



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

FRIDAY, 17 FEBRUARY 2006
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Anna Matas
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Kevin Tavener Mr Joseph Kamara Ms Lynn Hintz (Intern)
For the Principal Defender:	Mr Lansana Dumbuya Mr IF Mansaray (Legal assistant)
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Ms Claire da Silva (Legal assistant) Mr Kingsley Belle (Legal assistant)
For the accused Moini na Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai Mr Ansu Lansana

1 [CDF17FEB06A - EKD]
2 Friday, 17 February 2006
3 [Open session]
4 [The accused present]
09:34:12 5 [Upon commencing at 9.47 a.m.]
6 WITNESS: MOHAMED TURAY COLLIER [Continued]
7 [The witness answered through interpretation]
8 PRESIDING JUDGE: Good morning. Good morning, Mr Witness.
9 THE WITNESS: Good morning.
09:48:17 10 THE INTERPRETER: Your Honours, the witness's microphone is
11 not on.
12 PRESIDING JUDGE: Thank you.
13 Mr Bockarie, yesterday when we adjourned you were to
14 proceed. So there is no confusion on the record as well, I
09:48:47 15 understand this witness to be a common witness to the second
16 accused and the third accused. Mr Margai, may I ask? I was
17 asking if this witness is also a common witness to the third
18 accused as well.
19 MR MARGAI: Yes, My Lord.
09:49:05 20 PRESIDING JUDGE: Thank you. So, what we will do, to avoid
21 any confusion in the procedure, we will proceed now with the
22 second accused doing examination-in-chief, and then we are going
23 to move with you for examination-in-chief, and then will go to
24 cross-examine. And then, if there is any re-examination, we will
09:49:23 25 go to each and every one of you. So that is the procedure we
26 intend to follow this morning. Reminding everybody that
27 re-examination is indeed limited, and it is not addressed to you
28 specifically, Mr Margai, it is just that you happened to be up at
29 the time.

1 MR MARGAI: I appreciate that, My Lords, thanks.

2 PRESIDING JUDGE: Thank you. So, Mr Bockarie, you are
3 ready to proceed with your examination-in-chief of this witness.

4 MR BOCKARIE: Thank you, Your Honour.

09:49:48 5 PRESIDING JUDGE: Thank you.

6 EXAMINED BY MR BOCKARIE:

7 Q. Good morning, Pa Collier.

8 A. Good morning, old man.

9 Q. Pa Collier, do you know Moಿನina Fofana?

09:50:00 10 A. Yes.

11 Q. When did you first see Moಿನina Fofana at Talia?

12 A. When rebels were chased out of the Talia Chiefdom.

13 Q. Pa Collier, was it before the overthrow of the Kabbah
14 government or after the overthrow of the Kabbah government?

09:51:24 15 A. After he was overthrown, that's when we met.

16 Q. Pa Collier --

17 A. Yes.

18 Q. -- what was Moಿನina Fofana doing at Talia?

19 A. He was there. Whenever they brought food, he would

09:52:04 20 distribute it among us, amongst the Kamajors.

21 Q. Can you please tell us how this food distribution occurred?

22 A. Every chiefdom where people had come from --

23 PRESIDING JUDGE: Yes.

24 THE WITNESS: When those people come, those Kamasois, they

09:53:19 25 will always have a leader whom they called battalion commander.

26 PRESIDING JUDGE: Yes. Mr Bockarie.

27 MR BOCKARIE: Yes.

28 Q. Pa Collier --

29 A. Yes.

1 Q. -- was food airlifted into Base Zero?

2 JUDGE ITOE: It's very suggestive. Why don't you ask him
3 how the food came to Base Zero. It is very suggestive.

4 MR BOCKARIE:

09:54:13 5 Q. Pa Collier --

6 A. Yes.

7 Q. -- how did it get into Base Zero?

8 JUDGE ITOE: He has not even completed the answer to the
9 first question.

09:54:25 10 MR BOCKARIE: That's what I thought.

11 JUDGE ITOE: Yes, he hasn't finished.

12 MR BOCKARIE: That is what I thought about the
13 distribution.

14 JUDGE ITOE: You asked him about the distribution, yes.

09:54:36 15 MR BOCKARIE:

16 Q. Pa Collier, can we come back to the distribution of this
17 food at Base Zero. How did it occur; was it distributed?

18 A. At first it was not an aircraft that brought food.

19 Whenever anybody was coming from his chiefdom --

09:55:02 20 PRESIDING JUDGE: Yes.

21 THE WITNESS: Wherever you came from --

22 PRESIDING JUDGE: Yes.

23 THE WITNESS: You, including all the Kamasois who had
24 come - going to Base Zero - they would give you your food
09:55:29 25 collectively.

26 JUDGE ITOE: I don't understand. Wherever they're coming
27 from chiefdoms, they'll give you your food collectively. What
28 does that mean? It's not clear at all.

29 THE WITNESS: Listen so that you'll get it clearly.

1 JUDGE ITOE: I am listening, Mr Witness. I have all the
2 patience and all the time to listen to you.

3 THE WITNESS: When you are coming from -- like, we'd say
4 you are coming from Madina Bum --

09:56:12 5 JUDGE ITOE: You first of all said that this food
6 originally was not coming by air.

7 THE WITNESS: That's what I'm coming to.

8 JUDGE ITOE: Then you went back and said every people were
9 coming from their chiefdoms and so on and so forth. So I am
09:56:27 10 following you very attentively.

11 THE WITNESS: When you're coming from your chiefdom, the
12 paramount chief and his elders, they would provide rice and gari.
13 They would give it to you so that you'd bring it to Base Zero.

14 JUDGE ITOE: That is the answer I was expecting from you.

09:56:57 15 THE WITNESS: And that is what I am giving.

16 MR BOCKARIE:

17 Q. Will you continue. So they will bring it to Base Zero.

18 What happens when the food arrives at Base Zero?

19 A. I said they brought them to Base Zero.

09:57:38 20 Q. Pa Collier, did you know one Mustapha Lumeh?

21 PRESIDING JUDGE: What's the name?

22 MR BOCKARIE: Mustapha Lumeh, M-U-S-T-A-P-H-A.

23 THE WITNESS: Yes.

24 MR BOCKARIE: Mustapha, M-U-S --

09:58:04 25 PRESIDING JUDGE: It's okay.

26 MR BOCKARIE: Lumeh, L-U-M-E-H.

27 Q. Did he play any role in this food distribution, Mustapha
28 Lumeh?

29 A. The food that -- Mustapha Lumeh had something to do with

1 the food that was brought by the aircraft, but the other --

2 THE INTERPRETER: Your Honours, the witness is going very
3 fast.

4 PRESIDING JUDGE: Mr Witness, can you just repeat this last
09:58:41 5 answer, slowly, please. You were saying he had something to do
6 with the food brought by air.

7 MR BOCKARIE: Yes.

8 THE WITNESS: At that time nothing involving foreign
9 business had to do with the Kamajor business.

09:59:14 10 MR BOCKARIE:

11 Q. Pa Collier, you told this Court that you know
12 Mustapha Lumeh; correct?

13 A. Yes.

14 Q. The question is: Did Mustapha Lumeh play any role in the
09:59:33 15 distribution of food at Talia?

16 A. Very, very, very well.

17 Q. Can you tell this Court the role he played?

18 A. I do not know how to call it in English, but he was the one
19 called logistics officer. He was the keeper of the food.

10:00:19 20 Q. Did you know one Jajah Kamara?

21 A. Yes.

22 MR BOCKARIE: The spelling for Jajah, Your Honours, is
23 J-I-A-H, Jiah Kamara. J-A-I-A-H [sic], sorry.

24 Q. You said you know Jajah Kamara?

10:00:54 25 A. Yes.

26 Q. Did he also play any role in the food distribution at
27 Talia?

28 JUDGE ITOE: What role did he play in Talia?

29 THE WITNESS: Yes.

1 JUDGE ITOE: What role did he play in Talia?

2 MR BOCKARIE:

3 Q. What role did he play in Talia?

4 A. Who?

10:01:15 5 Q. Jajah Kamara.

6 A. He was the one when the food comes from the store, he would
7 handle it. He was called the storekeeper.

8 Q. Pa Collier, these two gentlemen, Mustapha Lumeh and Jajah
9 Kamara, they worked closely with -- did they work closely with

10:02:14 10 Moimina in the distribution of this food?

11 A. Yes.

12 Q. So, according to your observation, what was one of the key
13 roles of Moimina at Base Zero?

14 A. I did not know what exactly he did, except whenever there
10:03:07 15 was food they would organise things.

16 Q. Pa Collier, besides being referred to as Moimina Fofana,
17 did he hold any title at Base Zero?

18 A. I never saw him being given any post.

19 Q. You have heard of the name director of war?

10:04:14 20 A. Yes, I've heard.

21 Q. Do you know whether he was referred to as director?

22 A. Yes, he was called.

23 JUDGE ITOE: Let's get things sequentially. He said the
24 title Director of War.

10:04:52 25 MR BOCKARIE: No, he has just said director.

26 JUDGE ITOE: No, before that what was the state of the
27 records?

28 MR BOCKARIE: I said whether the word Director of War --
29 whether he'd come across the word Director of War.

1 JUDGE ITOE: And what did he say?

2 PRESIDING JUDGE: He said yes.

3 JUDGE ITOE: He said yes.

4 MR BOCKARIE: Shall we go back to the transcript, please.

10:05:11 5 JUDGE ITOE: He said yes.

6 MR TAVENER: I understood he said, "He was called."

7 JUDGE ITOE: No, what I have on my record is that he has
8 heard of the name -- the title Director of War and I think
9 counsel asked him what he was called, he said he was called

10:05:34 10 Director but he didn't specify whether it was Director of War.

11 JUDGE THOMPSON: That's what my record reflects. He
12 acknowledged knowing -- having heard the name Director of War but
13 when he said -- referring to Moinina Fofana, he said he was
14 called Director, period.

10:05:49 15 MR TAVENER: I thought I heard, "He was called." I wasn't
16 sure who "he" was.

17 JUDGE THOMPSON: He said Director, period. He didn't add
18 anything about "of" or anything.

19 MR TAVENER: It's certainly unclear at this stage.

10:06:11 20 MR BOCKARIE:

21 Q. Now you heard he was called Director?

22 A. Yes.

23 Q. Pa Collier, do you know why he was called Director?

24 A. No.

10:06:35 25 JUDGE THOMPSON: Mr Tavener, are you intrigued? We can go
26 to the transcript because clearly if there is something that we
27 have missed out, why not guide the Court. But I had the first
28 answer was, "I've heard the name Director of War", and then when
29 the question was posed to him whether in fact Moinina Fofana was

1 called Director of War, the witness stopped short of adding "of
2 war".

3 MR TAVENER: Yes, I think you're right, Your Honour. But
4 it's still something that either can be dealt with now or I'll
10:07:11 5 deal with later.

6 MR BOCKARIE:

7 Q. Pa Collier, what was --

8 A. Yes.

9 Q. -- did you play any role at Base Zero?

10:07:29 10 A. Yes.

11 Q. Can you tell this Court briefly what was that role?

12 A. I -- whenever guests came, for instance prominent people,
13 when they came, I was the person who hosted them. That was my
14 own job.

10:08:34 15 Q. Pa Collier, at Base Zero did they used to summon meetings?

16 A. Yes.

17 Q. Can you please tell this Court what sort of meetings were
18 being summoned?

19 A. Yes.

10:09:20 20 Q. Go ahead.

21 A. Whenever they said that rebels and juntas have attacked the
22 town or other towns --

23 PRESIDING JUDGE: Yes, Mr Bockarie.

24 MR BOCKARIE:

10:10:09 25 Q. Pa, continue.

26 A. -- the battalion commander, they would send a
27 [i ndi scerni bl e] around to assemble everybody at the airfi el d.

28 Q. Yes.

29 A. Then they would say that the rebels and juntas have

1 attacked that town, so we should organise the Kamajors to go
2 there.

3 Q. Pa Collier, who will then organise the Kamajors?

4 A. The person who was district battalion commander, he was the
10:11:49 5 one who would do the organisation.

6 Q. Pa Collier, was attendance at such meetings open to the
7 public, to those who were Talia?

8 A. Everybody would go there. I said at the field.

9 Q. Pa Collier, whilst you were at Talia did you ever see

10:13:04 10 Moini na Fofana plan an attack?

11 PRESIDING JUDGE: Don't you think it's a bit of a leading
12 question?

13 MR BOCKARIE: Sorry, sir. Yes. Thank you.

14 Q. Besides the role played by Moini na Fofana, as you have
10:13:20 15 already told this Court, did you see him play any other role?

16 A. I didn't see him doing any other work apart from that work.

17 MR BOCKARIE: Thank you very much, Pa Collier. That will
18 be all for him, Your Honours.

19 PRESIDING JUDGE: Thank you.

10:14:03 20 THE WITNESS: That's right.

21 PRESIDING JUDGE: Mr Margai, you wish to proceed with the
22 examination-in-chief?

23 MR MARGAI: Yes, My Lord.

24 EXAMINED BY MR MARGAI:

10:15:02 25 Q. Good morning, Pa Collier.

26 A. Good morning, Pa.

27 Q. Who was the paramount chief of Yawboko?

28 A. Our chief was called Chief Joe Jamgba.

29 MR MARGAI: Jamgba is spelt J-A-M-G-B-A, Jamgba.

1 Q. And was Base Zero in Talia?

2 A. Yes.

3 Q. And Talia is in the Yawbeko Chiefdom?

4 A. Talia is in the Yawbeko Chiefdom in Bonthe District.

10:16:21 5 Q. Thank you.

6 A. Yes.

7 Q. Where is the paramount chief now?

8 A. Chief Joe Jamgba is deceased.

9 Q. When did he die? Was it before, during or after the war?

10:16:50 10 A. He died after the war.

11 Q. Thank you. You've told this Court that you were the chief
12 host of all the visitors to Talia during the war.

13 JUDGE ITOE: The important.

14 MR MARGAI: The important visitors.

10:17:23 15 JUDGE ITOE: Not all.

16 MR MARGAI: Very well, My Lord. The important visitors.

17 Thank you.

18 THE WITNESS: I was their host. I was head to host them.

19 MR MARGAI:

10:17:55 20 Q. When did the Kamajors first come to Base Zero - which
21 month, which year - to the best of your recollection?

22 A. First thing is that I do not know the date. But it looks
23 like, and I believe, that the Kamasoi came to Base Zero in 1997.

24 Q. Thank you. Was it before the overthrow of President Kabbah
10:18:40 25 or after?

26 A. The Kamasois came and chased the rebels, and it took long
27 before President Kabbah could be overthrown.

28 Q. Thank you very much.

29 PRESIDING JUDGE: And it took long before --

1 MR MARGAI: The President was overthrown.

2 Q. And did the Kamajors remain in Base Zero after the
3 overthrow of President Kabbah?

4 A. Yes. But I can explain that.

10:19:45 5 Q. Please do.

6 A. They were not all assembled there. Those who had been
7 initiated in the Kamajor society in that chiefdom, everybody was
8 in his own place at that time when the rebels went away, when
9 they were chased out.

10:20:16 10 Q. And did the Kamajors remain in Talia after the restoration
11 of the Kabbah government?

12 A. It was at that time that they arrived, so many of them,
13 just so that they could fight alongside with the government to
14 reinstate the government.

10:20:49 15 Q. No, my question was: Did the Kamajors remain in Talia
16 after the restoration of President Kabbah's government?

17 A. When the President was reinstated everybody returned to his
18 home -- to his hometown.

19 Q. Thank you. Did you remain at Talia from the time the
10:21:53 20 Kamajors first came to Talia up to the time they finally left?

21 A. I didn't go anywhere.

22 Q. Thank you very much.

23 A. Even at the moment, that's where I am.

24 Q. Thank you. You have told Their Lordships that you are a
10:22:35 25 Kamajor?

26 A. Yes.

27 Q. During the presence of the Kamajors at Talia, meaning
28 Base Zero, did you hold any position within the Kamajor setting?

29 A. When I was there, my own job that I did was that the

1 Kamajors and the civilians, when there is a dispute between them,
2 I would settle that dispute together with the chiefs.

3 Q. Thank you.

4 A. Yes.

10:23:42 5 Q. Were you a member of the War Council?

6 A. No.

7 Q. Would I be correct in saying that you were one of the
8 respected elders at Talia at that time?

9 A. Yes, but you wouldn't know that you are respected except
10 somebody tells you.

11 Q. Thank you. Very modest.

12 JUDGE ITOE: Very modest. I was going to say very modest
13 indeed.

14 MR MARGAI: Indeed, thank you.

10:24:28 15 Q. Now, Pa Collier, during your stay at Base Zero in Talia did
16 you know Allieu Kondewa who is seated over there?

17 A. Yes.

18 Q. Do you know his role in the Kamajor movement?

19 A. Yes.

10:25:24 20 Q. What was his role?

21 A. He was the chief initiator when the Kamajor society started
22 in this country.

23 Q. Did Kondewa, as chief initiator, according to you, ever go
24 to war?

10:26:14 25 A. He never went to war. He was just there initiating people.

26 Q. And when you talk of initiating people, do you know of any
27 instance when he, Kondewa, forced an initiate into being
28 initiated?

29 A. He wouldn't force somebody to be initiated. It was you who

1 would ask him -- beg him, appeal to him.

2 JUDGE THOMPSON: Will this be an opinion?

3 MR MARGAI: Sorry, My Lord?

4 JUDGE THOMPSON: I said will this be an opinion?

10:27:40 5 MR MARGAI: I would have thought it was a factual
6 situation.

7 JUDGE THOMPSON: How?

8 MR MARGAI: He himself was, as he told you, My Lords,
9 initiated by Allieu Kondewa.

10:27:50 10 JUDGE THOMPSON: But as a factual matter would he know
11 whether anybody at any point in time was forced or is he talking
12 about the practice, the norm?

13 MR MARGAI: Well, I shall ask him, My Lords.

14 JUDGE THOMPSON: Quite. If he is talking about the norm,
10:28:03 15 that's different from what actually happens.

16 PRESIDING JUDGE: And furthermore, Mr Margai, you say that
17 he was, the witness -- [Overlapping speakers]

18 THE WITNESS: Nobody was forced to be initiated.

19 JUDGE THOMPSON: Tell the witness to hold on whilst we
10:28:18 20 resolve this.

21 MR MARGAI: Yes, My Lords.

22 PRESIDING JUDGE: Is there evidence that it was Kondewa who
23 initiated him? I didn't have that recollection.

24 MR MARGAI: I shall put it to him.

10:28:27 25 PRESIDING JUDGE: It may be so but --

26 MR MARGAI: Your Lordship might be right. Let me just ask
27 him.

28 JUDGE THOMPSON: But I am only interested in separating the
29 normative situation from the factual situation.

1 MR MARGAI: That will also be addressed.

2 JUDGE THOMPSON: Yes, because you can have a practice not
3 to do so and so and so, but whether the practice is adhered to or
4 not in particular and specific situations is another matter.

10:28:52 5 MR MARGAI: I shall address that, My Lord.

6 Q. Now, Pa Collier, who initiated you?

7 A. Kondewa.

8 Q. Thank you. You have told His Lordships that Kondewa never
9 forced anyone to be initiated. Rather, the initiate would beg to
10 be initiated by Kondewa. Their Lordships want to know how you
11 came about that.

12 A. When it was time for the initiation --

13 Q. Go on.

14 A. -- there might be about 200 people --

10:30:16 15 THE INTERPRETER: Your Honours, may the witness take the
16 number very slowly so that we get it correctly.

17 MR MARGAI:

18 Q. Could you go over that again very slowly, please. Thank
19 you, Pa Collier. Very slowly.

10:30:32 20 A. There will be a chiefdom and they would have people, about
21 250, for them to be initiated into the Kamajor society where
22 Kondewa was.

23 Q. And how would those people get to Kondewa?

24 A. Everybody coming from the chiefdom would be led by the
10:31:14 25 paramount chief, and he would take them to Kondewa and hand them
26 over to him.

27 Q. Thank you.

28 A. Okay.

29 MR MARGAI: Is My Lord Thompson now satisfied?

1 JUDGE THOMPSON: Thank you, Mr Margai .

2 MR MARGAI: Thank you, My Lord.

3 Q. Whilst you were at Talia throughout the stay of the
4 Kamajors thereat, did you ever hear of a complaint that Vanjawai
10:32:11 5 and others had gone on an extortion spree at the behest of
6 Kondewa?

7 A. I have never heard that from anybody when I was in Talia.

8 Q. And you were one of the elders --

9 JUDGE ITOE: Please, please, please.

10:32:37 10 MR MARGAI: I'm sorry, My Lord.

11 JUDGE ITOE: I've never heard that Vanjawai --

12 MR MARGAI: And others, My Lord.

13 JUDGE ITOE: Did you characterise it as an extortion spree?

14 MR MARGAI: Extortion spree, yes, My Lord.

10:33:08 15 JUDGE ITOE: Went on an extortion spree at the behest of
16 Kondewa.

17 MR MARGAI: At the behest of Kondewa.

18 Q. And you were one of the elders at Talia?

19 A. Very well .

10:33:25 20 Q. If there had been such a complaint would you have known?

21 A. If it had happened I would have known, but it didn't happen
22 because all those who went -- all those elders were at my house.
23 It didn't happen at all .

24 Q. Thank you.

10:33:51 25 A. Okay.

26 Q. Pa Collier, it has been said by way of evidence in this
27 Court --

28 MR MARGAI: My Lords, I am referring to the testimony of
29 TF2-001 of 14th February 2005.

1 THE WITNESS: I'm listening.

2 MR MARGAI:

3 Q. It has been said in this Court by way of evidence that
4 Hinga Norman, Moinina Fofana, Allieu Kondewa, Ori nko, Koroma and
10:34:48 5 Nallo were responsible for deciding and planning how the war was
6 to be fought. Now, the question is: To the best of your
7 knowledge --

8 JUDGE ITOE: Let's have an enumeration.

9 MR MARGAI: I see. Very well, My Lord.

10:35:08 10 JUDGE ITOE: [Indiscernible], please.

11 MR MARGAI: Yes, My Lord.

12 Q. Hinga Norman, Moinina Fofana, Allieu Kondewa, Ori nko
13 O-R-I-N-C-O [sic], Koroma and Nallo were responsible for deciding
14 and planning how the war was to be fought. What would be your
10:35:59 15 response to such a testimony?

16 A. These people whose name you've called, I have never seen
17 them tell somebody that today this was where you're going to
18 fight or these are the people who will do that. That was not
19 their job at all. They didn't send anybody to go and fight.

10:36:26 20 MR KAMARA: Excuse me, Your Honours.

21 PRESIDING JUDGE: Yes.

22 MR KAMARA: Sorry, Mr Margai. It is with reference to
23 TF2-001. Were you trying to refer to TF2-011, because I recall
24 TF2-001; I led that witness in evidence. It is unlikely that
10:36:46 25 what you refer to was part of his evidence.

26 MR MARGAI: Sorry, My Lords. Thank you, you're right. It
27 is TF2-005. TF2-005, 15th February.

28 PRESIDING JUDGE: 15th?

29 MR MARGAI: 1-5, 15th.

1 JUDGE ITOE: I thought you said 14th February?

2 MR MARGAI: No, sorry, it's 15th February.

3 PRESIDING JUDGE: And it's TF2 --

4 MR MARGAI: TF2-005, you're quite right. 15th February

10:37:17 5 2005. Thank you. Have you got his answer, My Lord?

6 JUDGE ITOE: He concluded by saying that was not their job.

7 MR MARGAI: I see, thank you.

8 JUDGE ITOE: Is that not what he said?

9 MR MARGAI: Yes, My Lord.

10:37:31 10 JUDGE ITOE: He never saw them sending people to go and
11 fight.

12 MR MARGAI: Yes, My Lord.

13 JUDGE ITOE: And that that was not their jobs.

14 MR MARGAI: Yes, My Lords.

10:37:40 15 THE WITNESS: If you allow me, I can explain properly those
16 who sent people.

17 MR MARGAI:

18 Q. Very well. Go on.

19 A. Whatever happened in relation to the Kamasors, the district
10:38:06 20 commander would say to the chiefdom battalion commander, "You
21 send people there and you too send people there."

22 JUDGE ITOE: Let us have a good location of this district
23 commander. Is it district commander of where?

24 MR MARGAI: Each district.

10:39:07 25 JUDGE ITOE: No, there is a chiefdom. There in Talia -- we
26 are in Talia, aren't we?

27 MR MARGAI: Yes, My Lord.

28 JUDGE ITOE: What district commander is he referring to
29 as --

1 THE WITNESS: Battalion --

2 JUDGE ITOE: -- giving instructions to the chiefdom
3 commanders.

4 MR MARGAI :

10:39:16 5 Q. Which district commanders would --

6 A. Chiefdom commander.

7 Q. Any particular chiefdom or each?

8 A. Each chiefdom where Kamajors had come from, in their own
9 chiefdom they would have their own chiefdom commander. Every
10 chiefdom.

10:39:41

11 Q. Pa Collier, do you know --

12 PRESIDING JUDGE: Mr Margai, before you pursue this, the
13 question before had to do with district commander and now we're
14 talking of chiefdom commander. I would like to understand from
15 this witness how that works. I understand each chiefdom had its
16 own chiefdom commander, but where does that fit, if at all, with
17 district commander?

10:40:04

18 MR MARGAI: Yes, My Lord.

19 Q. His Lordship would like to know whether each chiefdom had a
20 chiefdom commander?

10:40:24

21 A. Every chiefdom, wherever Kamasors were, they would have
22 their leader and they would call him chiefdom commander, the
23 Kamajor.

24 Q. And apart from the chiefdom commander, were there district
25 commanders?

10:40:44

26 A. They were there.

27 Q. Every district -- there was a leader for every district in
28 the Kamasor movement. And everything they did, they would tell
29 him and he would disseminate it in the chiefdoms.

1 PRESIDING JUDGE: Now I would like to know if there was any
2 relationship.

3 MR MARGAI: That is what I am coming to.

4 Q. Now, was there any relationship between the chiefdom
10:41:21 5 commanders and the district commanders?

6 A. Whatever happened they would tell the district commander
7 for the attention of his own chiefdoms.

8 Q. Now, Pa Collier, do you know Mokasi, a mile from Talia?

9 A. I know there.

10:42:22 10 MR MARGAI: Spelt M-O-K-O-S-I [sic], My Lords.

11 Q. Do you agree that it is about a mile from Talia?

12 A. It could be up to 2 miles. It will be up to 2 miles.

13 Q. Thank you. Pa Collier, there is evidence before this
14 Court --

10:43:20 15 MR MARGAI: My Lords, I am referring to the testimony of
16 TF2-014 of 10th March 2005.

17 Q. There is evidence to the effect that Allieu Kondewa killed
18 an initiate, burnt his body, and took the ashes to Mokasi, which
19 he used for initiation --

10:43:59 20 THE INTERPRETER: Your Honours, learned counsel is going
21 very fast for the interpreter to keep pace with him.

22 MR MARGAI: Sorry, sorry.

23 Q. That Allieu Kondewa killed an initiate and burnt his body,
24 then took the ashes Mokasi and used it for initiation purposes.

10:44:38 25 During your stay at Talia, as one of the elders, did you hear of
26 any such incident, Pa Collier?

27 A. No, but I can explain. Since the initiation started,
28 nobody told anybody that my son who had gone to be initiated into
29 the Kamajor society had died. Nobody said that. It's a lie.

1 [CDF17FEB06B-SGH]

2 MR MARGAI: Referring to the same witness TF2-014 of
3 10th March 2005, My Lords.

4 Q. Pa Collier, there is evidence before this Court that one
10:46:44 5 Mustapha Fallon, F-A-L-L-O-N, was killed in the Poro Bush near
6 Talia in the presence of Hinga Norman -- sorry, Mooina Fofana
7 and Allieu Kondewa, and that Allieu Kondewa said that Fallon was
8 needed as a human sacrifice to protect the fighters. Fallon was
9 a Kamajor from Kati [phon]. Did you hear of any such killing
10:47:49 10 whilst you were at Talia or anywhere else?

11 A. I didn't hear and I didn't see it happen. I didn't even
12 hear it by hearsay. I am only hearing it in this Court today.

13 Q. To the best of your knowledge and recollection, was any
14 complaint or report made touching and concerning the killing of
10:48:12 15 Mustapha Fallon?

16 A. It didn't reach me. That kind of complaint didn't reach me
17 and it didn't even reach the paramount chief. It didn't reach
18 anybody, and we didn't hear it. I wouldn't see it done. I
19 didn't see it.

10:48:43 20 Q. Thank you.

21 MR MARGAI: My Lords, again I am referring to the testimony
22 of TF2-014 of 10 March 2005.

23 Q. There is evidence before this Court -- Pa Collier, are you
24 okay? Are you all right?

10:49:34 25 A. Nothing's wrong with me.

26 Q. Thank you.

27 A. I thank God for right now.

28 Q. Thank you. There is evidence before this Court, Pa
29 Collier, to the effect that one Alpha Dauda Kanu, a Kapra, was

1 killed at an oil palm plantation on the way to Mokusi --
2 M-O-K-U-S-I, My Lords -- by Hinga Norman, Moini na Fofana and
3 Allieu Kondewa, and, after being hacked to death, his skin was
4 removed. Was a report made in respect of that alleged killing,
10:50:59 5 to the best of your knowledge and recollection?

6 A. Nobody made a complaint. I didn't see it happen nor did I
7 hear.

8 Q. Apart from being a resident of Talia, do you hold any
9 position within the township or chiefdom?

10:51:39 10 A. I was court chairman for about 15 years.

11 Q. From what period to what period?

12 A. I started doing the President Siaka's area.

13 Q. [Microphone not activated].

14 A. I did it up for up to -- up to six years I stopped then
10:52:30 15 some other people took over, and took over again doing Maada
16 Bi o's era, the military government.

17 Q. That is the NPRC?

18 A. Yes. If that is it because I do not know it in English.

19 Q. When you said Maada Bio, that was why I said NPRC; that is
10:52:47 20 NPRC.

21 A. Well, that's it. Well, that's it.

22 Q. Apart from having served as court chairman, do you hold any
23 civic position within Sogbini Chiefdom - not Sogbini, Yawbeko?

24 A. Yes.

10:53:20 25 Q. What position, if any?

26 A. I was kind of a magistrate and --

27 THE INTERPRETER: Can you go over that again please?

28 MR MARGAI: [Mende spoken].

29 THE WITNESS: Tribal.

1 MR MARGAI: Tribal authority.

2 THE INTERPRETER: Can he take it again, please?

3 MR MARGAI:

4 Q. Say it again, please?

10:53:53 5 A. I was a tribal authority and a chiefdom committee member in
6 that chiefdom, Talia Yawbeko Chiefdom in Bonthe District.

7 Q. Thank you.

8 MR MARGAI: Tribal authority, My Lords, is otherwise known
9 as chiefdom councilor.

10:54:11 10 THE WITNESS: Chiefdom committee member.

11 MR MARGAI:

12 Q. Now, as tribal authority and chiefdom committee member, you
13 would be one of the advisers to the paramount chief, wouldn't
14 that be the case?

10:54:53 15 A. Very well. In that chiefdom I've been an elder up to this
16 time, but I am old now. I have been holding on to positions up
17 to this time.

18 Q. Thank you. And because of that advisory role did the
19 paramount chief discuss matters of complaints to him with you?

10:55:45 20 A. Yes. When they say you are chiefdom committee member,
21 every month you would meet to the chief and organise things
22 relating to the chiefdom.

23 Q. Thank you. During the period when the Kamajors came to
24 Talia in the Yawbeko Chiefdom and up to the time they left, was
10:56:22 25 the chiefdom committee in session?

26 A. It didn't at all.

27 Q. Meaning?

28 A. Just as you have asked me it was still in session.

29 Q. Thank you. Were you present at the sessions held during

1 this period?

2 A. When the chiefdom committee is sitting whoever was the
3 chiefdom committee member would be present.

4 Q. Yes, I know, but were you, as an individual, present at
10:57:31 5 these sessions during this period?

6 A. Yes.

7 Q. Thank you.

8 A. There are five sections there. Each section would have one
9 member, and when they are meeting, all five of you would be
10:57:49 10 there.

11 Q. Would I be right in saying that when you do meet in such
12 sessions, you discuss all matters relating to the chiefdom?

13 A. Yes.

14 Q. Thank you.

10:58:22 15 A. You would talk about the things relating to the chiefdom.
16 What you would do in order for your chiefdom to progress.

17 Q. Thank you. Would you also discuss happenings within the
18 chiefdom; events within the chiefdom?

19 A. Very well.

10:58:57 20 Q. Thank you. These alleged killings, which I asked you about
21 and you responded to, were any of them discussed in any of these
22 chiefdom committee meetings?

23 A. When didn't hear about the death of somebody, so we
24 wouldn't talk about it. It did happen.

10:59:27 25 PRESIDING JUDGE: I think you have had the answer from this
26 witness before. He says he's never heard of it, never seen of it
27 and never seen it.

28 MR MARGAI: He is now talking in the capacity --

29 PRESIDING JUDGE: I know.

1 MR MARGAI: -- Of attending the chiefdom committee meeting,
2 My Lords.

3 PRESIDING JUDGE: I hear you, Mr Margai.

4 MR MARGAI: Thank you.

10:59:40 5 PRESIDING JUDGE: His evidence before that was quite clear;
6 under any circumstances he had never heard of it.

7 MR MARGAI: Thank you. Thank you. We will move on. I am
8 now referring to the testimony of TF2-079 My Lords. TF2-079
9 of 26th May 2005, closed session.

11:00:51 10 PRESIDING JUDGE: What is the date in 2005, Mr Margai?

11 MR MARGAI: 26th May.

12 PRESIDING JUDGE: Thank you.

13 MR MARGAI:

14 Q. There is evidence before this Court, Mr Collier, that
11:01:19 15 Allieu Kondewa provided logistics for his commanders. What is
16 your response to that, please?

17 A. I did not understand. Repeat.

18 Q. There is evidence in this Court that Allieu Kondewa
19 provided logistics for his commanders. Let me ask you in bits.
11:02:01 20 To the best of your knowledge did Kondewa have commanders?

21 A. No. Kondewa wouldn't have a commander. He was just there
22 to organise. He was just an initiator. That was his job.

23 MR MARGAI: So, My Lords, I take it that the second
24 question will not be necessary. I mean, if he did not have
11:02:36 25 commanders he did not could not provide logistics.

26 JUDGE ITOE: You may well ask it for the records.

27 MR MARGAI: For the records.

28 JUDGE ITOE: Yes.

29 MR MARGAI: Thank you.

1 Q. Mr Collier --

2 A. Yes.

3 Q. -- did Kondewa provide logistics, whatever that means, to
4 his commanders?

11:03:01 5 A. I didn't see that and I didn't hear.

6 MR MARGAI: My Lords, I am referring to the evidence of
7 TF2-189 of 3rd June 2005.

8 Q. There is evidence before this Court, Mr Collier, that plane
9 brought guns, bullets and food for Allieu Kondewa. Guns, bullets
10 and food for Allieu Kondewa.

11:04:40

11 A. I didn't see them bring guns, food for Allieu Kondewa.
12 Never. I never saw that. And I didn't hear that.

13 Q. Was Allieu Kondewa one of your guests at Talia?

14 A. Allieu Kondewa was in the house -- was based in that
15 chieftdom. He was not my guest. He was an inhabitant of that
16 chieftdom.

11:05:20

17 Q. Do you know where exactly he stayed, which house he stayed
18 in Talia during this period we have been talking about, from the
19 time the Kamajors got to Talia up to the time they left?

11:05:36

20 A. Yes.

21 Q. How far was that house occupied by Allieu Kondewa in
22 relation to where you were staying approximately?

23 A. The distance between us was that his house and mine, the
24 distance, it could be up to 100 yards.

11:06:55

25 Q. Pa Collier --

26 A. Yes.

27 Q. -- what sort of man did you find Allieu Kondewa to be
28 during their stay in Talia?

29 MR TAVENER: I object. Is this character evidence? I just

1 want it understood as to what is the basis for this question. Is
2 he seeking to lead character evidence of his client?

3 MR MARGAI: The answer may be favourable to the
4 Prosecution.

11:07:14 5 MR TAVENER: It doesn't matter.

6 PRESIDING JUDGE: No, but the question is are you
7 attempting to lead some character evidence?

8 JUDGE ITOE: Are you saying that Kondewa, he is going to
9 say that Kondewa is a criminal?

11:07:26 10 MR MARGAI: [Microphone not activated]

11 THE INTERPRETER: Your microphone is not on.

12 JUDGE ITOE: If you say that it will be favourable to the
13 Prosecution, that is what you are implying.

14 MR MARGAI: I am saying it might because I don't know what
11:07:35 15 the answer is.

16 JUDGE ITOE: Might, might, yes, but I don't see him -- I
17 would be surprised if he would say that Allieu Kondewa is a
18 criminal, because that is --

19 MR MARGAI: What they want to hear.

11:07:45 20 JUDGE ITOE: Precisely.

21 MR MARGAI: My Lord, with the greatest respect, from my
22 observation of my learned friend Tavener I think he is a
23 gentleman.

24 JUDGE ITOE: Well --

11:07:53 25 PRESIDING JUDGE: But we --

26 MR MARGAI: And [Overlapping speakers]

27 JUDGE ITOE: I will end the controversy there.

28 MR MARGAI: Like me, we are after the truth.

29 PRESIDING JUDGE: But the question really, Mr Margai, was

1 not that. The question --

2 MR MARGAI: I shall abandon that.

3 PRESIDING JUDGE: You don't have to. The question was are
4 you trying to lead some character evidence; that was the only
11:08:12 5 question that was asked. It's yes or no.

6 MR MARGAI: It is just an opinion. Opinion evidence.

7 JUDGE THOMPSON: Let me ask -- we are not quite sure about
8 the state of the law -- at what point in time in a proceeding of
9 this nature is the Defence permitted to adduce character
11:08:26 10 evidence?

11 MR MARGAI: Obviously, My Lords, if my memory serves me
12 correctly, vis-a-vis the procedure is after the Court --

13 JUDGE THOMPSON: I am not talking about the national
14 system. Remember that one of the principles is we are not guided
11:08:46 15 by national principles of law. So I don't know what the
16 jurisprudence of the international tribunal is.

17 MR MARGAI: I am talking of a blend of the national and
18 international law.

19 JUDGE THOMPSON: Well, no, I am saying that in terms of the
11:09:02 20 principles of evidence which bind this Tribunal, one of our
21 recognised principles is that we are not bound by national
22 principles.

23 MR MARGAI: I appreciate that My Lords.

24 JUDGE THOMPSON: And the blend that we have here is the
11:09:15 25 civil law and the common law system.

26 MR MARGAI: Yes, My Lord.

27 JUDGE THOMPSON: The question I am really asking is at what
28 point in time is it permissible to lead character evidence? I
29 mean, I don't know what the state of the jurisprudence in

1 international tribunals is; I have not researched that one. It
2 is a very important question, that if you may not --

3 MR MARGAI: I venture to say that the appropriate time
4 would be after verdict, if --

11:09:47 5 PRESIDING JUDGE: It is the most appropriate time.

6 MR MARGAI: It is the most appropriate. But then --

7 JUDGE THOMPSON: I don't know what the practice is. I
8 stand to be guided.

9 PRESIDING JUDGE: I don't think you are precluded. It may
11:09:58 10 not be advisable, but I don't think you are precluded. I
11 understand it to be that if you do, you have to characterise it
12 to show clearly this character evidence.

13 MR MARGAI: Well, I was attempting to ask him to give an
14 opinion because --

11:10:11 15 PRESIDING JUDGE: But it is an opinion that relates to the
16 character of the accused.

17 MR MARGAI: Indeed, indeed.

18 PRESIDING JUDGE: Is he a good man or bad man? This is
19 essentially what you are asking. And therefore this is directly
11:10:19 20 to the character of the accused. As I say, you may, but you have
21 to clearly spell it out.

22 MR MARGAI: If Your Lordships --

23 JUDGE THOMPSON: The reason I ask is because there have
24 been witnesses who have testified in this Court that have
11:10:34 25 actually testified or given a kind of testimonial character
26 evidence of persons.

27 MR MARGAI: I don't know when Your Lordships intend
28 breaking for the usual 15 minutes. That will give us ample time
29 to look at the law and to provide Your Lordships.

1 JUDGE THOMPSON: Quite right, because Mr Tavener objected.

2 MR MARGAI: I agree with your Lordship that it is an
3 important aspect which perhaps should not be glossed over.

4 JUDGE THOMPSON: That is just my own concern.

11:10:53 5 MR MARGAI: As My Lords please. And that will be my
6 final -- [Overlapping speakers]

7 JUDGE THOMPSON: Because if it arises again, we would need
8 to give a direction on it.

9 MR MARGAI: As My Lords please.

11:11:05 10 JUDGE ITOE: What would this evidence serve the Defence?
11 That is the question to be asked. This question you are asking
12 now.

13 MR MARGAI: Yes, My Lord.

14 JUDGE ITOE: Of what service would it be to the Defence in
11:11:16 15 the conduct, you know, of its case?

16 MR MARGAI: My Lords, I believe it will be of tremendous
17 assistance not only in determining *mens rea* but may even go
18 beyond that. It may even go beyond it.

19 JUDGE ITOE: You mean, if he tells us, you know, that --

11:11:41 20 MR MARGAI: And you believe him.

21 JUDGE ITOE: Of course. I won't go further.

22 MR MARGAI: Yes. Because at the end of the day, no matter
23 what is said here, it is what Your Lordships believe and what
24 weight is placed on what is said here that matters.

11:12:03 25 PRESIDING JUDGE: But I would imagine and understand that
26 you are asking these questions as part of your
27 examination-in-chief at this stage of the process --

28 MR MARGAI: That is correct, My Lords.

29 PRESIDING JUDGE: -- to try to convince the Court -

1 assuming that we believe the witness is not the issue - but
2 essentially to try to convince the Court that your client is not
3 a person that was likely to commit these type of crimes --

4 MR MARGAI: Precisely.

11:12:23 5 PRESIDING JUDGE: -- because he is a good man.

6 MR MARGAI: Precisely.

7 JUDGE THOMPSON: Quite right.

8 PRESIDING JUDGE: I mean, this --

9 MR MARGAI: Precisely.

11:12:30 10 PRESIDING JUDGE: Which is character evidence of the first
11 degree.

12 MR MARGAI: Precisely, My Lord. I couldn't agree more with
13 you.

14 JUDGE THOMPSON: That's why I wanted some guidance, because
11:12:38 15 I don't know, in the context of international criminal procedure,
16 whether we are bound by following the practice in national
17 systems, whereby character evidence has to await verdict. And
18 that is why, when the objection was taken, I wanted to be guided
19 on the law.

11:13:00 20 MR MARGAI: That is why I am asking for time to research
21 within the 15 minute break and then we shall opine, as it were.
22 The law is in Your Lordship's breast. We can only opine.

23 PRESIDING JUDGE: Mr Margai, normally we would break in
24 about 15 minutes. So can we proceed with your
11:14:18 25 examination-in-chief, leave this issue aside and then come back
26 after we have finished for the break.

27 MR MARGAI: This will be the very last question.

28 PRESIDING JUDGE: If that is the case, then we'll break for
29 the usual recess sooner rather than normal and take it back when

1 we come back.

2 MR MARGAI: Thank you, My Lords.

3 PRESIDING JUDGE: Thank you.

4 [Break taken at 11.15 a.m.]

11:14:33 5 [Upon resuming at 11.50 a.m.]

6 PRESIDING JUDGE: Mr Margai, we are back to you. Do you
7 wish to address the Court on this issue of character evidence.

8 MR MARGAI: Yes, My Lord.

9 JUDGE ITOE: You are still pursuing it?

11:50:24 10 MR MARGAI: Yes, I am.

11 JUDGE ITOE: You are still pursuing it?

12 MR MARGAI: Subject to your Lordship's leave --

13 JUDGE ITOE: No, no, no, it is your option.

14 MR MARGAI: Yes, I am, My Lord.

11:50:34 15 PRESIDING JUDGE: When you say pursuing it, you mean will
16 attempt to lead this evidence related to your last question?

17 MR MARGAI: I will, subject to Your Lordships' ruling.

18 PRESIDING JUDGE: Indeed, indeed.

19 MR MARGAI: My Lords, I have perused the Rules of Procedure
11:50:55 20 and Evidence guiding this Chamber, as to whether there is any
21 rule dealing directly with the matter in issue.

22 PRESIDING JUDGE: And there is none?

23 MR MARGAI: And there is none. I think the nearest is
24 Rule 93 indirectly. I shall be coming to that.

11:51:08 25 PRESIDING JUDGE: Indeed, indeed.

26 MR MARGAI: But before I come to Rule 93, at the status
27 conference held on Thursday, 27 October 2005, presided over by
28 the Presiding Judge Justice Pierre Boutet. At page 5 Your
29 Lordship had this to say: "Before we proceed with some other

1 issue, on the witness issue I would like to enquire with each
2 Defence team, once again, in the preparation of your case whether
3 any accused will be calling character witnesses. "

4 My Lords, in my response at page 8, I said "Character
11:52:16 5 witnesses are envisaged within the number given by My Lord. "

6 PRESIDING JUDGE: I do remember your answer.

7 MR MARGAI: Thank you.

8 PRESIDING JUDGE: Thank you.

9 MR MARGAI: My Lords, I was of the view at that time that
11:52:31 10 the Chamber would be expecting us to lead evidence as to
11 character.

12 PRESIDING JUDGE: Not necessarily expecting you, but asking
13 the question as to whether you intended to.

14 MR MARGAI: No, I am saying my understanding at that time,
11:52:45 15 erroneous though it may be was that the Chamber would be
16 expecting us to lead evidence as to character.

17 My Lords, Rule 93 deals with evidence of consistent pattern
18 of behaviour of conduct. "(A) evidence of the consistent pattern
19 of conduct relevant to serious violations of international
11:53:38 20 humanitarian law under the Statute may be admissible in the
21 interests of justice. "

22 I submit conversely, My Lord, in the interests of justice,
23 the evidence of the conduct of the accused, good or otherwise,
24 could also be adduced through a witness if one were to go on the
11:54:08 25 Doctrine of Equality of Arms.

26 PRESIDING JUDGE: As you say, you have to characterise that
27 in that could be led.

28 MR MARGAI: That could be led.

29 PRESIDING JUDGE: By witnesses for an accused.

1 MR MARGAI: Yes, My Lord.

2 PRESIDING JUDGE: So you agree that except under Rule 93,
3 the Prosecution, under no circumstances, would be allowed to lead
4 evidence of bad character, except under Rule 93.

11:54:38 5 MR MARGAI: Under Rule 93. I am saying conversely what is
6 good for the goose is good for the gander. The Defence could, I
7 submit, in the interests of justice, and should be allowed to
8 lead character evidence from a witness for the Defence.

9 PRESIDING JUDGE: Thank you.

11:55:08 10 MR MARGAI: My Lords, as Justice Thompson rightly stated,
11 he has not come across any law which is definitive on this issue.
12 I submit that the law is very fluid and this, perhaps, is giving
13 Your Lordships and ourselves the opportunity of determining once
14 and for all what the proper approach should be, which will serve
11:55:31 15 as a guide, not only for Benches but also for practitioners *in*
16 *futuro*.

17 PRESIDING JUDGE: Thank you, Mr Margai.

18 MR MARGAI: My Lords, I have also looked at the
19 *International Criminal Practice, Third Edition, Jones and Powl es*.

11:55:49 20 PRESIDING JUDGE: Yes.

21 MR MARGAI: At page 732, paragraph 85662.

22 PRESIDING JUDGE: 85662.

23 MR MARGAI: And continuing at page 733. The case of
24 *Kupreski c*, decided on 7 February 1999 was cited. With your
11:57:01 25 leave, I shall read - it is a very short paragraph.

26 PRESIDING JUDGE: Please.

27 MR MARGAI: It is generally inadmissible to adduce evidence
28 of the accused's character in order to show his propensity to act
29 in conformity therewith. It refers to the decision of *Kupreski c*.

1 "(i) generally speaking, evidence of the accused's
2 character prior to the events for which he is indicted before the
3 International Tribunal is not a relevant issue inasmuch as (a) by
4 their nature as crimes committed in the context of widespread
11:57:43 5 violence and during a national or international emergency, war
6 crimes and crimes against humanity may be committed by persons
7 with no prior convictions or history of violence, and that
8 consequently evidence of prior good, or bad conduct on the part
9 of the accused before the armed conflict began is rarely of any
11:58:10 10 probative value before the International Tribunal..."

11 THE INTERPRETER: Counsel is going too fast for the
12 interpreters to follow.

13 MR MARGAI: I am sorry. I am sorry. I shall go slowly.

14 "(i) generally speaking, evidence of the accused's
11:58:25 15 character prior to the events for which he is indicted before the
16 International Tribunal is not a relevant issue inasmuch as (a) by
17 their nature as crimes committed in the context of widespread
18 violence and during a national or international emergency, war
19 crimes and crimes against humanity may be committed by persons
11:59:35 20 with no prior convictions or history of violence, and that
21 consequently evidence of prior good or bad conduct on the part of
22 the accused before the armed conflict began is rarely of any
23 probative value before the International Tribunal, and (b) as a
24 general principle of law, evidence as to the character of an
12:00:17 25 accused is generally inadmissible..."

26 JUDGE THOMPSON: Generally admissible?

27 MR MARGAI: Generally inadmissible.

28 JUDGE THOMPSON: Inadmissible.

29 JUDGE ITOE: Yes.

1 MR MARGAI: "To show the accused's propensity to act in
2 conformity therewith."

3 "Inadmissible to show the accused's propensity to act in
4 conformity therewith. This is not to say that evidence of
12:01:01 5 a character of an accused of good nature will not be
6 admissible."

7 And I submit, My Lords, finally, that in the interests of
8 justice, since we are all here to seek it, this evidence ought to
9 be permitted. Except if Your Lordships wish me to address you on
12:01:34 10 any further issue.

11 PRESIDING JUDGE: No, thank you.

12 MR MARGAI: That is my submission.

13 PRESIDING JUDGE: That is fine. We thank you, Mr Margai.

14 MR MARGAI: Thank you.

12:01:41 15 PRESIDING JUDGE: Mr Prosecutor, you wish to address the
16 issues?

17 MR TAVENER: Only briefly, Your Honour, because I also rely
18 on the same paragraph as read to you by my friend. But obviously
19 I have the completely opposite view of it. It certainly does not
12:01:54 20 allow you to introduce evidence one way or the other about
21 character. It is not helpful. I can provide copies of the case
22 of *Zoran Kupreski c.* The relevant paragraph has been read by my
23 friend, Mr Margai.

24 He did also raise the question of 93, whether Rule 93 can
12:02:22 25 be used as a means by which such evidence can be lead. Again I
26 refer to the authority, the textbook *International Criminal*
27 *Practice Third Edition Jones and Powl es.* Reading from page 749.
28 It covers the history of the ICTY Rule 93, which is consistent
29 with our own, as I understand it.

1 PRESIDING JUDGE: I should mention to you that to my
2 recollection we have amended that Rule on 7 March 2003. I don't
3 have the text of the ICTR Rule. I cannot at this stage say you
4 are right or wrong. But I would caution that our Rule 93 may not
12:03:03 5 be exactly similar to and it might be substantially different in
6 fact.

7 MR TAVENER: Well, I will leave it at that. I am sure
8 Your Honours have a copy of the text I refer to. In there an
9 explanation of rule was given by Judge Cassese, as the ICTY Rule
12:03:25 10 in *Kupreski c*, and ultimately the quote ends, "I don't see why and
11 to what extent Rule 93 could relate to the issue of character
12 there." As I understand the introduction of evidence of systemic
13 conduct, it relates more to the giving orders, control and the
14 like.

12:03:42 15 When one looks at what was said in that trial, you cannot
16 say because I am of good character then I am always of good
17 character. Alternatively, because I am a bad character, I am
18 always a bad character. It simply does not apply. Particularly
19 in the light of the paragraph read by Mr Margai. It is simply
12:03:57 20 not a helpful device or a helpful adduction of evidence, bearing
21 in mind as the paragraph and the particular case referred to
22 emphasises these particular events occur in extraordinary times.
23 So people's character, good or bad, in normal times does not
24 assist the Court in their deliberations.

12:04:21 25 JUDGE THOMPSON: So virtually the Rule 93 cited by
26 Mr Margai on one interpretation, if I am right in my own kind of
27 rationalisation here, potentially endangers the position of the
28 defence. In a sense doesn't it potentially endanger their
29 position?

1 MR TAVENER: If the Prosecution is --

2 JUDGE THOMPSON: Well, I am just asking that the Rule as it
3 is would potentially endanger their position.

4 MR TAVENER: I understand what your -- yes, Your Honour.

12:05:03 5 JUDGE THOMPSON: Because again, you see, and some of these
6 rules are replications of common law principles and attempt to --
7 generally speaking, evidence of consistent pattern of conduct
8 would not be admissible as a general rule under the common law
9 system.

12:05:20 10 MR TAVENER: That's correct.

11 JUDGE THOMPSON: Unless to show motive, intention and all
12 that kind of thing. But here we in the international system, it
13 is permissible under Rule 93. And it would seem as if this
14 potentially endangers the Defence, and as far as I understand the
12:05:46 15 jurisprudence - the evolving jurisprudence in the international
16 criminal context - the tendency is not to interpret Rule 93
17 literally, but to treat that in the context of circumstantial
18 evidence.

19 MR TAVENER: Yes, I think Your Honour is correct.

12:06:04 20 JUDGE THOMPSON: In other words, the tribunals that have
21 applied this Rule have actually moved with great circumspection
22 in treating this kind of evidence. Not literally, but as
23 circumstantial evidence.

24 MR TAVENER: Exactly, because of the particular
12:06:17 25 circumstances in which the alleged offences took place.

26 JUDGE THOMPSON: Yes.

27 MR TAVENER: Therefore character evidence really has no
28 helpful place.

29 JUDGE THOMPSON: Yes.

1 MR TAVENER: What is done in national jurisdictions is not
2 helpful in these circumstances, and as Your Honour said, it could
3 work either way for the Defence. And 93 is not there to allow
4 for the introduction of character evidence.

12:06:44 5 JUDGE THOMPSON: But it is just that our Rules do not
6 provide for an exclusionary approach --

7 MR TAVENER: Yes.

8 JUDGE THOMPSON: -- to character evidence.

9 MR TAVENER: And that is why I initially raised the matter.
12:06:58 10 If the evidence was going to go in, on what basis was it going to
11 go in and then whether there was consequence. The consequence
12 may well be --

13 JUDGE THOMPSON: But suppose I was to say it could go -- we
14 could allow such evidence based on the broad principle of
12:07:15 15 flexibility of admission of evidence, realising that those who
16 will eventually evaluate the evidence in its totality are
17 specialised trained judges, who, in fact, by their training will
18 be very cautious when they are confronted with evidence of a
19 dubious nature, as against juries who may not be able to be
12:07:45 20 dispassionate and very cautious in dealing with the weight of
21 such evidence.

22 MR TAVENER: Our submission would be that in the
23 circumstances of the international tribunal, as outlined in Jones
24 and Powles, character is irrelevant. It is simply an irrelevant
12:07:59 25 piece of evidence and should not go in.

26 JUDGE THOMPSON: I see. So under Rule 89(C) it should not
27 even be allowed.

28 MR TAVENER: That's right. It is simply not relevant; it's
29 not helpful. For that I rely upon the decision I have cited, and

1 indeed Mr Margai cited, that of *Kupreski c* of 17th February 1999
2 from the ICTY.

12:08:41 3 JUDGE ITOE: Mr Tavener, you were trying to -- in your
4 submissions you wanted to make an allusion to the consequences of
5 the admission of such evidence. Can you please address us on
6 that?

7 MR TAVENER: Yes, Your Honour. It may well be -- again, I
8 don't wish to import national jurisdiction practices. But if
9 good character is allowed to be introduced, does that mean the
12:08:52 10 Prosecution, in addition to leading factual matters, can also
11 introduce character evidence about each of the accused?
12 Something, quite frankly, we would say would muddy the waters.
13 We would prefer, therefore, not to have character evidence raised
14 at all and leave it to the facts as produced by the particular
12:09:11 15 witnesses.

16 JUDGE ITOE: Thank you. That is the other side of the coin
17 which I was looking at, and that's why I have come to back to you
18 on this.

19 MR TAVENER: I thought my friend may be going into a risky
12:09:26 20 area that he might not have contemplated and I thought I should
21 raise it at the appropriate time.

22 PRESIDING JUDGE: He is an experienced counsel.

23 MR TAVENER: I don't like to take risks, Your Honour; that
24 is all.

12:09:34 25 PRESIDING JUDGE: Well, that is --

26 MR MARGAI: May I say, with your leave, I thought I should
27 just say here that the *Kupreski c* case is distinguishable,
28 distinguishable from the point of view that that case was
29 considering evidence of the accused's character prior to the

1 event. The evidence we are about to lead is in the heat of the
2 moment. I think that is of significance.

3 PRESIDING JUDGE: Thank you, Mr Margai.

4 MR MARGAI: Thank you, My Lords.

12:10:13 5 PRESIDING JUDGE: It is our ruling that this evidence is
6 indeed admissible and we are quite prepared to accept this
7 evidence. I should add for the record that this is a unanimous
8 decision in this respect. However, Mr Margai, as I have said, I
9 know you are an experienced counsel and that, therefore, if you
12:10:32 10 I lead evidence of good character, you are opening the door to the
11 Prosecution to challenge the character of the accused.

12 MR MARGAI: I am very much aware of that, My Lord.

13 JUDGE ITOE: Even after they have closed their case.

14 MR MARGAI: They are at liberty to, right.

12:10:48 15 PRESIDING JUDGE: In theory they could even ask for
16 rebuttal evidence in this respect.

17 MR MARGAI: They are at liberty to, My Lord.

18 PRESIDING JUDGE: I know and I have said to you you are an
19 experienced counsel, you know exactly what you are doing, and
12:10:57 20 therefore, we are quite prepared to accept that you wish to
21 proceed that way.

22 MR MARGAI: My Lords, I'm on firma terra.

23 PRESIDING JUDGE: I am not here to lecture you as to how to
24 conduct your case, Mr Margai; absolutely not. I just want to
12:11:13 25 make sure that not only you know, but you understand that there
26 might be consequences.

27 MR MARGAI: I appreciate that, My Lords.

28 PRESIDING JUDGE: But given the approach taken by this
29 Tribunal and this Court about the flexibility of admissibility of

1 evidence as such, we are quite prepared to accept that under
2 these conditions. So you know, as well, Mr Prosecutor. But we
3 appreciate as well that when it is character evidence, it is
4 identified as such, so there is no confusion in the future.

12:11:40 5 MR TAVENER: Certainly, Your Honour. I certainly wanted
6 this matter clarified and I appreciate the decision of the Court.
7 Just for completeness, I do have copies of at *Kupreski c* decision
8 and maybe, if you find time. Thank you.

9 PRESIDING JUDGE: So we are now back to you, Mr Margai.

12:12:00 10 MR MARGAI: Thank you.

11 Q. Mr Collier --

12 A. Yes.

13 Q. -- the question is what sort of person did you find Kondewa
14 to be during the period in question?

12:12:16 15 JUDGE ITOE: Why "during the period"? Why not when he was
16 in Talia and so on?

17 MR MARGAI: That is what I am talking about, Talia.

18 JUDGE ITOE: When he was in Talia?

19 MR MARGAI: Yes, My Lords.

12:12:32 20 JUDGE ITOE: Put it that way, please. If you know your
21 witness, "during the period in question," it might confuse him.
22 Ask him of the character of Kondewa when he was in Talia.

23 MR MARGAI: When Kondewa was in Talia.

24 JUDGE ITOE: I am sure that is what you want.

12:12:45 25 MR MARGAI: That is what I want, yes, My Lord.

26 PRESIDING JUDGE: Yes.

27 MR MARGAI:

28 Q. Yes, go on, please.

29 A. He was just an initiator in Talia. Initiation into the

1 Kamajor.

2 Q. Mr Witness, I not talking about the role Kondewa played.
3 What type of a person was he, as far as you were concerned, when
4 he was in Talia?

12:14:15 5 A. Well, to know somebody's character, whether it is good or
6 bad, if he was somebody who was summoned to you, then -- if he
7 was somebody who had been complained about to you, that is the
8 only time you will know he is a bad person. But for me nobody
9 has complained him to me.

12:14:36 10 Q. Thank you very much, Pa Collier. Thank you. Much obliged.

11 MR MARGAI: That will be all for this witness, My Lords.

12 PRESIDING JUDGE: Thank you. Are you prepared to do the
13 cross-examination now, Mr Tavener?

14 MR TAVENER: Yes, Your Honour.

12:14:49 15 PRESIDING JUDGE: Do you think we can complete that before
16 the break?

17 MR TAVENER: No, Your Honour.

18 PRESIDING JUDGE: No. That's fine.

19 MR TAVENER: I will try though.

20 PRESIDING JUDGE: Just try.

21 CROSS-EXAMINED BY MR TAVENER:

22 Q. Mr Collier --

23 A. Yes.

24 Q. -- is it correct to say you did not become a Kamajor until
12:15:17 25 you were in your mid-sixties, somewhere around 64?

26 A. Yes.

27 Q. And you did so in order to protect your life by becoming
28 bulletproof?

29 A. Yes.

1 Q. Is it correct to say that you never intended to fight at
2 that time in the war?

3 A. I did not become initiated in order to fight a war.

4 Q. And is it correct to say that you had no involvement in the
12:16:30 5 war -- no military involvement in the war?

6 A. I didn't go to war at all.

7 JUDGE ITOE: Not going to war. Put it to him again.

8 MR TAVENER:

9 Q. Did you have any military involvement in the war? By that
12:16:53 10 I mean planning, organising, directing persons involved in the
11 war.

12 A. I was not involved in any organisation for the war. I was
13 only there to lodge people when they came to Talia.

14 Q. The questions I am now going to ask you relate to the
12:17:29 15 period you have spoken about; that is, when Kamajors came to
16 Talia, then Chief Norman came to Talia, until they all went back
17 home. Firstly, before I do that, are you related to
18 Chief Norman?

19 A. No.

12:18:11 20 Q. Is one of your daughters married to Chief Norman?

21 A. I have never given a wife to Chief Norman.

22 Q. Is it correct to say you first met Chief Norman when he
23 came to Talia by helicopter?

24 A. No.

12:18:45 25 Q. When did you first meet him?

26 A. When he was a regent chief of Jiama Bongor, that is the
27 time when I knew him.

28 Q. You spoke about sending two delegations to Chief Norman to
29 have him come and help you, your village, your people, in the

1 war; is that correct?

2 A. Go over that question. I did not get you properly.

3 Q. You said that two delegations - one of four people, one of
4 two - were sent to Chief Norman to have him come and help you in
12:19:50 5 the war; is that right?

6 A. We did that, the whole country. I was not alone.

7 [CDF17FEB06C - SV]

8 Q. Was Moينا Fofana in the second delegation?

9 A. No.

12:20:28 10 Q. Was he in Talia, Moينا Fofana, when the second delegation
11 was sent to Chief Norman?

12 A. He was in Talia.

13 Q. You say that a war council was set up in Talia; is that
14 correct?

12:21:09 15 A. Yes.

16 Q. Did you ever attend any of the meetings of the War Council?

17 A. I did not go there.

18 Q. Were you ever involved in any military planning at Talia?

19 JUDGE ITOE: I thought he has answered the question.

12:21:34 20 MR TAVENER: I just want to make -- I can withdraw the
21 question if the answer's there, Your Honour.

22 JUDGE ITOE: Unless you want to be repetitive in your
23 cross-examination.

24 MR TAVENER: I'll withdraw that question. But I need to
12:21:55 25 ask this question again, Your Honour.

26 Q. Your role at Talia was simply to be the host of the
27 significant people who came into your village?

28 A. That was all my duty during this war.

29 Q. Do you have a son or did you have a son called Rufus

1 Collier?

2 A. I have no child that is called Rufus. It's the name of my
3 brother.

4 Q. Was Rufus Collier -- R-U-F-U-S. Was Rufus Collier a
12:22:56 5 battalion commander of the Kamajors?

6 A. Yes.

7 Q. Who gave Rufus Collier orders?

8 A. I don't know anybody.

9 Q. Did Rufus Collier fight in the war?

10 A. I wouldn't know because I was all the time in Talia. I
11 never went to the front.

12 Q. Did Rufus Collier take his Kamajors to the front? Did they
13 leave Talia to go and fight?

14 A. I didn't know because if ever they met there, I wouldn't
12:24:22 15 know, because I never went there and I did not see it.

16 PRESIDING JUDGE: I'm not sure the witness has understood
17 the question. Mr Witness, are you saying that you never saw your
18 brother at Talia?

19 THE WITNESS: He was there.

12:24:42 20 MR TAVENER:

21 Q. And at times did he leave with his Kamajors to fight?

22 A. I did not say that I saw him go out with his Kamajors. I
23 did not say that.

24 Q. Did your brother ever leave Talia with his Kamajors?

12:25:25 25 MR SESAY: Your Honour, may I object to that question,
26 My Lord, because there is no evidence before this Court that the
27 brother of the witness had Kamajors.

28 JUDGE ITOE: He is in cross-examination, Mr Sesay.

29 MR SESAY: Yes, My Lord. But the way he has put it, I

1 believe he is trying to infer to some evidence that in fact the
2 witness's brother had Kamajors.

3 PRESIDING JUDGE: Mr Sesay, I mean, the witness has
4 testified that his brother was a battalion commander. He was a
12:25:57 5 battalion commander of the Kamajor. So there is, I would say,
6 some evidence in this Court that a battalion commander had some
7 Kamajors under his command. So what else do you need?

8 MR SESAY: As My Lord pleases.

9 MR TAVENER: That's the basis on which I'm operating as
12:26:16 10 well, Your Honour.

11 Q. Did you ever see your brother or come to know that your
12 brother left Talia with the Kamajors he was commanding?

13 JUDGE THOMPSON: Why not keep the questions separate? He
14 could not --

12:26:44 15 THE WITNESS: I said that I have not seen that and I did
16 not observe that.

17 MR TAVENER: Thank you, that's possibly an answer.

18 THE WITNESS: Yes.

19 MR TAVENER:

12:27:02 20 Q. In the time that you were in Talia, and we're speaking
21 about that war period, did you see Kamajors going and coming from
22 the village?

23 A. Returning to what village?

24 Q. Your village.

12:27:30 25 A. My own village or in the town? Which one? In my own
26 village or in the chiefdom?

27 Q. Talia. Did you see Kamajors coming and going from Talia?

28 A. It used to happen and they were coming from other areas
29 into Talia. They would come from the Southern Province and come

1 there from the Eastern Province and they would come, Northern
2 Province and they would come. That used to happen.

3 Q. And would they leave Talia to go somewhere?

4 A. I would see them move and go to some area but I wouldn't
12:28:21 5 know the areas they were going to.

6 Q. Did the men who came to Talia -- were they being trained in
7 military arts; how to be a soldier?

8 A. Yes, there was a man called Dumbuya. I would see them go
9 to the field where they would train -- be trained.

12:29:09 10 Q. How long would the training take, do you know? How long
11 would the training take?

12 A. The start up to the end, it was about one week. One week
13 and three days.

14 Q. And at the end of the training did they all come together
12:29:42 15 on the big field near the school to be spoken to by their
16 leaders?

17 A. I don't go there. At which time they were trained, I
18 wouldn't go there. I wouldn't be able to tell whether they met
19 because I didn't go there.

12:30:22 20 Q. Did you ever go to a meeting where all the Kamajors were
21 present on that big field near the school?

22 A. I have started saying that, no, each time Kamajors were
23 meeting in the place about their war, since I was not going to
24 war, I wouldn't go there. I have said this.

12:31:11 25 Q. Did you ever go to any meetings - large meetings - with
26 many Kamajors present when Chief Norman spoke to the Kamajors?

27 A. If this man does not want me to tell a lie, if I deny
28 something, I did not do it. I didn't do that. Ask another
29 question.

1 JUDGE ITOE: Let him answer the question directly, please.

2 We want precise answers or replies to questions put.

3 THE WITNESS: I did not go there. I never went to a
4 meeting there.

12:31:55 5 JUDGE ITOE: Yes, that's a precise answer.

6 THE WITNESS: That is what I have said, grandpa.

7 JUDGE ITOE: You are my grandpa, not myself.

8 MR TAVENER: I was hoping he was speaking to you, Your
9 Honour.

12:32:14 10 JUDGE ITOE: It's you who are my grandpa.

11 MR MARGAI: It's just a mark of respect.

12 JUDGE ITOE: I know, I know.

13 MR TAVENER:

14 Q. Just to make sure I understand all your answers so far, you
12:32:35 15 had nothing to do with any military conduct in Talia; is that
16 right?

17 A. I have no dealings at all. Each time somebody was going to
18 war I would not, in fact, accompany the person. That is all.

19 Q. You never went to large meetings of Kamajors, and you've
12:33:03 20 said no. Did you ever go to small meetings involving Chief
21 Norman and anyone else where military matters were spoken about?

22 A. I never attended a meeting concerned with any fight.

23 Q. You said earlier this morning that when you -- "When we
24 hear of rebels, junta attacks on towns, battalion commanders will
12:33:55 25 send a clarion -- will send a message to assemble everybody."

26 Was that before the coup or after the coup that battalion
27 commanders would gather everyone together?

28 A. That used to happen before the coup.

29 Q. Have you heard the term "Death Squad"? "Death Squad"?

1 A. Yes.

2 Q. And was there a group of Kamajors at Talia who called
3 themselves the Death Squad?

4 A. Yes, but they were not all in Talia. They used to come --
12:35:04 5 they were in different places.

6 Q. Did you have sons in the Death Squad?

7 JUDGE ITOE: Please, please. Can we --

8 MR TAVENER: Sorry, Your Honour.

9 Q. Did you have sons in the Death Squad?

12:35:57 10 A. Yes.

11 Q. Who commanded the Death Squad?

12 A. Borbor Tucker. They also call him Jegbeyama.

13 Q. What did the Death Squad do? What was their role at
14 Base Zero or Talia?

12:36:52 15 A. They were not settled in Talia, in Talia Town. They used
16 to come by Sumbuya Junction. When coming from Bo, you leave Bo
17 and coming to Matru. The junction leading to Sumbuya.

18 Q. What did the Death Squad do? What was their role at Talia?

19 A. When I said that he was -- they were not in Talia. They
12:37:49 20 had nothing to do -- they had nothing to do in Talia. It was
21 only where they settled and that was where they had something to
22 do.

23 JUDGE ITOE: Is it that they only settled in Talia but had
24 nothing to do in Talia?

12:38:07 25 MR TAVENER: I'll try and clarify this.

26 THE WITNESS: They were not settled. They were not settled
27 in Talia. They were settled at Sumbuya Junction.

28 MR TAVENER:

29 Q. What did the Death Squad do?

1 A. I wouldn't know because they left Talia and settled
2 somewhere else and I didn't go there.

3 Q. You have a son called Ibrahim Collier?

4 A. Yes, he was there but he died during the war.

12:39:12 5 Q. He died in Bo; is that correct?

6 A. He died in Bo. They killed him there. He just didn't die
7 like that. He died in action.

8 MR MARGAI: With respect, My Lords, the interpretation, I
9 regret to say, is not quite accurate. Not that the witness said
12:39:46 10 he died in action, he said he was killed. Was killed and dying
11 in action are two different things. Thank you.

12 PRESIDING JUDGE: Thank you. Mr Interpreter. Sorry,
13 Mr Tavener. Mr Interpreter.

14 THE INTERPRETER: Yes, Your Honour.

12:40:18 15 PRESIDING JUDGE: You've heard the comments made by
16 Mr Margai?

17 THE INTERPRETER: Yes.

18 PRESIDING JUDGE: So what is your translation of the
19 response by the witness?

12:40:26 20 THE INTERPRETER: He first said -- I first said that he was
21 killed, according to what the witness said, and he said again
22 that he just didn't die by himself, but that he was killed.

23 PRESIDING JUDGE: Okay. Thank you.

24 MR TAVENER:

12:40:48 25 Q. Was your son, before he was killed, the leader of the
26 Death Squad?

27 MR MARGAI: My Lords, again the witness had clearly
28 answered that question. He said the leader of the Death Squad
29 was Borbor Tucker.

1 PRESIDING JUDGE: Yes, but at the time he was killed.

2 MR MARGAI: As My Lord pleases.

3 THE WITNESS: I said at first that it was Borbor Tucker who
4 was leading the Death Squad. That my son was not leader of the
12:41:19 5 Death Squad, he was a battalion commander.

6 THE INTERPRETER: "He was not a battalion commander",
7 rather. Sorry, interpreter's mistake. "He was not a battalion
8 commander".

9 PRESIDING JUDGE: But did you say, Mr Witness, that your
12:41:38 10 son was not with the Death Squad? I'm just trying to understand
11 here.

12 THE WITNESS: That son who was killed, no.

13 PRESIDING JUDGE: That son that was killed, yes.

14 THE WITNESS: Those who were in the Death Squad, they are
12:41:55 15 there, two of them, thank God. That one who was killed was not
16 in the Death Squad.

17 PRESIDING JUDGE: And he was not a battalion commander.

18 THE WITNESS: He was not battalion commander then.

19 Ibrahim Collier was not battalion commander.

12:42:17 20 MR MARGAI: Sorry, again, My Lords. When you say he was
21 not a battalion commander, then it presupposes that he became a
22 battalion commander subsequently.

23 PRESIDING JUDGE: But he died.

24 MR MARGAI: That is not the point, My Lord. It's the
12:42:33 25 interpretation that he was not a battalion commander then. The
26 "then" is what I'm concerned about.

27 JUDGE THOMPSON: Yes, I think there's some difficulty with
28 the interpretation coming out with a lot of nuances which we
29 don't know whether it's the witness who is making those nuances.

1 PRESIDING JUDGE: I had asked Mr Margai the question
2 because the very first question was that the son that had died
3 was the leader of the Death Squad, and the answer -- I know the
4 answer was he was not in the Death Squad and I thought he had
12:43:11 5 said he was not a battalion commander.

6 MR MARGAI: Yes, he said he was not a battalion commander
7 *simpliciter*. But the interpreter went on to add "then".

8 JUDGE THOMPSON: Does the interpreter admit that?

9 THE INTERPRETER: Your Honours --

12:43:27 10 JUDGE THOMPSON: Was that inadvertent?

11 PRESIDING JUDGE: Yes, Interpreter?

12 THE INTERPRETER: Yes. The witness did say in Mende - if
13 Mr Margai would help me out, please - the witness did say
14 "battalion commander [Mende spoken]".

12:43:45 15 MR MARGAI: He said "battalion commander [Mende spoken]".
16 Meaning he was not a battalion commander. I know it's difficult
17 sometimes to translate from these vernacular, but, you know,
18 let's try and avoid that.

19 PRESIDING JUDGE: Anyhow, Mr Tavener.

12:44:19 20 JUDGE ITOE: In any event, what we know is that
21 Ibrahim Collier was not a member of the Death Squad. He was not,
22 Mr Witness, isn't it, of the Death Squad?

23 THE WITNESS: He was not a member of the Death Squad. He
24 never was a member of the Death Squad.

12:44:40 25 JUDGE ITOE: Thank you.

26 MR TAVENER:

27 Q. But two sons -- two other sons were members of the Death
28 Squad?

29 A. Yes, sir.

1 Q. And you don't know what the Death Squad did?

2 A. No.

3 Q. Does Talia have a place where rituals take place, or a Poro
4 Bush?

12:45:36 5 THE INTERPRETER: Can I learned counsel repeat the question?

6 MR TAVENER:

7 Q. Does Talia have a place where rituals take place, or a Poro
8 Bush? Unless Mr Margai wants to help me in this as well.

9 A. Our great-grandfathers, great-great-grandfathers met it
12:46:03 10 there. I wouldn't say me. I should tell you that.

11 JUDGE ITOE: So Talia had a Poro Bush?

12 MR TAVENER: I don't know whether he's answered that
13 question. I'll come back to that.

14 JUDGE ITOE: He's talking of great-grandfather, so.

12:46:28 15 MR MARGAI: The question was double-barreled, so whichever
16 answer he gives cannot be related to a particular question. Did
17 Talia have a Poro Bush where rituals used to take place? If he
18 says yes, to which of the questions is that answer going to be
19 related.

12:46:46 20 JUDGE THOMPSON: But it could also be argued that that
21 question was very much restricted, because if as you render it a
22 Poro Bush where rituals take place, then it's a restricted
23 question.

24 MR JABBI: In fact, My Lords, Mr Margai has been very
12:47:08 25 favourable to the Prosecution in setting that question out. The
26 question actually was did Talia have a place where rituals took
27 place?

28 JUDGE THOMPSON: And then there was a disjunctive.

29 MR JABBI: A Poro Bush.

1 JUDGE THOMPSON: So then, of course, that was a disjunctive
2 question.

3 MR JABBI: Yes, My Lord.

4 JUDGE THOMPSON: But in this particular case Mr Margai's
12:47:31 5 rendition narrowed it down, which was not what I gathered myself
6 to be the disjunctive question. Again it's what the Prosecutor
7 wants. What really is your question.

8 MR TAVENER: I'm trying to be specific, Your Honour. I
9 want to know whether they had a Poro Bush, an Active Poro Bush.

12:47:49 10 JUDGE THOMPSON: Well, why not ask that specific question
11 and leave the parenthetical idea of a place where rituals -- let
12 the witness tell us. Because I think it was that parenthesis
13 that probably engendered the intervention of Mr Margai calling
14 your question double-barreled.

12:48:14 15 MR TAVENER: In the light and nature of this witness's
16 responses, Your Honour, I'm trying to be as specific as possible.
17 No matter what question I ask I do not get an answer.

18 JUDGE THOMPSON: To help the Court, you see, because it is
19 possible, it's arguable that there may be places where rituals
12:48:30 20 take place that are not Poro Bushes.

21 MR TAVENER: I'm only interested in the ones called Poro
22 Bush, but I'll try Your Honour's technique and see if I get any
23 answer.

24 MR MARGAI: I might also add here, My Lords, that ritual is
12:48:46 25 not synonymous with ceremony.

26 JUDGE THOMPSON: Counsel did not say "ceremony", he said
27 "ritual". Of course it's for the interpreters to translate and
28 convey the idea of ritual to the witness.

29 MR MARGAI: Yes, My Lord.

1 JUDGE THOMPSON: Otherwise we get a bit entangled here.

2 PRESIDING JUDGE: Mr Tavener, let's try it again.

3 MR TAVENER:

4 Q. Does Talia have a Poro Bush?

12:49:40 5 JUDGE ITOE: Stop there.

6 MR TAVENER: I've stopped Your Honour. I've stopped.

7 JUDGE ITOE: Yes.

8 THE WITNESS: It's there.

9 MR TAVENER:

12:49:40 10 Q. For my benefit, what do you mean by "Poro Bush," so we all
11 understand?

12 A. If I explain that now, then I'm explaining the Poro
13 society.

14 Q. At least you're consistent. A Poro Bush, if I can ask you
12:49:54 15 this, is an area people go to. Men go to or women go to or only
16 men? Sorry, I should say men and women or only men?

17 A. Only men go there.

18 Q. And, without giving away secrets, do rituals take place
19 there?

12:50:45 20 THE INTERPRETER: Your Honours, the interpreter says I
21 would need the guidance of the Court that we do not have any
22 one-to-one meaning -- synonym of the word "ritual". So we want
23 to ask that the Court, or maybe the other people in the Court,
24 assist us with a one-to-one name for "ritual". Can I learned
12:51:12 25 counsel simplify it for us?

26 JUDGE THOMPSON: Do the interpreters have a thesaurus?

27 THE INTERPRETER: No.

28 JUDGE THOMPSON: You don't. Well, I think if you look at
29 the thesaurus, it will give you different shades or synonyms for

1 "ritual" and I would suggest that you'd have one of them there.
2 I would think that "ceremony" would be one, would be a synonym,
3 if you look at the latest edition of the thesaurus.

4 THE INTERPRETER: We had that in mind but we did hear
12:52:01 5 learned counsel oppose that it's not the same as "ceremony".

6 JUDGE THOMPSON: Learned counsel have to prove to me that
7 his own rendition or his own exclusion of "ceremony" from
8 "ritual" is authentic when we have the learned work like
9 thesaurus. I'm pretty sure you'll find it there, that
12:52:26 10 ceremony is --

11 JUDGE ITOE: A thesaurus may not be within the reach of
12 that cabin. I remember we just acquired one recently.

13 JUDGE THOMPSON: Certainly it should be. I would
14 definitely contend and bet a hundred dollars, if Mr Margai wants
12:53:20 15 to challenge me on that, that "ceremony" would be a synonym.

16 MR MARGAI: My Lord, I have no intention of challenging the
17 Bench.

18 JUDGE THOMPSON: No, it's me.

19 MR MARGAI: We opine, as lawyers, that judges have the law
12:53:20 20 in their breast.

21 JUDGE THOMPSON: No, but you and I can argue these things
22 out in the spirit of camaraderie.

23 MR MARGAI: No, I wouldn't want to argue with the Bench.

24 JUDGE THOMPSON: I think "ceremony" would be one of the
12:53:20 25 synonyms in thesaurus.

26 PRESIDING JUDGE: Maybe more traditional ceremony.

27 MR TAVENER: Yes, I'm happy if the interpreter puts the
28 question in terms of do ceremonial ceremonies --

29 PRESIDING JUDGE: Traditional ceremonies.

1 MR TAVENER:

2 Q. Traditional ceremonies take place there?

3 A. I never saw anybody go to the Poro Bush to pray.

4 Q. During the time we're speaking about did you ever go to the
12:54:03 5 Poro Bush, for whatever reason, with Chief Norman?

6 A. No. When they talk about Poro Bush, nobody would not just
7 go there like that until there is an initiation; for somebody who
8 has been initiated to go there. It's not some place where you
9 just go to stroll. Since Mr Norman went there, he never went to
12:54:43 10 the Poro Bush there.

11 The Poro Bush is a forbidden place. It's not just an
12 ordinary bush. It's a forbidden place. You just do not go there
13 at will. I should tell you this.

14 Q. In the time that Chief Norman was at Talia did you ever go
12:55:33 15 with him to the Poro Bush?

16 A. I have denied that. I said no. Then I said again that
17 when they say "Poro Bush," you do not just go there at will,
18 until an initiation has taken place.

19 THE INTERPRETER: Your Honours, can the witness repeat what
12:56:09 20 he's just said?

21 PRESIDING JUDGE: Mr Witness, would you please answer
22 slowly because you will have to repeat your last answer. We did
23 not obtain the interpretation.

24 THE WITNESS: Repeat what you said.

12:56:36 25 PRESIDING JUDGE: I was saying to you that your last
26 answer, you spoke too fast and we could not get the translation.

27 THE WITNESS: Just like the man said just now, whether I
28 and Mr Norman went to the Poro Bush, he asked me -- can I go on?

29 PRESIDING JUDGE: Yes.

1 THE WITNESS: He had asked me twice, this is the third
2 time, and I've still been saying no.

3 JUDGE ITOE: Indeed, Mr Tavener, he categorically denies
4 that he ever went to the Poro Bush with Mr Norman. It is on
12:57:30 5 record.

6 JUDGE THOMPSON: And he says this is a place that you don't
7 go to at will.

8 MR TAVENER: And I want to ask another question.

9 JUDGE THOMPSON: Quite right. In other words, it's
12:57:37 10 forbidden.

11 JUDGE ITOE: He said so where there is an initiation and so
12 on and so forth.

13 THE WITNESS: I want to explain. I want to say something
14 about the Poro Bush.

12:57:42 15 MR TAVENER:
16 Q. I'll ask you a question now.

17 JUDGE ITOE: He says he wants to explain something about
18 the Poro Bush.

19 MR TAVENER: I don't want him to. I want to ask him
12:57:52 20 questions, Your Honour. I think it's appropriate he answers
21 questions, not volunteers information.

22 JUDGE THOMPSON: Correct.

23 MR TAVENER:

24 Q. In the time that Chief Hinga Norman was at Talia are you
12:58:03 25 aware of any ceremonies taking place at the Poro Bush?

26 A. What I said just now -- this is the fourth time that you're
27 asking me this question. For me to explain properly so that you
28 can understand --

29 PRESIDING JUDGE: Mr Witness --

1 JUDGE ITOE: This is the first time he is asking this
2 question. This particular one.

3 PRESIDING JUDGE: Please listen to the question.

4 JUDGE ITOE: This particular one, this is the first he's
12:58:56 5 asking it.

6 MR TAVENER:

7 Q. In the time period --

8 A. That's what I'm answering to.

9 Q. In the time period when Hinga Norman was at Talia, were
12:59:10 10 there any ceremonies at the Poro Bush? Just that question.

11 A. No.

12 MR TAVENER: It's almost one o'clock, Your Honour. I don't
13 know whether that's a suitable time.

14 PRESIDING JUDGE: Yes, it is. So the Court will adjourn
12:59:36 15 for the lunch recess until 2.30. Court is adjourned.

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

17 [CDF17FEB06D - SV]

18 [Upon resuming at 2.45 p.m.]

19 PRESIDING JUDGE: Mr Tavener.

14:46:08 20 MR TAVENER: Thank you, Your Honour.

21 Q. Mr Collier, I want to ask you about January of 1998 when
22 you were in Talia. At that time, in January of 1998, do you
23 agree that Chief Norman, Moinina Fofana and Allieu Kondewa were
24 staying in Talia?

14:46:53 25 A. Yes.

26 Q. And if we just ask you about one day, doesn't matter which
27 day, in January of 1998. When you got up in the morning, you
28 have told the Court your main role was to be the host of the
29 people staying in the village?

1 PRESIDING JUDGE: Of important people.

2 MR TAVENER:

3 Q. Of the important people staying in the village. Thank you.

4 A. Yes.

14:47:35 5 Q. Is it correct to say that your duties on a normal day were
6 simply to attend to the needs of your guests?

7 A. The one what they would want and which I am able to
8 provide.

9 Q. And in a normal day would you also assist in the running of
14:48:16 10 your village; is that correct?

11 A. I had no position in that town. I had no post in that
12 town. There were chiefs there.

13 Q. As you walked around the village, Talia, were there a lot
14 of Kamajors going backwards and forwards?

14:49:02 15 A. At what time?

16 Q. Any time in January of 1998?

17 A. There were so many Kamajors there.

18 Q. Would you agree that there were thousands of Kamajors
19 staying in Talia at that time?

14:49:35 20 A. I wouldn't tell the number, because I am not literate.

21 Q. Do you agree that the Kamajors, however, came under -- as
22 part of an organisation, they came under a battalion commander?

23 A. Yes. Every Kamajor who was in the town, the person who
24 would be the battalion commander in that town, they would be

14:50:18 25 under that battalion commander. Just like the people of the town
26 would be under their chief.

27 Q. At that time did you know of any higher rank in the Kamajor
28 system above a battalion commander? Did you know of any higher
29 rank?

1 A. Yes. The person above the battalion commander was the
2 district battalion commander. He was above the battalion
3 commander in that district, just like the district officer would
4 be above --

14:51:40 5 THE INTERPRETER: Can he repeat that?

6 PRESIDING JUDGE: You want the witness to repeat what? His
7 last part?

8 THE INTERPRETER: He said something "just like the district
9 officer would be above" somebody. I didn't get the person.

14:51:53 10 PRESIDING JUDGE: Mr Witness, when you say "just like the
11 district officer would be above," what did you say he would be
12 above of in the example you gave?

13 THE WITNESS: The town in which you live in, like Talia --
14 can I proceed?

14:52:20 15 PRESIDING JUDGE: Yes.

16 MR TAVENER: Yes.

17 THE WITNESS: Because we are talking about Talia, for
18 instance in Talia, the battalion commander who would be there,
19 the district battalion commander was above him.

14:52:43 20 PRESIDING JUDGE: Thank you.

21 MR TAVENER:

22 Q. Did you know at that time any rank above the district
23 commander?

24 A. In that district there was nobody above the district
14:53:16 25 battalion commander. If there was anybody above him, it would
26 become the big town in the Southern Province. If they appointed
27 somebody for those four districts, then he would be the person
28 who would be above all of them.

29 Q. Did you know of such a person in January of 1998? Did you

1 know of such a person who was above a district commander, or not?

2 A. No, I did not know the person. If that person existed at
3 all he would have been in Bo, but I was in Talia. Bo is
4 Bo District, Talia is in the Bonthe District and I'll only talk
14:54:25 5 about Talia.

6 Q. Fine. Thank you.

7 A. Okay.

8 Q. During the course of a normal day in January, as I've said,
9 food was distributed and you spoke about two men, the keeper of
14:55:07 10 the food and the storekeeper, Mustapha Lumeh and Jajah Kamara.

11 A. Yes.

12 Q. And is it your evidence, your testimony today, that those
13 men were under the control of Moini na Fofana?

14 A. No, there was that other person who was leading all of
14:55:54 15 them, Lumeh.

16 Q. Sorry, could you repeat that answer again, please.

17 A. That person whom they called Lumeh was the district
18 officer. He was head of Moini na Fofana and others.

19 Q. Is that the person you have called the keeper of the food?

14:56:48 20 A. It was the storekeeper, whom I said was Jajah Kamara, he
21 was the person who would keep the food.

22 Q. Did you also say that Fofana distributed food amongst the
23 Kamajors? Moini na Fofana distributed food amongst the Kamajors.
24 Did you say that this morning?

14:57:24 25 A. Up to now that's what I'm saying; that he was distributing
26 food amongst the Kamajors.

27 Q. So that I understand, are you saying that in Talia there
28 was a system for the civilians to receive food and another one,
29 another system, for the Kamajors?

1 A. The food that was brought for the Kamajors, it was just
2 meant for the Kamajors. The civilian could have afford his own
3 food, because a civilian was settled in Talia.

14:58:39 4 Q. You described Moينا Fofana as Director. What was he
5 director of?

6 A. No. When they called him Director, I did not -- I did not
7 know what the "Director" was for. I just heard them calling him
8 like that.

9 Q. You just heard Moينا Fofana described as Director?

14:59:19 10 A. Yes.

11 Q. You were asked the question this morning, they summoned
12 meetings. Who summoned the meetings at the airfield?

13 A. The district battalion commander.

14 Q. In January 1998 who was that?

15:00:36 15 PRESIDING JUDGE: Can you answer the question?

16 THE WITNESS: He was where?

17 MR TAVENER:

18 Q. In January of 1998 who was the battalion commander at
19 Talia?

15:00:47 20 PRESIDING JUDGE: Are you asking the battalion commander or
21 the district battalion commander?

22 JUDGE ITOE: District battalion commander.

23 MR TAVENER: Sorry, Your Honour, district battalion
24 commander.

15:01:05 25 THE INTERPRETER: Can learned counsel please ask the
26 question again?

27 MR TAVENER:

28 Q. In January of 1998 who was the district battalion commander
29 at Talia?

1 A. He was based in Bonthe, because that was where the district
2 headquarter was. He only did come to Talia.

3 Q. Do you know the name of this person?

4 A. I don't know. I have forgotten. I did know, but since we
15:01:49 5 separated it's been a long time now so I've forgotten. And the
6 war had ended a long time ago.

7 Q. You were asked about Allieu Kondewa and you said that he
8 didn't have any commanders; is that correct? Allieu Kondewa did
9 not have any commanders?

15:02:26 10 A. No.

11 Q. You said he was just there to organise and he was an
12 initiator; is that correct?

13 A. He was just carrying out initiations. He was not given any
14 post except that he was an initiator and he didn't appoint
15:02:55 15 anybody to any post.

16 Q. Are you saying that you were never at any meetings where
17 he -- where Allieu Kondewa was appointed or no one ever told you
18 he'd been appointed to any position?

19 A. I was not anywhere that he was -- Allieu Kondewa was given
15:03:39 20 a position. All that I knew was that he was an initiator.

21 Q. Just so there's no confusion, you had nothing to do with
22 the military structure of the Kamajors?

23 A. No.

24 Q. As you walked around your village in January 1998, did you
15:04:33 25 see children under the age of 15 years?

26 PRESIDING JUDGE: Yes, Mr Witness.

27 THE WITNESS: I have not heard it properly.

28 MR TAVENER:

29 Q. As you walked around your village in January 1998, did you

1 see children under the age of 15 years?

2 A. There were so many of such children, only that they were
3 not initiated, but the children were many in the town. The
4 children were many. Some of them were not as old as three.

15:05:52 5 There were many of such children.

6 Q. Did you see children under the age of 15 wearing the
7 Kamajor outfit, the ronko?

8 A. No, I did not see that.

9 Q. Did you see children under the age of 15 carrying any
15:06:39 10 weapons, either machetes, rifles, any weapon?

11 A. The person -- I did not see anybody carrying a cutlass
12 whose age was not 15. I didn't see any weapon with him.

13 Q. Did you see any rebels who had been taken prisoner in Talia
14 in January, or any month over that period? Did you see any
15:07:28 15 prisoners in Talia?

16 A. I did not see that, nor was that person handed over to me.

17 Q. Was there any place around Talia where prisoners could be
18 kept? In Talia or around Talia where prisoners could be kept?

19 A. I have never seen such house around that chiefdom. It is
15:08:34 20 here that they keep prisoners. In all of the five sections in
21 that chiefdom there is not a single town where that was done.

22 Q. Just so I am clear, you're saying that nowhere in the
23 chiefdom was there a place to keep prisoners and I'm speaking
24 about rebel prisoners?

15:09:13 25 A. I have never seen that.

26 Q. Did you know about the attack on Koriundu by the Kamajors
27 before it took place?

28 A. How would I know? How would I know before the attack could
29 take place? That is a question I am asking too because if I knew

1 before it happened, I think there is a difference there. Please
2 ask the question properly.

3 Q. Do you know that there was an attack on Koribundu by the
4 Kamajors which was successful, the rebels were driven out in
15:10:32 5 1998? Do you know about that?

6 A. I did not go there. I do not know.

7 Q. Did you take any interest in what the Kamajors were doing
8 in late 1997 into 1998?

9 A. Yes, but whatever that person was doing, if he came and
15:11:22 10 reported to you then you would know.

11 Q. So, if someone told you what the Kamajors were doing you
12 would know about it, and if no one did then you wouldn't know
13 about it?

14 A. No. If somebody says that's what we did or that's what
15:11:58 15 that person did, that's the time you would know. But the
16 Kamajors did not make report to anybody except their masters and
17 I was not their master, so how would I know what they were doing?

18 Q. That's true. That's very true. Mr Collier, can you tell
19 us anything about what the Kamajors were doing in '97 through to
15:12:47 20 1998 in Talia?

21 A. Just that I saw them being supplied with rice, they would
22 cook that rice and eat and they would depart.

23 Q. Okay, so you can tell us they ate some rice and then they
24 went away. Thank you. I have nothing further of this witness.

15:13:26 25 JUDGE ITOE: Mr Witness, you say you only saw them come,
26 eat rice and go away?

27 THE WITNESS: Yes.

28 JUDGE ITOE: [Overlapping speakers] come and eat rice and
29 go away? Is that what you're saying?

1 THE WITNESS: Yes, sir.

2 JUDGE ITOE: Thank you.

3 THE WITNESS: Okay.

4 PRESIDING JUDGE: Any re-examination, starting with you,
15:13:51 5 Dr Jabbi?

6 MR JABBI: I have no questions for the witness, My Lord.

7 PRESIDING JUDGE: Thank you. Mr Bockarie?

8 MR BOCKARIE: None, Your Honour.

9 PRESIDING JUDGE: Mr Margai?

15:14:01 10 MR MARGAI: None, My Lords.

11 PRESIDING JUDGE: Thank you very much. Mr Witness, we
12 thank you for having come to give your evidence. Your evidence
13 is completed.

14 THE WITNESS: Okay.

15:14:15 15 PRESIDING JUDGE: You can go back home now. Thank you very
16 much.

17 THE WITNESS: Come and remove this thing from my ears now.

18 PRESIDING JUDGE: We will. Can he be assisted, please?

19 THE WITNESS: Come and remove it.

15:14:30 20 PRESIDING JUDGE: Just wait. They will take care of you.

21 THE WITNESS: Okay.

22 JUDGE ITOE: The grandpa is released.

23 [The witness withdrew]

24 PRESIDING JUDGE: Dr Jabbi, we are back to you now.

15:15:05 25 MR JABBI: Yes, My Lord.

26 PRESIDING JUDGE: Who is your next witness and are you
27 ready to proceed?

28 MR SESAY: Yes, My Lord, I am conducting the
29 examination-in-chief in respect of the next witness.

1 PRESIDING JUDGE: That's fine. I asked Dr Jabbi because
2 he's the team leader, but not to mean that he shall be the one.
3 Who is your next witness?

4 MR SESAY: Osman Vandí .

15:15:32 5 PRESIDING JUDGE: Vandí ?

6 MR SESAY: Vandí , V-A-N-D-I. Osman Vandí , alias Vanjawai .

7 PRESIDING JUDGE: I know he's not the next on the list.
8 There's no problem -- I'm asking you, Mr Bockarie, then
9 Mr Margai .

15:15:54 10 MR BOCKARIE: No, we've got no problem, Your Honour. He's
11 not a common witness.

12 PRESIDING JUDGE: Mr Margai ?

13 MR MARGAI: No problem.

14 PRESIDING JUDGE: He's a common witness?

15:15:57 15 MR BOCKARIE: No, he's not.

16 PRESIDING JUDGE: He is not, okay. Mr Prosecutor?

17 MR TAVENER: Yes, we're prepared. Thank you.

18 PRESIDING JUDGE: Very well. Mr Sesay, you may proceed.

19 MR SESAY: The witness is not yet here.

15:16:01 20 THE INTERPRETER: What language, Your Honours, will the
21 witness be testifying in?

22 MR SESAY: He'll be testifying in Mende.

23 PRESIDING JUDGE: In Mende?

24 MR SESAY: Yes, My Lord.

15:16:20 25 JUDGE ITOE: Would this be the fifth defence witness?

26 MR SESAY: Yes.

27 [The witness entered court]

28 PRESIDING JUDGE: So, Mr Sesay, this is the witness that
29 was listed as number six on your witness list; am I right?

1 MR SESAY: Yes, My Lord.

2 PRESIDING JUDGE: Osman Vandí .

3 MR SESAY: Osman Vandí , My Lord.

4 PRESIDING JUDGE: Very well. Please take the oath.

15:17:46 5 WITNESS: OSMAN VANDI [Sworn]

6 [The witness answered through interpretation]

7 JUDGE ITOE: Was he sworn on the Koran? Was he sworn on
8 the Koran, Mr Sesay?

9 MR SESAY: On the Koran, My Lord.

15:18:24 10 JUDGE ITOE: Thank you.

11 EXAMINED BY MR SESAY:

12 Q. Now, Mr Witness, good afternoon.

13 A. Yes, Pa, afternoon. How are you?

14 Q. Before you start with your testimony I'll ask that you --

15:18:45 15 JUDGE ITOE: He wants to make sure that his lawyer is fine.
16 Why don't you assure him that you're fine.

17 MR SESAY: I'm also fine.

18 Q. Before you start your testimony I'll ask that you watch
19 your pace. You listen to the questions very carefully and then
15:19:02 20 you make sure you watch your pace.

21 PRESIDING JUDGE: Don't speak too fast, please.

22 MR SESAY: Yes, My Lord.

23 PRESIDING JUDGE: I'm not talking to you, I'm talking to
24 the witness.

15:19:17 25 THE WITNESS: I can hear you.

26 PRESIDING JUDGE: Thank you.

27 MR SESAY:

28 Q. Can you tell the Court your full names?

29 A. I am called Osman Vandí , al i as Vanjawai .

1 MR SESAY: My Lord, Vanjawai is spelt V-A-N-J-A-W-A-I.

2 PRESIDING JUDGE: Thank you.

3 MR SESAY:

4 Q. Where were you born?

15:19:49 5 A. I was born in Levuma Bagbo.

6 MR SESAY: Levuma is L-E-V-U-M-A, Bagbo is B-A-G-B-O-H

7 [sic], My Lord.

8 PRESIDING JUDGE: Thank you.

9 MR SESAY:

15:20:14 10 Q. How old are you now?

11 A. I am 51 years old today, this year.

12 Q. Are you married?

13 A. Yes.

14 Q. A wife?

15:20:43 15 A. Two. Two.

16 Q. How many children? Do you have children?

17 A. I have eight children.

18 Q. Have you ever been to school?

19 A. No, I have never been there.

15:21:14 20 Q. Never been to school. What is your occupation?

21 A. I'm a miner. I'm a diamond miner.

22 Q. For how long have you been a miner?

23 A. I have been mining for 57 years. For 37 years, I'm sorry.

24 Q. 37?

15:21:51 25 A. Yes.

26 Q. Are you a Kamajor?

27 A. Yes, I am a Kamajor.

28 Q. When did you become a Kamajor?

29 A. In '95, 1995.

1 Q. Now, why did you decide to become a Kamajor?

2 A. There was a time when I was at home in Levuma Bagbo, they
3 attacked -- they attacked there and they killed people. They
4 killed my brothers and sisters. I was at home one day, I was
15:22:58 5 there one day, rebels entered and attacked the town where I was
6 born in Levuma Bagbo. My father was killed and my siblings were
7 killed and I deserted there and came to my --

8 THE INTERPRETER: My Lords, he is going -- the witness is
9 going too fast.

15:23:21 10 MR SESAY:

11 Q. You are going too fast. Your testimony will have to be
12 interpreted.

13 A. Okay.

14 Q. So you go slowly, please.

15:23:30 15 A. Okay.

16 PRESIDING JUDGE: So, Mr Witness, you were saying that your
17 father and your brothers were killed. What after that? You did
18 say something but it was not --

19 MR SESAY:

15:23:40 20 Q. Yes. Now can you go over it again?

21 A. I left there, Levuma and I went to Sogbini, my motherland.

22 Q. What was the name of your motherland?

23 A. Sai h Sogbini.

24 MR SESAY: Sai h, My Lord, is S-A-I-H and Sogbini, My Lord,
15:24:10 25 is S-O-G-B-I-N-I.

26 Q. Now, what did you do on arrival at Sogbini?

27 A. I was there when I became a Kamajor. Kalawanjama.

28 Q. Is Kalawanjama a different town?

29 A. Yes.

1 Q. Where is Kalawanjama?

2 A. Yes, Bonthe District. It's in the Bonthe District.

3 Q. Kalawanjama is in the Bonthe District.

4 THE INTERPRETER: The counsel is not waiting for the
15:25:03 5 replies to come, My Lords.

6 MR SESAY: Sorry, My Lord. I'm sure I'm a bit faster than
7 the witness.

8 THE INTERPRETER: Yes, indeed, indeed.

9 MR SESAY: I'll try to keep to the pace.

15:25:10 10 THE INTERPRETER: Indeed.

11 MR SESAY: Point taken, My Lord.

12 THE INTERPRETER: Let him go over the last replies.

13 MR SESAY:

14 Q. Now, the place where you said you became a Kamajor, where
15:25:17 15 is that place?

16 A. Where I was initiated into the Kamajor society was in
17 Kalawanjama.

18 Q. Kalawanjama?

19 A. Kalawanjama.

15:25:34 20 Q. And where is Kalawanjama?

21 A. It's in the Bonthe District.

22 Q. Bonthe District, My Lord. Now, did you go through the
23 process of initiation?

24 A. Yes, I was initiated. I was initiated the same way other
15:26:03 25 people were initiated into the Kamajor.

26 Q. How were you initiated?

27 A. I was initiated in it and I graduated from it.

28 PRESIDING JUDGE: What was the answer? You were -- I
29 didn't get the answer, I'm sorry.

1 MR SESAY: That he was initiated in it and he graduated
2 from it, My Lord.

3 PRESIDING JUDGE: Thank you.

4 MR SESAY:

15:26:38 5 Q. Now after you graduated did you go anywhere?

6 A. When I graduated, I came back and reached my hometown,
7 Ti hun Sogbini. We were organised there and we were removed and
8 sent out.

9 Q. Who organised you?

15:27:03 10 A. The people of the chiefdom.

11 Q. And how were you organised?

12 A. They arranged us -- organised us together with the soldiers
13 and sent us to Bo.

14 Q. Now, you said they organised you and they sent you to Bo,
15:27:33 15 the soldiers. Were you working with the soldiers in Bo?

16 A. We were working together from my motherland up to the time
17 when we reached Bo. Whatever we did, we did it together.
18 Whatever we did, we did it together with them.

19 Q. Now can you elaborate on how you were working with the
15:28:04 20 soldiers in Bo?

21 A. Yes, I could explain. So the work we did with the
22 soldiers, at the checkpoints -- they would deploy us at the
23 checkpoints. They used to supply us with cartridges.

24 PRESIDING JUDGE: When you say "they used," who is "they"?

15:28:39 25 THE WITNESS: The soldiers. I'm talking about the
26 soldiers.

27 MR SESAY:

28 Q. Now, for how long did this working -- did this relationship
29 of working with the soldiers in Bo -- for how long did it

1 continue?

2 A. We worked together throughout. We had no problem and what
3 brought problems -- we worked together for a long time and we
4 hadn't problems. The only time when we had problems was the time
15:29:23 5 when we heard that Tejan Kabbah had been overthrown and that was
6 the time when we had problems.

7 Q. Now, am I right if I say that Tejan Kabbah was overthrown
8 in the coup in May 1997?

9 A. Yes. Yes, he was removed.

15:29:52 10 Q. Now, where were you at the time when you said Tejan Kabbah
11 was removed as a result of a coup in May 1997? Where were you?

12 A. At that time I was in Jiama Bongor, Telu Bongor. A town
13 around that area called Gbaama.

14 Q. And you said it was at that time that the relationship
15:30:31 15 between the Kamajors and the soldiers became estranged, not so?

16 A. Yes, yes.

17 Q. Now, how did it happen?

18 [CDF17 FEB06E - CR]

19 A. So I was in Gbaama at one time when I heard on the radio
15:31:05 20 that Tejan Kabbah had been overthrown. After his overthrow we
21 were there for some time, for a long time. We were there -- at
22 that time, we started making sure that whosoever went there we
23 made sure that it was a Kamajor. When we were captured, they
24 would kill you.

15:31:44 25 Q. Now, who were killing the Kamajors?

26 A. The soldiers and the juntas.

27 Q. And the juntas.

28 A. So whenever they went --

29 THE INTERPRETER: Excuse me, the witness, can he take

1 back -- repeat.

2 MR SESAY:

3 Q. Watch your pace and go very slow, please. I am sure I have
4 made it clear to you on one or two occasions now. Now, you said
15:32:23 5 it was the soldiers and the junta that were killing the Kamajors
6 at the time of the overthrow of President Kabbah by the soldiers;
7 not so?

8 A. Yes.

9 Q. Now, can you go over what you have just narrated?

15:32:42 10 A. At that time when we were driven, the soldiers, they would
11 capture Kamajors. During that time, kill them. When they saw
12 anybody with a mark on his body at that time, they would kill
13 you. At that time, we were very much afraid. We didn't go about
14 freely. It happened at that time that our food became very, very
15:33:29 15 scarce in our areas. We sat down for a while, and then we
16 decided the soldiers with whom we used to move about, we used to
17 get everything through them. Now they've driven us and we are no
18 longer together:

19 Q. Please watch your pace and make sure you go at a very slow
15:34:04 20 pace, okay? Now, you said you no longer -- you are no longer
21 working with the soldiers after the coup. Now, did you work with
22 ECOMOG after the coup?

23 A. Very well. And these were the people that worked together.
24 We were now -- we were with them and they were the people who
15:34:31 25 organised everything. They used to give us food and every other
26 thing.

27 Q. Now, when did you start working with ECOMOG, the Kamajors?

28 A. After the overthrow of Tejan Kabbah, it was not long, it
29 was not long when we started working together. At that time, we

1 started at Bo Njala, and we came -- and we came as far as Lungi.

2 Q. Now, before going to Lungi, did you ever go to Talia?

3 A. Yes. There was a time when I went to Talia. I was at one
4 time in the place, at one time. At one time --

15:35:45 5 Q. [Microphone not activated]

6 A. It's a long time now.

7 Q. I want to proceed from there.

8 A. And I was sent for. By that time I was in Gbaama.

9 Q. Who sent for you?

15:36:12 10 A. They told me that council was calling me.

11 Q. What council was that?

12 A. Council, I'm sorry. I will get there.

13 JUDGE ITOE: You said you went to Talia at one time?

14 THE WITNESS: Yes, My Lord.

15:36:32 15 JUDGE ITOE: Why did you go there?

16 THE WITNESS: Yes. I said I was invited to Talia.

17 MR SESAY:

18 Q. Who invited you?

19 A. The council invited me.

15:36:52 20 Q. Now, was it the War Council?

21 A. War Council. It was the War Council. Yes, it was the War
22 Council that invited me. The War Council.

23 Q. And what was the purpose of the invitation by the War
24 Council?

15:37:10 25 A. So when I got there, I met some elders, chiefs. I met
26 elders who were chiefs. Then the paramount chiefs, all of them
27 were there. There were journalists there and most of the
28 prominent people in Sierra Leone were there. So they said,
29 "Well, we have invited you all, you, the commanders. A war has

1 started and what can we do?" We were there and we all discussed
2 together that the war has attacked us, that since you were the
3 elders, and whatever decision you make, we are all together.

4 Q. Wait for the question, please. Now, did you see Chief
15:38:25 5 Norman at the time you went to Talia?

6 A. The first time I went there, he was not there. So, I did
7 not see him. By then, I didn't know him.

8 Q. Now, after that meeting, how long did you stay in Talia?

9 A. I was not there for long. By then the war was escalating.
15:38:54 10 Nobody would stay out long. Nobody would stay out for long,
11 you'd return to your home.

12 Q. Now --

13 A. At that time, I was there when I was invited again, and I
14 went there. So, and they asked that we should -- that they've
15:39:19 15 selected people and have sent them to Tejan Kabbah.

16 Q. Who said that, that they have selected people and they sent
17 them to President Kabbah?

18 A. Daramy Rogers. And there is a paramount chief called
19 Borbor Tucker, Gbapi and Pa Basama from --

15:39:50 20 Q. Slowly, and can you state the names of those people?

21 A. Daramy Rogers.

22 Q. Borbor Tucker was paramount chief of where?

23 A. Gbapi.

24 Q. Gbapi. Is it a chiefdom or a district?

15:40:08 25 A. It's a chiefdom.

26 Q. What district?

27 A. Gbapi, Nongoba Bullom.

28 MR SESAY: My Lord, I believe it is Bonthe, Bonthe
29 District.

1 THE WITNESS: Bonthe District.

2 MR SESAY: G-B-A-P-P-I [sic], My Lord, for Gbapi.

3 G-B-A-P-P-I.

4 PRESIDING JUDGE: Maybe you can assist me, I've lost it
15:40:37 5 somewhere. Was this evidence about Daramy Rogers, Borbor Tucker
6 and so on, the second time he goes back to Talia? Is that what
7 he's saying?

8 MR SESAY: Yes, My Lord, that he came back and met those
9 dignitaries at Talia and he started referring to the names of
15:41:04 10 those that he met.

11 PRESIDING JUDGE: Okay.

12 MR SESAY: Yes.

13 PRESIDING JUDGE: So the people you're describing now are
14 people you met once you got back the second time to Talia?

15:42:00 15 THE WITNESS: Yes, at any time you went there, you would
16 see them.

17 MR SESAY:

18 Q. Now, who was Daramy Rogers?

19 A. Daramy is one of the elders; the leaders of the council.

15:42:00 20 There are names in English, but I don't know it - those positions
21 which they held.

22 Q. Was he a member? You said he was a member of the War
23 Council in Talia?

24 A. Yes.

15:42:01 25 Q. Now, can you tell the Court what happened at that meeting,
26 the second meeting that you held -- that was held in Talia?

27 PRESIDING JUDGE: I'm not sure that he was said that he was
28 at the second meeting. He went back to Talia, but that's all we
29 know, whether he was at the meeting or not, I don't know.

1 MR SESAY: My Lord, I'm referring now to what happened in
2 Talia.

3 PRESIDING JUDGE: Yes.

4 MR SESAY:

15:42:26 5 Q. When you got back to Talia, can you tell the Court what
6 happened in Talia?

7 A. When I came back to Talia, the second time I was invited,
8 they asked me not to go back where I was.

9 THE INTERPRETER: That is not clear. His voice is so
15:42:51 10 hoarse.

11 MR SESAY:

12 Q. Can you speak louder than that, please, Mr Witness. Now,
13 did you stay in Talia? After you came back for the second time,
14 did you stay in Talia?

15:43:08 15 A. The first time I did not settle there. The second time, I
16 did not settle there. It was the third time that I am talking
17 about now.

18 Q. So you went there for the third time?

19 A. Yes, it was the third time that I settled there. I was
15:43:28 20 there when I was called again and I went. So when I went --

21 Q. Slowly, please.

22 A. Okay.

23 Q. Yes, what happened when you went to Talia?

24 A. When I went, so they asked me not to go back to the
15:43:53 25 battalion that I belonged. They said I should not go back.

26 Q. Hold on. Did they state the reason why you should not go
27 back to your battalion?

28 A. The very day I reached they did not tell me. I was
29 detained there for some time at that time. They did not tell me

1 earlier. We were arguing. After some time, I saw the helicopter
2 arrive.

3 Q. Now, who arrived in the helicopter?

4 A. The helicopter that came, there were soldiers on board and
15:44:41 5 they came from the Lungi end. They alighted, so we went there.
6 We went there and exchanged greetings.

7 Q. Can you continue to speak louder, please. So you said
8 there was a meeting?

9 A. Who?

15:45:11 10 Q. With the people who came from the --

11 PRESIDING JUDGE: He said he greeted them, not that he met
12 with them.

13 MR SESAY: As My Lords please.

14 THE WITNESS: I have not reached up to the point where we
15:45:22 15 had a meeting.

16 MR SESAY:

17 Q. After you say you greeted them, what happened?

18 A. They alighted and they said they were coming to visit us
19 and they passed us. When they passed us, they went to Bo Njala.
15:45:50 20 Then the council called me again and I came there and I told them
21 that I have come. They said --

22 PRESIDING JUDGE: Louder. Please, speak up louder.

23 Counsel, I don't know where we are.

24 THE WITNESS: They said that --

15:46:04 25 PRESIDING JUDGE: You have lost me completely. I don't
26 know at all what's happening now. His evidence was he was in
27 Talia, but now when he saw the helicopter, I'm not sure where he
28 is. He would appear to be in Bo, but now he's called back to
29 Talia. You have to assist me, because I'm totally lost. I

1 cannot follow his evidence.

2 MR SESAY: My Lord, I will go back to where we were in
3 Talia when the helicopter came. I will revisit that portion of
4 his testimony and for it to come out more clearly than it is now,
15:46:35 5 My Lord.

6 PRESIDING JUDGE: Because his last answer was, "I was
7 called another time to Talia." So, presumably, he's not in Talia
8 any more.

9 MR SESAY: Yes, My Lord.

15:46:45 10 Q. Now, you did say that for the third time you arrived in
11 Talia there was a helicopter which came to Talia. Is that not
12 what you said?

13 A. Yes, that is what I said. When the helicopter -- the
14 helicopter moved and went away towards the Bo Njala, then we
15:47:04 15 remained. Yes. Yes.

16 Q. So you stayed in Talia and the helicopter left --

17 THE INTERPRETER: Your Honours, can the learned counsel
18 wait for the interpretation to be done? He is causing some
19 confusion in the cabin.

15:47:17 20 JUDGE ITOE: But it is not confusion, he is leading his
21 witness. What are you saying he is causing confusion in the
22 cabin.

23 THE INTERPRETER: My Lord, he is not waiting for the
24 answers, you see. He is not waiting for the responses from the
15:47:24 25 witness.

26 JUDGE ITOE: He is trying to lead his witness, you had
27 better be patient in the cabin as well.

28 MR SESAY: As My Lord please.

29 Q. Now, you say you stayed in Talia?

1 A. Yes.

2 Q. What happened when you stayed in Talia.

3 A. While we were in Talia, we had a meeting for the
4 invitation. The helicopter came.

15:47:52 5 Q. Slowly, please.

6 A. Then I was told that and that they've heard that I was
7 reported to them, so I should not go back to where I was until we
8 have investigated. That is the council that told me this, the
9 members of the council who were there. We were discussing this
10 matter when we heard the helicopter come again.

15:48:25

11 JUDGE ITOE: Slowly.

12 MR SESAY:

13 Q. Now, did they tell you the report? They did tell you the
14 report?

15:48:41

15 A. That is what they are telling me. They were telling me
16 about it when the helicopter came.

17 Q. So what happened when the helicopter came?

18 A. When the helicopter came, took -- Hinga Norman and others
19 were on board and it alighted.

15:49:31

20 PRESIDING JUDGE: Mr Counsel, can you clarify that again?
21 Is this now a second helicopter?

22 MR SESAY: No, once the helicopter went and came back, My
23 Lord.

24 PRESIDING JUDGE: So the first time the helicopter came,
25 there was --

15:49:39

26 THE WITNESS: They were now returning to Lungi.

27 MR SESAY: Hang on. They were now returning to Lungi, My
28 Lord. That is his evidence, My Lord.

29 PRESIDING JUDGE: Very well.

1 MR SESAY: Thank you, My Lord.

2 Q. Please, Mr Witness, you observe that I am in a bit of a
3 difficulty, because you are too fast. Can you be slow, please,
4 and watch your pace. You listen to the question and you watch
15:50:05 5 your pace. Now, you said they made a report, they explained to
6 you about the report, and you said Chief Norman and others came,
7 alighted from the helicopter, not so, when the helicopter came?

8 A. Yes.

9 Q. Now, how many of them came in that helicopter?

15:50:28 10 A. When the helicopter came, it came and passed and it was
11 returning from the end of the Bo Njala. The first time it came,
12 it alighted, he was not -- they were not in the helicopter.

13 Q. What happened from there?

14 A. When it alighted -- when it alighted -- so all of us went
15:51:03 15 there again.

16 Q. And where was that?

17 A. On the field, Talia Yawbeko. All of us went there. So
18 when we went, we saw the Pa.

19 Q. Which Pa did you see?

15:51:25 20 A. Pa Norman. Then the council said, "Look, my man, don't go
21 yet. Don't go. There is something here. We have an information
22 and we have to put it to you."

23 Q. Can you continue, please?

24 A. The case we have, we'll pass the night over it and then put
15:52:14 25 it to him. So we passed the night there. In the morning, we met
26 together, the council met together.

27 Q. Hold it there. You said the council met. What happened
28 when the council met?

29 A. I saw where we met. They brought a rope and placed it by

1 me and the council said -- and the council put it to Hinga Norman
2 that they have heard -- received a report that I have killed
3 somebody.

4 Q. Did they tell you the person that they said you killed?

15:53:09 5 JUDGE ITOE: Please wait. Wait first. The council told
6 Mr Norman that --

7 THE WITNESS: At that time I was not told, but they would
8 later tell me. Just like when you come and you have presented
9 the case to him. And that is the reason why we have removed him
10 from where he was. Until we investigate -- until we investigate
11 him to find out whether what they've said about him is true.

12 PRESIDING JUDGE: What is the witness talking about now?
13 Is he talking of what he saw or he's reporting what he's been
14 told?

15:54:00 15 MR SESAY: My Lord, they are now telling him at the
16 meeting --

17 PRESIDING JUDGE: That's what I want to know.

18 MR SESAY: -- what in fact was the allegation against him,
19 My Lord. That is what he's narrating.

15:54:10 20 PRESIDING JUDGE: I'm not asking you to tell me the
21 evidence. I'm asking you to clarify with the witness what he is
22 talking about.

23 MR SESAY: As My Lord pleases.

24 Q. What was the report or the allegation that they were
15:54:20 25 referring to?

26 A. The report that they made against me was explained to me,
27 that I have killed somebody and the person whom I have killed --

28 PRESIDING JUDGE: How was it explained to you and who
29 explained it to you?

1 MR SESAY:

2 Q. Who explained it to you and how was it explained to you?

3 A. When we had met, in this meeting, that was when they were
4 telling him, like we are sitting here. When a prominent person
15:54:50 5 comes in the council, like, when they are sitting together, when
6 they are making reports to him, then he said -- the council
7 brought a rope and they put it by my side and they said, "This
8 allegation has been made against this guy. We will hang him."

9 Then the council took the decision. Then when Mr Norman wanted
15:55:14 10 to talk they said, "No."

11 Q. Now, what do you mean by "they"? Who took the decision
12 when Mr Norman wanted to talk?

13 A. In relation to my being hung?

14 Q. Yes.

15:55:45 15 A. That I am looking at it. Whatever we did, it was the
16 council who would take the decision. When the council took the
17 decision, whatever the council decided, that was what would
18 happen. That's what they would deal with.

19 Q. Yes, now, what did the council decide at that point?

15:56:29 20 A. They decided that before we could hang this man, where he
21 did this thing, we should investigate it first. If it was his
22 doing --

23 Q. Stop there for now.

24 A. They said if it was his doing, if it is so, then they would
15:57:18 25 hang him. Then the council investigated. They sent people
26 there, they reached there, they investigated and they found out
27 that it was not my doing.

28 Q. Hold it there, please. What was the decision of the
29 council?

1 A. They sent people there to go and see there. They all
2 investigated and they found that I was not the person who killed
3 him, but the juntas. So they went and reached in the town and
4 they found out that he was killed by the juntas.

15:58:36 5 Q. Now, who was this person that they alleged you killed?

6 A. She was called Jeneba.

7 Q. Now, have you known her before?

8 A. At that time Jeneba in that town, he [sic] was a person who
9 would cook for us, so I did know him [sic] before. Us Kamajors.

15:59:16 10 Q. So she was cooking for the Kamajors?

11 A. Yes. Yes, she was cooking for the Kamajors.

12 Q. Now, do you know how she died?

13 A. It was the juntas who killed her during an attack at
14 Kponima. So that's what I know about her killing.

16:00:00 15 PRESIDING JUDGE: What's the name of the place?

16 MR SESAY: Kponima, My Lord, is spelt K-P-O-N-I-M-A.

17 PRESIDING JUDGE: Thank you.

18 THE WITNESS: So the War Council set me free, and the War
19 Council convened again and they gave me another post.

16:00:32 20 MR SESAY:

21 Q. What was that post?

22 A. I became the task force commander.

23 Q. Now what position were you occupying before you became a
24 task force commander?

16:00:56 25 A. I was the commander at that time, battlefield commander.

26 Q. Now, did you remain in that position up to the time you
27 were being investigated by the War Council in Talia?

28 A. When the War Council called me up, I -- they sacked me from
29 that position.

1 Q. You were removed as commander?

2 A. Yes, they stopped me from being a commander.

3 Q. Hold it there, please. Let's go at a very slow pace,
4 please. What functions were you performing as a task force
16:02:03 5 commander?

6 A. At that time, when I became task force commander, at that
7 time --

8 Q. Slowly, please. Slowly, please.

9 A. Those who gave me that post, it coincided with the -- it
16:02:22 10 coincided with the time we were getting ready to do the
11 intervention.

12 Q. [Microphone not activated]

13 A. So that we could push the juntas out from the big towns.

14 Q. Hold on, hold on, please.

16:02:47 15 JUDGE ITOE: As task force commander, what were you --
16 MR SESAY:

17 Q. Yes, what were you doing? What was your status, I mean, of
18 the functions you were performing as task force commander?

19 A. I, together with the soldiers, the ECOMOG soldiers, would
16:03:07 20 go out to fight. After they had given me that position. I
21 fought -- I worked alongside with ECOMOG.

22 Q. You worked alongside with ECOMOG as the task force
23 commander?

24 A. Yes.

16:03:30 25 Q. Now, from whom did you obtain a command at the time when
26 you were working alongside with ECOMOG as task force commander?

27 A. It was ECOMOG.

28 PRESIDING JUDGE: It was ECOMOG that did what?

29 MR SESAY: He took command from ECOMOG, My Lord. That was

1 his answer, that he took command from ECOMOG as task force
2 commander.

3 PRESIDING JUDGE: As task force commander?

4 MR SESAY: Yes, My Lord.

16:04:33 5 Q. Now, did you ever go to Lungi?

6 A. Yes. When I became task force commander, it was at that
7 time that we were summoned to Lungi, we the commanders --

8 Q. [Microphone not activated]

9 A. So that we would go --

16:05:28 10 Q. Can you continue from there?

11 A. It was at that time that we went to Lungi. The helicopter
12 came from Lungi and picked us up from Base Zero. At that time,
13 we were with the council elders. We went together with them.

14 Q. You mean to Lungi?

16:05:51 15 A. Yes, Lungi.

16 Q. Now, do you know what happened --

17 A. When we went to Lungi. When we were going to Lungi, there
18 were four senior men in the council whom they introduced to me.

19 Q. Who were these four senior men in the council?

16:06:22 20 A. First one was Mr Vandi Sama. He was in that group.

21 Q. The next person?

22 A. Then Prince Brima. He was in that group.

23 Q. Who was Prince Brima?

24 A. Prince Brima, he was a reporter for the BBC. Whatever the
16:06:49 25 Kamajors and ECOMOG were doing, he would give the report.

26 Q. The third person?

27 A. So there was another council member, that man whom they
28 called Mr Borbor Tucker, the paramount chief. He was appointed
29 by the entire chiefdom in order to represent the chiefdom, the

1 paramount chief.

2 Q. And the fourth person?

3 A. The fourth person, the entire Bonthe District, there was a
4 woman -- they gave us her son with whom we went together.

16:07:42 5 Q. What was the name of the woman's son?

6 A. His name is Borbor. His name is Borbor.

7 Q. Borbor?

8 A. Yes.

9 Q. Borbor what?

16:07:56 10 A. Borbor Joe. Borbor Joe.

11 Q. Now, what happened in Lungi?

12 A. When we went to Lungi, when we arrived, when the helicopter
13 arrived with us, we met so many ECOMOG soldiers there. So we
14 were there when they said that they said Tejan Kabbah and others
15 were coming. We were there when they came and alighted.

16:08:28

16 Q. Hold on, hold on, hold on. [Microphone not activated] Can
17 you come closer to the microphone a bit? Fine, and you speak up
18 much louder, okay?

19 A. Okay.

16:09:06 20 Q. Now, with whom did you say Tejan Kabbah --

21 A. Okay.

22 Q. Now, with whom did President Kabbah arrive in Lungi?

23 A. The soldiers were many with whom he came. And some other
24 prominent people, but I can't tell their names now because it's
25 quite a long time now. But these prominent people include ECOMOG
26 prominent -- senior members, they showed them to me.

16:09:28

27 Q. Now, what happened at that meeting in Lungi?

28 A. They called us up to find out how we would be able to
29 resist -- fight against the juntas and push them out of the

1 country. That was the meeting we were summoned to for that
2 intervention attack. So we were -- we sat down together and it
3 was organised and all of us together with them that we were going
4 to attack them on the same day. We would take over the country
16:10:24 5 on the same day. We would attack on the same day.

6 Q. Attack who on the same day? Who were you to attack?

7 A. The juntas, the juntas. I said the juntas.

8 Q. Thank you. Now, was President Kabbah at that meeting?

9 A. Yes, he was there. They were all there. There was a
16:10:57 10 soldier whom they called Colonel Khobe and another senior man.
11 He, too was there. All of them were there.

12 Q. Now, for how long were you in Lungi?

13 A. We didn't stay long. As soon as we finished the meeting,
14 they returned with us. So after that --

16:11:34 15 Q. Hold it. Yes, before that, let me ask you this question
16 again --

17 JUDGE ITOE: They returned with us to go to where?

18 MR SESAY: Sorry, My Lord.

19 Q. Where did they return with you?

16:11:46 20 A. They returned with us to Base Zero, Talia, Base Zero.

21 Q. Now, before you proceed, can I just ask this question:
22 what was the role of President Kabbah at that meeting in Lungi?

23 A. When he came, what he did -- when we held the meeting, when
24 everybody had spoken, he was the one -- he buttressed everything
16:12:27 25 that if ECOMOG had come, ECOMOG do not know the terrain. We know
26 the terrain, so in this --

27 Q. Slowly, please.

28 THE INTERPRETER: Can he take it again?

29 MR SESAY:

1 Q. Take it again, please, and just testify slowly, please.

2 A. Okay.

3 Q. It's a very important portion of your testimony, so I would
4 like you to go over it again. Now, what was the rule of
16:12:51 5 President Kabbah at the meeting in Lungi? Can you go over it
6 again?

7 A. When he came, he warned us. He handed us over to ECOMOG,
8 because they are foreigners. They have come and do not know the
9 terrain of the country. We know the terrain of the country.

16:13:32 10 PRESIDING JUDGE: When you say "he handed us over to them,"
11 do you mean the President?

12 THE WITNESS: It was the President who handed them over to
13 us and he explained about them to us, that we should work in
14 unison. We should talk to them about the country. Whatever
16:14:00 15 happened, we should lead them to go there.

16 Q. Hold it. Now, to whom did he hand over the Kamajors to?
17 He, President Kabbah, to whom did he --

18 MR KAMARA: Objection, Your Honour, my understanding of the
19 evidence was that --

16:14:31 20 THE WITNESS: ECOMOG --

21 MR KAMARA: Hold on, please. Wait. My understanding is
22 that the President handed over ECOMOG to the Kamajors, and not
23 the reverse.

24 JUDGE ITOE: That is what I have in my note.

16:14:42 25 MR KAMARA: Thank you.

26 THE WITNESS: Yes.

27 MR SESAY:

28 Q. Now, in what respect did he hand over the ECOMOG to
29 [overlapping speakers]

1 A. For instance, when the guest comes and he does not know the
2 country and they bring them and hand them over to you, so
3 wherever we were going, we would go there together. That's how
4 they handed them over to us. So we should be working in unison.

16:15:24 5 That was why whatever weapon we had, we would get them from them.

6 Q. Now, who said all those words at that meeting?

7 A. It was the Pa who said that, Pa Kabbah. Pa Kabbah, yes.

8 Q. Now, you said after that meeting you went back to Talia?

9 A. After he had said that, he entered the helicopter and they
16:16:21 10 returned and they took us back.

11 Q. Back to where?

12 A. Where he had come from. And we boarded the helicopter and
13 went back where we had come from. We all met at Lungi. Then
14 returned to Talia. When we reached Talia --

16:17:09 15 JUDGE ITOE: They went back to Talia in the helicopter?

16 MR SESAY: Yes, My Lord.

17 Q. And you said Base Zero?

18 A. Yes, Base Zero.

19 Q. Now, you said you returned to Talia. What happened when
16:17:39 20 you returned to Talia?

21 A. When we returned to Talia, we were there, then the
22 ammunition that we -- they said we'd be able to distribute in
23 other areas, they brought them and they were handed over to the
24 council.

16:18:01 25 Q. Now, who brought this ammunition?

26 A. I saw ECOMOG bringing them in a helicopter and we packed
27 them.

28 JUDGE ITOE: So when they got to Talia, the helicopter came
29 and brought --

1 MR SESAY: Arms and ammunition, My Lord, from ECOMOG.

2 JUDGE ITOE: [Overlapping speakers]

3 MR SESAY: As My Lord pleases.

4 PRESIDING JUDGE: Is it the same helicopter, or a different
16:18:34 5 flight, a different day?

6 MR SESAY:

7 Q. What was the helicopter that brought the arms and
8 ammunition to Talia?

9 A. They were bringing bullets. They brought a lot of bullets
16:18:52 10 for us.

11 Q. Who brought the helicopter? Who came with the helicopter?

12 A. The person who piloted the helicopter, we called him
13 Alfred, because I cannot remember their name, because when they
14 come, they do not stay long. When they bring these things, they
16:19:12 15 would just off-load them and return.

16 Q. Did they tell you from whom these ammunitions came from,
17 when they arrived with the arms and ammunition at Talia?

18 A. Those bullets, we saw them coming from the Bo Njala end and
19 we would bring them. They would bring some from Lungi. So they
16:19:40 20 were bringing them from both ends, because ECOMOG were in
21 Lungi --

22 JUDGE ITOE: [Microphone not activated] you say the arms
23 and ammunition came in a helicopter. Did you know that they came
24 from various directions?

16:19:56 25 THE WITNESS: Yes.

26 JUDGE ITOE: He asked you whether they told you where the
27 ammunition came from. Did they tell you where the ammunition
28 came from, or who sent the ammunition?

29 THE WITNESS: When we went to that meeting, that's when

1 they told us that we'd be getting these things from these people
2 and it was the same people who were bringing them, so I wouldn't
3 say that they were brought by some other person, or they brought
4 them from some other place, because when we saw them, we just
16:20:23 5 concluded that they had sent them, because they had told us
6 beforehand that they would be supplying us.

7 PRESIDING JUDGE: So these helicopters came to Talia after
8 you had been back from the meeting in Lungi?

9 THE WITNESS: Yes.

16:20:46 10 PRESIDING JUDGE: Was it the next day, the next week, the
11 next month; when?

12 THE WITNESS: It was up to two weeks then they started
13 bringing these things.

14 MR SESAY:

16:21:04 15 Q. Now, my question was: Who handed these arms and ammunition
16 to you in Talia?

17 A. When they had gathered all those things, the council which
18 had set up the War Council, they sat down and distributed them by
19 chiefdoms, those who had come from Bonthe.

16:21:42 20 JUDGE ITOE: Mr Sesay, try again.

21 MR SESAY: As My Lord pleases.

22 Q. Now, did you say earlier on that the people who came with
23 the helicopter, did you make any reference to ECOMOG at that
24 time, that you saw ECOMOG officers in that helicopter?

16:22:05 25 A. Yes.

26 Q. You say that was the helicopter that brought the arms and
27 ammunition at Talia?

28 A. Yes.

29 PRESIDING JUDGE: But the question -- I'm trying to get

1 some clarification -- was who, in Talia, distributed the arms.
2 Wasn't that the question you asked?

3 MR SESAY: My Lord, he had already started testifying on
4 that.

16:22:47 5 PRESIDING JUDGE: Yes, but Justice Itoe was asking you to
6 repeat to it try to clarify that.

7 MR SESAY: As My Lord pleases. I will go over it again.

8 Q. Now, to whom were these arms and ammunition given when the
9 arms and ammunitions arrived in Talia?

16:23:02 10 A. When we brought the bullets, they would hand them over to
11 the War Council. The person who was heading the War Council was
12 Daramy Rogers.

13 Q. Yes. Stop there for now. What did he do with the arms and
14 ammunition?

16:23:29 15 A. We distribute them by chiefdoms. When it was time for us
16 to go on the intervention that we were going on, we were going to
17 remove the juntas.

18 Q. Now, you said you had agreed in Lungi that they should
19 attack, that you should all attack the same day; not so, to
16:24:09 20 remove the junta?

21 A. Yes.

22 Q. Now, did that in fact happen?

23 A. What?

24 Q. You had said in your testimony that you agreed in Lungi --
16:24:28 25 it was agreed in Lungi in that meeting where President Kabbah was
26 present that you should attack the junta on the same day to
27 remove the junta from the country; not so?

28 A. Yes, we agreed.

29 Q. Did you in fact attack on the same day as agreed in Lungi?

1 A. We attacked on the same day. The bullets that they brought
2 were distributed amongst us and we attacked on the same day. The
3 same day that we carried out the attack, that was the day the
4 council was desolved because whoever went to his own place would
16:25:05 5 stay there.

6 Q. Did you succeed?

7 A. Yes, we dislodged them, together with ECOMOG. When we were
8 under ECOMOG, we stayed under them.

9 Q. Now, you told the Court you were a commander and you later
16:25:34 10 became a task force commander under ECOMOG.

11 A. Yes.

12 Q. Now, throughout the period November 1996 to December 1999,
13 did Chief Norman give you orders as commander?

14 PRESIDING JUDGE: Mr Counsel.

16:26:23 15 MR SESAY: Yes, My Lord.

16 PRESIDING JUDGE: This is your witness. You are in
17 examination-in-chief. This is a question that is very leading
18 and on an issue that is, I would suggest, not very clear, if not
19 in dispute.

16:26:38 20 MR SESAY: I concede, My Lord.

21 Q. Did you receive orders from any other source apart from
22 when you said you received orders from ECOMOG and the soldiers?

23 A. Up to the time that I went fighting, I didn't receive
24 orders from anybody except ECOMOG and Sierra Leone soldiers.

16:27:10 25 Nobody gave me any fighting equipment except those. When they
26 came, I didn't talk with anybody except what I have spoken about.

27 Q. Wait there, please.

28 A. Okay.

29 Q. Now, apart from ECOMOG and the soldiers, did anybody supply

1 you with arms and ammunition, as a commander and a task force
2 commander?

3 A. At that time when we left Base Zero, nobody gave me any
4 gun. Nobody gave me bullets, apart from ECOMOG. Even food, I
16:28:08 5 got it from them.

6 Q. From whom?

7 A. ECOMOG. They were giving us rations.

8 Q. Did anybody give you orders to kill civilians?

9 A. No. Nobody ever gave me that order.

16:29:02 10 PRESIDING JUDGE: I remind you again this is your witness.
11 You may ask him if he was given any order with respect to
12 civilians, but orders to kill civilians, I would suggest to you,
13 this is one of the allegations and you should be more careful
14 with these types of questions.

16:29:17 15 MR SESAY: Yes, My Lord. I am trying to avoid leading the
16 witness, My Lord, that is why I took it from some other path, My
17 Lord, in order to avoid --

18 PRESIDING JUDGE: I understand.

19 MR SESAY: -- in breach of the use of evidence, My Lord.

16:29:34 20 But I will take it in good path, My Lord.

21 PRESIDING JUDGE: Before you do, it is 4.30. It is time
22 that we have a recess for the afternoon.

23 [Recess taken at 4.30 p.m.]

24 [CDF17FEB06F - EKD]

16:40:51 25 [Upon resuming at 5.05 p.m.]

26 PRESIDING JUDGE: Yes, Mr Counsel.

27 MR SESAY: Yes.

28 Q. Now, Mr Witness, before you proceed further, may I also
29 repeat my usual admonition that you keep the pace. Can you put

1 on your mic, please?

2 [Witness complied]

3 PRESIDING JUDGE: Yes, okay.

4 MR SESAY:

17:06:22 5 Q. That you keep your pace.

6 A. Okay.

7 Q. Do you understand that?

8 A. Yes.

9 Q. Now, you did say in your testimony that President Kabbah
17:06:34 10 was eventually reinstated. Did you say that?

11 A. Yes, reinstated. We brought him back and reinstated him in
12 town.

13 Q. Now, was there any other meeting after President Kabbah was
14 reinstated? Was there any other meeting with President Kabbah?

17:07:06 15 A. Yes, we met, but that was in Bo.

16 Q. And when was that?

17 A. At that time he had been reinstated when we brought him and
18 went to talk to him, but I cannot remember the month and the
19 time.

17:07:48 20 Q. Now, what part of Bo was this meeting with
21 President Kabbah?

22 A. It was held at Bo school.

23 Q. And what happened at the meeting?

24 A. They came and said he had come there to say thanks to us,
17:08:17 25 the Kamajors.

26 Q. He thanks you for what?

27 A. That we've done a very good job for this country.

28 Q. Continue, please.

29 A. That we've done a very good job for him. But he cannot say

1 enough thanks to us. But that when he goes back he would send
2 something for us. And he sent --

3 Q. You said he said you did a good job. What job was he
4 referring to?

17:09:24 5 A. That we've dislodged the junta where he was sitting. Now
6 we've brought him back and we've placed him there. That's why he
7 was thanking us, that he had come to say thanks to us because we
8 have driven his enemies.

9 Q. And you said he promised to do what?

17:09:52 10 A. He said when he returned he would send some food for us.
11 He, himself, apart from what ECOMOG would give to us.

12 PRESIDING JUDGE: He said that at that meeting in Bo?

13 THE WITNESS: Yes.

14 MR SESAY:

17:10:17 15 Q. Now, did he send the food that he promised to send?

16 A. Yes, when he returned he sent the food. He sent it.

17 Q. What did he send?

18 A. He sent 1,000 bags of rice. The one that I saw as.

19 Q. How was that 1,000 bags distributed?

17:11:17 20 A. We distributed them per battalion in the Bo District. We
21 distributed them just as how we were among the Kamajors.
22 Everybody with his commander and his boys. Everybody with his
23 commander and his boys. So we distributed it in that way.

24 Q. Now, after that meeting was there any other meeting in Bo?

17:11:50 25 A. Yes. We held another meeting with him in Bo with Tejan
26 Kabbah. He came back to us and we held another meeting with him.

27 Q. Where was that second meeting in Bo?

28 A. We held the meeting at the Coronation Field Town Hall, Bo.

29 Q. Did he go alone at Coronation Field, President Kabbah?

1 A. There was a large crowd. All this that I am explaining,
2 when he goes, he was not just alone. There were other prominent
3 people behind him. There were many.

4 Q. Will I be correct if I say that you said he was in the
17:13:18 5 midst of big people, big men?

6 A. There would be ministers there, honourables will be there.
7 I said when he goes there would be ministers and honourables.

8 Q. Did he address you in that second meeting at
9 Coronation Field, President Kabbah?

17:13:54 10 A. Yes, he spoke to us again. He said he had come --

11 Q. Continue, please.

12 A. He said now that we've fought the war, those of us who were
13 commanders, he was making a promise to us, that he was going to
14 give everyone a medal.

17:14:41 15 Q. Yes.

16 A. So the medal, he took out a sample, showed it to us, and he
17 left it with us, two of them.

18 Q. Was that the end of the meeting?

19 A. Up till now the medals are there. When that happened, then
17:15:30 20 there was the disarmament and they said every Kamajor must
21 disarm.

22 MR SESAY: That is all for this witness.

23 PRESIDING JUDGE: Thank you. Mr Bockarie, for the second
24 accused.

17:16:02 25 MR BOCKARIE: I've got no questions for this witness,
26 Your Honour.

27 PRESIDING JUDGE: Thank you. Mr Margai.

28 MR MARGAI: Yes, My Lords.

29 PRESIDING JUDGE: I remind you, Mr Margai, you are in

1 cross-examination of that witness, to avoid any confusion --

2 MR MARGAI: Thank you.

3 PRESIDING JUDGE: -- as to what your status is.

4 MR MARGAI: Thank you, My Lords.

17:16:25 5 CROSS-EXAMINED BY MR MARGAI:

6 Q. Mr Witness, good afternoon.

7 A. Yes, Pa, good afternoon.

8 Q. You have told this Court that you were a commander
9 before --

17:16:47 10 A. Yes.

11 Q. -- you were given another position?

12 A. Yes.

13 Q. Where was your own command base?

14 A. I was commander at Jiama Bongor, Mabuse [phonetic] District
17:17:22 15 -- in Bo District.

16 Q. Now, apart from Bo District, were you commander in any
17 other area? I mean, apart from Jiama Bongor, were you commander
18 in any other area?

19 A. Yes.

17:18:07 20 Q. Where?

21 A. When I was task force commander, that was when I was in
22 Bo District, in Bo Town - Bo Kakua.

23 Q. So let's get this straight. When you were commander --
24 were you battalion commander?

17:18:35 25 A. Yes, yes.

26 Q. When you were battalion commander, that was the time you
27 commanded Jiama Bongor battalion; is that correct?

28 A. Yes, it was at that time.

29 Q. Thank you. As task force commander, where did you command,

1 if at all?

2 A. At that time when I was task force commander, I didn't have
3 my own command post. I was working under the command of ECOMOG.

4 Q. Thank you. When you were battalion commander, did you
17:19:52 5 command the battalion in Jiama Bongor alone, or did you command
6 any other place outside of Jiama Bongor? Not as task force
7 commander, just battalion commander.

8 A. I couldn't pass my own command while I was Jiama Bongor, to
9 leave there and go to some other place without joining with the
17:20:22 10 soldiers. We did that with the soldiers, the Sierra Leone
11 soldiers at that time. At that time we were under them.

12 Q. No, sorry, I'm coming to that.

13 PRESIDING JUDGE: Maybe you could repeat your question.

14 MR MARGAI:

17:20:40 15 Q. I just want first to be clear. Now, I'm very clear about
16 your role as task force commander. You worked alongside ECOMOG
17 and, according to you, you took command from ECOMOG?

18 PRESIDING JUDGE: Yes, he was under command of ECOMOG.

19 MR MARGAI:

17:21:01 20 Q. You were under command of ECOMOG as task force commander?

21 A. Yes.

22 Q. Thank you. As battalion commander in charge of
23 Jiama Bongor, who was in control of command?

24 A. The Kamajors who were there, when a command is passed on to
17:21:40 25 me, I will pass on the command to them. Then we'll go to the
26 soldiers. At that time we were working together with the
27 soldiers.

28 Q. So do I take it when you were at Jiama Bongor you were
29 working with the soldiers?

1 A. Yes.

2 Q. Meaning the Sierra Leone soldiers?

3 A. Yes.

4 Q. Was this before the overthrow of President Kabbah's
17:22:42 5 government?

6 A. Yes. We're doing that job before he was overthrown.

7 Q. Thank you. When you were working with the soldiers before
8 President Kabbah's government was overthrown, who was giving
9 command?

17:23:11 10 A. Tamba Alieu. At that time he was based at Kori bundu.

11 Q. Was he a Kamajor, a soldier?

12 A. He was a soldier.

13 Q. He was a soldier, thank you.

14 PRESIDING JUDGE: What is the name he gave?

17:23:47 15 MR MARGAI: Tamba Alieu, My Lord.

16 PRESIDING JUDGE: Thank you.

17 MR MARGAI:

18 Q. Now, this Tamba Alieu, was he a colonel in the army?

19 A. They said that they -- all of Kori bundu battalion, because
17:24:18 20 there was a battalion, he was head of that battalion. He was a
21 senior man then.

22 Q. Do you know his rank? Either he was a major, a lieutenant,
23 a captain, a colonel? If you don't know, it doesn't matter.

24 A. He was a captain at that time.

17:24:33 25 Q. He was a captain at that time, thank you. Now, did you
26 take part in the attack on Kori bundu?

27 A. No, I was not sent there at that time.

28 Q. You were not sent there at that time. Were you initiated
29 into the Kamajor society, or movement, as the case may be?

1 A. I was initiated into the Kamajor society.

2 Q. And who was your Kamoh or initiator?

3 A. There was a man whom they called Allieu Kondewa. He was
4 the one who initiated us.

17:26:09 5 Q. Take a look over there to your right. Is that the man? Am
6 I in your way?

7 A. That's him sitting there.

8 Q. He initiated you, thank you.

9 A. Yes.

17:26:26 10 PRESIDING JUDGE: For the record, the witness pointed to
11 the accused Kondewa.

12 MR MARGAI: Yes, My Lords, thank you.

13 Q. Were you tested after the initiation to ensure that you
14 were immune from bullet shots?

17:26:55 15 A. Even as I'm sitting here bullet would not pierce me.

16 JUDGE ITOE: Were you tested? Let him answer the question.

17 MR MARGAI:

18 Q. Were you tested?

19 A. Many times. There was none that I was not tested with.

17:27:13 20 Q. No, what I mean is after the initiation --

21 A. When I was initiated and graduated, there were many guns,
22 different types. They shot me with them after I had been
23 initiated and graduated it, right out there. It was a very short
24 distance, like you are there and I am here.

17:27:38 25 JUDGE THOMPSON: Did he say that after initiation he was
26 tested many times over?

27 MR MARGAI: Yes, My Lords.

28 Q. And do I take it that you were also tested on the
29 battlefield?

1 A. In Freetown here there was no type of gun that stopped
2 short of shooting at me, but even at the moment I am still alive.

3 Q. Thank you. Did you believe in the mystical powers of
4 Allieu Kondewa?

17:28:20 5 A. Too much.

6 Q. And do you believe that you are alive today because of the
7 immunisation?

8 A. Yes, and through God's help.

9 Q. Indeed, indeed, indeed. Now, because of the protection
17:29:17 10 given to you by Allieu Kondewa, you valued him so much in the
11 Kamajor society; isn't that correct?

12 A. Yes. At that time, yes.

13 Q. Yes, thank you. Would I be right in saying that he meant
14 so much to the Kamajor society for this protection that you
17:30:03 15 protected him, you even overprotected him, to ensure that no harm
16 befell him?

17 A. Yes.

18 Q. Thank you. Now, did Allieu Kondewa ever go to the war
19 front?

17:30:53 20 A. He was not a fighter.

21 Q. No, did he go to the war front to fight?

22 A. He wouldn't go there. He wouldn't go there. I never saw
23 him there.

24 PRESIDING JUDGE: Mr Margai, you don't have to complete
17:31:23 25 this afternoon.

26 MR MARGAI: No, I am completing, My Lords, because I will
27 not be here on Monday morning. I shall come in the afternoon.
28 That will be all for this witness.

29 PRESIDING JUDGE: Very well, thank you. So, Mr Kamara, we

1 will proceed with your cross-examination on Monday at 9.30.

2 MR KAMARA: As My Lord pleases.

3 PRESIDING JUDGE: Thank you. Court is adjourned to Monday
4 at 9.30, thank you.

17:32:03

5 [Whereupon the hearing adjourned at 5.32 p.m.,
6 to be reconvened on Monday, the 20th day of
7 February 2006, at 9.30 p.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: MOHAMED TURAY COLLIER	2
EXAMINED BY MR BOCKARIE	3
EXAMINED BY MR MARGAI	10
CROSS-EXAMINED BY MR TAVENER	43
WITNESS: OSMAN VANDI	70
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