 10 A. That all Kamajors should assemble at Gendema in the Pujehun  
11 District.

12 Q. Gendema is J-E-N-D-E-M-A.

13 A. As that call was made by Eddie Massallay.

14 Q. Massallay is M-A-S-S-A-L-L-A-Y. Let me ask you,

10:49:43 15 Mr Witness, after the coup occurred, did you continue to stay in  
16 Kenema?

17 A. No, sir. We returned to our villages.

18 Q. In effect, you went to your chiefdom; is that correct?

19 A. Yes, sir.

10:50:09 20 Q. As a result of this call by Eddie Massallay, do you know  
21 whether, in fact, Kamajors assembled at Gendema?

22 A. Yes, sir. Kamajors were assembled at Gendema. We, in our  
23 own chiefdom, reacted by sending about 100 men with arms to  
24 converge at Gendema. That group was led by Orinko Musa.

10:51:17 25 Q. Mr Witness, apart from Gendema where, because of the call  
26 by Massallay Kamajors converged, do you know of any other parts  
27 of the country where Kamajors assembled after the coup?

28 A. Yes, sir. Of course, we that remained when those people  
29 left for Gendema, we deployed at Panguma, Dodo, Kangama Gorama,



1 Falawandor.

2 MR BANGURA: Your Honours, I will go through the spellings  
3 separately. Panguma is P-A-N-G-U-M-A; Dodo is D-O-D-O; Kangama  
4 is K-A-N-G-A-M-A; Gorama is G-O-R-A-M-A. Kangama Gorama is one  
10:52:26 5 word, one name. Falawandor is F-A-L-A-W-A-N-D-O-R.

6 Q. Mr Witness, can you describe the situation in your area at  
7 this time? You sent some of your men to Gendema where there was  
8 a call for them to assemble, but you had also, in your area,  
9 converged at certain points. Can you describe what was the  
10:53:11 10 situation in your area about this time?

11 A. Yes, sir. At that time the civilians around the chiefdom  
12 in nearby chiefdoms have moved down to Dodo to seek refuge. The  
13 Kamajors then converged at Dodo.

14 Q. Dodo Chiefdom is just next to Lower Bambara Chiefdom; is  
10:54:15 15 that correct?

16 A. Yes.

17 Q. Your Honours, Lower Bambara is B-A-M-B-A-R-A. And the town  
18 of Tongo is in Lower Bambara Chiefdom; is that correct?

19 A. Yes, sir.

10:54:29 20 Q. Can you tell this Court what was the situation in Tongo at  
21 that time?

22 A. Yes, sir.

23 Q. Yes, please go on.

24 A. The AFRC have occupied Tongo --

10:54:56 25 Q. They had occupied Tongo?

26 A. Tongo.

27 Q. Right.

28 A. They were mining diamonds and the junta, AFRC and RUF were  
29 using Tongo as a base to attack other neighbouring chiefdoms in

1 that area.

2 Q. Mr Witness, just for the purposes of clarity, you were  
3 based in Panguma and Dodo at this time; is that correct?

4 A. Yes, sir.

10:55:47 5 Q. How far is the distance from Tongo to Panguma first?

6 A. It's approximately five miles.

7 Q. What about the distance between Tongo and Dodo?

8 A. It's likely about 10 miles.

9 Q. You have just said that Kamajors were using -- sorry, not  
10:56:36 10 Kamajors, the AFRC were using Tongo as a base to launch attacks  
11 on your positions. Were there in fact clashes between the  
12 Kamajors and the junta forces and the AFRC?

13 A. Yes, sir, there were clashes between -- go over that again,  
14 sir.

10:57:00 15 Q. Were there in fact clashes between the two forces. You  
16 said that the AFRC were in Tongo, they were based in Tongo.

17 A. Correct.

18 Q. And they were using Tongo as a base to attack your  
19 positions; is that correct?

10:57:13 20 A. Yes, sir.

21 Q. My question is were there any clashes between your group  
22 and the AFRC?

23 A. Yes, sir, there were several clashes in places like Talama,  
24 Panguma, Dodo, Falawandor and Kangama.

10:57:56 25 Q. Did Kamajors try to take Tongo back at this point at all?

26 A. Yes, sir.

27 Q. Were you at this stage successful at all?

28 A. No, sir, it was difficult.

29 Q. Can you describe how this situation which you've just

1 explained affected civilian lives in that area about this time?

2 A. Yes, sir. Civilians, of course were in a state of dilemma;  
3 they didn't know where to belong, whether to the AFRC side or the  
4 Kamajor side.

10:59:01 5 MR BANGURA: Your Honour, I notice this witness has his  
6 hand up.

7 PRESIDING JUDGE: Yes, Mr Witness.

8 THE WITNESS: I want to ease myself.

9 PRESIDING JUDGE: Very well. The Court will adjourn for  
10:59:11 10 five minutes.

11 [Break taken at 10.57 a.m.]

12 [HN260505B- JM]

13 [On resuming at 11.09 a.m.]

14 PRESIDING JUDGE: Yes.

11:09:44 15 MR BANGURA: Thank you, Your Honour.

16 Q. Mr Witness, you have mentioned earlier that there were  
17 clashes between the Kamajors and the AFRC forces. How were the  
18 Kamajors able to get arms and ammunition at this time? How were  
19 you able to fight these encounters?

11:10:15 20 A. Before the coup, we were having our shotgun rifles,  
21 machetes, and the AK rifles we got from the -- out of fighting  
22 with the RUF rebels and also out of the fighting between the  
23 Kamajors and the SLA in Kenema. So all these rifles were with us  
24 when we took to the bushes. For the shotgun rifles, it was the  
11:11:05 25 civilian that they were raising money to afford us shotgun  
26 cartridges.

27 Q. Apart from these stock of arms which you had from various  
28 sources, did you, while you were now facing attacks from the  
29 junta in your area, did you get any further supply of arms at all

1 from any source?

2 A. Yes, sir. The Kamajors who went to Gendema returned later  
3 on with a good quantity of arms and ammunitions, including RPG  
4 bombs, mortars, tear-gas canisters, AK-47, G-3, 60-millimetre  
11:12:16 5 mortars and bombs. That was the additional arms and ammunition  
6 we got when these men returned from Gendema as they said  
7 Chief Norman has given us these ammunitions to continue fighting.

8 Q. So they indicated that -- told you that Norman, Hinga  
9 Norman, gave them these weapons, these arms and ammunition, for  
11:12:52 10 your area, for the Kamajors in your area. Is that correct?

11 A. Yes, sir.

12 Q. Apart from the weapons, arms and ammunition, that were  
13 brought by these -- your colleagues, did you receive any message  
14 at all from Gendema?

11:13:14 15 A. Yes, sir. These guys who returned told us in a meeting  
16 that Chief Norman has given us these arms and ammunition, only  
17 that all those chiefs who are not in favour of the Kamajors  
18 should be killed.

19 Q. When you say "all those chiefs" --

11:13:47 20 A. Chiefs who are not in support of the Kamajors should be  
21 killed.

22 Q. -- you mean the local-authority chiefs?

23 A. The local authorities.

24 Q. Okay, thank you.

11:13:58 25 A. And that civilian collaborators, those who are sympathising  
26 with the AFRC/RUF rebel should also be killed. And the paramount  
27 chiefs who are not in favour of the Kamajors should also be  
28 killed and that --

29 JUDGE THOMPSON: Could the witness just slow down a bit.

1 MR BANGURA: I was just going to do that.

2 Q. Mr Witness, could you just slow down, please, and take it  
3 one after the other.

4 JUDGE THOMPSON: I am at "collaborators."

11:14:39 5 MR BANGURA:

6 Q. Can you take it back from the "collaborators." You said  
7 that Hinga Norman had sent a message about what to do with  
8 civilians known to be collaborators.

9 A. Civilian collaborators should also be killed or treated as  
11:14:58 10 enemies.

11 Q. Yes, Mr Witness.

12 A. And that after retaking power from -- after taking power  
13 from the --

14 JUDGE ITOE: What of the paramount chiefs? There was a  
11:15:28 15 mention of paramount chiefs as well.

16 MR BANGURA:

17 Q. Mr Witness, you had also mentioned paramount chiefs.

18 A. Paramount chiefs who were not in support of the Kamajors  
19 but are sympathising with the AFRC/RUF should also be killed.

11:15:45 20 Q. Mr Witness --

21 JUDGE ITOE: Please wait.

22 MR BANGURA:

23 Q. Mr Witness, this is just for clarification and tidiness.

24 You earlier said "chiefs" were to be killed who were not in  
11:16:25 25 support of the Kamajors, and then later you said paramount  
26 chiefs.

27 JUDGE THOMPSON: He said local authority chiefs.

28 MR BANGURA: Local authority chiefs.

29 JUDGE THOMPSON: So they are distinct from --

1 MR BANGURA: I was just seeking that clarification from  
2 hi m

3 Q. Are we talking about two different set of chiefs when you  
4 also mentioned paramount chiefs? Are there two different types  
11:16:49 5 of chiefs that you're talking about?

6 A. Yes, sir. You have the town chief. Those are the local  
7 chiefs in suburban communities.

8 Q. Thank you. Mr Witness, you were going to say something  
9 else actually before I asked for the clarification about chiefs.  
11:17:14 10 Did you get any further message? Were you told anything else?

11 A. Yes. In addition to all what I have said was that if we  
12 fight hard and liberate the countries -- this country, we will  
13 rule it for three years before handing it over to the Kabbah  
14 administration.

11:17:46 15 Q. Mr Witness, what would you say was the attitude of the  
16 Kamajors towards civilians about this time, having regard to  
17 these orders which Hinga Norman -- this message which had been  
18 passed on to you from Hinga Norman? What was the attitude of  
19 Kamajors towards civilians?

11:18:23 20 A. Well, after getting all this message, civilians that were  
21 suspected of being collaborating with the RUF/AFRC, especially  
22 those living in the same town, in Tongo, with the AFRC when  
23 caught were being killed.

24 Q. Are there any particular examples that you know of?

11:19:00 25 A. Yes, sir. There was a lad that was travelling from Tongo  
26 to Panguma.

27 Q. Did you say a lad?

28 A. A lad, a boy, a small boy.

29 Q. Yes, please.

1 A. He was travelling on foot from Tongo to Panguma. He was  
2 caught by Kamajors and was butchered because he was coming from a  
3 rebel-held territory.

4 Q. Did you yourself witness this incident?

11:19:57 5 A. Yes, sir.

6 Q. Any other examples?

7 A. Yes, sir. Around Tongo, the vicinity of Tongo, palm wine  
8 tappers were also killed because they were living in the same  
9 area with the RUF, Tongo.

11:20:40 10 MR BANGURA: Your Honours, palm wine tappers,  
11 T-A-P-P-E-R-S.

12 PRESIDING JUDGE: This is palm wine tappers, yes, sir.

13 MR BANGURA:

14 Q. Did you witness any of these incidents?

11:21:05 15 A. About the tappers, I got first-hand information from the  
16 commanders that were patrolling. It was only the lad, the issue  
17 of the lad wherein the lad was killed that I witnessed.

18 Q. Mr Witness, you said also that Hinga Norman had given  
19 orders that chiefs, paramount chiefs, who were not in support of  
11:21:57 20 Kamajors were to be killed. Do you know of any particular  
21 instance in which these orders were carried out?

22 A. Yes, sir.

23 Q. The killing of the paramount chief at that time of Dama  
24 Chiefdom, Chief Dassama.

11:22:18 25 MR BANGURA: Dama is D-A-M-A, Your Honours, and Dassama,  
26 D-A-S-S-A-M-A. That's the name of the chief, Dassama.

27 THE WITNESS: Paramount chief.

28 MR BANGURA:

29 Q. How did you come to know about the killing of this

1 paramount chief?

2 A. That was said by those people who returned from Gendema.

3 The hundred people we sent to Gendema to reinforce

4 Eddie Massallay's group. They returned with those messages and

11:23:11 5 instructions or orders.

6 Q. Mr Witness, did you at any time leave your area to go

7 anywhere else in this period?

8 A. Yes, sir.

9 JUDGE THOMPSON: Can you clarify this: Did he say -- about

11:23:34 10 the killing of Paramount Chief Dassama from those hundred people

11 whom they had sent to --

12 MR BANGURA: Gendema.

13 JUDGE THOMPSON: Gendema? That's what he said?

14 MR BANGURA: Yes, Your Honour.

11:23:49 15 JUDGE THOMPSON: Right. Thank you.

16 MR BANGURA:

17 Q. Mr Witness, you just answered that you at some point left

18 your area to go somewhere. Where did you go to?

19 A. We left our area for Base Zero, Talia Yawbeko.

11:24:11 20 Q. When was this?

21 A. That was in November 1997.

22 Q. What was the purpose of this trip to Talia?

23 A. We were going to request more arms and ammunitions from

24 Chief Norman as the supply we had was drastically reduced.

11:24:45 25 Q. Can you describe the composition of the force that -- the

26 group that went to Base Zero?

27 A. It was about 100 men -- about 100 Kamajors that were led by

28 Orinko, Musa Junisa. And I was also part of that group.

29 MR BANGURA: Your Honours, Junisa is J-U-N-I-S-A,



1 Musa Junisa.

2 Q. How did you travel to Base Zero?

3 A. We travelled on foot through some carefully selected routes  
4 bypassing RUF/AFRC-held positions.

11:25:57 5 Q. And how long did this journey last?

6 A. That journey lasted for four days.

7 Q. Now, before you left your area, what was the situation  
8 regarding -- what was the security situation there by the time  
9 you left? You were going to seek arms -- more arms. But what

11:26:26 10 was the situation as you left?

11 A. Well, out of the hit-and-run skirmishes, we were able to  
12 besiege Tongo, and we left it like that. And then we went away.

13 Q. Please tell us what happened at Base Zero when you arrived.  
14 Who did you find there?

11:27:34 15 A. When we arrived at Base Zero at night, we went to a house  
16 where they said Hinga Norman was lodging. He was not there, but  
17 Moinina Fofana received us. He received us warmly after  
18 introducing ourselves to him.

19 Q. Did he say anything about Hinga Norman --

11:28:05 20 A. Yes, sir. He told us Hinga Norman has gone to Liberia, and  
21 he's in charge whenever Chief Norman is away. Thereafter, we  
22 told him the purpose of our visit, and then we hand him over a  
23 written situation report from Tongo and the environs from where  
24 we were coming from.

11:28:45 25 Q. Mr Witness, you will have to slow down a bit.

26 A. Okay.

27 PRESIDING JUDGE: Just go back slightly. You told Fofana  
28 the purpose of your visit to Base Zero?

29 THE WITNESS: Yes, sir.

1 MR BANGURA:

2 Q. Take it from there. Take it back.

3 A. He was the one we met, Moinina Fofana. We told him the  
4 purpose of our visit. Of course, he received us in good faith,  
11:29:35 5 and we handed him over a written situation report from the area  
6 we're coming from.

7 Q. You mean you handed over to him?

8 A. Yes, sir.

9 Q. A written situation report?

11:30:07 10 A. Yes, sir.

11 Q. Now, Mr Witness, before this time, had you met Moinina  
12 Fofana before at all?

13 A. No, sir. That was my first time of meeting with him.

14 Q. Did Moinina Fofana introduce you to anybody else?

11:30:37 15 A. Yes, sir. The next morning, he took us to Allieu Kondewa  
16 and introduced us to -- he introduced us to him, and he also  
17 received us in good faith. From there, we returned to where we  
18 stayed for the night.

19 Q. You say you were introduced to Allieu Kondewa. What was he  
11:31:15 20 introduced to you as?

21 A. In turn, he was also introduced to us as the chief of all  
22 the initiators, the high priest. He is the chief of all the  
23 initiators in Sierra Leone.

24 Q. And was this your first time of meeting Allieu Kondewa as  
11:31:37 25 well?

26 A. Yes, sir. That was my first time of meeting him.

27 Q. Did Hinga Norman eventually come?

28 A. Yes, sir. He returned after two days from Liberia. He was  
29 brought by helicopter.

1 Q. Did you meet with him when he came?

2 A. Yes, sir. We met with him that evening. We introduced  
3 ourselves and told him the purpose of our visit, and when Fofana  
4 brought the situation report.

11:32:39 5 Q. Now, this situation report which you are talking about, who  
6 prepared it?

7 A. I prepared it.

8 Q. Where did you prepare it?

9 A. In our chiefdom.

11:32:55 10 Q. What was the intention behind preparation of this report?  
11 Why did you prepare it?

12 A. To inform Chief Norman about the way the war is being  
13 pursued by us in our area.

14 MR BANGURA: Your Honours, at this time I would like to  
11:33:33 15 show the witness a copy of that report. Copies have been made  
16 available to my colleagues on the other side, and I believe for  
17 the Bench as well.

18 PRESIDING JUDGE: Very well.

19 Mr Walker.

11:34:37 20 Do you want to show it to the witness for identification  
21 and then tender it as an exhibit? What's the purpose of --

22 MR BANGURA: Your Honour, it's for purposes of tendering as  
23 an exhibit.

24 PRESIDING JUDGE: That's fine.

11:34:50 25 MR BANGURA:

26 Q. Mr Witness, is this the document that you just referred to  
27 just now as the situation report that you prepared?

28 A. Yes, sir. This one dated 16th November 1997.

29 Q. Mr Witness, I would just like to refer you to --

1 JUDGE THOMPSON: Just a minute, just a minute. He says he  
2 sees a document here which he recognises to be a report --

3 MR BANGURA: A situation report which he prepared.

4 JUDGE THOMPSON: -- which he prepared.

11:35:34 5 MR BANGURA: Yes.

6 JUDGE THOMPSON: Did he give the date of preparation?

7 MR BANGURA: Yes, Your Honour.

8 Q. Mr Witness, this document was prepared on what date?

9 A. On the 16th of November 1997.

11:35:49 10 MR BANGURA: 1997, Your Honour. It actually has a date,  
11 but he says it was prepared on that date.

12 JUDGE THOMPSON: It's not yet in evidence.

13 Go ahead, counsel.

14 MR BANGURA: Thank you.

11:36:01 15 Q. Mr Witness, I would like you to turn to -- the pages are  
16 not numbered, but I would like you to turn to the fifth page of  
17 that document.

18 PRESIDING JUDGE: This document has --

19 JUDGE THOMPSON: Can you try and see if we can establish a  
11:36:27 20 little more of the foundation. If you're going to tender it, and  
21 the document, I reckon, when it is tendered in evidence, it  
22 speaks for itself, of course without prejudice to whether you  
23 want to examine on some aspects of it. But wouldn't we know  
24 whether he signed it and if we can just have the foundation  
11:36:52 25 properly established, because it is his -- he's the author of it.

26 MR BANGURA: Yes, Your Honour. I appreciate that. I'll go  
27 even further into laying foundation, Your Honour.

28 PRESIDING JUDGE: Before we do, if I may, Mr Prosecutor, on  
29 the Defence side, have you received a copy of the document in

1 question? You do have a copy.

2 MR YILLAH: We have, Your Honour.

3 PRESIDING JUDGE: Leafing through that, I see some  
4 signature. I know the witness has not been identified by name

11:37:21 5 but by pseudonym. So I don't know if he is identified or not in  
6 this document.

7 MR BANGURA: He is, Your Honour.

8 PRESIDING JUDGE: Presumably if you are going to tender  
9 this document as an exhibit, you would like these portions not to

11:37:41 10 be exhibited publicly.

11 MR BANGURA: Certainly, Your Honour. Certainly.

12 PRESIDING JUDGE: Anyhow, carry on, please.

13 MR BANGURA:

14 Q. Mr Witness, you've already told this Court that you

11:37:51 15 prepared this document yourself, and it was for the purpose of  
16 informing Hinga Norman about the situation in your area as far as  
17 the war was concerned. Is that correct?

18 A. Yes, sir.

19 Q. Did you sign the document?

11:38:11 20 A. Yes, sir.

21 PRESIDING JUDGE: Where is your signature?

22 MR BANGURA:

23 Q. Now, if you just count the pages, can you tell us on what  
24 page your signature is?

11:38:21 25 A. On the second-to-last page.

26 MR BANGURA: Your Honours, I do not particularly wish to go  
27 into what position he signed as.

28 JUDGE THOMPSON: [Microphone not activated] protective  
29 measures. Be careful. That's all I needed.

1 MR BANGURA: Thank you.

2 JUDGE THOMPSON: My Learned Brothers may have their own  
3 request.

4 JUDGE ITOE: If you look at page 2, it's the same  
11:38:52 5 signatories as the second-to-last. Is that right?

6 MR BANGURA: Yes, Your Honour.

7 Q. Mr Witness, is it your signature also that we have on page  
8 2?

9 A. Yes, sir.

11:39:05 10 Q. Okay, thank you.

11 PRESIDING JUDGE: So the way it looks to me, the first two  
12 pages seem to be a covering note, and the report itself is what  
13 is appended to that.

14 MR BANGURA: That's my reading of it, Your Honour.

11:39:24 15 PRESIDING JUDGE: Okay.

16 MR BANGURA: Your Honour, at this point in time, I would  
17 wish to tender this document as an exhibit.

18 PRESIDING JUDGE: Any comments from the Defence, the first  
19 accused.

11:39:40 20 MR YILLAH: My Lord, we're not particularly objecting to  
21 the document coming in as evidence. We would just wish to sound  
22 a note of caution here that we, just for the future, that we were  
23 only served this morning with this exhibit. But in future, if my  
24 learned friends would try to comply with their disclosure  
11:39:57 25 obligations and the order of the Court.

26 PRESIDING JUDGE: Thank you. Second accused?

27 MR KOPPE: We have no objection, Your Honour.

28 MR LANSANA: My Lord, in principle, no objection, only that  
29 for purposes of cross-examination, maybe there will be some

1 issues here that we want to raise with the witness. So I tow my  
2 friend's line that we have earlier disclosures.

3 PRESIDING JUDGE: Thank you. Mr Prosecutor, I hope you  
4 have noted the comments.

11:40:27 5 MR BANGURA: Your Honour, the comments are well noted,  
6 except I need to mention that the document falls within the list  
7 of exhibits which this had Court had ordered Prosecution to file  
8 with the Court, I mean documents which the Prosecution intended  
9 to use as exhibits in this Court. And that --

11:40:45 10 PRESIDING JUDGE: In other words, you're saying it has been  
11 filed with the Court before yesterday?

12 MR BANGURA: Yes. What I'm saying is it falls within that  
13 list of exhibits which had been filed with the Court.  
14 Your Honour, this must be months ago.

11:41:00 15 PRESIDING JUDGE: That's what I mean. It was not yesterday  
16 but months ago.

17 MR BANGURA: I take the point that I would need to ahead  
18 of --

19 PRESIDING JUDGE: Maybe just remind them --

11:41:09 20 MR BANGURA: -- just indicate.

21 PRESIDING JUDGE: Thank you.

22 Mr Walker, where are we in the exhibit numbers?

23 MR WALKER: This would be Exhibit 86, Your Honour.

24 PRESIDING JUDGE: This document described as a situation  
11:41:30 25 report with covering note is marked as Exhibit 86.

26 [Exhibit No. 86 was admitted]

27 PRESIDING JUDGE: And for the record, any information on  
28 the document that would identify the witness is not to be  
29 disclosed publicly. It would be under seal.

1 MR BANGURA: Thank you, Your Honour.

2 Q. Mr Witness, I would like you to turn to what will be page 5  
3 of this document.

4 PRESIDING JUDGE: Mr Prosecutor, you say page 5. The  
11:42:19 5 numbers on top of the page --

6 MR BANGURA: They are not, Your Honours. What would be  
7 page 5. They are not numbered actually, but if we count --

8 PRESIDING JUDGE: But there's Court Management numbers  
9 stamped on the top of these pages.

11:42:26 10 MR BANGURA: It would be 0003724. 0003724.

11 PRESIDING JUDGE: Thank you.

12 JUDGE ITOE: Mr Prosecutor, of these three signatures,  
13 which is which? Which is his?

14 MR BANGURA: Your Honours --

11:42:52 15 JUDGE ITOE: It would certainly not be available to -- we  
16 need to know which is his.

17 MR BANGURA: I believe it's the one -- the first signature  
18 after the conclusion.

19 PRESIDING JUDGE: If you look at the 0003721 --

11:43:13 20 MR BANGURA: It would be the first signature.

21 PRESIDING JUDGE: The one that's on top of the number.

22 MR BANGURA: Yes.

23 JUDGE ITOE: Can you show him, please. Let him confirm  
24 this. Show him Exhibit 86.

11:43:46 25 THE WITNESS: Your Honour, just below "faithfully yours,"  
26 you have a name and then you have the signature.

27 JUDGE ITOE: Okay.

28 THE WITNESS: After "I remain," you have the name, and then  
29 the signature.



1           PRESIDING JUDGE: When you say this, Mr Witness, you're  
2 looking at page 3727?

3           THE WITNESS: Yes, sir.

4           PRESIDING JUDGE: It's the signature looking at the  
11:44:17 5 right-hand side of the page.

6           THE WITNESS: Yes, sir.

7           PRESIDING JUDGE: Okay, thank you.

8           Carry on.

9           MR BANGURA:

11:45:31 10 Q. Yes, Mr Witness, I was referring you to the page marked  
11 0003724.

12 A. I've seen that one.

13 Q. All right. And I wish to refer you to the paragraph  
14 numbered 6 on that page.

11:45:48 15 A. Yes, sir.

16 Q. Which has the heading "the capture of one AFRC agent."

17 A. Yes, sir.

18           MR BANGURA: Your Honours, with your leave, I just wish to  
19 read that paragraph and then put some questions to the witness.

11:46:10 20 Q. Witness, you say in that paragraph: "On the 9th November  
21 1997, the patrol commander of Panguma Ops CO Siaka Lahai and  
22 eight of his Kamajor militia men patrolled a vast area into  
23 Gboegiana village. These Kamajors were armed with assault rifles  
24 and one RPG launcher. They entered that village without  
11:46:43 25 incident. Thereupon, one junta agent was captured. This agent  
26 was in possession of a large number of AFRC market-due tickets.  
27 After the captured agent, Robert Ndanema, accepted complicity  
28 with the AFRC/RUF rebels, he was eventually given summary  
29 execution."

1 Mr Witness, when you mention "summary execution" in that  
2 report, that portion that I've just read, you did not yourself  
3 witness it. Is that correct?

4 A. Yes, sir. The report was given to me by the commander of  
11:47:35 5 that group, CO Siaka Lahai.

6 Q. Can you describe generally how you got the information that  
7 you included in this report, generally, not just in respect of  
8 that one incident.

9 A. Each time we fought a battle, a situation report would be  
11:48:33 10 compiled by various commanders, and then we send them to Musa  
11 Junisa and -- Musa Junisa. And then we produced a written report  
12 of how those battles were fought.

13 Q. Mr Witness, in effect, this was not the first report that  
14 you had written describing the situation in the war in that area.  
11:49:17 15 Is that correct?

16 A. Yes, sir.

17 Q. Can you tell this Court about any other situation report,  
18 as you call it, that you had written before this? I'm saying  
19 before this time, is there any other report that you had written,  
11:49:51 20 a situation report?

21 A. Yes, sir. If only I could see it, then I would be able to  
22 justify --

23 Q. Okay.

24 A. -- that one.

11:50:08 25 Q. You cannot remember offhand a particular report. Is that  
26 what you're saying?

27 A. Not at all.

28 Q. Thank you. Mr Witness, you mentioned in that report the  
29 incident of the execution, summary execution of an AFRC/RUF

1 agent. Were there any reports of similar incidents at that time  
2 in that area?

3 A. Yes, sir. Initially, I mentioned about the boy that was  
4 killed in Panguma for leaving rebel-held area and travelling  
11:50:46 5 towards the Dodo area, the lad I referred to earlier. And the  
6 palm wine tappers that were captured in the immediate vicinity of  
7 Tongo was also killed. And of course, this market-due collector.

8 Q. You do not recall any other similar incidents at this time?

9 A. Not at all.

11:51:19 10 Q. Thank you. Mr Witness, when you got to Base Zero, you were  
11 at -- you gave this report. I take it -- did Hinga Norman read  
12 the report?

13 A. Yes, sir.

14 MR YILLAH: My Lords, I'm sorry to interrupt. I am not  
11:51:43 15 intending so with a view to frustrating my friend's effort. The  
16 evidence that I was following was that when the witness and  
17 others arrived at Base Zero, the first accused was not there. So  
18 I do not understand --

19 PRESIDING JUDGE: But the accused came back later; he met  
11:52:01 20 with the first accused. That's his evidence.

21 MR YILLAH: I take the point, My Lord. Because in the  
22 absence of what you had said, I found it very difficult to  
23 connect the two --

24 PRESIDING JUDGE: At least in my notes, my recollection --

11:52:20 25 JUDGE ITOE: He came back with a helicopter two days after  
26 they had arrived.

27 MR YILLAH: Thank you, My Lord.

28 JUDGE ITOE: And they met him

29 MR BANGURA: Thank you, Your Honours.

1           PRESIDING JUDGE: Proceed, please.

2           MR BANGURA:

3           Q.     Mr Witness, I was just saying you handed this report to  
4           Hinga Norman, and did he say anything after you had handed it to  
11:52:46 5           him?

6           A.     Yes, sir. He suggested that the three of us should remain  
7           and let the bulk of the other group return with another senior  
8           commander.

9           Q.     I was actually asking whether any comments were made about  
11:53:08 10           the report that you had prepared which you gave to Hinga Norman.

11          A.     Except that he said we have tried a lot, but that we should  
12          not leave that area open to enemies and then coming with that  
13          huge number of people. So let the bulk of the group return with  
14          the ammunitions that was available at that time and let them go  
11:53:40 15          and keep the area strong.

16          Q.     Mr Witness, you would have to go over some of that again.  
17          You've gone too fast. What did Hinga Norman say? Take it rather  
18          slowly, please.

19          A.     He commended us for our effort.

11:54:10 20          Q.     Yes, please.

21          A.     And suggested that a good number of that group should  
22          return and let there remain only a few people to await  
23          ammunitions when they are available.

24          Q.     So how many people -- based on this suggestion from Hinga  
11:55:02 25          Norman, how many people stayed behind at Base Zero?

26          A.     Seven people in all stayed. Five of our boys, Orinko, and  
27          I also was a part of the group that remained.

28          Q.     Mr Witness, let us talk generally about what was happening  
29          at Base Zero at the time when you got there. Can you tell this

1 Court what you observed, what was going on at Base Zero.

2 A. Yes, sir. Training, military training for Kamajors was  
3 going on at Base Zero. Initiation was also going on. And  
4 logistical arrangements were made and the provision of food and  
11:56:20 5 logistics for Kamajors in areas where they were deployed. Those  
6 are the kind of arrangements that was going on as far as I know.

7 Q. If I get you rightly, the latter part of your last answer,  
8 what arrangements were being made to provide logistics?

9 A. Food and fighting logistics.

11:56:48 10 Q. To Kamajors?

11 A. Deployed in areas we have liberated.

12 Q. Okay. Mr Witness, who did you find at Base Zero? Who were  
13 the people that you found there?

14 A. Prominent people were there. That includes, of course,  
11:57:20 15 Hinga Norman, Moinina Fofana, Allieu Kondewa were there. Can I  
16 go ahead?

17 Q. Yes.

18 A. And there were other prominent people like Alhaji Daramy  
19 Rogers, Chief Charlie Caulker, Mr Kombe Kajue.

11:58:02 20 MR BANGURA: Your Honours, Kombe Kajue is K-O-M-B-E, I  
21 think it's hyphenated, double name, hyphen, K-A-J-U-E. Compound  
22 name.

23 THE WITNESS: Chief Tucker, Chief Quee, Mr Konneh from Bo  
24 was there. And many more, of course.

11:58:52 25 MR BANGURA:

26 Q. How long were you at Base Zero, Mr Witness?

27 A. I was there for slightly about two months.

28 Q. During that period, were you assigned to any particular  
29 duties?

1 A. No, sir, I was not assigned to specific duties.

2 Q. Did you take part in any operations that were going on  
3 there at the time?

4 A. No, sir.

11:59:22 5 Q. Did you take part in the planning of any operations at the  
6 time?

7 A. Except for a meeting -- I participated in one meeting that  
8 was held in Walihun II.

9 Q. Where was this meeting held?

12:00:03 10 A. Walihun II

11 MR BANGURA: Your Honours, Walihun is W-A-L-I-H-U-N.

12 JUDGE ITOE: Walihun.

13 MR BANGURA: Walihun II, as in Roman 2, I believe.

14 Q. Mr Witness, when you say Walihun II, is this a particular  
12:00:34 15 place where the meeting was held?

16 A. Yes, sir. Walihun II was the second cleared portion of the  
17 three portions -- separate portions that were cleared for holding  
18 meetings, a kind of meeting place.

19 Q. Are you saying that -- you said the second of three cleared  
12:01:07 20 places.

21 A. Separately.

22 Q. Separate. Can you give the Court a better understanding of  
23 what you mean? By Walihun II, you say it's the second of three  
24 clear places?

12:01:18 25 A. In the bushes around Base Zero --

26 Q. In short, Mr Witness, what does "Walihun" mean?

27 A. Walihun in Mende language means cleared portion in the  
28 forest or bush wherein people sit and organise things.

29 Q. To your knowledge, there were a number of Walihuns at Base

1 Zero. Is that correct?

2 A. Yes, sir.

3 Q. How many of them?

4 A. Three separate Walihuns.

12:02:03 5 Q. And how did you refer to them?

6 A. As Walihun I, II, and III.

7 Q. Did the numbering of these Walihuns, I, II, and III, have  
8 anything to do with the kind of meetings that were held in these  
9 locations?

12:02:36 10 A. Yes, sir. The numbers determined the -- how serious the  
11 meeting is, how secret. I mean, the secrecy of the meeting. If  
12 it is -- it was an open meeting, I mean, it would take place in  
13 either Walihun II or III. If it was so secretive, then it would  
14 take place in Walihun I.

12:03:06 15 Q. And who would be the persons attending a meeting in  
16 Walihun I?

17 A. Chief Norman, Allieu Kondewa, Moinina Fofana, and top  
18 commanders whom they suggest to attend.

19 Q. And you attended a meeting in Walihun II, you said. Is  
12:03:36 20 that correct?

21 A. Yes, sir.

22 Q. That meeting was attended by who else?

23 A. You mean in Walihun II?

24 Q. Yes.

12:03:51 25 A. Moinina Fofana was there.

26 Q. Can you lift up your voice a little, please.

27 A. Moinina Fofana was there.

28 Q. Yes.

29 A. And most of the commanders were there.

1 Q. What was discussed at this meeting?

2 A. It was recommended by Chief Norman that a deputy should be  
3 elected to deputise Moinina Fofana. The director of war should  
4 at this stage be deputised by somebody that is literate.

12:04:47 5 Q. And was somebody elected at that meeting in the Walihun II  
6 meeting that you attended?

7 A. Yes, sir. Somebody was unanimously elected.

8 Q. Who was that person?

9 A. That was Mohamed Orinko Musa. He was literate and was  
12:05:23 10 elected to deputise the director of war, Moinina Fofana.

11 JUDGE ITOE: What's the name again?

12 MR BANGURA: Mohamed Orinko Musa, O-R-I-N-C-O. I have seen  
13 it spelled K-O as well. There's no consistency in spelling.

14 Q. Now, talking about the director of war, Mr Witness, what  
12:06:09 15 were the functions of the director of war as far as you know at  
16 Base Zero?

17 A. Well, to what I observed, the duty of a director of war was  
18 to plan a war; two, he received frontline report from commanders  
19 and pass it on to the national coordinator, Hinga Norman.

12:06:57 20 MR BOCKARIE: Your Honour, I would like clarification in  
21 this regard. I mean, is he highlighting the functions of the  
22 office of the director of war according to his own perception or  
23 what really happened at Base Zero?

24 PRESIDING JUDGE: Well, we'll see.

12:07:14 25 MR BANGURA: If I should be of help, I believe the witness  
26 prefaced the answer by saying "from what I know." I'm not so  
27 sure of the exact phrase that he used. He's speaking from what  
28 he observed.

29 PRESIDING JUDGE: Perhaps you can clarify these issues.



1 You know the concern that has been expressed.

2 MR BANGURA:

3 Q. Mr Witness, the question was what did you understand the  
4 functions of the director of war to be, and you were giving your  
12:07:45 5 answer. Now, is this answer that you were giving, what is it  
6 based on? Is it based on your personal knowledge of what was  
7 happening there at the time?

8 A. It was what exactly was happening there at that time.

9 Q. Thank you.

12:07:57 10 A. And he deputised the national coordinator, Hinga Norman,  
11 because from the initial stage when we arrived there, he told us  
12 whenever Hinga Norman is not here, I will be controlling here. I  
13 deputise.

14 Can I just --

12:08:30 15 MR BANGURA: Your Honours, I see the witness's hand up  
16 again. I'm not so sure what.

17 PRESIDING JUDGE: Yes, Mr Witness. What is your request?

18 THE WITNESS: I'm requesting to get permission to ease  
19 myself.

12:08:43 20 PRESIDING JUDGE: Thank you.

21 Court will adjourn, five minutes.

22 [Recess taken at 12.07 p.m.]

23 [HN260505C - EKD]

24 [Upon resuming at 12.18 p.m.]

12:19:03 25 PRESIDING JUDGE: Can we proceed now.

26 MR BANGURA: Yes, Your Honour, thank you.

27 PRESIDING JUDGE: Please do so.

28 MR BANGURA:

29 Q. Mr Witness, just before that short break you were telling

1 this Court about the functions of the Director of War as you  
2 found them to be at Base Zero. Can you just go over that again?

3 A. Yes, sir. He deputised Chief Norman; he received frontline  
4 reports from commanders and pass it on to Chief Norman; he  
12:19:48 5 provide logistics --

6 PRESIDING JUDGE: Slow, please.

7 MR BANGURA:

8 Q. Mr Witness, take it slowly.

9 A. Okay.

12:20:10 10 Q. Yes, continue, please.

11 A. He provides logistics, when being requested for, for  
12 various front lines; he was instructing the Director of Logistics  
13 to make available the supply requested for -- being approved by  
14 him to commanders. And when I mention about logistics, that  
12:21:15 15 includes both fighting and social logistics.

16 Q. What are social logistics?

17 A. That includes morale boosters like cigarettes, tobacco  
18 leafs, alcohol, et cetera.

19 Q. Mr Witness, while at Base Zero, looking at all these  
12:21:52 20 functions which you said the Director of War performed, what kind  
21 of authority would you say that he had then at Base Zero?

22 A. He was having a wide authority. Because even from the  
23 reports that was being made by the BBC reporter we are having in  
24 our midst, Prince Brima.

12:22:34 25 Q. Yes, you were saying that even from those reports that you  
26 had?

27 A. That a BBC reporter, Prince Brima, was reporting about over  
28 BBC radio.

29 Q. What about those reports?

1 A. Reports from various front lines. Like in one report  
2 Prince Brima was broadcasting over radio BBC, reporting, he was  
3 frequently quoting according to -- for instance, like, according  
4 to the Director of War, Moinina Fofana, Kamajors have captured  
12:23:30 5 Sewafe bridge and they are moving towards Bo Town. He was  
6 frequently being quoted by a BBC reporter.

7 Q. And to you, Mr Witness, this was an indication of the  
8 amount of authority he had --

9 A. Yes, sir.

12:23:59 10 Q. -- at Base Zero; is that correct?

11 A. Yes, sir.

12 Q. And when you say frequently, can you tell this Court number  
13 of times you can remember him being quoted as such, if you can  
14 put a number to it?

12:24:21 15 A. It was plenty. That was on many occasion. Because Prince  
16 Brima broadcasted reports plenty times with regards the successes  
17 made by Kamajors.

18 Q. You earlier mentioned that you were introduced to  
19 Allieu Kondewa as a High Priest. What were his functions at Base  
12:25:03 20 Zero as far as you knew?

21 A. He was the High Priest. That is, he was the head of all  
22 the initiators in the CDF Sierra Leone organisation, and he was  
23 initiating when we got to Base Zero. He also provide logistics.  
24 He requested for and provided logistics for commanders with  
12:25:51 25 fighting groups -- commanders of fighting groups of his own  
26 choice.

27 Q. When you say "commanders of fighting groups of his own  
28 choice," are there any particular groups or any particular  
29 commander that comes to mind?

1 A. Yes, sir.

2 Q. Yes?

3 A. Of course the Vanjawai group was there and the Death Squad.

4 Q. Are you saying that he provided logistics to Vanjawai's  
12:26:25 5 group?

6 A. Yes, sir, he requested for.

7 Q. And he did the same for the Death Squad?

8 A. Yes, sir.

9 Q. And that these were favoured groups of his?

12:26:48 10 A. Yes, sir.

11 Q. Thank you. Mr Witness, do you recall that there was a War  
12 Council at Base Zero?

13 A. Yes, sir, there was a War Council at Base Zero.

14 Q. Were you there when this body was formed?

12:27:19 15 A. Yes, sir.

16 Q. Do you know who were the members of that group?

17 A. Yes, sir. Chief Quee of Njaiama, Alhaji Daramy Rogers,  
18 Mr Kombe Kajue, PC Charlie Caulker --

19 Q. Don't go so fast, Mr Witness.

12:27:58 20 A. I'm sorry.

21 PRESIDING JUDGE: After Rogers what's the next name?

22 MR BANGURA: Kombe Kajue, it's a compound name. Kombe,  
23 K-O-M-B-E; Kajue, K-A-J-U-E.

24 Q. Please continue.

12:28:18 25 PRESIDING JUDGE: And you had Caulker?

26 THE WITNESS: Chief Charlie Caulker.

27 MR BANGURA: C-A-U-L-K-E-R.

28 Q. Yes, Mr Witness?

29 A. Mr Kanneh was there, Mr Kanneh.

1 Q. What's his first name?

2 A. We used to call him Mr Kanneh. We call him Mr Kanneh.  
3 He's a teacher in Bo.

4 Q. Okay.

12:29:02 5 A. And Mr Kandeh G Samai was there.

6 Q. K-A-N-D-E-H, G is a middle name initial and Samai is  
7 S-A-M-A-I. Yes, please?

8 A. And --

9 Q. Is that [Overlapping speakers] Moinina Fofana?

12:29:38 10 A. And many more, many more. That includes Chief Vandí Soka.

11 Q. Vandí Soka, Chief Vandí Soka.

12 A. Vandí Soka.

13 Q. V-A-N-D-I S-O-K-A. Is that all you can remember for now?

14 A. Yes, sir.

12:30:00 15 Q. Mr Witness, what was this War Council formed for? What was  
16 the purpose for which it was formed, if you remember? You say  
17 you were there when it was formed.

18 A. They were giving advice to the National Coordinator  
19 whenever he was getting annoyed with the pace at which things  
12:30:33 20 were going.

21 Q. Are you saying that it was formed for that purpose?

22 A. It was an advisory group -- body.

23 Q. Did that body do anything else as far as you remember?

24 A. Well, I saw them function halfheartedly at that time. By  
12:31:19 25 that I mean they can advise on certain issue. For instance came  
26 to a time when Kamajors were seen misbehaving. They advise those  
27 Kamajors.

28 Q. They advised?

29 A. The Kamajors that were misbehaving. But it all fell on

1 deaf ears; they did not abide by that advice. They made laws and  
2 those laws were being -- they were flouted by the High Priest  
3 and -- the High Priest, the National Coordinator and even the  
4 Director of War.

12:32:35 5 Q. Can you give an example of a situation where the War  
6 Council made laws and, as you say, those laws were flouted by  
7 these people?

8 A. Yeah, at one point in time they made laws pertaining to how  
9 the Kamajors should put up good behaviours, but the next morning  
12:32:55 10 they were seen pelting the War Council members with stones. They  
11 were even throwing stones on them

12 Q. Who? Let's get it straight. You said that they made laws  
13 at one time --

14 A. Yeah, pertaining to the Kamajors to put up good behaviours.

12:33:17 15 Q. Yes. And then?

16 A. The next morning they were seen pelting the War Council  
17 members with stones.

18 Q. Who were pelting the War Council members with stones?

19 A. A good number of Kamajors.

12:33:35 20 Q. And how does this link up with Fofana, Kondewa and Norman,  
21 because you said they were flouting laws?

22 A. Yeah, I heard -- that morning I heard the High Priest  
23 saying that those Pas have stolen the footwear -- the properties  
24 of Kamajors and they were singing their names, going right round  
12:34:09 25 the town that morning.

26 Q. Can you be clearer with what you're saying, Mr Witness?

27 PRESIDING JUDGE: I am totally confused now. We are  
28 talking about pelting stones and now we are in -- is it the same  
29 thing we are talking about?

1 MR BANGURA: I am not so sure, I need to get him --

2 Q. Mr Witness, let us just take it from where we were, about  
3 laws which were flouted. Is that clear?

4 A. Yes, sir.

12:34:45 5 Q. And I asked you to give a specific instance of a situation  
6 where laws were made by the council and those laws were flouted  
7 by Norman, Fofana and Kondewa as you say?

8 A. Yes.

9 Q. Now, you have said that in one instance when laws had been  
12:35:03 10 made, the next day Kamajors were seen pelting stones. I want you  
11 to take it from there and be very clear about what you wanted to  
12 say about pelting stones.

13 A. Kamajors were pelting the War Council members with stones.

14 Q. And the question I asked you from there is how did that  
12:35:30 15 relate to Hinga Norman and Fofana and Kondewa?

16 A. In the case of the High Priest, Allieu Kondewa, he was  
17 boasting by saying that "I will let those boys molest those  
18 people" in Mende. And then we are standing close to the court  
19 barri house in the town.

12:36:01 20 Q. Did he give a reason for saying that?

21 A. He said those are all -- that council is a fake one, they  
22 are just there to complicate matters, and -- can I go ahead?

23 Q. You also mentioned something about shoes; it was not very  
24 clear.

12:36:46 25 A. It was alleged at Base Zero that the shoes and uniform  
26 brought by Hinga Norman for the Kamajors to use on the day when  
27 they were passing out, because there was training going on at  
28 Base Zero, military training. So those properties have got  
29 missing. So the blame was casted upon the War Council members.

1 Q. Who cast this blame on the War Council members?

2 A. Kondewa.

3 Q. Was the War Council at all responsible for discipline as  
4 far as you know?

12:37:48 5 A. The laws referred to was based on how Kamajors should be  
6 disciplined, and that was not abide by at all. For instance,  
7 there were persistent complaints about the Death Squad that was  
8 coming in.

9 Q. What did those complaints indicate?

12:38:28 10 A. Complaints were coming in, were reaching -- were reaching  
11 Hinga Norman, Moinina Fofana and Kondewa, including the War  
12 Council members, that the Death Squad are killing people for  
13 their diamonds, they are looting properties around that Bumpé --

14 PRESIDING JUDGE: Slowly, slowly, please.

12:39:03 15 MR BANGURA:

16 Q. Can you slow down, please. That they were killing people  
17 for diamonds, you say?

18 A. Diamonds.

19 Q. And they were looting property?

12:39:10 20 A. Someone was killed for his diamond.

21 Q. And you said this report came to --

22 A. The attention of the War Council and the National  
23 Coordinator, the Director of War and the High Priest.

24 Q. And was anything done at all when this report was received?

12:39:42 25 A. These guys --

26 Q. When you say "these guys" who are you referring to?

27 A. The Death Squad - I'm referring to the Death Squad - were  
28 called upon, and at a point where they were --

29 Q. Who called upon them?



1 A. The War Council authorities. They call them and they  
2 presented that case to them. The guys --

3 PRESIDING JUDGE: Who presented the case to them?

4 MR BANGURA: The War Council.

12:40:25 5 THE WITNESS: The War Council chairman, Chief Quee of  
6 Njaiama. The chairman of that council was Chief Quee.

7 PRESIDING JUDGE: And he presented that report to?

8 THE WITNESS: Yes, the allegation he made was put across to  
9 the Death Squad.

12:40:48 10 MR BANGURA:

11 Q. And did anything happen after this report had been --  
12 delegation had been put to them?

13 A. Yes, sir. They denied it and instantly the High Priest was  
14 seen interrupting the whole matter and the guy -- the Death Squad  
15 Kamajors went unpunished. And the next day they were sent again  
16 on patrol around the same area.

12:41:13 17 Q. In effect, you're saying as a result of the intervention of  
18 the High Priest the War Council was not able to do its work  
19 regarding that allegation; is that right?

12:41:54 20 A. No, sir. Yes, sir, it's correct. Of course, then it was  
21 from that point that they started getting frustrated.

22 Q. Who started getting frustrated?

23 A. The War Council.

24 Q. And how do you know this?

12:42:11 25 A. Well, they were grumbling. I heard even Mr RP Kombe Kajue  
26 accusing Chief Norman of his indirect way of swearing to God. He  
27 said he's tired of hearing about that.

28 Q. We're not so clear about what you're saying, Mr Witness.

29 A. I'm referring to -- the question was how did I know about

1 this, the War Council members -- authorities were getting  
2 frustrated.

3 Q. Yes.

12:42:58

4 A. And I said I heard Mr RP Kombe Kajue grumbling, you know,  
5 and unto a point when he made a statement that he has -- he is  
6 even tired of paying attention to Chief Norman's method of  
7 swearing to God. And --

8 Q. What did he have to say about his method of swearing to  
9 God?

12:43:30

10 A. He swear to God for one thing and the next time you see  
11 him, you know, doing what he has sworned for. That was what  
12 Pa Kajue told me. And, of course, Mr Kanneh was there. He also  
13 was saying that had it not been for the intensification of the  
14 war, he would have returned to Bo. That was the way I noticed  
15 that they were frustrated.

12:44:17

16 Q. Mr Witness, do you recall an operation called Black  
17 December?

18 A. Yes, sir.

19 Q. Were you at Base Zero when this operation was planned?

12:44:40

20 A. Yes, sir.

21 Q. Can you tell this Court who initiated the idea of the Black  
22 December, as far as you know?

23 A. The Black December Operation was initiated by the National  
24 Coordinator, Chief Norman. Yeah, he initiated that one.

12:45:12

25 Q. How did you come to know about this operation yourself?

26 A. That was in a meeting that he said about that, that the  
27 operation is going to be like this.

28 Q. Can you just be a little bit slower, please. Yes, go on,  
29 just not too fast.

1 A. All supply routes to the RUF is going to be cut off.

2 Q. Yes?

3 A. Felling trees on major roads as well as feeder roads, power  
4 source were provided for that. And bridges were to be  
12:46:14 5 dismantled, and that the -- can I go?

6 Q. Yes, just slowly. Go on, please.

7 A. I have mentioned about bridges to be dismantled. And that  
8 the operation is going to take place simultaneously. All RUF  
9 held areas are going to be attacked on the same time -- at the  
12:46:54 10 same time. And collaborators --

11 Q. Yes?

12 A. Civilians, the police who were collaborators to the  
13 AFRC/RUF are to be treated like common enemies. And that houses  
14 being occupied by juntas -- junta forces in all the towns or  
12:47:47 15 wherever these guys are occupying houses, when they are being  
16 removed -- fought against by Kamajors and been removed, Kamajors  
17 should occupy all those places. And vehicles belonging to the  
18 RUF collaborators --

19 Q. Slow it a bit, please.

12:48:11 20 A. Okay.

21 Q. Yes?

22 A. Properties, including vehicles belonging to the RUF, AFRC  
23 and collaborators should be owned by Kamajors.

24 Q. When you say "should be owned by Kamajors," what do you --

12:49:02 25 A. Should be owned and used by Kamajors. They should make  
26 full use of it.

27 Q. Mr Witness, you mentioned earlier that collaborators and  
28 persons who worked with the junta, you said, should be treated as  
29 the enemy. What did you understand from that statement, to be

1 treated as the enemy?

2 A. Reference to what the hundred people that were sent to  
3 Gendema came and reported back. They mention that collaborators  
4 should be killed. So again this -- when we went to Base Zero  
12:50:05 5 again, for Black December, when he said collaborators should be  
6 treated like enemies or common enemies, it's just like killing  
7 them or doing whatever thing that comes to mind. It depend on  
8 whatever perception.

9 PRESIDING JUDGE: That was your understanding?

12:50:26 10 THE WITNESS: Yes, that is.

11 PRESIDING JUDGE: So the words that you used is that you  
12 should treat them as common enemies?

13 THE WITNESS: Yeah.

14 PRESIDING JUDGE: You understood that to mean what you have  
12:50:38 15 just described?

16 THE WITNESS: Yes, people understood it differently in all  
17 the major towns, Kamajors.

18 PRESIDING JUDGE: Yes, okay.

19 MR BANGURA:

12:50:46 20 Q. Mr Witness, you talked about this meeting in which the  
21 Black December Operation -- the idea of Black December was  
22 discussed -- was explained to you by Hinga Norman. Who was at  
23 this meeting?

24 A. The War Council authorities were there. The War Council  
12:51:07 25 authorities whom I have just named, they were there. I was  
26 there, of course; Orinko was there; Nallo -- the tall fellow  
27 called Nallo, he was the southern commander, he was there; and  
28 many people, including some other people else that returned from  
29 Tongo that came to request for more arms and ammunition. That

1 group was headed by one Vandi Songo.

2 Q. Was it only Hinga Norman who spoke at that meeting?

3 A. Yeah, he began the talking and later on it was supported by  
4 the Director of War. And the High Priest was -- the High Priest  
12:52:16 5 also followed suit.

6 Q. Apart from this meeting, Mr Witness, do you know of any  
7 other meeting held by Hinga Norman in pursuit of this Black  
8 December Operation?

9 A. Yes, sir, there was another meeting held in one of the  
12:52:42 10 Walihuns.

11 Q. Walihuns is the word he used before.

12 A. Of which most of the commanders were there.

13 Q. Were you present at that meeting?

14 A. I was there.

12:53:02 15 Q. Sorry?

16 A. I was there.

17 JUDGE ITOE: In which Walihun? Which one?

18 MR BANGURA:

19 Q. Which of the Walihuns?

12:53:14 20 A. It was in Walihun II.

21 Q. And who else was there again, at this Walihun II meeting?

22 A. Those people I have named. The War Council -- some of the  
23 War Council authorities were there. Nallo, Orinko, KG Samai.  
24 Some other guys have died, like Ngobea, and many more.

12:53:41 25 Q. For clarification, Mr Witness, you talked about the first  
26 time that Hinga Norman discussed the idea of the Black December  
27 Operation; you said it was in a meeting. And I asked you, after  
28 that, whether there was any other meeting. So you have  
29 identified that there was a second meeting. Now, the first

1 meeting in which this idea was discussed, what kind of meeting  
2 was it?

3 A. It was just an informal one. It was just in a gathering.  
4 That is, waiting for the commanders to come and he is going to  
12:54:20 5 declare Black December Operation. And that was -- he was  
6 interviewed through the BBC radio.

7 Q. Come on, Mr Witness. You said this first meeting was an  
8 informal one.

9 A. Yes, sir.

12:54:43 10 Q. And then you talked of a second one. Now you talk about  
11 Hinga Norman being interviewed on radio.

12 A. Yes, sir.

13 Q. Is that a separate --

14 A. Yes.

12:54:51 15 Q. -- incident you want to talk about?

16 A. Yes, sir.

17 Q. So you are saying he was interviewed on BBC radio?

18 A. Yes, sir.

19 Q. When was this?

12:55:04 20 A. During the time when this Black December Operation was  
21 about -- when he thought of it.

22 Q. And what was the subject of that interview as far as you  
23 know?

24 A. It was all about Black December Operation, that he is  
12:55:25 25 declaring Black December Operation and a kind of all out war on  
26 the RUF and the AFRC and their collaborators. And that gave a  
27 kind of publicity to wherever Kamajors were.

28 Q. Did you yourself listen to that interview?

29 A. Yes, sir. He did that through the satellite phone we had

1 at Base Zero.

2 Q. Mr Witness, during the discussions for the Black December  
3 Operation, was anything discussed regarding the situation in  
4 Tongo?

12:56:18 5 A. Yes, sir. One was about the collaborators -- civilian  
6 collaborators. And whosoever is found collaborating with the  
7 junta should forfeit his or her properties, killed, and not even  
8 to mention the common enemy, the RUF and AFRC.

9 PRESIDING JUDGE: That was about Tongo?

12:56:53 10 MR BANGURA: Tongo, yes, Your Honour.

11 THE WITNESS: Yes.

12 MR BANGURA:

13 Q. Was it in the same meeting, in these two meetings that  
14 we've talked about, that Tongo was discussed?

12:57:10 15 A. In the Walihun II meeting.

16 Q. And were any specific orders given regarding Tongo?

17 A. Yes, sir.

18 Q. What were those orders?

19 A. Gravels extracted by the AFRC, RUF, since they were engaged  
12:57:28 20 in serious mining, that those gravels should be washed by we, the  
21 Kamajors, and the proceeds should be brought to them -- to  
22 himself, the National Coordinator. And properties of the junta  
23 and collaborators should be used by us. Just the same decision  
24 that was -- it was just the same like Black December orders.

12:58:24 25 Q. At this time, Mr Witness, were you privy -- did you have  
26 any opportunity of knowing what the situation was in Tongo at  
27 this time that this meeting was held and you were discussing what  
28 to do about Tongo? Had you got any information about what the  
29 situation was in Tongo?

1 A. Yes, sir. By then another group followed me. They also  
2 came in search -- they also came to request for arms and  
3 ammunition. That was -- that group was led by Vandi Songo, one  
4 Mohamed Kineh -- CO Mohamed Kineh, Conteh, and --

12:59:14 5 Q. Vandi Songo, V-A-N-D-I S-O-N-G-O, Your Honours. Mohamed?

6 A. Kineh.

7 Q. Kineh, K-I-N-E-H, Your Honours.

8 A. Late CO Mambu.

9 Q. Mambu is M-A-M-B-U, Your Honours. And what was the general  
12:59:50 10 picture that they gave you about the situation in Tongo?

11 A. That the situation around at the area where they were  
12 deployed, Wiima, neighbouring Wiima -- Wiima is a town not too  
13 far away from Tongo.

14 Q. Your Honours, Wiima is W-I-I-M-A.

13:00:10 15 A. That they have been seriously hitted [sic] by the  
16 helicopter gunship that were being used by the AFRC/RUF and they  
17 have all gone into disarray.

18 PRESIDING JUDGE: Mr Prosecutor, are we moving to a sort of  
19 different area now? It is one o'clock.

13:00:41 20 MR BANGURA: We are actually moving to Tongo as we speak.

21 PRESIDING JUDGE: Then it might be a good time to pause for  
22 lunch, because if we are to embark upon that we may move for more  
23 than a few minutes.

24 MR BANGURA: I take the point, Your Honour.

13:00:55 25 PRESIDING JUDGE: So the Court will adjourn until 2.30 p.m.  
26 this afternoon. Thank you.

27 [Luncheon recess taken at 1.00 p.m.]

28 [HN260505D-SGH]

29 [On resuming at 2.45 p.m.]



1           PRESIDING JUDGE: Yes, Mr Prosecutor.

2           MR BANGURA:

3   Q.    Good afternoon, Mr Witness.

4   A.    Good afternoon, sir.

14:47:08 5   Q.    Just before the lunch break, Mr Witness, you were  
6   describing to this Court the situation in Tongo just about the  
7   time that Black December Operation was being planned at Base  
8   Zero. Would you like to again go over the situation as it was in  
9   Tongo?

14:47:26 10 A.    Go over that question again, sir.

11   Q.    What was the situation in Tongo at this time? You talked  
12   about a meeting at Base Zero in which Tongo was discussed; is  
13   that not so?

14   A.    Yes, sir.

14:47:54 15   Q.    And I had asked you, at this point in time did you have any  
16   information about the situation around Tongo, in Tongo?

17   A.    Yes, sir.

18   Q.    Can you tell this Court what the situation was in Tongo at  
19   this time?

14:48:21 20   A.    Yes, please. By then I was in Base Zero when a group of  
21   Kamajors left Tongo area, including Vandi Songo, CO Kineh. Can I  
22   go?

23   Q.    I believe we had those names before the break.

24           PRESIDING JUDGE: Yes, we did.

14:48:38 25           MR BANGURA:

26   Q.    What was the report that they brought back to Base Zero  
27   about Tongo?

28   A.    That the helicopter gunship used by the AFRC had  
29   attacked their own position at Wiima and that they are all in

1 disarray and they have run short of ammunitions that is why  
2 they have gone to Base Zero to get more supplies.

3 Q. Were these supplies provided?

14:50:10 4 A. Yes, sir. That was the same supplies that I was awaiting  
5 for and I was given a good quantity of arms and ammunition which  
6 we all joined together and took to Tongo.

7 Q. When you left Base Zero with this supply of arms and  
8 ammunition, where exactly did you go?

14:51:00 9 A. We headed straight for Tongo. Upon arrival we stopped at  
10 Panguma.

11 Q. You said you headed straight for Tongo, but stopped at  
12 Panguma. Why did you not proceed on to Tongo?

13 A. Because Tongo was fighting. Fighting was in progress there  
14 and Panguma was the only safer place where we have to wait and  
14:52:03 15 pack the ammunitions which was later on supplied to the Kamajors  
16 in the front line. That is in Tongo. Of course, they were  
17 running --

18 Q. Can you take it slowly, please. You said they were  
19 running.

14:52:30 20 A. We were running short of ammunitions when I arrived upon  
21 hearing -- can I go?

22 Q. Can you finish the sentence, please?

23 A. Upon hearing that I have arrived with a good number or  
24 quantity of arms and ammunitions. Then fighting again got  
14:53:04 25 intensified and they were all happy.

26 Q. Mr Witness, can you tell this Court about what time this  
27 was?

28 A. That was in January 1998.

29 Q. About what?

1 A. It would be the first week in January.

2 Q. The first week?

3 A. In January 1998.

14:53:36 4 Q. Did you yourself engage in any fighting in Tongo at this  
5 time?

6 A. No, sir. I did not engage in any fighting at that time.

7 Q. Was Tongo eventually taken by the Kamajors?

8 A. Yes, sir. Eventually we were in control of Tongo.

9 Q. Did anything happen after you had taken Tongo?

14:54:31 10 A. Yes, sir. The RUF came again after a few days and took  
11 over Tongo.

12 Q. Mr Witness, when you say the RUF --

13 A. And the AFRC.

14 Q. Thank you. Were the Kamajors able to take Tongo again at  
14:55:09 15 some point?

16 A. Yes, sir. We had to counter-attack again and eventually we  
17 got into controlling Tongo. It was in our hands.

18 Q. Mr Witness, to your recollection how many attacks would you  
19 say that the Kamajors made or launched on Tongo?

14:55:57 20 PRESIDING JUDGE: That was 1998. At that time frame you mean  
21 early 1998?

22 MR BANGURA:

23 Q. Yes, within the time frame.

24 A. You mean only in 1998?

14:56:11 25 Q. But generally, Mr Witness, tell us from the time Tongo was  
26 occupied by the AFRC/RUF forces up to the time in 1998 when you  
27 eventually took it, how many times would you say that the town  
28 was attacked by Kamajors?

29 A. There were four major attacks on Tongo. That does not

1 include the minor hit and run skirmishes that we were doing. The  
2 hit and run skirmishes took place many times. But there were  
3 four major attacks for the control of Tongo.

4 JUDGE THOMPSON: By whom counsel?

14:56:56 5 MR BANGURA: By the Kamajors.

6 JUDGE THOMPSON: By the Kamajors.

7 MR BANGURA:

8 Q. Mr Witness, the attacks that you have just described  
9 that took place in 1998, you have talked about there being  
10 four major attacks. Those two that you have just talked about  
11 that took place in 1998 they would be -- would they be the  
12 first or the second, or what would they be in your count?

13 A. The last two we have talked about was in 1998.

14 Q. And they would be the first, second, third or fourth?

14:57:28 15 A. They would be the third and fourth.

16 PRESIDING JUDGE: The third and fourth of what you have described  
17 as major attacks by Kamajors.

18 THE WITNESS: The one we have talked about, sir, can  
19 I go --

14:57:49 20 MR BANGURA:

21 Q. Mr Witness, you talked about four major attacks; is that  
22 correct?

23 A. Yes.

24 JUDGE THOMPSON: Counsel, I didn't want to interrupt, but  
14:58:01 25 wasn't that question an open ended question in terms of time  
26 frame?

27 MR BANGURA: It was open ended to the extent --

28 JUDGE THOMPSON: He gave the answer four major attacks.

29 MR BANGURA: Yes, Your Honour.

1 JUDGE THOMPSON: I thought you were being -- when the  
2 learned presiding judge asked when this was in January 1998, I  
3 thought you expanded the question and it became an open ended  
4 question --

14:58:27 5 MR BANGURA: It Was not entirely open ended, Your Honour.

6 JUDGE THOMPSON: I see.

7 MR BANGURA: I limited it to the period --

8 JUDGE THOMPSON: You should guide us then.

9 MR BANGURA: I had rephrased on that. I limited it to the  
14:58:37 10 period when the Kamajors -- sorry, when the junta first occupied  
11 Tongo.

12 JUDGE THOMPSON: Yes.

13 MR BANGURA: First occupied Tongo.

14 JUDGE THOMPSON: There were four major attacks. So the  
14:58:45 15 answer was from the time when Tongo was occupied by the RUF/AFRC  
16 forces, there were four major attacks by the Kamajors.

17 MR BANGURA: Yes, so up to January 1998.

18 JUDGE THOMPSON: All right. Thank you.

19 PRESIDING JUDGE: And Of those four major attacks, two took  
14:59:03 20 place early January 1998, which is what the witness has just  
21 described.

22 MR BANGURA: That is right, Your Honour. And he further  
23 says, as I understand him, that those two were the last of the  
24 four attacks.

14:59:14 25 PRESIDING JUDGE: Yes.

26 MR BANGURA:

27 Q. Mr Witness, you said eventually Kamajors retook Tongo. And  
28 were you able to get into Tongo yourself at some point?

29 A. Yes, sir. I went to Tongo to attend to a meeting that

1 was called up by the commander there; BJK Sei.

2 PRESIDING JUDGE: BJK?

3 MR BANGURA: Your Honours, BJK, those are his initials. BJK and  
4 the surname is Sei; S-E-I.

15:00:18 5 Q. You say a meeting had been called by BJK Sei in Tongo  
6 which you attended; is that correct?

7 A. Yes, sir. And I was there again in addition --

8 Q. If I may ask you, what was the purpose of this meeting?  
9 For what purpose was this meeting called?

15:00:45 10 A. The meeting was called I have said by BJK Sei and the  
11 reasons for calling up that meeting was to know, one, our  
12 deployment position. The loop-holes that have left to study that  
13 and placed more manpower there, more Kamajors there. And --

14 Q. Yes, continue, please.

15:01:32 15 A. And to know the quantity of arms and ammunition left and to  
16 try again and see -- make arrangements for our return to Base  
17 Zero.

18 Q. Mr Witness, what were your observations when you got to  
19 Tongo for this meeting?

15:02:10 20 A. There were human bodies and dead bodies littered the major  
21 streets and other corners of Tongo. And there were decayed human  
22 body parts scattered around.

23 Q. Did you notice any sign of life within the town?

24 A. Yes, there was some amount of life in the town. That  
15:03:02 25 was -- the civilians that were there were only relatives of  
26 Kamajors who went there to help them to carry the properties that  
27 came from the war.

28 Q. When you say the properties they gained from the war, can  
29 you explain what you mean?

1 A. That includes properties belonging to collaborators and, I  
2 mean, which again civilians had left behind and run for safety  
3 elsewhere.

4 Q. Mr Witness, are you familiar with a place called the NDMC  
15:03:54 5 headquarter within Tongo?

6 A. Yes, sir. I did not able to get into the compound of that  
7 former NDMC security headquarters because --

8 Q. Can you slow it, please. Why were you not able to go into  
9 the security headquarter compound?

15:04:35 10 A. Well, the place was having some bad odour and it was very  
11 serious and that deterred us not to enter there because of the  
12 rotting human bodies.

13 Q. Mr Witness, did you get on with the meeting you went for in  
14 Tongo?

15:05:11 15 A. Yes, sir.

16 Q. Did you leave Tongo after the meeting?

17 A. Just after the meeting I headed straight away for Dodo. We  
18 passed the night there and the next morning -- very early in the  
19 morning of the next day, we have to leave to go for Base Zero.

15:06:05 20 Q. For where? Mr Witness, what was the objective at this time  
21 for going to Base Zero? Why were you going to Base Zero?

22 A. We are going to Base Zero in order to get more arms and  
23 ammunition and the supply we had earlier on was reduced and that  
24 the promise returning there just when we have captured Tongo to  
15:06:46 25 inform Chief Norman that -- about the situation in Tongo Which  
26 they are waiting for.

27 Q. Mr Witness, during the course of the fighting in Tongo, do  
28 you remember Hinga Norman giving an interview on BBC radio at  
29 all?

1 A. Yes, sir. He gave an interview on BBC radio. When asked  
2 he said he is waiting for --

3 Q. What was the subject of the interview?

4 JUDGE ITOE: He was waiting for?

15:07:41 5 THE WITNESS: He was waiting for the commanders to return  
6 from Tongo so that they will give him the exact information about  
7 who is controlling Tongo at that moment.

8 PRESIDING JUDGE:

9 Q. That is what he said during the interview or that is why he  
15:07:53 10 was waiting for the interview?

11 A. That's what he said.

12 Q. In the interview?

13 A. Yes, and he was also waiting for it.

14 MR BANGURA:

15:08:05 15 Q. Can you remember what question he was responding to when he  
16 gave that answer?

17 A. That he was asked, "Who is in control of Tongo whether  
18 Kamajors or the AFRC?"

19 Q. When he said he was waiting for in that interview, he was  
15:08:44 20 waiting for a report from the commanders who were on the ground  
21 in Tongo, was he then referring to those of you who had gone  
22 there with arms and ammunition?

23 A. Yes, sir.

24 Q. By the time you got back to Base Zero, had they got any  
15:09:19 25 information about what the latest situation was in Tongo, the  
26 fighting?

27 A. Yes, sir. I was told we are intercepting the AFRC/RUF  
28 junta when they are communicating to their own bosses in Freetown  
29 here. They were intercepted and they were communicating that



1 they are in control of Tongo. So there was that sad mood in Base  
2 Zero.

3 Q. Who --

4 A. The AFRC, the RUF.

15:10:05 5 Q. The AFRC/RUF said they were in control of Tongo?

6 A. Yes.

7 Q. In messages that were intercepted. Let me go over this  
8 with you again, Mr Witness.

9 PRESIDING JUDGE: That they intercepting, the people at Base Zero?

15:10:15 10 MR BANGURA:

11 Q. Who intercepted messages?

12 A. The CDF man on the radio.

13 Q. At Base Zero?

14 A. Yes, sir.

15:10:31 15 Q. Whose message or messages did this CDF operator intercept?

16 A. The AFRC/RUF messages.

17 PRESIDING JUDGE:

18 Q. From Tongo?

19 A. Yes, sir.

15:10:45 20 Q. Back to Freetown, you say?

21 A. Yes, sir.

22 Q. And what was that message?

23 A. That they, the AFRC/RUF are now in control of Tongo, that  
24 they have taken Tongo completely from the CDF. And when that  
15:11:09 25 message was intercepted that created a sad note in Base Zero.

26 MR BANGURA:

27 Q. So when you got to Base Zero, that was the latest

28 information that they had on the situation in Tongo; is that  
29 correct?

1 A. Yes, sir.

2 Q. Did you give a report on -- you left the situation?

3 A. Yes, sir.

4 Q. In Tongo?

15:11:54 5 A. Yes, sir, to Chief Norman and the war council, including  
6 Moinina Fofana and Mr Kondewa. And then they became happy and  
7 later on a goat, the sum of 20,000 Leones and other morale  
8 boosters was given us to as a sign of appreciation.

9 Q. A goat, the sum of 20,000 Leones?

15:12:35 10 A. Yes, sir. A morale booster, that includes cigarettes, was  
11 given to us as a sign of appreciation.

12 Q. Who gave these to you?

13 A. Chief Norman ordered Moinina Fofana to make arrangements  
14 and to hand those things over to us.

15:13:18 15 Q. Now, on this time around, how long were you at Base Zero?

16 A. I was there until mid -- at about mid February and then we  
17 finally moved to Kenema.

18 Q. When you say we finally moved to Kenema, who are you  
19 referring to? Yourself and who?

15:13:53 20 A. Myself, Orinko, whom I have mentioned earlier. The war  
21 council -- some of the War Council team including Alhaji Daramy  
22 Rogers, Chief Quee of Njaiama, Pa George Jambawai.

23 Q. Now, were you all of you going to Kenema?

24 A. No, sir. This -- there were -- this comprised of two  
15:14:32 25 teams. The two teams they are going to Bo and Kenema  
26 respectively to run the administration of the CDF.

27 Q. You were part of the team that was going to --

28 A. I was part of the team that was going for Kenema.

29 Q. -- to Kenema?

1 A. Yes, sir. To establish civil administration there.

2 Q. What had become the situation in Kenema and in Bo at this  
3 time that you were moving from Base Zero to Kenema and Bo?

4 A. When we arrived at Bumpah, after travelling through the  
15:15:25 5 vehicle, we joined -- we made the 1 mile journey to the village  
6 where we arrived, which was Dassama village. There we were when  
7 we saw a mass exodus of people returning from Bo. And when asked  
8 they said, "Bo has been retaken by the AFRC/RUF from the CDF  
9 Kamajors." So people were returning in their numbers. So we  
15:16:06 10 have to stay at Dassama.

11 Q. So in effect, Mr Witness, you were going to set up  
12 administration in Bo because, as you say, Bo had been taken; is  
13 that correct?

14 A. We were -- our team was heading for Kenema. But we just --  
15:16:28 15 the route was we have to pass through Bo. So then Bo was taken  
16 away from the CDF Kamajors by the AFRC/RUF. So we had to stop at  
17 Dassama.

18 Q. Okay. Let us get it straight. When you left Base Zero,  
19 you were headed for Kenema; is that right?

15:16:50 20 A. Yes, sir.

21 PRESIDING JUDGE: Your team was.

22 THE WITNESS: Our own team.

23 MR BANGURA:

24 Q. And the reason you were going to Kenema was to set up an  
15:17:04 25 administration there; is that correct?

26 A. Yes, sir. The CDF administration.

27 Q. The question is what had been the situation, what had  
28 become the situation in Kenema that were you now going there to  
29 set up an administration?

1 A. Upon arrival in Kenema.

2 Q. No, I am saying was there any reason why you were now going  
3 to set up at an administration in Kenema?

4 A. Yes, sir. All commanders -- Kenema has been liberated --

15:17:28 5 Q. Okay.

6 A. -- by the CDF. We are now in control of Kenema.

7 Q. And so at the time you left Base Zero it was to head for  
8 Kenema and to set up that administration?

9 A. Yes, sir.

15:17:49 10 Q. Then you got to Dassama; is that correct?

11 A. Yes, sir.

12 Q. Then you saw --

13 A. We have to make a stop at Dassama because we cannot go  
14 through Bo.

15:18:00 15 Q. Okay. And at that point you saw people coming from Bo?

16 A. Yes, sir. There was a mass exodus of people coming from Bo  
17 to Bumpah.

18 Q. And they gave you information about the situation in Bo?

19 A. Yes, sir. Alhaji Daramy just asked what happened. They  
15:18:28 20 said the RUF/AFRC have retaken Bo from the hands of the Kamajors.  
21 So we are advised not to continue the journey. We have to make a  
22 stay at Dassama village.

23 Q. Did you eventually get a --

24 MR BOCKARIE: Your Honour, excuse me, I am sorry. Your  
15:18:47 25 Honour, for this piece of evidence we would appreciate it if we  
26 know the time frame. The time frame he is talking about.

27 MR BANGURA: I think the witness was very clear when he  
28 said -- the question was how long did you spend. What time did  
29 you spend at Base Zero this time around. And he said he was

1 there until about mid February.

2 PRESIDING JUDGE: Mid February.

3 MR BANGURA: I think that is the evidence.

4 PRESIDING JUDGE: And then we finally moved to Kenema.

15:19:11 5 That was his evidence.

6 MR BANGURA: Unless it is understood differently, but my  
7 understanding is that.

8 PRESIDING JUDGE: It's fine with me.

9 MR BANGURA:

15:19:26 10 Q. So, Mr Witness, while you were at Dassama, did you observe  
11 anything?

12 A. Yes, sir.

13 Q. Please lift up your voice.

14 A. Yes, sir.

15:19:34 15 Q. Please say.

16 A. We stayed there. Of course, we have to pass the night  
17 there. So early in the morning we saw another batch of Kamajors  
18 chasing a man in -- chasing a man in plain civilian cloth,  
19 accusing him of being an SSD man when we asked. So they chased  
15:20:10 20 him and --

21 Q. An SSD man would be a member of the Sierra Leone police  
22 force?

23 A. Yes, sir. That branch is now called the OSD.

24 Q. Yes, continue, please.

15:20:49 25 A. And we just saw Kamajors lifting up and bringing down their  
26 machetes and we finally saw everybody wrapping a kind of meat in  
27 banana leaf and putting those meat into their pockets. And they  
28 were saying, "That man has been butchered. He is an SSD man. A  
29 collaborator."

1 Q. Okay, Mr Witness.

2 JUDGE THOMPSON: Let him go over the details again.

3 MR BANGURA: I was going to do that, Your Honour.

4 JUDGE THOMPSON: It is quite sensitive details to be  
15:21:25 5 glossed over like that.

6 MR BANGURA:

7 Q. Mr Witness, on the morning of the next morning after you  
8 spent the night at Dassama, you said you saw Kamajors running  
9 after somebody --

15:21:38 10 A. Yes, sir.

11 Q. -- Who you learnt was an SSD personnel; is that clear?

12 A. Yes.

13 Q. And tell this Court what you saw happen next as they were  
14 chasing this person.

15:21:44 15 A. I said the man was dressed in plain civilian clothing. The  
16 Kamajors that were chasing him were saying that he is one of the  
17 policemen.

18 PRESIDING JUDGE: SSD.

19 THE WITNESS: Yes, the OSD. He has been in Bo. They did  
15:22:18 20 not leave Bo and now he has come into that territory.

21 MR BANGURA:

22 Q. So what did they do to him?

23 A. He was eventually butchered and we only saw now this  
24 Kamajors wrapping a kind of meat in banana leaf and placing  
15:22:43 25 the little bundles into their pockets.

26 PRESIDING JUDGE: This is something that you saw?

27 THE WITNESS: Yes, sir.

28 MR LANSANA: May it please Your Honours. I would rather the  
29 witness restricted his observations to what he saw personally. Because

1 when he goes "we saw", "we saw" --

2 THE WITNESS: I saw, I was there.

3 JUDGE THOMPSON: It is clearly confusing.

4 THE WITNESS: That is what I saw.

15:23:10 5 MR BANGURA: I take the point and I will get the witness to  
6 clarify the position.

7 Q. Mr Witness, this incident which you have just described,  
8 did you witness it yourself?

9 A. Yes, sir.

15:23:31 10 Q. When you say you saw something like meat, what exactly do  
11 you mean?

12 A. The man was butchered.

13 Q. And this meat which you say you saw was his body parts; is  
14 that correct?

15:23:58 15 MR BANGURA:

16 A. His body parts.

17 JUDGE ITOE: Did he see the man being butchered?

18 Q. Did you see the man being butchered?

19 A. Yes.

15:24:05 20 Q. Did you see the meat, you know, being cut and pocketed?

21 A. Yes sir.

22 JUDGE ITOE: I want you to be very clear on this point. It is  
23 very sensitive evidence.

24 THE WITNESS: Some even went away with the head of the man.

15:24:15 25 JUDGE THOMPSON: Let us have it, you know --

26 JUDGE ITOE: Let us have it neatly narrated, please.

27 JUDGE THOMPSON: Yes, because I mean evidence of this  
28 nature should not just be given in that kind of Cavalier way.  
29 Let him go. He actually saw what he saw.

1 MR BANGURA: Yes.

2 JUDGE THOMPSON: We were not there, so let him take us  
3 carefully through the scene.

4 MR BANGURA:

15:24:38 5 Q. Mr Witness, again at the risk of repeating yourself, you  
6 need to explain clearly how this incident occurred. Is that  
7 clear?

8 A. Yes, sir.

9 Q. Now, can you just explain what you saw?

15:24:52 10 A. At Dassama early that morning --

11 PRESIDING JUDGE: Starting from the moment you have seen this man  
12 being captured.

13 A. The Kamajors were chasing a man whom they said was an  
14 SSD. And that man was eventually got rid of.

15:25:24 15 JUDGE THOMPSON: What did you see?

16 MR BANGURA:

17 Q. What happened? How did they do whatever you saw?

18 A. I saw them butchering the man.

19 PRESIDING JUDGE: Yes, how did they do that?

15:25:35 20 THE WITNESS: With machetes.

21 JUDGE THOMPSON: Yes.

22 MR BANGURA: Thank you, Mr Witness.

23 JUDGE THOMPSON: [Microphone not activated] and what else  
24 after the butchering you said that you saw? You saw something  
15:25:55 25 like meat.

26 THE WITNESS: His body was cut into --

27 JUDGE THOMPSON: All right.

28 PRESIDING JUDGE:

29 Q. That you saw that his body was being cut with machetes --



1 A. Yes, sir.

2 Q. -- in parts?

3 A. Yes, sir.

4 JUDGE THOMPSON: And the second part of your evidence is that you  
15:26:16 5 saw something like meat being wrapped in banana leaves.

6 THE WITNESS: Yes, sir.

7 JUDGE THOMPSON: Okay.

8 THE WITNESS: Placing them into their pocket.

9 MR BANGURA:

15:26:27 10 Q. Mr Witness, at the end of all this, did see the person they  
11 were chasing any more at this time? Did you see him any more?

12 A. I only saw the head which somebody was carrying away; a  
13 Kamajor.

14 Q. Did you eventually get to Kenema, Mr Witness?

15:26:57 15 A. Yes, sir.

16 Q. What was the situation you found in Kenema in terms of  
17 control? Who was in control of the town?

18 A. The Kamajors were now in control of Kenema. ECOMOG too was  
19 there, but the basement [sic] was different. There was --

15:27:26 20 Q. What was different?

21 A. Where they were based. The office of the Kamajors and  
22 where the ECOMOG forces were a little bit distant.

23 Q. Go on, please.

24 A. And every Kamajors was having some valuable properties  
15:27:57 25 which they were looting, and they were occupying the Kamajors, I  
26 mean they are occupying houses where civilian collaborators who  
27 also were juntas and that is the AFRC/RUF had been living.

28 JUDGE THOMPSON: Can you travel back so we have some evidence?  
29 Can he go back?

1 MR BANGURA: Yes, Your Honour.

2 JUDGE THOMPSON: He has sort of narrated different  
3 incidents of --

4 MR BANGURA:

15:28:39 5 Q. I assume, Mr Witness, you are talking about what you saw  
6 when you got to Kenema; is that correct?

7 A. Yes, sir

8 Q. You started talking about seeing Kamajors with things,  
9 valuable things; is that so?

15:28:49 10 A. Looting.

11 Q. Now, take it slowly from there and continue. Tell the  
12 Court what you observed when you got to Kenema.

13 A. There was looting. Looting was going on.

14 Q. What else did you observe?

15:29:24 15 A. Engaging buildings where junta forces and collaborators  
16 have been staying. Kamajors were living in those buildings.

17 Q. When you use the word "engaging" is it the same as now  
18 saying they were living in those buildings?

19 A. They were living in those houses. Can I go on?

15:29:40 20 Q. Yes. Go on, please.

21 A. There was piles of ashes along Hangha Road.

22 Q. Did you learn what were the -- how those ashes got there?

23 A. Yes, sir. They said civilians, collaborators -- civilian  
24 collaborators and junta forces were being burnt down with tyres.

15:30:30 25 JUDGE THOMPSON: He used the -- the noun before "said" did not  
26 come out.

27 MR BANGURA: It didn't come out.

28 Q. I will ask you the question again, Mr Witness. Did you  
29 learn -- were you able to find out how those ashes, piles of

1 ashes, got to those locations, those points where you saw them?

2 A. Those were ashes, I mean, which was the remains of burnt  
3 human beings, the juntas and the collaborators.

4 PRESIDING JUDGE: How do you know that?

15:31:12 5 THE WITNESS: The commanders there told me that they have  
6 burn alive people.

7 PRESIDING JUDGE: When you say commanders, which commanders  
8 are you talking about?

9 THE WITNESS: The CDF. [Overlapping speakers]

15:31:22 10 MR BANGURA:

11 Q. The CDF commanders there?

12 A. Yes.

13 Q. Mr Witness, can you tell this Court who were the commanders  
14 in control of Kamajors in Kenema at that time when you got there?

15:31:39 15 A. Yes, sir.

16 Q. Who were they?

17 A. Magonna was there. KBK Magonna.

18 MR BANGURA: KBK Magonna, Your Honours. KBK are initials  
19 and Magonna is M-A-G-O-N-N-A, I believe.

15:32:03 20 Q. Who else was there as a commander?

21 A. Eddie Massallay was there.

22 JUDGE THOMPSON: Mr Prosecutor, so we are certain, it was those  
23 commanders who gave him that information about piles of ashes; is that  
24 what he is saying?

15:32:36 25 MR BANGURA: I don't think I understand him as saying that  
26 it was those commanders.

27 JUDGE THOMPSON: Well, I don't know, unless my learned  
28 brothers find this clear, but it would seem as if --

29 PRESIDING JUDGE: No, I have the same confusion.

1 JUDGE THOMPSON: Yes, quite. How did he get that  
2 information about the piles of ashes being the burnt remains of  
3 juntas and collaborators? That does not seem to be clear.

4 MR BANGURA: I will get to that.

15:33:03 5 JUDGE THOMPSON: Because you interjected who were the  
6 commanders there and, as it were, disengaged that part of the  
7 evidence from the earlier one.

8 MR BANGURA: I take the point, Your Honour. I will get him  
9 to make the position clear.

15:33:15 10 Q. Mr Witness - just not wanting to interrupt this flow  
11 right now - are we done with the commanders who were in  
12 control of Tongo when you got there? Sorry, in Kenema when  
13 you got there?

14 A. Yes. I have started naming them, KBK Magonna, Eddie  
15 Massallay, Arthur Koroma.

16 PRESIDING JUDGE: Arthur Koroma?

17 MR BANGURA: Arthur Koroma, yes.

18 Q. Now, you have said earlier that you were informed that  
19 the piles of ashes were the remains of the AFRC/RUF forces as  
15:34:08 20 well as collaborators and you informed the Court that you were  
21 told this by Kamajor commanders. Are they the same commanders

22 you have just mentioned; the persons who told you -- the  
23 commanders who told you that these piles of ashes were --

24 A. No. These were the commanders in control when we get  
15:34:29 25 there.

26 Q. Yes. Were they the same commanders that told you that  
27 these piles of ashes were those of --

28 A. Yes. Magonna said of it. Magonna said it.

29 Q. Magonna said it?

1 A. Yes, KBK Magonna whom I have mentioned. And there were  
2 junior rank Kamajors like -- can I?

3 PRESIDING JUDGE: Yes.

4 MR BANGURA:

5 Q. Yes, please.

6 A. Like Bockarie Momoh told me. One Bockarie Momoh.

7 MR BANGURA: Bockarie is B-O-C-K-A-R-I-E and Momoh is  
8 M-O-M-O-H.

9 Q. Mr Witness, you have just mentioned what you saw, some of  
15:35:30 10 the things you saw there, and regarding the ashes you said you  
11 were told by Kamajors that they were the remains of  
12 collaborators. Did you yourself witness any incidents in which  
13 Kamajors dealt with anybody in a similar way? Did you yourself  
14 witness any such incidents?

15:35:56 15 A. Yes, sir. While at the place where the office was, at  
16 Kai-Samba terrace, a vehicle came.

17 Q. Can you slow, please. Yes, please.

18 A. Magonna drove a vehicle into compound and made it stopped  
19 and he came down and opened the boot. Someone --

15:36:25 20 Q. Yes, please.

21 A. Someone was in the boot of the car, a man. A man was lying  
22 in the boot of the car, and he ordered Kamajors to bring him  
23 down.

24 Q. Magonna ordered Kamajors?

15:37:05 25 A. To bring the man down.

26 Q. Yes, please. Can I --

27 A. He said that man was the SDO at the time during the junta  
28 takeover in Kenema, for Kenema District.

29 Q. The SDO means what?

1 A. Senior district officer.

2 Q. And to your knowledge that position, is it a government  
3 position in the civil service?

4 A. It is a government position for civil servants.

15:37:53 5 Q. Yes, so?

6 A. And, in addition to that, a man was brought again in.

7 Q. Now, let's finish up. I see you are almost going to  
8 something else, but let's finish up what happened to this one,  
9 this SDO man. You said Magonna ordered for him to be taken out  
10 of the car?

15:38:13

11 A. Yeah. So by then a group of ECOMOG soldiers were passing  
12 down, going down Hangha Road and they came across that incident.  
13 So they were the ones now that took the man from the Kamajors and  
14 take him to their headquarters for safety.

15:38:54

15 Q. You were going to talk about some other incident; is that  
16 correct?

17 A. Yes. There was an incident again when I saw one man -- an  
18 age-able man was brought in. He was called Momoh Bandama, one of  
19 the local chiefs of Small Bo Chiefdom.

15:39:14

20 MR BANGURA: Your Honours, Bandama is B-A-N-D-A-M-A.

21 Q. What happened to Momoh Bandama?

22 A. He was arrested by Kamajors. He had his hand tied at the  
23 back, at his back, and he was again rescued by ECOMOG soldiers.

24 Q. Mr Witness, your purpose for coming to Kenema was to set up  
25 an administration there; is that correct?

15:39:56

26 A. Yes, sir.

27 Q. And who was to head this administration?

28 A. That administration was --

29 JUDGE ITOE: Learned counsel, I thought you were going to lead

1 evidence -- we started off with burnt ashes.

2 MR BANGURA: Yes, Your Honour.

3 JUDGE ITOE: And you appear to have given us the experience  
4 or, rather, the impression that this witness was -- I mean,  
15:40:29 5 witnessed some incidents because the incidents which you refer to  
6 in your evidence were related to him by Magonna, KBK Magonna.

7 MR BANGURA: That's right, sir.

8 JUDGE ITOE: He related these burnings and these ashes to  
9 this witness.

15:40:46 10 MR BANGURA: Yes, Your Honour.

11 JUDGE ITOE: The question which I thought you put to him  
12 was whether he himself witnessed these sorts of incidents  
13 personally. Besides what Magonna told him did he witness  
14 incidents of burnings and so on? I thought that was what --

15:41:08 15 because now we are getting to arresting and rescues. Arrest,  
16 rescue. Arrest, rescue.

17 JUDGE THOMPSON: Learned counsel, I am of the same mind.

18 MR BANGURA: I agree, Your Honours. The question really  
19 was much broader than just burning of any persons, it was similar  
15:41:31 20 incidents and I think all I have been able to elicit from this  
21 witness are those two that he has explained.

22 JUDGE THOMPSON: But, as my learned brother has said, you  
23 have agreed that your question was precise. I mean, it clearly  
24 seemed to have come out, and I did not sense any ambiguity there,  
15:41:49 25 that we were talking about the genus of burnt ashes or piles of  
26 ashes. So when you asked whether there were similar incidents, I  
27 thought we were confining ourselves to the same universal  
28 discourse, you know, incidents where in fact he had actually seen  
29 burning of human remains, and there I concurred with my learned

1 brother. But then the evidence that has come out now - and we  
2 cannot control your case - would seem to fall short of that  
3 category. But it is entirely up to you. After all, this witness  
4 can only testify as to what he knows.

15:42:30 5 MR BANGURA: Precisely, Your Honour.

6 JUDGE THOMPSON: And I will not -- as much as it is of  
7 legitimate concern, I will just settle for what you have.

8 MR BANGURA: That has been the evidence so far, Your  
9 Honour. I was trying to see if I could get the witness to talk  
10 about any other incidents of a similar nature, but so far this is  
11 what I have elicited from him. Your Honour, at this point I  
12 would rather move on to some other new area than tarry when the  
13 witness cannot come up with something new.

14 JUDGE ITOE: We just wanted to make the point that he did  
15 not witness any burnings himself. That is the point.

16 MR BANGURA: I take the point, Your Honour.

17 JUDGE ITOE: Are we settled on that?

18 MR BANGURA:

19 Q. Mr Witness, I will again ask you apart from the  
15:43:17 20 incidents -- apart from what you have learnt about those burnt  
21 ashes, did you yourself witness any burning of any particular  
22 person in Kenema?

23 A. No, sir.

24 [HN260505E 3.45 p.m. - AD]

15:44:56 25 Q. Mr Witness, you were telling this Court about this  
26 administration you went to Kenema to set up. Who was supposed to  
27 head that administration?

28 A. That administration was headed by Pa George Jambawai.

29 Q. What became of the position of Magonna Massallay and Arthur



1 Koroma, who had been there before you got there?

2 A. Well, we called a meeting and Pa Jambawai informed him that  
3 those are the people -- he is now going to help the city of  
4 administration.

15:45:51 5 Q. Did you yourself play a role in that administration?

6 A. Yes, sir. I was a member of the executive.

7 Q. How long did this administration serve, if you can recall?

8 A. Pa Jambawai's administration lasted up to June 1998.

9 Q. And during that period, how would you describe the  
15:46:34 10 situation in Kenema?

11 A. You mean during --

12 Q. During the period that George Jambawai set up his  
13 administration, of which you were a part. How would you describe  
14 the situation then in Kenema? You had come at a time when --

15:46:55 15 A. The incident of looting, burning, commandeering of vehicles  
16 became minimised, and then the harassment of civilians was  
17 minimised during the Jambawai's administration. It was now  
18 working amicably with ECOMOG.

19 Q. You have told this Court that the administration of  
15:47:32 20 Jambawai came to an end in June 1998; is that correct?

21 A. Yes, sir.

22 Q. Who succeeded him?

23 A. Arthur Koroma succeeded Jambawai.

24 Q. It is Arthur Koroma who you have mentioned before; is that  
15:47:59 25 correct?

26 A. Yes, sir.

27 Q. Can you recall some of the members of that administration?

28 A. Yes, sir. Arthur Koroma was the administrator. Musa  
29 Junisa was there --

1 Q. Yes?

2 A. -- Orinko Musa and Magonna was also in the administration.

3 Q. Did the security situation continue to improve under this  
4 changed administration, under Arthur Koroma?

15:49:14 5 A. Well, no. A base was opened at SS Camp, wherein civilians  
6 were being harassed and taken there for detention.

7 Q. And who was in charge of this base at the SS Camp?

8 A. Magonna and the Laggoh Base was opened.

9 MR BANGURA: Laggoh, Your Honours, is L-A-G-G-O-H.

15:50:13 10 Q. This Laggoh Base which you talked about, what was the  
11 purpose for which it was opened?

12 A. The Laggoh Base was opened and the Kamajors at that time  
13 were charged with the order of taking every property, commercial  
14 vehicles -- traders' properties, their commercial vehicles, were  
15 taken to the direction of Tongo.

16 Q. Mr Witness --

17 JUDGE ITOE: What has Tongo got to do with Laggoh Base?

18 MR BANGURA:

19 Q. Let me ask you this, Mr Witness --

15:51:14 20 JUDGE ITOE: Laggoh Base -- what was happening there?

21 MR BANGURA:

22 Q. Laggoh Base, there was a check point there; is that  
23 correct?

24 A. Yes, sir.

15:51:28 25 Q. And what was the idea? Why was Laggoh Base opened?

26 PRESIDING JUDGE: The checkpoint is presumably on the road  
27 somewhere.

28 THE WITNESS: Laggoh is on the way when one is going to  
29 Tongo.

1 MR BANGURA:

2 Q. Okay.

3 PRESIDING JUDGE: From where?

4 THE WITNESS: Kenema; you pass through Laggoh and continue  
15:51:55 5 your journey to Tongo.

6 MR BANGURA:

7 Q. What was happening at Laggoh Base?

8 A. They were impounding vehicles -- Kamajors were impounding  
9 vehicles being loaded with traders' items because the Kamajors  
15:52:28 10 said all those areas are rebel-held areas. So any vehicle that  
11 is travelling towards that end, or anybody travelling towards  
12 that end is being a collaborator of the AFRC/RUF. So their items  
13 were seized and brought to the CDF office in Kenema.

14 Q. Mr Witness, you were part of the administration; is that  
15:53:21 15 correct?

16 A. Yes.

17 Q. Because of your duties, did you have cause at any point to  
18 prepare lists of names of Kamajors who were within your area?

19 A. Yes, sir.

15:53:38 20 Q. And such lists would be for what particular purposes?

21 A. To receive supplies.

22 Q. Supplies of what?

23 A. Of food, rice.

24 Q. Would you be able to recognise any such list which you have  
15:54:10 25 prepared before if you were shown it now?

26 A. Yes, sir.

27 MR BANGURA: Your Honours, I wish to refer at this time to  
28 one of the documents that I provided earlier to the Court. It is  
29 titled "Distribution Summary for CDF/SL Kenema". Copies have

1 been made available to the Bench through the Registrar and to  
2 Defence.

3 [Document was shown to witness]

4 Q. Mr Witness --

15:55:31 5 A. Yes, sir.

6 Q. -- do you see the document which has been shown you?

7 A. Yes, sir.

8 Q. Do you recognise it at all?

9 A. Yes, sir.

15:55:43 10 Q. How do you recognise it?

11 A. It was the distribution list for CDF Kenema.

12 Q. Prepared by who?

13 A. I prepared it under instruction of the administrator.

14 Q. And who was the administrator at the time?

15:56:10 15 A. Arthur Koroma.

16 Q. Are you able to tell this Court what period of time or when  
17 this document was prepared?

18 A. Yes, sir; in September 1998.

19 PRESIDING JUDGE: Mr Prosecutor, I didn't ask that the  
15:56:46 20 Defence have a copy. They don't make any comment, but I presume  
21 they do.

22 MR BANGURA: I did provide copies to them, unless they do  
23 have some --

24 PRESIDING JUDGE: Counsel for the first accused, do you  
15:57:00 25 have a copy of this document in question?

26 MR JABBI: We do, My Lord.

27 PRESIDING JUDGE: Second accused as well, and third  
28 accused, do you have a copy of this document that the witness is  
29 talking about?

1 MR BOCKARIE: Yes, we do.

2 PRESIDING JUDGE: MR Williams, you do?

3 MR WILLIAMS: Yes.

4 JUDGE THOMPSON: Learned counsel, is it a fair presumption  
15:57:19 5 you want to tender this in evidence?

6 MR BANGURA: Certainly, Your Honour.

7 JUDGE THOMPSON: Okay.

8 MR KOPPE: My Lord.

9 PRESIDING JUDGE: Yes Mr Koppe?

15:57:33 10 MR KOPPE: I would like to have some clarification of the  
11 relevance of this document. I am not quite clear on the  
12 relevance of this document. Please explain.

13 PRESIDING JUDGE: It may be a bit premature for your  
14 objection. We will see. Let the Prosecution move ahead and when  
15:58:01 15 he asks the Court to accept this document as an exhibit we will  
16 hear your objection at that time. Mr Prosecutor?

17 MR BANGURA: Your Honours, just one more question to the  
18 witness before I get to that step.

19 Q. Mr Witness, what was the purpose for which you prepared the  
15:58:20 20 list at that time?

21 A. It was a food distribution list to commanders.

22 MR BANGURA: Your Honours, at this point I wish to tender  
23 this document as an exhibit.

24 PRESIDING JUDGE: For what purpose? I know it is an  
15:58:37 25 exhibit, but --

26 MR BANGURA: Your Honours --

27 PRESIDING JUDGE: Is it of interest to know that they were  
28 eating rice or not?

29 MR BANGURA: Certainly not, Your Honour. It may be of

1 interest though. The point is that it shows that the CDF  
2 Kamajors was an organised structure, even in the various  
3 districts that they existed. This is the list which shows the  
4 structure in Kenema, of commanders, particularly.

15:59:12 5 PRESIDING JUDGE: Mr Koppe?

6 MR KOPPE: I have heard what my learned colleague has said,  
7 but I am still not sure what the relevance is.

8 PRESIDING JUDGE: You say you are still not sure, but are  
9 you objecting?

15:59:34 10 MR KOPPE: I am objecting because of lack of relevance,  
11 yes.

12 MR WILLIAMS: May it please My Lord, we also have some  
13 reservations about this. I concur with my learned friend, Mr  
14 Koppe, in objecting to the relevance of this document. My

15:59:48 15 learned friend has responded by saying that it goes to show that  
16 the CDF is an organised structure. But I don't see how this  
17 document, standing by itself, shows that independent of any other  
18 evidence. Secondly, there is no evidence on the face of this  
19 document that it was prepared by the Witness. There is nothing  
16:00:09 20 on the face of the document to show that the witness is the  
21 author of this distribution list.

22 PRESIDING JUDGE: But he told you in his evidence.

23 MR WILLIAMS: No, My Lord, on the face of the document  
24 itself --

16:00:18 25 PRESIDING JUDGE: Yes, well --

26 MR WILLIAMS: -- as distinct from the previous document.

27 JUDGE THOMPSON: So you have a two-legged objection --

28 MR WILLIAMS: Very well, My Lord.

29 JUDGE THOMPSON: -- relevance and no evidence to suggest

1 that he is the author of the document --

2 MR WILLIAMS: The authorship of the document.

3 JUDGE THOMPSON: -- and cannot properly tender it.

4 MR WILLIAMS: Absolutely, yes.

16:00:42 5 JUDGE THOMPSON: All right.

6 PRESIDING JUDGE: Mr Bangura? Are there any other  
7 objections while we are at it?

8 MR LANSANA: Just to say that I, too, take the line of my  
9 co-defence counsel.

16:00:59 10 PRESIDING JUDGE: Mr Prosecutor?

11 MR BANGURA: May it please Your Honours, again I make the  
12 point that the document is evidence of a structure of the  
13 Kamajors in Kenema. It not only lists names of commanders of the  
14 Kamajors, but it also shows that there was some kind of control  
15 system that went, and this is evidence of that. Your Honours,  
16 this document ought not, I submit, be looked at just from the  
17 point of view of its standing alone. It has to be looked at in  
18 light of what evidence has been led before this Court both by  
19 this witness and by other witnesses.

16:01:21 20 JUDGE THOMPSON: Perhaps I would ask one question which  
21 intrigues me, too. I have heard you on the question of relevance  
22 and I would certainly say, speaking for myself, that I am not  
23 satisfied that this document is relevant to the issue that you  
24 are in fact trying to canvass the structure. Because already  
16:02:10 25 there is evidence before this Court, which of course we have not  
26 yet evaluated, as to structure, and far more detailed. How would  
27 you respond if I said to you that this particular document, if  
28 received in evidence, will really multiply the issues  
29 unnecessarily, and really not assist the tribunal? Why do we

1 want to be bogged down with a document that evidences food  
2 supplies if there is other evidence which may be forthcoming or  
3 which has been led as to structure? In other words, the question  
4 put differently, why do you want to us look at this? The subject  
16:03:07 5 matter is food supplies.

6 MR BANGURA: Your Honours, the subject matter, I agree, is  
7 food supplies, but the document is not being tendered for the  
8 purpose of informing this Court as to how food was supplied to  
9 the Kamajors. Again --

16:03:21 10 JUDGE THOMPSON: My difficulty -- it multiplies the issues,  
11 because if the whole document comes in, why would this Court want  
12 to use a document whose focus is on food supplies? That is the  
13 title; you can see that. The witness himself has said in his  
14 evidence that this is about food supplies. Why would the  
16:03:48 15 tribunal want to, in a collateral sort of way, draw inferences  
16 about structure from a document relating essentially to food  
17 supplies if there is some other evidence in that regard?

18 MR BANGURA: Your Honours, there has been, I agree, some  
19 evidence before this Court about structure, but the time period  
16:04:14 20 in question, I wish to submit, may be different. In this case  
21 evidence has been led by the witness already that this  
22 administration, headed by Arthur Koroma, came into office in  
23 about --

24 JUDGE THOMPSON: But counsel, wouldn't there be other  
16:04:33 25 indicia of structure other than here? As my learned brother the  
26 Presiding Judge said, quantity of rice bags, cash for condiments?  
27 Why?

28 MR BANGURA: Your Honours, all I can say at this point in  
29 time is that the document that is evidence, in documentary terms,



1 that is available to the Prosecution helps in some ways to point  
2 out that there was this structure. As I said it has not been  
3 tendered --

16:04:59 4 JUDGE THOMPSON: Defence counsel has said relevance is the  
5 basic guide here for admitting documents under Rule 89C --  
6 relevance --

7 MR BANGURA: I would also want to rest on 89C, Your  
8 Honours. But I have said before that we are not relying on this  
9 document purposely for showing how rice was distributed.

16:05:23 10 JUDGE THOMPSON: Okay. I just wanted to express my own  
11 concern.

12 PRESIDING JUDGE: We will just retire to look at this issue  
13 and come back in a few minutes.

14 [Break taken at 4.06 p.m.]

15 [On resuming at 5.05 p.m.]

16 PRESIDING JUDGE: We have decided to adjourn proceedings  
17 this afternoon until tomorrow morning at 10 o'clock. The Court  
18 is adjourned until 10 o'clock. Thank you.

19 [Whereupon the hearing adjourned at 5.06 p.m.,  
20 to be reconvened on Friday, the 27th day of May  
21 2005 at 10.00 a.m.]

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**EXHIBITS:**

**Exhibit No. 86**

**31**

**WITNESSES FOR THE PROSECUTION:**

**WITNESS: TF2-079**

**5**

**EXAMINED BY MR BANGURA**

**5**