



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

THURSDAY, 28 SEPTEMBER 2006
9.42 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:

Bankole Thompson, Presiding
Pierre Boutet
Benjamin Mutanga Itoe

For Chambers:

Ms Roza Salibekova
Ms Anna Matas

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Joseph Kamara
Ms Lynn Hintz (Case manager)

For the accused Sam Hinga
Norman:

Dr Bu-Buakei Jabbi
Mr Alusine Sesay
Mr Kingsley Belle (legal assistant)

For the accused Moinina Fofana:

Mr Andrew Ianuzzi
Mr Steven Powles

For the accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana
Mr Martin Michael (legal
assistant)

1 [CDF28SEP06A - CR]

2 Thursday, 28 September 2006

3 [The accused present]

4 [Open session]

09:45:24 5 [Upon commencing at 9.42 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. Before we
7 commence this session and continue with the presentation of the
8 case for the second accused, let me state that from present
9 indications as to the progress of the presentation of the case of
09:46:01 10 the second accused, it is the collective mind of the Bench that
11 the Defence team for the third accused should be prepared to
12 present the case for their client much earlier than the
13 5th October, as indicated.

14 I take it that counsel for the third accused would
09:46:29 15 appreciate that experience has taught us that we should have been
16 less definitive in our projection of predictive disposition.
17 However, this is not to say that there's no value in setting
18 deadlines, provided they admit a flexibility. So that is a kind
19 of notice to the Defence team for the third accused.

09:46:59 20 Of course, at an appropriate point, if there is any
21 application emanating from that, we'll be prepared to hear it.

22 MR MARGAI: May it please, My Lords, I appreciate the
23 position of the Bench, but we would crave the indulgence of the
24 Bench for us to present our case, as had been agreed upon; for
09:47:27 25 the simple reason that the date that was agreed upon has already
26 been communicated to the pending witnesses, and we intend over
27 the weekend to try and start collecting them, as best as we
28 possibly could.

29 I believe that, notwithstanding the number of witnesses

1 already disclosed, intended to be led in evidence, having regard
2 to the progress being made in the case of the second accused, it
3 might well be possible for us to reduce the number of witnesses,
4 thereby gaining time.

09:48:17 5 PRESIDING JUDGE: A kind of compensating factor.

6 MR MARGAI: Indeed. The whole essence of this trial, as
7 has been said here time and time again, is in the pursuit of
8 truth and justice. Therefore, perhaps, in that light, we would
9 appeal to the Bench to grant us the few days which would

09:48:41 10 otherwise not be availed of --

11 PRESIDING JUDGE: Speaking for myself, and this is why
12 there was, on my part anyway, at that time an initial reluctance
13 to be entrapped into some definitive kind of projection, in the
14 sense that these are matters which one should be very careful
15 about when you want to predict them. I think what experience has
16 taught us now is that our predictive enthusiasm sometimes is not
17 borne out by the evolution of events. But I do understand the
18 position you're making and, as I said, if, at some point in time,
19 or if you're making it now --

09:49:05 20 MR MARGAI: I'm making it now, My Lord. I'm sure when Your
21 Lordships decided on the date, it was after due consideration and
22 taking a number of factors into account. We want to ensure that
23 we, at least to the best of our ability, render the best service
24 to our client. And I do not believe that by asking for two or
09:49:55 25 three days that would make much of a difference, especially
26 giving the assurance that, considering the progress that has been
27 made, and taking the lead from the way the second accused case
28 has been presented, I mean, we would not consider it necessary
29 and expedient to go the whole hog by calling all of the witnesses

1 listed.

2 JUDGE ITOE: Mr Margai, are you saying that if, for one
3 reason or another, we were to ask you to start your case on 2nd
4 or 3rd, for instance, you wouldn't be able to lay hands on at
09:50:42 5 least one or two witnesses who could easily be available to come
6 and testify whilst waiting for others who you might be expecting
7 from upcountry, and so on and so forth?

8 MR MARGAI: What we would not want to create is a situation
9 whereby we give an undertaking that we could start on Tuesday or
09:51:07 10 Wednesday, only to come and say to the Court we are unable to
11 start.

12 JUDGE ITOE: The Bench was is very, very loath, you know,
13 to giving this deadline. It is just that your colleague
14 Mr Williams did insist, and we understood why, because he wanted
09:51:22 15 a time frame for the third accused person to be able to present
16 his case. But we were very, very hesitant, you know, to put a
17 time frame on this.

18 MR MARGAI: I appreciate that, My Lord.

19 JUDGE ITOE: We're constrained doing this because of the
09:51:37 20 normal understanding we manifest to defence teams. So why don't
21 you --

22 MR MARGAI: May I ask that you continue to manifest that
23 same understanding and consideration in the pursuit of justice.
24 My Lord, I have definitely assured this Court --

09:51:55 25 JUDGE ITOE: We want to, but we want you, also, to assist
26 the Court.

27 MR MARGAI: I am assisting the Court by reciprocating in
28 the sense that not all of the witnesses will be taken. I believe
29 that we would go through our witnesses in not more than a week

1 and a half, maybe less. Maybe less.

2 JUDGE BOUTET: Mr Margai.

3 MR MARGAI: Yes, My Lord.

4 JUDGE BOUTET: You are right. We made our assessment and
09:52:26 5 we confirmed a date with your learned colleague, Mr Williams as
6 5 October. We were trying to assess the situation as best we
7 could then. It was subsequent to that that we were informed by
8 the second accused that they were further reducing their number
9 of witnesses, which means what we had expected to be the time
09:52:44 10 required before we could get to you has now been further reduced,
11 which is welcome news, obviously, because they have made a very
12 good analysis for their case, they decided that the witnesses
13 they are calling is sufficient for their own purposes. I know
14 you are intending to do the same.

09:53:03 15 Now, when we give the date of 5 October, I'm just looking
16 at the calendar. The 5th is a Thursday. I am just asking you if
17 you are moving to collect your witnesses this particular weekend,
18 as such, if efforts could be made to try to find sort of a
19 compromise, bearing in mind that the week after the 5th, if I'm
09:53:23 20 not mistaken, we will break to hear some submission in the other
21 case. We're not hearing any evidence in this case here, so the
22 week that we are planning to start your case of your client on
23 5th October, will only be for a few days and the week after that,
24 we break again. We're just trying to see if we can accomplish
09:53:51 25 something meaningful that week. Because the way it stands, we
26 might hear your witnesses for only two days. We are trying to
27 see if we can expand that to hear a little more than just two
28 days.

29 MR MARGAI: My Lord, I believe, one of the problems we're

1 facing, is that a lot of these witnesses are not stagnant, they
2 are itinerant because of prevailing circumstances, not of their
3 own creation, as it were. I know Your Lordship is very anxious
4 for us not to allow a vacuum, as it were. As I said, I would
09:54:22 5 very much loath to assure Your Lordships of our readiness to
6 start on a particular day, be it Tuesday or Wednesday, only to
7 come and say that we regret our inability to start, because we
8 cannot locate the witnesses. But I want to give a firm assurance
9 that between now and Thursday, all of the witnesses should be
09:54:43 10 here, will be ready, willing, able to make progress.

11 PRESIDING JUDGE: You mean on the 5th October?

12 MR MARGAI: On the 5th, My Lord.

13 PRESIDING JUDGE: Well, I think to end any further
14 speculation on this issue, because I find this engages us in
09:55:01 15 endless speculation. I think we will take a short stand down and
16 the Bench will come back with a ruling.

17 MR MARGAI: As My Lord pleases.

18 [Break taken at 10.53 a.m.]

19 [Upon resuming at 10.58 p.m.]

10:01:16 20 PRESIDING JUDGE: Mr Margai, we have carefully deliberated
21 on your application and, given the assurances that you have
22 presented to the Court in respect of your disposition in terms of
23 how you will present your witnesses, and also, significantly, the
24 possibility of reducing the existing list, the Court is minded to
10:01:40 25 restate that the Defence team for the third accused will begin
26 their defence on 5th October 2006.

27 MR MARGAI: Much obliged My Lords. We're very grateful.
28 Thank you.

29 PRESIDING JUDGE: Mr Powles, we'll continue with your next

1 witness.

2 MR POWLES: Grateful, My Lord.

3 PRESIDING JUDGE: Who is it?

4 MR BOCKARIE: Good morning, Your Honours. The next witness
10:02:11 5 is Junisa Conneh.

6 PRESIDING JUDGE: Let him be sworn. Mr Bockarie, in what
7 language will he be testifying?

8 MR BOCKARIE: In Mende, My Lord.

9 PRESIDING JUDGE: I take it the interpretation facilities
10:02:30 10 are in place.

11 THE INTERPRETER: Yes, Your Honours.

12 WITNESS: Junisa Conneh [Sworn]

13 [The witness answered through interpreter]

14 PRESIDING JUDGE: Proceed, counsel.

10:02:59 15 MR BOCKARIE: Thank you, Your Honour.

16 EXAMINED BY MR BOCKARIE:

17 Q. Good morning, Mr Conneh.

18 A. Good morning, grandfather.

19 Q. Mr Conneh, before I proceed, you are expected to speak
10:03:33 20 clearly and slowly.

21 A. Okay.

22 Q. What is your name?

23 A. My name is Junisa.

24 Q. Do you have a surname?

10:03:51 25 A. Junisa Conneh.

26 Q. Where do you live?

27 A. I live at Baoma Kpengeh.

28 Q. What is your occupation?

29 A. Farming.

1 Q. You say you live at Baoma Kpengeh. Is Baoma Kpengeh your
2 home town?

3 A. Yes, it's my birthplace.

4 Q. Mr Witness, for how long have you resided at Baoma Kpengeh?

10:05:04 5 A. Since birth. I've lever left there.

6 Q. Do you know when you were born?

7 A. Yes.

8 Q. Can you please tell us the year?

9 A. Forty-five years, this year.

10:05:53 10 Q. Your town, Baoma Kpengeh, in what chiefdom is Baoma
11 Kpengeh?

12 A. Nongoba Bullom.

13 Q. In what district?

14 A. Bonthe District.

10:06:45 15 Q. Mr Conneh, your town, Baoma Kpengeh, was it ever attacked
16 during the war?

17 A. Yes.

18 Q. By what forces?

19 A. The rebels.

10:07:08 20 Q. And in what year?

21 A. 1995.

22 Q. Now, was Baoma Kpengeh recaptured from the rebels?

23 A. Yes.

24 Q. When was that?

10:07:41 25 JUDGE ITOE: It was attacked. Was it occupied? Is there
26 any evidence that it was occupied? It was attacked, yes.

27 MR BOCKARIE: Yes, Your Honour. Thank you for the cue.

28 Q. It was attacked in 1995; am I correct?

29 A. Yes.

1 Q. After 1995, was there any attack on Baoma Kpengeh by any
2 other forces?

3 A. No.

4 JUDGE BOUTET: Maybe you can ask him what happened as a
5 result of the attack.

10:08:26

6 MR BOCKARIE:

7 Q. Now, when it was attacked in 1995, did the rebels stay at
8 Baoma Kpengeh?

9 A. They were there for some days.

10:08:54

10 Q. You say, thereafter, it has never been attacked again by
11 any other forces; am I correct?

12 A. Yes.

13 Q. Mr Witness, do you know what is known as a trade fair?

14 A. Yes.

10:09:38

15 JUDGE ITOE: Learned counsel, they attacked, they occupied
16 the town for some days. What happened thereafter?

17 THE WITNESS:

18 A. They left there afterwards.

19 JUDGE ITOE: That's the question I was asking.

10:10:01

20 MR BOCKARIE: Is that the answer, Your Honour?

21 JUDGE ITOE: I don't know whether that's the answer you
22 want to [overlapping speakers].

23 MR BOCKARIE:

24 Q. Now, you said they stayed there for a few days, after it
25 was attacked in 1995; am I correct?

10:10:11

26 PRESIDING JUDGE: Well, let's say some.

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: Let's say some. I mean, some is not
29 synonymous with few.

1 MR BOCKARIE: Yes.

2 Q. Thereafter, they were repelled, or they left on their own
3 accord?

4 A. They dislodged them

10:10:50 5 Q. Thank you.

6 JUDGE ITOE: Who dislodged them?

7 THE WITNESS: The Kamajors dislodged them.

8 MR BOCKARIE:

9 Q. Now, Mr Witness, you told this Court that you know what a
10:11:24 10 trade fair is; am I correct?

11 A. I said, "yes."

12 Q. Now, tell this Court, has any trade fair been held at Baoma
13 Kpengeh?

14 A. Since I was born, I've never seen any trade fair being
10:11:54 15 organised in Baoma Kpengeh.

16 Q. Do you know a town called Gbap?

17 A. Yes.

18 JUDGE BOUTET: Maybe, Mr Counsel, you know and the witness
19 knows what it means; I don't.

10:12:27 20 MR BOCKARIE: Sorry.

21 Q. Can he tell us, you said you know of a trade fair. Can you
22 tell us what is a trade fair?

23 A. What I know, a trade fair is that business people go and a
24 lot of them would meet there, they sell and they would go on
10:12:45 25 their way. Whatever you have, several people coming to sell
26 their wares. That is what we call trade fair. In Mende, we call
27 it [Mende spoken].

28 JUDGE BOUTET: We're talking of a trade fair?

29 MR BOCKARIE: Yes.

1 JUDGE BOUTET: I understood you to mean trade fair.
2 Anyhow, that's why I asked what you mean by this, but now I
3 understand. That's fine.

4 MR BOCKARIE: Thank you.

10:13:09 5 Q. Mr Conneh, do you know a town called Gbap?

6 A. Yes.

7 Q. How close is Gbap to Baoma Kpengeh?

8 A. I think it could be up to 6 miles; the distance.

9 Q. Mr Witness, do you know where the trade fair is being held
10:13:57 10 at Gbap?

11 PRESIDING JUDGE: Is, did you say, "is"?

12 MR BOCKARIE: No, "do you. "

13 PRESIDING JUDGE: Know where the trade fair is held?

14 MR BOCKARIE: Yes, is being held or was held.

10:14:09 15 PRESIDING JUDGE: I thought you wanted to be more precise.
16 Right?

17 MR BOCKARIE:

18 Q. Did you know it was being held at --

19 JUDGE ITOE: Was held?

10:14:17 20 MR BOCKARIE: Yes.

21 Q. At Gbap?

22 A. Yes.

23 Q. For as long as you know, how long have they been holding a
24 trade fair at Gbap?

10:14:54 25 A. It's a long time. I can't remember the year now, but it's
26 a long time.

27 PRESIDING JUDGE: Counsel, would you clarify that a little?
28 Are you talking about a specific trade fair that was held at some
29 point in time, or whether it is the practice to hold fairs?

1 MR BOCKARIE: Yes, My Lord.

2 PRESIDING JUDGE: Because there is a clear difference
3 there, from my perspective.

4 MR BOCKARIE:

10:15:18 5 Q. Now --

6 PRESIDING JUDGE: In other words, is it a tradition?

7 MR BOCKARIE: It's more or less a tradition.

8 PRESIDING JUDGE: Then that's what you need to clarify for
9 me.

10:15:24 10 MR BOCKARIE: Yes.

11 Q. Now, do you know whether a trade fair was being held at
12 Gbap?

13 A. Yes.

14 Q. As far as you are concerned, for how long have they been
10:16:13 15 holding a trade fair at Gbap?

16 JUDGE BOUTET: You mean as far as he knows?

17 MR BOCKARIE: Yes.

18 THE WITNESS: It's a long time now, but I can't recall the
19 time now when it started.

10:16:39 20 Q. Does the practice of holding trade fair continues to date;
21 are you aware?

22 A. Even now, the trade fair goes on, on every Wednesday.

23 Q. Now, Mr Witness, beside your town, Baoma Kpengeh, is there
24 any other town or village in Nongoba Bullom Chiefdom also known
10:17:23 25 as Baoma Kpengeh?

26 A. No.

27 Q. Do you know a town called Baoma?

28 A. Yes.

29 Q. Where is Baoma?

1 A. There's Baoma in Talia Yawbeko.

2 Q. Now, Baoma, in Talia Yawbeko, is that Yawbeko Chiefdom?

3 A. Yes.

4 Q. Now, Yawbeko Chiefdom and Nongoba Bullom Chiefdom, do they
10:19:03 5 share a common boundary?

6 A. Yes.

7 Q. Have you been told Baoma in the Yawbeko Chiefdom?

8 A. Yes.

9 Q. Do you know, Mr Witness, if Baoma in the Yawbeko Chiefdom
10:19:49 10 has hosted any trade fair?

11 A. No.

12 JUDGE BOUTET: What does that mean? The witness doesn't
13 know, or he knows that there was no trade fair?

14 MR BOCKARIE: Well --

10:20:17 15 PRESIDING JUDGE: Let him clarify, it's important. He just
16 said uh-huh.

17 MR BOCKARIE:

18 Q. Can you please, you've got to speak clearly. Okay?

19 PRESIDING JUDGE: He spoke clearly, it's just that his
10:20:28 20 response was Uh-huh. That needs to be translated.

21 MR BOCKARIE:

22 Q. Now, you said you have been to Baoma in the Yawbeko
23 Chiefdom?

24 A. Yes.

10:20:41 25 Q. Now, do you know whether Baoma, in the Yawbeko Chiefdom has
26 hosted any trade fair?

27 A. No, I never knew if they ever hosted any trade fair there.
28 Even now, there's nothing like that.

29 JUDGE ITOE: Let's get the answer clear. I mean, he does

1 not know --

2 PRESIDING JUDGE: Do you want to maintain that rider which
3 you just put to that answer? It's a rider.

4 JUDGE ITOE: If one has been held, he does not know; is
10:21:27 5 that what you want us to --

6 PRESIDING JUDGE: Or do you want us to accept it with the
7 rider?

8 THE WITNESS: I don't know at all.

9 PRESIDING JUDGE: So we eliminate that second part?

10:21:37 10 MR BOCKARIE: Yes.

11 JUDGE ITOE: That he doesn't know if any trade fair has
12 been held in Baoma, in Yawbeko?

13 MR BOCKARIE: Yes, My Lord.

14 A. Yes.

10:21:57 15 Q. Now, have you ever heard of a trade fair being hosted at
16 Baoma in the Yawbeko Chiefdom?

17 A. No, I never heard that.

18 Q. Mr Conneh --

19 A. Yes.

10:22:36 20 Q. -- you were a Kamajor; am I correct?

21 A. Yes.

22 Q. Now, beside you being called Junisa Conneh, do you know of
23 any other Kamajor for Baoma Kpengeh who is known as Junisa
24 Conneh?

10:23:05 25 A. No. Except I alone, who was a Kamajor.

26 Q. Can you just tell this Court, how big is Baoma Kpengeh?

27 A. It's a big town, but not very big.

28 Q. Mr Witness, would I be correct to say that the inhabitants
29 of Baoma Kpengeh know each other; correct?

1 A. Yes.

2 Q. Mr Witness, have you heard the name Albert Nallo?

3 A. Yes.

4 Q. Do you know him?

10:24:57 5 A. Yes.

6 Q. Can you tell this Court, how did you come to know him?

7 A. I knew him in Talia.

8 Q. Can you tell us when?

9 A. At that time, the year called '97.

10:25:40 10 Q. Mr Witness.

11 A. Yes.

12 Q. Did you go to Talia? You said you met him at Talia; for
13 how long were you at Talia?

14 A. I was there for three days.

10:26:18 15 Q. Mr Witness, between 1997 --

16 A. Yes.

17 Q. -- between 1997 and 1998, did you ever see Albert Nallo at
18 Baoma Kpengeh?

19 A. No.

10:27:08 20 Q. Between 1997 and 1998 did you ever go on an operation with
21 Mr Albert Nallo, anywhere?

22 A. No. I've never gone anywhere together with him.

23 Q. Mr Witness, I would like you to listen --

24 A. Yes.

10:27:53 25 Q. -- I would like you to listen keenly to the testimony of
26 Mr Nallo.

27 MR BOCKARIE: Your Honours, I'm referring to the testimony
28 of Mr Nallo, dated 10th day of March 2005, at page 49, lines 10
29 to 29.

1 PRESIDING JUDGE: What's the page reference again?

2 MR BOCKARIE: Forty-nine, Your Honour, date 10th March
3 2005.

4 PRESIDING JUDGE: Thank you.

10:28:30 5 JUDGE ITOE: And lines?

6 MR BOCKARIE: Lines 10 to 14, 22 to 29.

7 Q. I will start at line 7.

8 "Q. You said that you went to Baoma village.
9 What happened there?

10:29:02 10 "A. Baoma Village, Baoma Kpenge.

11 PRESIDING JUDGE: To Baoma?

12 THE WITNESS: B-O-A-M-A, Baoma. K-P-E-N-G-E, Kpenge. We
13 went to Baoma Kpenge on the order of Chief Norman and Moinina
14 Fofana. Fofana and Chief Norman told me they had information
15 from one Junisa, who was the Kamajor, who was based in that area.
16 That is the trade fair that was in Baoma -- rebels, collaborators
17 at Baoma, Baoma village."

18 Line 22. Mr Nallo said: "I took five Kamajors and joined
19 Junisa Korneh at Baoma on the day the trade fair was taking
10:30:22 20 place, which was Monday. We made a gate and people started
21 coming to pass to go to the trade fair at Baoma. We saw a Fullah
22 on a Honda, on a bicycle. Behind his bicycle he had four cartons
23 of cigarettes. When we have been reached the gates Junisa Korneh
24 identified him as a rebel. He said he knew him; he was a
10:31:02 25 co-collaborator. We apprehended him; took him behind a school
26 building; we killed him."

27 Mr Witness --

28 A. Yes.

29 Q. -- are you aware of such incident occurring at Baoma

1 involving Junisa Conneh?

2 A. I don't know about this sort of thing at all, if it ever
3 happened there. I don't know anything about that.

4 Q. Thank you very much, Mr Witness.

10:32:18 5 MR BOCKARIE: Your Honours, that will be all for this
6 witness.

7 PRESIDING JUDGE: Thank you, counsel. Dr Jabbi, any
8 cross-examination?

9 MR SESAY: No questions, Your Honour.

10:32:32 10 PRESIDING JUDGE: Thank you. Mr Powles, your turn. Third
11 accused, I apologise. Mr Margai --

12 MR MARGAI: None, My Lord.

13 PRESIDING JUDGE: -- do you intend to cross-examine?
14 Mr Prosecutor, your witness.

10:33:01 15 MR BANGURA: Thank you, Your Honour.

16 CROSS-EXAMINED BY MR BANGURA:

17 Q. Good morning, Mr Witness.

18 A. Good morning, old one.

19 Q. Mr Witness, when did you become a Kamajor?

10:33:22 20 A. '96.

21 Q. Were you based in Baoma Kpengeh all through your time?

22 A. Yes.

23 Q. Did you hold any position in your unit, your Kamajor unit?

24 A. I was the leader of the Kamajors in that area.

10:34:07 25 Q. Thank you. In fact, Mr Witness, after the rebels had been
26 repaired, that is, after the attack in '95 which you have
27 testified about, the Kamajors in that area were fully in control
28 in terms of security; is that correct?

29 A. Yes.

1 Q. Mr Witness, did you, at that time at all, have any contact
2 with the Kamajors at Base Zero?

3 A. Yes.

4 Q. Now, you have testified you were in fact at Base Zero on
10:35:27 5 one occasion, and you were there for three days; is that correct?

6 A. Yes.

7 Q. What was the purpose of your being at Base Zero at this
8 time?

9 A. I went there because, the work that I'm doing, that is what
10:35:51 10 I went there to do.

11 Q. What work were you doing that you went there to do?

12 A. I used to carry salt there.

13 Q. Was your presence at Base Zero not related to your duties
14 as a Kamajor at that time?

10:36:32 15 A. I did not get you very well.

16 Q. You said, when you went to Base Zero, you carried salt
17 there. I am asking you, apart from salt --

18 A. Yes.

19 Q. -- apart from carrying salt to Base Zero, did you also not
10:36:51 20 go there for something to do with your duties as a Kamajor?

21 A. I'm saying the thing.

22 Q. Did you, at any point, take instructions from the Kamajors
23 at Base Zero?

24 A. Yes.

10:37:33 25 Q. And who were those instructions coming from, at Base Zero?

26 A. Mr Moinina.

27 Q. When you say Moinina, can you give us the full name,
28 please?

29 A. Moinina Fofana.

1 Q. Do you know whether this Moinina Fofana had any position
2 that he held at Base Zero?

3 A. Yes.

4 Q. What position did he hold?

10:38:12 5 A. I used to hear that he was the director.

6 Q. Director of what?

7 A. Well, I don't know. Well, I'm not literate, so I don't
8 know.

9 Q. Could it be director of war, Mr Witness?

10:38:28 10 A. Yes, that was what I heard, but I don't know what it meant.

11 Q. Mr Witness, you have said that you went to Base Zero and
12 you took instructions from Moinina Fofana, who was the director
13 of war; what were those instructions?

14 A. The only orders -- the only orders I took from him were
10:39:00 15 just for him to ask me to bring salt for him

16 Q. And the salt was for what purpose?

17 A. To consume.

18 Q. To be consumed by the forces at Base Zero?

19 A. Yes. There was a very large crowd there.

10:39:28 20 Q. Apart from instructions to carry salt at Base Zero, did you
21 take any further -- any other instructions from Mr Fofana?

22 A. No.

23 Q. Now, you were the boss of the Kamajors in Baoma Kpengeh
24 Chiefdom

10:39:54 25 A. Yes.

26 Q. You obviously had someone to whom you reported about what
27 was happening in your chiefdom; is that correct?

28 A. I had a leader.

29 Q. Who was that leader?

1 A. Morie Jusu.

2 Q. And Morie Jusu would report to?

3 A. Well, the one I know is Moinina Fofana was his own leader.

4 Q. Thank you. Mr Witness, in Baoma Kpengeh, you had control
10:40:46 5 over a number of other towns; not so, not just Baoma Kpengeh
6 town? Am I correct?

7 A. No.

8 Q. So which other towns did you have control over?

9 THE INTERPRETER: Your Honours, correction interpreter: I
10:41:10 10 was only in control of Baoma.

11 PRESIDING JUDGE: Thank you.

12 MR BANGURA:

13 Q. Mr Witness.

14 A. Yes.

10:41:21 15 Q. Do you know a town called Bileh in the Bendu Cha Chiefdom?

16 A. No.

17 MR BANGURA: Your Honours, Bileh is B-I-L-E-H. Bendu Cha
18 is B-E-N-D-U C-H-A.

19 Q. You are familiar with the name Bendu Cha Chiefdom; is that
10:42:02 20 correct?

21 A. Yes.

22 Q. And that chiefdom is in the Bonthe District?

23 A. Yes.

24 Q. Do you know a town called Bomu, which is in the Nongoba
10:42:21 25 Bullom Chiefdom? Bomu?

26 A. Bomu? Yes.

27 MR BANGURA: Your Honours, Bomu is B-O-M-U.

28 Q. Now, how far is Bomu from Baoma Kpengeh? Can you tell this
29 Court?

1 A. It's a little bit far. But not very, not very far.

2 Q. Now, did your control extend up to Bomu?

3 A. No.

4 Q. Mr Witness.

10:43:10 5 A. Yes.

6 Q. You have mentioned that you know Albert Nallo; not so?

7 A. Yes.

8 Q. You know that Albert Nallo was based at Base Zero; is that
9 correct?

10:43:33 10 A. I saw him there.

11 Q. Now, apart from seeing Albert Nallo at Base Zero, on the
12 occasions you say you were there, have you ever -- did you ever
13 see him in some other place at that time, about the time we're
14 talking about?

10:43:53 15 A. Apart from the time I saw him in Talia, I have not seen him
16 any other place, except when I heard of his name here.

17 Q. In fact, Mr Witness, I'm suggesting to you that Mr Nallo
18 used to come from Base Zero to visit towns in your chieftdom where
19 Kamajors were based. Do you agree with me?

10:44:34 20 A. No, I don't know about that.

21 Q. Did you at any time work with Albert Nallo?

22 A. No.

23 Q. Mr Witness.

24 A. Yes.

10:45:07 25 Q. It is a fact that when you went to Base Zero and Albert
26 Nallo was there -- did you have any discussions with him, at the
27 time you went to Base Zero?

28 A. There was no talk between us, except when they were
29 introduced to us by their names.

1 Q. Who introduced them to you?

2 A. He introduced himself to us.

3 Q. When you say "they," you suggest you were talking of a
4 number of people. It was it just Albert Nallo who introduced
10:45:54 5 himself to you?

6 A. When he got there, those that were there and they will
7 introduce them to us that this is your brother, this is your
8 brother, and so on.

9 Q. So how did Albert Nallo introduce himself to you?

10:46:28 10 A. I said --

11 Q. Go on. You said; I'm listening.

12 A. I said, when we went there, those of us who were gathered
13 there, the elders, we would introduce ourselves to the others.

14 Q. Mr Witness, if you can be --

10:46:52 15 A. Yes.

16 Q. -- be a little more specific. Be a little more clear than
17 what you are being now.

18 A. Yes.

19 Q. Who introduced themselves to who? Did Albert Nallo
10:47:03 20 introduce himself to you?

21 A. Each time we got there, we greeted each other.

22 Q. So when Albert Nallo greeted you and introduced himself,
23 what did he say he was?

24 A. That he was also a Kamajor.

10:47:33 25 Q. Did he tell you what position he held?

26 A. No. I don't know about that.

27 Q. Were you ever told what position Albert Nallo held?

28 A. No.

29 Q. So, in all your life as a Kamajor, you only met Albert

1 Nallo once; is that what you're saying?

2 A. Yes, the place where we met.

3 Q. And that Albert Nallo ever came to Baoma Kpengeh in your
4 chiefdom where you were the head of Kamajors?

10:48:25 5 A. No, he did not go there for me to see, or for me to know.

6 JUDGE ITOE: What does he mean; for me to see, for me to
7 know? What does he mean?

8 MR BANGURA:

9 Q. Mr Witness, your answer is not very clever to the Court.

10:48:50 10 You have said that he --

11 A. He did not go there at all.

12 Q. He did not go to Baoma Kpengeh.

13 A. No.

14 Q. Mr Witness.

10:49:10 15 A. Yes.

16 Q. You have mentioned in your evidence that there used to be
17 trade fairs in the town of Gbap; is that correct?

18 A. Yes.

19 Q. Now, apart from Gbap, were there trade fairs in other towns
10:49:40 20 within Bonthe District, at the time?

21 A. The country there is very large, the district is large, but
22 I only knew of Gbap.

23 Q. So, in fact, Mr Witness, it is the case, that other towns
24 may have had trade fairs, apart from Gbap? It could be the case;
10:50:16 25 not so?

26 A. No -- yes.

27 PRESIDING JUDGE: Which is it?

28 THE INTERPRETER: It's yes.

29 PRESIDING JUDGE: Okay.

1 MR BANGURA:

2 Q. Mr Witness.

3 A. Yes.

4 Q. The idea of having trade fairs in towns within your

10:50:40 5 district was not one which was favoured by Kamajors; correct?

6 MR BOCKARIE: My Lord, if he can be of assistance to tell
7 us the period.

8 PRESIDING JUDGE: Well, why can't he pursue the general,
9 then go to the specific?

10:51:00 10 MR BOCKARIE: Yes.

11 PRESIDING JUDGE: If it's an objection, it's overruled.
12 Continue.

13 MR BANGURA: Thank you, Your Honour.

14 Q. Mr Witness, I put the question again: The practice --

10:51:12 15 A. Yes.

16 Q. -- of holding trade fairs in towns within the district was
17 not one which the Kamajors liked at all; not so?

18 A. Well, I would not be able to say it.

19 Q. Mr Witness.

10:51:36 20 A. Yes.

21 Q. You'll agree that, when these fairs are held, there are
22 quite a number of people -- a lot of people come to the towns
23 where the fair is held, from surrounding areas; is that not so?

24 A. Yes.

10:52:01 25 Q. And this raises security concerns for Kamajors; correct?

26 A. Yes.

27 Q. Your concern is that there may be collaborators
28 infiltrating; is that not so?

29 A. No, we don't know about that.

1 Q. But you, in fact, were very, very careful not to get rebels
2 or collaborators coming into these towns when a trade fair was
3 on; not so?

4 A. Yes.

10:52:59 5 Q. So, in fact, Mr Witness, you had a way of ensuring that
6 rebels, collaborators would not come into the trade fairs; is
7 that not so?

8 A. Yes.

9 Q. People coming to these trade fairs were screened at
10:53:29 10 checkpoints by Kamajors; is that not so?

11 A. Yes.

12 Q. As a matter of fact, Mr Witness, you had --

13 JUDGE ITOE: Can we have you down, please.

14 MR BANGURA:

10:54:18 15 Q. Mr Witness, in Baoma Kpengeh, you had a checkpoint there to
16 ensure that persons coming through your town, to and from the
17 trade fair, were screened; not so?

18 A. Yes.

19 Q. Mr Witness --

10:54:41 20 A. Yes.

21 Q. -- when people came through the checkpoint, you would
22 ascertain their identity; is that not so?

23 A. Yes.

24 Q. Would they be carrying a pass issued by Kamajors, to show
10:55:02 25 that they were resident within that area, that chiefdom?

26 A. Yes.

27 Q. Now, if someone came to your checkpoint and did not have a
28 pass, they would be detained; is that not so?

29 A. We used to see them

1 Q. Mr Witness, the question is: If someone came to your
2 checkpoint and they did not have a pass, they would be detained;
3 is that not so?

4 A. Yes.

10:55:53 5 Q. If that person could not be properly identified,
6 Mr Witness, they would then be regarded as collaborators; is that
7 not so?

8 A. No.

9 Q. Or they would be regarded as rebels because they were not
10:56:33 10 known by your men within the area, or they did not have an
11 identity; is that not so? Did you understand the question,
12 Mr Witness?

13 A. I did not get you clear.

14 Q. The question is: If there's --

10:57:11 15 A. Yes.

16 Q. [Microphone not activated] and were not identified
17 properly, they would be regarded as rebels, not collaborators
18 this time. They would be regarded as rebels because they did not
19 have an identity and were not known by your men; is that the
10:57:29 20 case?

21 A. Yes. If that happened.

22 Q. And what did you do to those persons who were held at
23 checkpoints, who did not have identities and who were regarded as
24 rebels? What did you do to them?

10:58:01 25 A. We'd try to investigate him

26 Q. And once you have investigated them, what do you do, if you
27 prove them to be rebels?

28 A. Rebel -- the rebels we know were those who carried guns.

29 Q. I suggest to you, Mr Witness, once you take a decision that

1 they were rebels, you would kill them; am I correct?

2 A. Yes, if he was a rebel.

3 Q. And the same applied to collaborators. If you investigated
4 and proved that they were collaborators, you would kill them; is
10:58:56 5 that not so?

6 A. We know of rebel. We don't know about the word you are
7 calling in English.

8 Q. You have never heard of the word "collaborator,"
9 Mr Witness?

10:59:23 10 A. I heard that they were rebels.

11 Q. So in your dictionary, in your understanding, there were no
12 collaborators; everybody who was found suspicious was a rebel?
13 Am I correct?

14 A. The only person that we know to be a rebel, those who
11:00:00 15 really went about behaving like rebels, who did the work of
16 rebels.

17 Q. Mr Witness, it is a fact that --

18 A. Yes.

19 Q. -- it is a fact that you got instructions at one point in
11:00:18 20 time from Base Zero, that you should screen all persons who were
21 going through Baoma Kpengeh to the trade fair; is that not so?

22 A. I only know about my own commander.

23 Q. And who was this commander again, can you remind us?

24 A. The one who was leading me was Morrie Jusu; he was my boss.

11:01:00 25 Q. So you got these instructions from Morrie Jusu at some
26 point; is that not so?

27 A. Yes.

28 Q. And you know that Morrie Jusu would have got those
29 instructions from Base Zero; correct?

1 A. Well, he only give me those orders. Maybe he was also
2 given the orders by some other person.

3 Q. Mr Witness, do you know a Kamajor called Moiwo Jabbi?

4 A. No.

11:02:04 5 Q. Did you have a Kamajor under your command called Sergeant
6 Mohamed?

7 A. Yes.

8 Q. I ask again, you might recollect now: Was Moiwo Jabbi
9 under your command as well?

11:02:32 10 A. No, I don't know him.

11 Q. Mr Witness --

12 A. Yes.

13 Q. -- did you, at any time, give orders to Sergeant Mohamed to
14 execute a rebel who was captured at your checkpoint?

11:02:58 15 A. No.

16 Q. Thank you, Mr Witness. Mr Witness, I suggest to you that
17 there was, in fact, a trade fair about the time you were
18 commander -- you were the commander in Baoma Kpengeh. There was
19 a trade fair which regularly took place in the town of Bomu in
11:03:55 20 Nongoba Bullom Chiefdom.

21 JUDGE ITOE: Let's get it clear, you started from Baoma
22 Kpengeh and then you moved to Bomu. Can we have the distinction?

23 MR BANGURA: Let me ask the question again.

24 JUDGE ITOE: Yes, please.

11:04:06 25 MR BANGURA:

26 Q. I'm suggesting to you, Mr Witness, in fact there was a
27 trade fair which regularly took place in the town of Bomu in
28 Nongoba Bullom Chiefdom.

29 A. All I know is Gbapi.

1 MR BANGURA: Your Honours, that will be all for this
2 witness.

3 PRESIDING JUDGE: Thank you, counsel. Mr Powles,
4 re-examination?

11:04:46 5 MR BOCKARIE: None, Your Honour.

6 PRESIDING JUDGE: May we now proceed with the next witness?

7 MR POWLES: Your Honour, before we proceed with the next
8 witness, I know it's a little early for a break, but I wonder if
9 I might be given an opportunity to have a brief consultation with
10 my client?

11:05:09

11 PRESIDING JUDGE: How long will this last?

12 MR POWLES: Ten minutes, Your Honour.

13 PRESIDING JUDGE: The application is granted.

14 MR POWLES: Thank you very much, Your Honour.

11:06:12

15 [The witness withdrew]

16 [Break taken at 11.03 a.m.]

17 [The witness entered Court]

18 [Upon resuming at 11.18 a.m.]

19 PRESIDING JUDGE: In what language is he testifying?

11:22:00

20 MR POWLES: In Mende, Your Honour.

21 PRESIDING JUDGE: Let the witness be sworn. Mr Powles,
22 this would be your fourth witness, would it?

23 MR POWLES: Yes, fourth witness, Mr Tommy Jabbi.

24 WITNESS: Tommy Jabbi [Sworn]

11:23:41

25 [The witness answered through interpreter]

26 MR POWLES: Your Honour, it may be a technical point, but I
27 don't believe I was getting Mr Jabbi's voice in English.

28 PRESIDING JUDGE: Well, again, what channel are you on?

29 MR POWLES: I appear to be on English. Perhaps we could

1 start and see how we get on.

2 PRESIDING JUDGE: Well, try.

3 JUDGE ITOE: Sorry, was he sworn on the Koran or on the
4 Bible?

11:24:03 5 MR POWLES: The Koran.

6 JUDGE ITOE: Thank you.

7 EXAMINED BY MR POWLES:

8 MR POWLES:

9 Q. Mr Jabbi, can you give the Court your full name, please?

11:24:13 10 A. My name is Tommy Jabbi.

11 Q. And your date of birth?

12 A. I don't know that.

13 Q. And your place of birth?

14 A. Baoma Kpengeh.

11:24:34 15 Q. And what is your current address, or living location?

16 A. Freetown.

17 Q. When you are not in Freetown, where do you live, Mr Jabbi?

18 A. I came from Gbapi Nongoba Bullom, to Freetown.

19 Q. And what is your occupation, Mr Jabbi?

11:25:13 20 A. Farming.

21 Q. Now, you mentioned that you were born in Baoma Kpengeh. Do
22 you have any responsibilities in that town?

23 A. Yes.

24 Q. What are your responsibilities?

11:25:41 25 A. I am the town chief.

26 Q. And how long have you been the town chief in Baoma Kpengeh?

27 A. 17 years now.

28 Q. Were you the town chief in Baoma Kpengeh after the
29 elections in 1996?

1 A. Yes.

2 Q. And were you in that town after the elections in 1996?

3 A. Yes.

4 Q. And have you been residing in that town since the elections
11:26:25 5 in 1996?

6 A. Yes.

7 Q. Now, as town chief -- first of all, do you know what a
8 trade fair is?

9 A. Yes.

11:26:47 10 Q. What is a trade fair?

11 A. Where people meet together to buy and sell wares. That's
12 what we call trade fair.

13 Q. Is there a trade fair in Baoma Kpengeh?

14 A. No.

11:27:08 15 Q. Has there, at any time, been a trade fair in Baoma Kpengeh?

16 A. Never had there been any trade fair in Baoma Kpengeh.

17 Q. Where is the nearest trade fair to Baoma Kpengeh?

18 A. Gbapi.

19 Q. Do you know Junisa Conneh?

11:27:56 20 A. Yes.

21 Q. Where is he from?

22 A. Baoma Kpengeh.

23 Q. How many Junisa Connehs are there from Baoma Kpengeh?

24 A. Him alone.

11:28:17 25 Q. Do you know of anyone else with that name?

26 A. No.

27 Q. Do you know what a Fullah trader is?

28 A. No.

29 Q. Do you -- as town chief, did you hear of any trader or,

1 indeed, anyone else, being killed in Baoma Kpengeh, after the
2 elections in 1996?

3 A. No.

4 Q. Do you know of any other Baoma in your chiefdom?

11:29:35 5 A. Except Baoma Yawbeko.

6 Q. And is that in the same chiefdom as Baoma Kpengeh?

7 A. I said Yawbeko is where Baoma is. It's another chiefdom,
8 two of them.

9 Q. And where is it?

11:29:57 10 A. Baoma Ngoleila.

11 Q. Have you ever been there?

12 A. I pass through there when I'm going to Matru. It's
13 situated along the main road.

14 Q. Is there a trade fair there?

11:30:17 15 A. No.

16 MR POWLES: I have no further questions, Your Honour.

17 PRESIDING JUDGE: Thank you, counsel. First accused?

18 Counsel?

19 MR SESAY: No questions, Your Honour.

11:30:36 20 PRESIDING JUDGE: Counsel for the third accused?

21 MR WILLIAMS: There shall be no questions, My Lord.

22 PRESIDING JUDGE: Thank you. Mr Bangura?

23 MR BANGURA: There will be no questions for this witness.

24 PRESIDING JUDGE: Thank you. Mr Witness?

11:31:10 25 THE WITNESS: Yes.

26 PRESIDING JUDGE: Thank you for your testimony. You're
27 released. Will the Victims and Witnesses Unit escort the witness
28 out of the Court, please?

29 [The witness withdrew].

1 PRESIDING JUDGE: The Court will now take the usual morning
2 break.

3 [Break taken at 11.29 a.m.]

4 [Upon resuming at 12.02 p.m.]

12:04:44 5 [The witness entered Court.]

6 PRESIDING JUDGE: Counsel, please proceed.

7 MR POWLES: Your Honours, I don't see anyone from the
8 Kondewa team. I wonder, in those circumstances, whether I should
9 commence.

12:05:03 10 PRESIDING JUDGE: Clearly, the gentlemen on that side are
11 familiar with the traditions of the Court. We usually break for
12 about half an hour and I certainly am disposed to continue.

13 MR POWLES: Your Honour, yes.

14 PRESIDING JUDGE: This is your fifth witness?

12:05:23 15 MR POWLES: Your Honour, yes. Just a bit of housekeeping.
16 The Defence will not be calling the sixth witness, Momoh Lahai
17 and my learned friend, Mr Arrow Bockarie, will be dealing with
18 this next witness, Billoh Conteh.

19 PRESIDING JUDGE: So we have to delete the sixth, Momoh
12:05:45 20 Lahai?

21 MR POWLES: Your Honours, yes.

22 PRESIDING JUDGE: Let the witness be sworn, please.

23 JUDGE ITOE: This is Billoh Conteh?

24 MR BOCKARIE: Yes, Your Honour.

12:06:13 25 WITNESS: BILLOH CONTEH [Sworn]

26 [The witness answered through interpreter]

27 PRESIDING JUDGE: In which language is he testifying?

28 MR BOCKARIE: He testifies in Mende, Your Honour.

29 PRESIDING JUDGE: Right. Let's go on.

1 EXAMINED BY MR BOCKARIE:

2 MR BOCKARIE:

3 Q. Mr Witness, can you please state your full names?

4 A. May I call my names?

12:07:14 5 Q. Yes.

6 A. Billoh Conteh.

7 Q. Where do you live?

8 A. Gbap.

9 Q. Gbap, in which chiefdom?

12:07:44 10 A. Nongoba Bullom.

11 Q. What is your occupation?

12 A. Farming.

13 Q. Are you married?

14 A. Yes.

12:08:25 15 Q. Now, Mr Conteh, were you a Kamajor?

16 A. Yes.

17 Q. When did you become one?

18 A. I can't remember the year again. I don't know.

19 Q. As a Kamajor, were you involved in any fighting?

12:09:26 20 A. Yes.

21 Q. Will you tell this Court where?

22 A. Yes.

23 Q. Show us the places you were involved in.

24 A. I fought in Gerihun.

12:09:40 25 JUDGE ITOE: [Microphone not activated].

26 THE WITNESS: Gerihun, Nongoba Bullom Chiefdom.

27 PRESIDING JUDGE: Probably not take that literally.

28 THE WITNESS: And Masingbi.

29 PRESIDING JUDGE: Can he just repeat that for us?

1 MR BOCKARIE:

2 Q. Can you tell us the places you were involved in this
3 fighting?

4 A. I fought in Gerihun and Matotoka and Masingbi. Those were
12:10:11 5 the places I fought.

6 PRESIDING JUDGE: What was the last one? Is it Mosingbi -
7 Masingbi?

8 MR BOCKARIE: Masingbi.

9 PRESIDING JUDGE: Masingbi?

10 12:10:28 MR BOCKARIE: Yes, Your Honour.

11 THE WITNESS: Mosingbi.

12 PRESIDING JUDGE: I thought I heard, not Masingbi.

13 MR BOCKARIE:

14 Q. Mosingbi?

15 12:10:37 A. Mosingbi.

16 Q. Do you know where is Mosingbi?

17 A. In the Temme land.

18 Q. Is it along the Makeni-Kono Highway?

19 A. What road are you talking about?

20 12:11:11 Q. Is Mosingbi situated along the Makeni-Kono Highway?

21 A. I don't know Makeni, except Matotoka and Mosingbi.

22 Q. Okay, Mr Conteh. Now, at that time you were involved in
23 this fighting, was it before the coup of 1997, or after the coup?

24 A. After the coup.

25 12:12:09 Q. In the course of this fighting, did you have a commander?

26 A. We had a commander.

27 Q. Can you tell us who that commander was?

28 A. Francis Gomoh. He was based in the Gerihun chiefdom.

29 Q. Gerihun chiefdom?

1 A. Geri hun Nongoba Chiefdom Bambaru.

2 JUDGE ITOE: Based where? What's the name of the town?

3 MR BOCKARIE:

4 Q. Tell us the name of the town.

12:12:55 5 A. Geri hun.

6 Q. In which chiefdom?

7 A. Bambaru Chiefdom Bambaru Chiefdom

8 Q. Now, do you recall the coup of May 1997?

9 A. No, I can't recall.

12:13:38 10 Q. Mr Conteh, do you recall that President Kabbah was
11 overthrown in a military coup? Do you recall that incident?

12 A. Yes.

13 Q. After the overthrow of President Kabbah, did you go to
14 Talia?

12:14:18 15 A. Yes.

16 Q. Do you know Moinina Fofana?

17 A. Yes.

18 Q. Did you know him before the overthrow of President Kabbah's
19 government, or after the overthrow of President Kabbah's
12:14:56 20 government?

21 A. I knew him long before even the war.

22 Q. You said after the coup you went to Talia Yawbeko. At
23 Talia Yawbeko, did you meet Moinina Fofana?

24 A. I saw him.

12:15:44 25 Q. When you saw him, did you, at any time, discuss issues
26 relating to the prosecution of the war with Moinina Fofana, at
27 Talia Yawbeko?

28 MR KAMARA: Objection, My Lord. That question is leading.

29 PRESIDING JUDGE: Counsel?

1 MR BOCKARIE: Yes, Your Honour.

2 PRESIDING JUDGE: Are you withdrawing it or reformulating
3 it?

4 MR BOCKARIE: I'll reformulate it.

12:16:19 5 PRESIDING JUDGE: Yes.

6 MR BOCKARIE:

7 Q. Now, whilst at Talia Yawbeko, did you discuss issues with
8 Moini na Fofana?

9 A. That never happened.

12:16:34 10 Q. So you never had any discussion with Moini na Fofana; am I
11 correct?

12 A. I didn't even go -- never. I didn't go near him. I would
13 just see him from afar.

14 Q. Mr Witness, did you ever receive orders from Mr Fofana? At
15 Talia Yawbeko, did you ever receive orders from Mr Fofana?

16 A. It never happened. He never did.

17 Q. Now, for how long were you at Talia Yawbeko?

18 A. The first time I went there, I didn't even pass a night
19 there.

12:17:49 20 Q. In all, how many times did you visit Talia Yawbeko between
21 1997 and 1998?

22 A. Three times. I went there only three times but I can't
23 remember the years, but I know I went there only three times.

24 Q. On the first occasion, how long did you stay at Talia
25 Yawbeko?

12:18:25 26 A. I spent the day there, but I didn't pass the night there.

27 Q. On the second visit, how long were you at Talia Yawbeko?

28 A. All the three times that I went there, I never slept there.

29 The first one, the second one, and even the last one, I never

1 slept there.

2 Q. Do you know Albert Nallo?

3 A. Yes.

4 Q. When was the first time you met Mr Nallo?

12:19:37 5 A. We met in Gerihun, only once. After that, I had never seen
6 him again.

7 Q. On your visits to Talia Yawbeko, did you ever meet Mr Nallo
8 at Talia Yawbeko?

9 A. No.

12:20:17 10 Q. Mr Conteh?

11 A. Yes, sir.

12 Q. Did you, during 1997 and 1998, go on any mission, together
13 with Albert Nallo?

14 A. It never happened, not a day.

12:21:11 15 Q. Did you, Mr Conteh, fight alongside with Albert Nallo
16 against any other forces?

17 A. It never happened. That did not happen.

18 Q. Do you know Momoh Lahai, otherwise known as Momoh Pemba?

19 A. Momoh Pemba?

12:21:51 20 Q. Otherwise known as Momoh Pemba.

21 A. I know Momoh Pemba.

22 Q. Mr Conteh, at any time did you --

23 A. Yes.

12:22:12 24 Q. -- at any time, did you go on any mission together with
25 Albert Nallo and Momoh Pemba?

26 A. Not a day that ever happened.

27 Q. Have you ever met on the battlefield together with Momoh
28 Pemba?

29 A. It never happened.

1 Q. Do you know a town called Dodo?

2 A. Yes.

3 Q. Dodo is in which chiefdom?

4 A. Jange, Matru Jong.

12:23:25 5 Q. Mr Witness, were you involved in any fighting at Dodo
6 between --

7 A. Yes.

8 Q. -- were you involved in any fighting at Dodo between 1997
9 and 1998?

12:23:42 10 A. It never happened. I never was involved in any fighting.
11 I'm just hearing it for the first time.

12 Q. After the war, did you ever visit Dodo?

13 A. Yes.

14 Q. Can you tell us, when was that?

12:24:21 15 A. After the war, before coming here -- in fact, I had just
16 left from Dodo, not even up to a week, then I came here.

17 Q. Mr Conteh, do you know if Dodo was attacked any time
18 between 1997 and 1998?

19 A. I didn't see that, and I also did not hear that.

12:25:31 20 Q. Mr Witness, beside you being called Billoh Conteh, do you
21 know of any other Kamajor by the name of Billoh Conteh in your
22 town?

23 A. Besides the person whose -- who was called Billoh Conteh,
24 whom I was named after; he died. Besides myself, there is no
12:26:01 25 other Billoh Conteh.

26 Q. Mr Witness, I'll refer you to the testimony of Mr Albert
27 Nallo on 10 March 2005?

28 MR BOCKARIE: My Lords, it is at page 41, beginning at
29 lines 9 --

1 JUDGE ITOE: What's the date again?

2 MR BOCKARIE: 10 March 2005. At page 41, beginning from
3 lines 9, 29 and page 42, lines 1 to 17, My Lord.

4 Q. Mr Conteh, listen carefully.

12:27:57 5 A. I'm listening attentively.

6 Q. Mr Nallo said:

7 "A. He said, 'Director of Operations have
8 received information that someone saw rebels, sympathisers
9 and collaborators, they've surrounded our base. That
10 shouldn't happen, it is dangerous.'

12:28:15

11 "MR TAVENER:

12 "Q. What did you do as a result of that conversation?

13 "A. Well, he said, they shouldn't" --

14 A. He, Nallo?

12:28:34

15 Q. Sorry, that is what Nallo said. Now just listen keenly.

16 Nallo said: "Well, he said they shouldn't infiltrate us, so he
17 gave me command that I should go on an operation to get rid of
18 all the collaborators, rebels and" --

19 A. That he gave me a command for us to --

12:28:59

20 PRESIDING JUDGE: Ask him to wait until you've finished
21 reading, and then you'll pose the questions.

22 MR BOCKARIE:

23 Q. Just listen whilst I read. Thereafter, I'll ask questions,
24 okay, Mr Conteh?

12:29:11

25 A. Oh, okay. Okay.

26 Q. I'll start all over again, please. The witness, Mr Nallo
27 said:

28 "Q. He said, 'Director of Operations have received
29 information that someone saw rebels, sympathisers and

1 collaborators, they had surrounded our base. That
2 shouldn't happen, it is dangerous. '

3 "MR TAVENER:

4 "Q. What did you do as a result of that
12:29:58 5 conversation?

6 "A. Well, he said they shouldn't infiltrate us, so
7 he gave me command that I should go on an operation
8 to get rid of all the collaborators, rebels and
9 sympathisers around our base.

12:30:25 10 "Q. Was there a village called Dodo village,
11 D-0-D-0?

12 "A. Yes, My Lord. I went to Dodo village in Jong
13 Chiefdom, Bonthe District.

14 "Q. What did you do there?

12:30:42 15 "A. I went to the village with two other people
16 given to me by Moinina Fofana to give me an idea what
17 the terrain is in the area and to --

18 "Q. Could you repeat that please? You went to the
19 village, Dodo village?

12:31:06 20 "A. Yes, My Lord. Before I could go to the village,
21 Moinina Fofana gave me two men, Momoh Pemba and Billo
22 Conteh. "

23 Q. Now, the question is: At any time, did you go on a
24 mission, together with Momoh Pemba -- I mean together with Momoh
12:31:24 25 Pemba and Albert Nallo at Dodo village in Jong Chiefdom?

26 A. Is that question for me?

27 Q. Yes, I'm asking you, if ever, you went on any mission, as
28 narrated by Mr Nallo?

29 A. Not a day did that ever happen.

1 Q. Mr Nallo continued on this very day:

2 "Q. Did anything happen to those people at the
3 village?

12:32:17

4 "A. Yes, My Lord. When they came out of the bush we
5 summoned them in the court barri and we told them
6 that, 'We've come. You are all rebels, that we have
7 got an information, and the National Coordinator had
8 sent us to come and weed out.' Momoh Pemba, Billo
9 Conte and myself and the others who were in the
10 group, we opened fire on them. We killed over 15 of
11 them. We burnt down their houses."

12:32:37

12 Q. Mr Witness, were you ever involved in an operation,
13 together with Momoh Pemba and Mr Albert Nallo, in a village
14 called Dodo, where 15 people were killed and houses burnt?

12:32:59

15 MR KAMARA: Objection, My Lord. The question is unfair to
16 this witness and it is incriminatory in nature.

17 THE WITNESS: It never happened.

18 PRESIDING JUDGE: What did you say?

12:33:11

19 MR KAMARA: The question is unfair to the witness and it is
20 incriminatory in nature, My Lord.

21 PRESIDING JUDGE: Why do you take the objection?

22 MR KAMARA: In fairness to the witness. It invites an
23 answer that will incriminate the witness.

12:33:31

24 PRESIDING JUDGE: Why would you not credit counsel for the
25 Defence with the professional insight and judgment in determining
26 whether a question that he puts to the witness may well involve
27 him as you allege in incriminating himself? I mean, who should
28 take that kind of -- much as I do agree, it's quite honourable,
29 if your position is valid, for you to take it.

1 MR KAMARA: Yes, Your Honour, as officers of the Court,
2 even though he is a Defence witness, it is in fairness to him

3 PRESIDING JUDGE: Clearly, at this stage, we may not be
4 able to even apply our minds to this if we don't have further and
12:34:22 5 better particulars. To allege that a question is incriminating
6 is certainly not sufficient, as a rule of impermissibility.
7 Unless we have further and better particulars, I would not know
8 what may well be the incriminating effect.

9 MR KAMARA: Yes, My Lord.

12:34:52 10 PRESIDING JUDGE: My brother Justice Itoe wanted to
11 intervene.

12 JUDGE BOUTET: I would like to intervene as well.

13 JUDGE ITOE: From the evidence that has been read to him,
14 he has already been incriminated by Mr Nallo. It is for him to
12:35:09 15 state his position as to the truth in what Nallo testified
16 against him, incriminating him.

17 MR KAMARA: Yes, My Lord, there is a risk involved.

18 JUDGE ITOE: No, there is no risk. It is for him to say
19 whether, with Nallo and Momoh Pemba, they opened fire on some
12:35:35 20 rebels and killed 15 of them, and burnt houses. That's a
21 question for him to answer and to incriminate himself further, or
22 to exculpate himself from the allegations that have been made
23 against him by Nallo.

24 MR KAMARA: I take the point. Before I respond, my I wait
12:35:55 25 for --

26 PRESIDING JUDGE: Yes, the Honourable Justice Boutet.

27 JUDGE BOUTET: I'm just curious to see the nature and the
28 substance of this objection when, your colleague in
29 cross-examination of a previous witness asked a question that was

1 also incriminating for the witness, and you didn't stand up as an
2 officer of the Court to object to that question.

3 MR KAMARA: My Lord, I wanted to, I let that off. I don't
4 want it to happen this time again. As an officer of the Court, I
12:36:18 5 feel guilty in not letting that on. That's why I'm bringing it
6 up at this time. I think, in fairness to the witness, even
7 though he's a Defence witness, that inviting such a risk of
8 incriminating himself -- if the question itself is properly
9 phrased can get away, but as it is currently phrased, My Lord, it
12:36:36 10 is inviting an incriminating answer, and it is unfair to the
11 witness. That's my objection.

12 JUDGE BOUTET: I disagree with you.

13 MR KAMARA: I may be overruled. I'll take the objection
14 back.

12:36:46 15 PRESIDING JUDGE: Yes, are you withdrawing the objection?

16 MR KAMARA: I'll await the decision.

17 PRESIDING JUDGE: Your response?

18 MR BOCKARIE: Your Honour, this is an allegation that was
19 contained in the testimony of Mr Albert Nallo against this
12:37:01 20 particular witness. Now, he has been confronted with the
21 opportunity -- the Court has now offered him the opportunity to
22 hear his own side of the story, to agree or disagree with what
23 Mr Nallo said. That is all I want to establish, Your Honour. He
24 is at liberty to say: Yes, I was involved or, no, I was not
12:37:20 25 involved. This is a Court of truth, and this is an appropriate
26 opportunity being afforded to the witness to either agree or
27 disagree with what Mr Nallo said in his testimony, Your Honour.

28 PRESIDING JUDGE: The objection is overruled.

29 MR KAMARA: As Your Honour pleases.

1 PRESIDING JUDGE: Continue.

2 MR BOCKARIE: That will be all for the witness, My Lord.

3 PRESIDING JUDGE: Thank you.

4 JUDGE ITOE: But he has not answered the question.

12:37:49 5 MR BOCKARIE: Sorry, My Lord.

6 Q. Now, Mr Conteh, is it true --

7 A. Yes.

8 Q. -- is it true that yourself, Momoh Pemba and Albert Nallo
9 attacked a village called Dodo and killed well over 15 people?

12:38:06 10 A. It never happened.

11 MR BOCKARIE: Thank you very much, Your Honour. That will
12 be all for this witness.

13 PRESIDING JUDGE: Thank you, counsel. Counsel for the
14 first accused, any cross-examination?

12:38:25 15 MR SESAY: No questions.

16 PRESIDING JUDGE: Thank you. Counsel for the third
17 accused, any cross-examination?

18 MR WILLIAMS: There shall be none for him, My Lord.

19 PRESIDING JUDGE: Counsel for the Prosecution, your
12:38:41 20 witness.

21 MR BANGURA: Thank you, Your Honour.

22 CROSS-EXAMINED BY MR BANGURA:

23 Q. Good afternoon, Mr Witness. Good afternoon, Mr Witness.

24 Mr Witness, you've mentioned that, apart from yourself, there was
12:39:06 25 only one person who goes by the name of Billoh Conteh and that
26 person is now dead; is that correct?

27 A. Yes. I was named after him. But he is dead now.

28 Q. When did this person die? I hope I'm not offending
29 sensitive feelings here.

1 A. I can't remember the year now. It's a long time.

2 Q. Was it before the war?

3 A. At that time we wouldn't even know if there had to be a war
4 in this country.

12:39:51 5 Q. Thank you, Mr Witness. Mr Witness, you also testified that
6 you have known Moinina Fofana for a very long time. In fact, you
7 knew him even before the war; is that correct?

8 A. Yes.

9 Q. You obviously must have been very close to him; am I right?

12:40:32 10 A. Yes.

11 Q. And your closeness to him had nothing to do even with the
12 fact that you were a Kamajor and he was also a Kamajor; is that
13 correct?

14 A. Never. That is not the case.

12:41:11 15 Q. So you're in fact saying that you got close to him as a
16 result of the fact that you were both Kamajors; is that what you
17 say?

18 A. In fact, he was my in-law, even before the war.

19 Q. Thank you, Mr Witness. So, in fact, Mr Witness, you have
12:41:42 20 decided to come to this Court to help Mr Fofana out in his
21 present situation; is that not so?

22 A. I've come here to say the truth.

23 Q. But, of course, you do sympathise with his position, don't
24 you?

12:42:06 25 A. I'm only testifying here to say the truth. I am not going
26 to decide that, but while I'm here, I'm only going to explain
27 what I saw with my -- what I saw.

28 Q. Mr Witness, the question was: Do you sympathise with his
29 position, his present position?

1 A. Oh, yes.

2 Q. Mr Witness, you have testified that you went to Base Zero a
3 number of times, three times; not so?

4 A. I went to Talia on three occasions.

12:43:09 5 Q. And that's the same place as Base Zero; is that correct?

6 A. Yes.

7 Q. And what was your purpose of going to Base Zero on these
8 three occasions? Let's take the first one. The first time you
9 went there, you said you did not even spend the night there. Why

12:43:36 10 were you there at Base Zero --

11 JUDGE ITOE: Three times he didn't spend the night, so
12 [overlapping speakers] those three occasions.

13 MR BANGURA: Yes, Your Honour, I'm taking one at a time.

14 THE WITNESS: What?

12:43:49 15 MR BANGURA:

16 Q. The first time you went to Base Zero, why were you there;
17 what was your purpose for going to Base Zero?

18 A. I only went to visit the place.

19 Q. So you -- where were you based at that time?

12:44:12 20 A. The time that I'm referring to, at that time, I was in
21 Gbapi.

22 Q. So you then decided to come to Base Zero as a tourist; not
23 so?

24 PRESIDING JUDGE: He said he went to visit. Are you
12:44:36 25 putting it to him?

26 MR BANGURA: Yes, Your Honour.

27 PRESIDING JUDGE: I see.

28 MR BANGURA:

29 Q. You went to Base Zero on that first occasion as a tourist,

1 visited --

2 A. No, I did not go particularly to Base Zero, but I went to
3 Talia, but not to Base Zero. That was not the particular purpose
4 for me to go to Base Zero. I went to Talia, indeed, but not
12:45:02 5 particularly to Base Zero.

6 Q. Mr Witness, are you suggesting that there's a distinction
7 between Base Zero and Talia? Were they two different places?

8 A. It's in the same town, same town.

9 Q. But you have said that you went to Talia and not to Base
12:45:27 10 Zero. Where was Base Zero, then?

11 A. It's Talia, but when they said Base Zero, to say I went
12 there particularly to Base Zero, no, that was not the reason.
13 Base Zero itself is in Talia. The same Talia that I went is
14 where Base Zero was.

12:45:50 15 Q. Come on, Mr Witness, you did not go on an aimless exercise
16 at Base Zero on this first occasion. There was a reason for you
17 going to Base Zero; not so?

18 A. Oh, yes, there was a reason.

19 Q. What was that reason?

12:46:11 20 A. I said I went on a visit. I just went on a visit.

21 Q. Were you there to visit any particular person?

22 A. I didn't go to visit anyone. I just went on a stroll.

23 Q. And when you got there, did you meet anybody? Did you meet
24 anyone?

12:46:34 25 A. I didn't go to anybody.

26 Q. How long were you there?

27 A. I didn't spend the night there.

28 Q. I know you did not spend the night there, but you could
29 have spent some time there, in terms of hours. How many hours

1 could you have spent at Base Zero on this first visit?

2 A. I didn't even take up to two hours.

3 Q. So, Mr Witness, would you like to tell the Court exactly
4 what happened within those two hours that you were in Base Zero?
12:47:10 5 You got there for two hours; what did you do?

6 MR BOCKARIE: No, Your Honour, he said I was not there up
7 to two hours.

8 PRESIDING JUDGE: Yes, quite.

9 JUDGE ITOE: Two hours is still within the time frame. You
12:47:27 10 shouldn't take any force out of that. Two hours. Yes, go ahead,
11 please.

12 MR BANGURA:

13 Q. What did you do in that period you were at Base Zero?

14 A. I did not do anything there.

12:47:45 15 Q. Did you speak to anyone?

16 A. Yes, I saw some people and we greeted each other.

17 Q. Did you speak to your in-law, Moinina Fofana?

18 A. In fact, where he was, I never got there.

19 Q. So where was he; where was Moinina Fofana at Base Zero?

12:48:11 20 A. Where I saw him, where I saw him from where I was standing,
21 was where Mr Momoh Collier had his compound in Talia.

22 Q. Momoh Collier. And I'm sure he was not the only one that
23 you saw there; am I correct?

24 A. Who, Mr Moinina Fofana? There was a large crowd, but he
12:48:49 25 himself was there, but I saw him there.

26 Q. May I suggest to you, Mr Witness, that perhaps the reason
27 you did not go to him was because he was with other big people at
28 Base Zero and you, being an ordinary man, did not feel confident
29 enough to go up to him; am I correct?

1 A. At that time, that man, wherever he would be, if he
2 didn't -- if he didn't give you an order to see him, you would
3 not go there, except you stay from afar and you see him, but you
4 not go there without his order.

12:49:40 5 Q. And this was because he had great power and authority; not
6 so, Mr Witness?

7 A. Yes.

8 Q. You have just said, Mr Witness, he was standing with other
9 people. Who were these other people he was standing with?

12:50:17 10 A. I said he was there with other people, but I can't say now
11 that this person or that person was there, because the number was
12 so large.

13 Q. Well, of course, being a man of power and authority, you
14 thought it fit to stay away from him; not so?

12:50:45 15 A. Yes.

16 Q. What was the second -- the second time you went to Base
17 Zero, what was the reason for your going there?

18 A. In fact, that second visit, whether Mr Moinina was in Talia
19 or not there, I didn't even know, but it was a place that we used
12:51:18 20 to visit at all times. But the first time I saw him. On the
21 second visit, I didn't know whether he was there or not.

22 Q. Mr Witness, I have not really suggested to you that Moinina
23 Fofana was there on the second visit. The question was: What
24 was your purpose for going there the second time?

12:51:43 25 A. I only went there on a stroll, just as I did on the first
26 occasion, just for the same reason that I went there on the first
27 -- for the first time.

28 Q. And how long were you there on the second occasion?

29 A. On that second time again, I didn't spend the night there.

1 Q. What about the third occasion, Mr Witness, why were you
2 there the third time?

3 A. Just the same reason as the first and the second, so was
4 the third one. I didn't also spend the night there again.

12:52:32 5 Q. Mr Witness, it didn't bother you that you could have been
6 held for loitering around Base Zero? You had no purpose; you
7 were aimlessly moving around three times.

8 JUDGE ITOE: He was a Kamajor, was he not?

9 MR BANGURA: He was, Your Honour.

12:52:49 10 JUDGE ITOE: Haven't we established that Base Zero was a
11 Kamajor base? He couldn't be loitering, you know.

12 MR BANGURA: I take that back, Your Honour.

13 Q. Mr Witness, on these occasions that you went to Base Zero,
14 you were not alone; not so?

12:53:09 15 A. At that time, you wouldn't say you would go there alone, if
16 you were a Kamajor. You'll be going there, you meet some other
17 people, your colleagues, and you go together.

18 Q. Each of those occasions that you went to Base Zero, you
19 would have something to say about your work as a Kamajor, from
12:53:37 20 where you were coming; is that not so? You would have to explain
21 about what was happening in your area; is that not so?

22 A. Not a day did that happen.

23 Q. Did you always go to Base Zero with your commander?

24 A. No.

12:54:10 25 Q. Mr Witness, you have said that you know Albert Nallo;
26 correct?

27 A. Yes, I said I saw him once.

28 Q. Where did you see Albert Nallo?

29 A. Geri hun.

1 Q. Could it have been the case, Mr Witness, that on one of
2 those occasions that you went to Base Zero, you also saw him
3 there?

4 A. No, no, I never saw him

12:55:16 5 Q. Now, how far was Gerihun -- is Gerihun from Base Zero, if I
6 may ask?

7 A. I can't give you the mileage, but I'm talking about the
8 Bambaru Chiefdom, Gerihun. I can't -- I don't know the
9 mileage --

12:55:40 10 Q. What is the distance --

11 A. -- between Gerihun and Yawbeko; I don't know.

12 Q. Is it a distance you would cover on foot, travelling on
13 foot? If you were coming from Gerihun to Base Zero; could you
14 cover that distance on foot?

12:56:02 15 A. That road leading from Gerihun to Yawbeko, except great
16 difficulty, if you were faced with some problems or difficulty.
17 But it's a place you would normally walk to go, but it would take
18 two or three days. Not even two or three days if you are walking
19 to that place, you would take beyond two or three days.

12:56:27 20 Q. So, Mr Witness, it took you three days to move from Gerihun
21 on each of those occasions, to come to Base Zero, and you spent
22 only two hours for the first time, and took another three days to
23 go back to Gerihun; is that what you are telling this Court?

24 A. I was not coming from Gerihun to Talia. I said Gbapi.

12:56:57 25 JUDGE ITOE: That is what he said.

26 THE WITNESS: Gbapi.

27 JUDGE ITOE: He met [overlapping speakers] --

28 MR BANGURA: My error.

29 PRESIDING JUDGE: Yes.

1 JUDGE ITOE: [Overlapping speakers] and he was taking these
2 trips.

3 MR BANGURA: I take that back, Your Honour.

4 PRESIDING JUDGE: Quite.

12:57:10 5 MR BANGURA:

6 Q. Mr Witness --

7 A. Yes.

8 Q. -- did you know that Albert Nallo held a senior position
9 among the Kamajors in Base Zero? Did you know that?

12:57:23 10 A. I don't know that, if that man had any position in the
11 Kamajor business. I didn't see that and I didn't hear that.

12 Q. In what circumstances did you meet with Albert Nallo in
13 Gerihun? How did you meet with him in Gerihun? You said you met
14 with him only once, and that was in Gerihun.

12:57:45 15 A. Well, at that time, they asked that the Kamajors meet
16 there.

17 Q. Who asked that the Kamajors should meet there?

18 A. Kamoh Lahai Bangura.

19 Q. Who was Kamoh Lahai Bangura?

12:58:11 20 A. Kamoh Lahai Bangura that I'm referring to was an initiator.

21 Q. And was this call for a meeting of all Kamajors extended to
22 Kamajors outside your area, or was it just for Kamajors within
23 your area?

24 A. It was not for all the Kamajors.

12:58:52 25 Q. So which particular Kamajors were called upon to meet by
26 Kamoh Lahai Bangura?

27 A. Kamajors of Baoma Chiefdom.

28 Q. And this was the occasion in which you met Albert Nallo;
29 correct?

1 A. Yes, that was the time, that I saw him.

2 Q. And you'll agree with me that Albert Nallo is not a Kamajor
3 from Baoma Chiefdom; correct?

4 A. I don't know that.

12:59:38 5 Q. What, you come from Baoma Chiefdom, you were a Kamajor in
6 Baoma Chiefdom, you know the Kamajors, or most of the Kamajors
7 who come from your chiefdom; am I right?

8 A. Yes, because I'm based in Gerihun, I can't say I don't know
9 Kamajors there.

13:00:06 10 Q. Somebody as popular as Albert Nallo, if he was a Kamajor in
11 your chiefdom, you would have known; not so?

12 A. No, I had no leadership in the Kamajor business, and I'm
13 not the head of that chiefdom, so I wouldn't have known.

14 Q. The fact, Mr Witness, is that Mr Albert Nallo was there at
13:00:39 15 that meeting, because he was one of the senior Kamajor persons
16 coming from Base Zero. He was there representing Base Zero in
17 that meeting.

18 A. Even if he went there for that meeting, I don't know.

19 Q. Can you tell this Court what was the purpose, or what was
13:01:07 20 discussed in this meeting?

21 A. In fact, in that meeting, I was not there.

22 Q. So where were you, Mr Witness? You have told this Court
23 that a meeting was called by Kamoh Lahai Bangura for all Kamajors
24 from Baoma Chiefdom. So where were you on that day?

13:01:44 25 A. On that day of the meeting, I was indeed in Gerihun. But
26 where the meeting was held, I didn't go there.

27 Q. So were you told about what happened in this meeting?

28 A. No.

29 Q. Why did you not attend the meeting as a Kamajor from Baoma?

1 A. No, I was not coming from -- I did not come from Baoma.
2 The meeting was held in Gerihun. I was in Gerihun, but I didn't
3 just go there. That meeting, if I'm -- just for an ordinary
4 Kamajor, if you wanted to go, you'd go. If you didn't want to
13:02:39 5 go, you'd stay.

6 Q. But Albert Nallo attended that meeting, didn't he?

7 A. Even if he went there, I don't know, because I told you I
8 didn't go there, in that meeting.

9 Q. So when did you meet with Albert Nallo, Mr Witness?

13:02:58 10 A. I saw Mr Nallo at Paramount Chief Sallay's veranda, not in
11 a meeting, Sallay Davies' house.

12 Q. Did you just see Mr Nallo, or did you meet with him?

13 A. I just saw him. I was passing by when I saw him. I was
14 not going there to see him, for him particularly. I was just
13:03:42 15 passing by.

16 Q. Were you alone when you saw him?

17 A. I can't say I was passing alone. If I say that, I'll be
18 telling a lie and you told me this morning that I should be
19 speaking the truth. We were many.

13:04:06 20 PRESIDING JUDGE: Counsel, without disturbing your trend,
21 is it safe to assume that your cross-examination will be
22 proceeding further than the next 10 or 15 minutes?

23 MR BANGURA: I would think so, Your Honour.

24 PRESIDING JUDGE: Well, on the strength of that, well
13:04:25 25 recess for lunch and resume at 2.30 p.m.

26 [Luncheon recess taken at 1.02 p.m.]

27 [Upon resuming at 2.40 p.m.]

28 PRESIDING JUDGE: Mr Bangura, are you ready to continue
29 cross-examination?

1 MR BANGURA: Yes, Your Honour.

2 PRESIDING JUDGE: Proceed then.

3 MR BANGURA: Thank you.

4 Q. Good afternoon, Mr Witness.

14:44:39 5 A. Good afternoon, Pa. How are you?

6 Q. Mr Witness, you will recall that --

7 A. Yes.

8 Q. -- before lunch break, you said you saw Mr Nallo at the
9 chief's house in Baoma; is that correct? Gerihun, sorry.

14:45:14 10 A. Yes, it is so. Gerihun. Yes.

11 Q. My question, Mr Witness, was: were you alone at the time?

12 A. At that time, I was not alone.

13 Q. How did you get to know that this was Mr Nallo?

14 A. My colleagues with whom I was working with, they told me
14:45:49 15 that that was Mr Nallo.

16 Q. Did you get to speak with Mr Nallo?

17 A. I did not even get near him

18 Q. And you were saying to this Court that that was the only
19 time you met Nallo, if I should call that a meeting?

14:46:24 20 A. Yes.

21 Q. Were you able to recognise him properly on this occasion?

22 A. At that time, I was far off. I was far off when I saw him
23 After that, I would not able to know him in any other way except
24 that.

14:46:56 25 Q. So, in effect, if Mr Nallo were to be here today, standing
26 in front of you, you may probably not be able to recognise him as
27 the person called Nallo; correct?

28 A. No, at that time, it's a long time. And when you are
29 together in a place and you've left, it has taken a long place --

1 a long time, and you would not be able to know him. So I would
2 not be able, really, to get to him.

3 Q. I'm talking about now. You would not be able to
4 recognise -- you would not be able to know him, I mean, if he was
14:47:37 5 here and standing before you?

6 A. No.

7 Q. Mr. Witness, you mentioned that the meeting at Gerihun was
8 called by Kamoh Lahai Bangura; is that correct?

9 A. Yes.

14:47:57 10 Q. He was not a Kamajor in your chiefdom, was he?

11 A. Kamoh Lahai?

12 Q. Yes.

13 A. Yes.

14 Q. Is your answer: Yes, he was a Kamajor in your chiefdom; is
14:48:26 15 that your answer?

16 A. That was not our own chiefdom. It was the war that took us
17 to that place.

18 Q. But he was not a Kamajor from Gerihun; is that correct?

19 A. He is a native of Yawbeko. He was born in Yawbeko, but he
14:48:56 20 was settled down in Gerihun, Kamoh Lahai.

21 Q. My suggestion to you is that he had come from Base Zero for
22 that meeting; do you agree?

23 A. No, I would not accept that. I know he came from Blama
24 Bendema.

14:49:20 25 Q. Have you been on any operation with Kamoh Brima?

26 A. Never.

27 Q. So you were not at all interested in what was going on in
28 that meeting on the day it was called; not so?

29 A. No. In fact, I did not go near there. In fact, I did not

1 ask anything about it.

2 Q. And you did not try to find out why that meeting was
3 called?

4 A. No.

14:50:11 5 Q. Did you ever try to find out why Nallo was in Gerihun that
6 day?

7 A. I wouldn't know the reason.

8 Q. The question is: Did you ever try to find out? Did you
9 find out from anyone? You did not speak to him, you did not get
14:50:29 10 in contact with him, but did you find out why he was there?

11 A. No, I did not do that at all.

12 Q. Mr Witness, earlier on you mentioned that you -- when you
13 were at Base Zero, you were on your first visit, you saw
14 Moinina Fofana from a distance, and you could not get close to
14:51:03 15 him because of his position --

16 A. No.

17 Q. -- and his authority; is that correct?

18 A. Yes.

19 Q. What sort of authority did he have, such that you could not
14:51:23 20 get close to him?

21 A. Well, they used to call him -- all of us used to call him
22 director. All Kamajors were afraid of him.

23 Q. Was it just because they called him director, that is why
24 you were afraid of him, or did he have powers over you which made
14:51:51 25 you afraid of him?

26 A. The way he was called, even with that name, he did not do
27 anything wrong with me.

28 MR BANGURA: That will be all for this witness,
29 Your Honours.

1 PRESIDING JUDGE: Thank you, counsel.

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: Mr Powles, re-examination?

4 MR BOCKARIE: None, Your Honour.

14:53:02 5 PRESIDING JUDGE: Thank you. Mr Witness, we thank you for
6 your testimony. You're released. Will Victims and Witness Unit
7 please escort the witness out of Court.

8 [The witness withdrew]

9 PRESIDING JUDGE: Counsel, will you call your next witness.

14:53:51 10 MR POWLES: Your Honour, with your leave, can I ask for
11 another short adjournment of maybe five to ten minutes?

12 PRESIDING JUDGE: All right. This will be for --

13 JUDGE ITOE: Why?

14 MR POWLES: To take brief instructions.

14:54:05 15 PRESIDING JUDGE: From your client?

16 MR POWLES: Your Honours, yes.

17 JUDGE ITOE: Why? Why? Mr Powles, why do we have to be
18 interrupting the proceedings, rising and coming back? You're
19 supposed to have taken instructions from your client all this
14:54:25 20 while.

21 MR POWLES: Your Honours, yes.

22 JUDGE ITOE: I thought we were done with that.

23 MR POWLES: Your Honours, yes. That's why, of course, I
24 apologise for asking for it at this stage and only ask for a very
14:54:36 25 short adjournment, and obviously apologise in advance for any
26 inconvenience caused. But obviously I will try and limit it to
27 the shortest amount possible.

28 JUDGE ITOE: I just thought I should preface this concern.

29 MR POWLES: Yes, Your Honour. Thank you very much, Your

1 Honours.

2 PRESIDING JUDGE: We'll have a short stand down.

3 [Break taken at 2.54 p.m.]

4 [Upon resuming at 3.05 p.m.]

15:07:42 5 PRESIDING JUDGE: Counsel, may we proceed, please?

6 MR POWLES: Your Honours, yes. May I once again thank

7 Your Honours for the time and assure Your Honours that I hope

8 that a short adjournment now has, in the long run, saved time

9 overall. I'm grateful to Your Honours for the short

15:07:57 10 adjournments, and I hope it will help us move matters further

11 forward, even faster than they would have done already.

12 PRESIDING JUDGE: We accept that and take your undertaking.

13 MR POWLES: May the witness be sworn, please?

14 PRESIDING JUDGE: Yes, may the witness be sworn.

15:08:36 15 JUDGE ITOE: Mr Powles, is this the sixth --

16 MR POWLES: This is witness --

17 JUDGE ITOE: Number six?

18 MR POWLES: It is number 7, Joseph Lansana, Your Honour.

19 Number 6 was the one we decided not to call.

15:08:54 20 PRESIDING JUDGE: Six in the trial, yes, but seven on your

21 list.

22 MR POWLES: Seven on the list, Your Honours, yes.

23 PRESIDING JUDGE: You eliminated one.

24 MR POWLES: Your Honours, yes. Not literally.

15:09:17 25 WITNESS: Joseph Lansana [Sworn]

26 [The witness answered through interpreter]

27 EXAMINED BY MR POWLES:

28 MR POWLES:

29 Q. Mr Lansana.

1 A. Yes, sir.

2 Q. Can you give the Court your full name, please?

3 A. I am called Joseph Bobson Lansana.

4 Q. Can you tell the Court your date of birth, please?

15:10:16 5 A. I was born on December the 6th, 1969.

6 Q. And where were you born, Mr Lansana?

7 A. I was born in Bonthe, Bonthe Island.

8 Q. Where do you live now?

9 A. I live now at Sorgia.

15:10:43 10 Q. And what's your occupation, Mr Lansana?

11 A. Farming.

12 Q. Did you attend school when you were a child?

13 A. Yes.

14 Q. At what level did you leave school, Mr Lansana?

15:11:19 15 A. I stopped in form 4.

16 Q. Now you mentioned that you born in Bonthe, but now live in
17 Sorgia. When did you move to Sorgia?

18 A. 1987.

19 Q. Now, during the time that you were living in Sorgia, was
15:11:41 20 your village ever attacked by any of the fighting forces?

21 A. Yes.

22 Q. How many times was your village attacked?

23 A. Twice.

24 Q. When was the first time that your village was attacked?

15:12:34 25 A. The first attack was in 1995, May.

26 Q. And who attacked your village in May of 1995?

27 A. The rebels.

28 Q. And when the rebels attacked your village, did they kill
29 anyone in your village?

1 A. Yes, one person was killed.

2 Q. And who was he?

3 A. The person was a passerby. He was not born from that
4 village.

15:13:20 5 Q. What did you do when the rebels attacked your village
6 in May 1995?

7 A. When we were attacked, I run away into the bush, together
8 with my family members.

9 Q. And how long did you spend in the bush with your family
15:13:48 10 members?

11 A. We spent a month there.

12 Q. Now, you mentioned there were two attacks on Sorgia and
13 you've just told us about the first. When was the second attack
14 on Sorgia?

15:14:16 15 JUDGE ITOE: Mr Powles, he said he spent how much time in
16 the bush when he ran away?

17 MR POWLES: One month, Your Honour.

18 Q. Witness, I'll repeat the question. You mentioned that
19 there were two attacks on Sorgia, and you have just told us about
15:14:30 20 first in May 1995. When was the second attack on Sorgia?

21 A. November 1995, the 2nd November.

22 Q. So the second attack was on 2nd November 1995. Who
23 attacked Sorgia on that day?

24 A. Kamajors.

15:15:24 25 Q. Were you present in Sorgia on that day when the Kamajors
26 attacked?

27 A. Yes.

28 Q. What did the Kamajors do on that day?

29 A. They set -- they set fire on the houses, and my mother was

1 captured. She was wounded and thrown into the fire, and she died
2 there.

3 Q. And were you present when that happened?

4 A. I was there.

15:16:15 5 Q. During the course of that attack, did anything happen to
6 you?

7 A. No.

8 Q. Were you abused in any way by the Kamajors personally?

9 A. No.

15:16:47 10 Q. Were you tortured in any way?

11 A. No.

12 Q. And did you have plastic, burning plastic, dripped on you?

13 A. No.

14 Q. Mr Lansana, how many people live in Sorgia?

15:17:23 15 A. Well, at that time, some people were not there, but those
16 of us who were there, we were about 50.

17 Q. So about 50 people in the village; it's a fairly small
18 village. Did you know everyone in your village at that time?

19 A. Yes.

15:18:11 20 Q. And was there anyone else in your village called Joseph
21 Lansana?

22 A. No, I alone. I alone have carried the name of Joseph
23 Lansana.

24 Q. Mr Lansana, how many ears have you got?

15:18:41 25 A. Two ears.

26 Q. Are they your ears?

27 A. Yes.

28 Q. And have you always had those same two ears?

29 A. Yes.

1 Q. Now, I see you have earphones on, Mr Lansana. I wonder if,
2 for a moment, you might just take them off.

3 PRESIDING JUDGE: Mr Thomas, would you help him That's
4 okay.

15:19:32 5 MR POWLES: I can see from here that you have two ears. I
6 wonder if Your Honours can see you have two ears from where you
7 are?

8 JUDGE ITOE: I'm seeing the left here.

9 MR POWLES:

15:19:43 10 Q. Mr Lansana, I wonder if you could turn to face me so His
11 Honour Judge Itoe can see --

12 JUDGE ITOE: I've seen it now, Mr Powles.

13 MR POWLES: I'm very grateful.

14 JUDGE BOUTET: Maybe he can turn the other way so I can see
15:19:58 15 the other side.

16 MR POWLES: Mr Lansana, perhaps you can look towards the
17 handsome team from the Prosecution.

18 PRESIDING JUDGE: Okay. From my vantage position, I can
19 see two ears. The record will reflect that the witness has
15:20:19 20 actually shown us two ears. As you see [indiscernible] on.

21 MR POWLES: Your Honours, yes, and has always been so
22 [indiscernible].

23 Q. Mr Lansana, do you know somebody called Albert Nallo?

24 A. No.

15:20:37 25 Q. After the attack on your village on the 2nd of November
26 1995, what did you do, Mr Lansana?

27 A. After that, after that attack, the very day it happened, I
28 pick up -- I picked up my pen. The very day that thing happened,
29 I put it down on paper, so that date was with me, on paper.

1 Q. Did you stay in Sorgia, Mr Lansana, or did you move to
2 another location?

3 A. I was still in the same Sorgia. Up to this very moment,
4 I'm still there.

15:21:58 5 Q. So you continued to live in Sorgia?

6 A. Yes.

7 Q. After the attack in November 1995, have there been any
8 other attacks on Sorgia?

9 A. No.

15:22:19 10 Q. One final question: You mentioned that you're a farmer.
11 During the conflict did, at any stage, you join one of the
12 fighting forces?

13 A. The time of the war, I did not join any fighting force.

14 MR POWLES: Thank you, Mr Witness.

15:22:58 15 JUDGE BOUTET: Mr Powles, before you close, in your
16 question, there was -- your witness testified that they were
17 attacked. His evidence was: They set fire on a house and his
18 mother was captured and so on. I would like to know what the
19 "they" means, because these were the Kamajors attacking the
15:23:22 20 rebels as such. Who did what. So I would appreciate it if you
21 could clarify that for me.

22 MR POWLES: Certainly, Your Honour.

23 Q. Mr Lansana, you mentioned in your testimony that "they"
24 attacked your village in November 1995. Who did you mean by
15:23:37 25 "they"? Were they rebels or another fighting force?

26 A. The fire that was set, the fire that was done by the
27 Kamajors, the person that -- it was only one person that killed
28 my mother and threw her into the fire and the person's name is
29 Conteh.

1 Q. How did you know that the people who attacked your village
2 in November 1995 were Kamajors?

3 A. Well, they said it themselves, that they were Kamajors,
4 that they came to attack that village and they told us
15:24:36 5 themselves.

6 MR POWLES: Your Honours, I have no further questions.

7 PRESIDING JUDGE: Thank you.

8 MR POWLES: If you wait there, witness, there may be some
9 further questions.

15:24:52 10 PRESIDING JUDGE: Mr Sesay, any questions?

11 MR SESAY: No questions.

12 PRESIDING JUDGE: Mr Margai, any questions?

13 MR MARGAI: None, My Lord.

14 PRESIDING JUDGE: Mr Kamara?

15:25:17 15 MR KAMARA: Yes, My Lord.

16 PRESIDING JUDGE: You may proceed.

17 MR KAMARA: Thank you.

18 CROSS-EXAMINED BY MR KAMARA:

19 Q. Good afternoon, Mr Witness.

15:25:32 20 A. Yes; how are you?

21 Q. I'm fine, thank you. I have a few questions for you this
22 afternoon.

23 A. Okay.

24 Q. I shall be asking you questions regarding the death of your
15:25:48 25 mother. I'm sorry, I meant no disrespect to the dead, nor any
26 disrespect to you; okay?

27 A. Okay.

28 Q. Thank you. Now, Mr Lansana, you're also popularly known as
29 Joe Claude; am I right?

1 A. Yes.

2 Q. And your late mother was Gillo Lansana; is that so?

3 A. Yes.

4 JUDGE ITOE: Joe Claude. Claude, is --

15:26:49 5 MR KAMARA: Claude, as in Claude C-L-A-U-D-E, Your Honour.

6 JUDGE ITOE: Claude, that's a French name. Sorry.

7 MR KAMARA: That's alright.

8 Q. Mr Lansana, are you yourself a Kamajor?

9 JUDGE ITOE: You say the mother's name was?

15:27:10 10 MR KAMARA: Gillo, G-I-L-L-O, My Lord. Gillo Lansana.

11 Q. Are you yourself a Kamajor, Mr Lansana?

12 A. Yes.

13 Q. When did you become a Kamajor?

14 A. 1995 -- 1999, sorry. 1999. That was the time I became a

15:27:50 15 Kamajor.

16 Q. Take your time. And you gave evidence this afternoon that
17 Kamajors attacked Sorgia; right?

18 A. Yes.

19 Q. And that one Conteh threw your mother into the fire?

15:28:24 20 A. Yes.

21 Q. And after that incident, you decided to become a Kamajor in
22 1999; is that correct?

23 A. Yes.

15:28:50 24 Q. Mr Lansana, a few minutes ago you remember you were asked a
25 question posed by my learned friend whether you belonged to any
26 fighting forces, and your answer was "no"; is that not so?

27 A. The time when the war was on, that was the time I said I
28 did not join any group, the time of the war; during the time of
29 the war.

1 Q. In 1999 that you joined the Kamajors, is that not the time
2 of the war?

3 A. Well, in our area, there was no war going on, in our own
4 area.

15:29:49 5 Q. Now you said in 1995, when the Kamajors attacked Sorgia,
6 did they occupy Sorgia?

7 A. No.

8 Q. What about the rebels when they attacked in May of 1995,
9 did they occupy Sorgia?

15:30:34 10 A. Yes. They would -- they would come and pass the night
11 there. They would go out and then come back and pass the night
12 there.

13 Q. Mr Lansana, you had a very good working relationship with
14 the rebels; is that not so, in 1995?

15:31:07 15 A. We were under their orders, by force.

16 Q. You worked for them as a secretary; am I correct?

17 A. Yes. It was by force.

18 Q. You are telling this Court you were forced to write for
19 them; is that so?

15:32:01 20 A. Yes.

21 Q. So you were a secretary. Were you not a part of the rebels
22 then?

23 A. Well, I was forced to do that work. But when -- I mean, I
24 write for them. Each time people were leaving our own village,

15:32:48 25 people would leave to go to their villages, they would ask me to
26 make passes for them to move, so I had the papers to write for
27 them.

28 Q. Mr Lansana, were you the only one that can read and write
29 in Sorgia at that time?

1 A. Yes.

2 Q. Was there a school in Sorgia?

3 A. No.

4 Q. Was there a school nearby?

15:33:43 5 A. Yes.

6 Q. Where was the school?

7 A. Baoma Kpengeh.

8 Q. How far is that to Sorgia?

9 A. I wouldn't know the number of miles, but it is a little bit
10 far.

15:34:19

11 Q. Mr Lansana, your mother was also very close with the RUF --
12 with the rebels, then the RUF; am I right?

13 A. No.

14 Q. So in 1995, according to you, when the Kamajors came, how
15 many people were killed?

15:34:52

16 A. They killed only one person; that was my mother.

17 Q. Would you tell this Court why your mother was singled out?

18 A. Well, I wouldn't say anything about why they did that to
19 her alone.

15:35:32

20 Q. Well I will tell you. You will agree with me, would you
21 not, that it is because she was the one cooking for the rebels,
22 and she was described as a collaborator by the Kamajors; is that
23 not so?

24 A. No. She was afraid of them. When each time she saw them,
25 she was afraid of them.

15:36:04

26 Q. Afraid of whom?

27 A. The rebels. Each time she saw them, she would hide away
28 from them.

29 Q. You're telling this Court when the Kamajors came to Sorgia,

1 they just picked on your mum and threw her into the fire; is that
2 what you're telling this Court?

3 A. Yes. Conteh. The Kamajor that killed my mother is called
4 Conteh. He alone did to my mother.

15:36:57 5 Q. Mr Lansana, you yourself was labelled a rebel supporter by
6 the Kamajors; is that not --

7 MR MARGAI: My Lords, I wonder whether my learned friend is
8 abandoning the principle of self-protection against
9 incrimination, which he raised this morning.

15:37:23 10 PRESIDING JUDGE: The question, of course, is that I would
11 have expected --

12 MR MARGAI: No, I'm not objecting, I was just thinking
13 that --

14 PRESIDING JUDGE: Well, I was going to question your

15:37:32 15 [Overlapping speakers] --

16 MR MARGAI: As My Lord pleases.

17 PRESIDING JUDGE: [Overlapping speakers] to raise that
18 position. Indeed, it is interesting to see you are shifting
19 ground a bit. Of course you are entitled to revise your original
20 position.

15:37:46 21 MR KAMARA: Your Honour, I still stand by my position.
22 There is no crime involved here.

23 PRESIDING JUDGE: Okay. Continue.

24 MR KAMARA: Thank you, My Lord.

15:38:02 25 Q. Mr Lansana, the question again is: You yourself were
26 labelled as a collaborator -- a rebel supporter, sorry, by the
27 Kamajors; is that not correct?

28 A. Yes.

29 Q. And you must have been afraid for your life when they

1 attacked Sorgia; is that not so?

2 A. Yes.

3 Q. I'm suggesting also to you that, because of that, it puts
4 your family in danger, your immediate family in danger as well;
15:39:05 5 you'll agree with me, don't you?

6 A. Yes, because there was nowhere to go. We were under their
7 control, by force. Whatever they told you to do, that is what
8 you were to do.

9 Q. Mr Lansana, that is not the question. I know you said you
15:39:41 10 were a secretary by force. I'm not ready for that angle yet. My
11 question is: Because you agreed that you were labelled as a
12 rebel supporter, it puts your immediate family in danger, and
13 that includes your mother; is that not so? You agree with me?

14 A. It was so.

15:40:32 15 Q. Thank you. When you heard of the attack by the Kamajors,
16 you ran to safety for your life; is that not so?

17 A. I did not run away; I was there. We were all captured
18 together.

19 Q. Who was the commander of the Kamajors; do you know?

15:41:14 20 A. Yes.

21 Q. Who was he?

22 A. Kamoh Lahai Bangura.

23 Q. Kamoh Lahai Bangura.

24 A. Yes.

15:41:25 25 Q. This Kamoh Lahai Bangura, do you know he was an initiator?

26 A. Yes. I knew that later.

27 Q. Later; you mean after the attack?

28 A. Yes. That was the time that I knew he was an initiator.

29 Q. Thank you. Now, how many Kamajors attacked Sorgia; do you

1 know?

2 A. I wouldn't know their number; they were many. I wouldn't
3 know their number. We had work to do. I mean, I wouldn't know
4 their number.

15:42:35 5 Q. When the Kamajors came to Sorgia, they assembled the
6 villagers together; correct?

7 A. Not all of us. They were not able to assemble all of us;
8 some were not there.

9 Q. They called on all villagers present to be assembled;
15:43:14 10 you'll agree with that one?

11 A. Yes.

12 Q. And they accused the villagers that they were collaborators
13 with the rebels.

14 A. Yes.

15:43:47 15 Q. And this Kamoh Lahai Bangura, was that the first time of
16 knowing him?

17 A. Yes.

18 Q. Do you know any other, apart from Conteh, of the attackers?

19 A. No.

15:44:27 20 Q. Does Kamoh Bangura know you in person?

21 A. That was the first time that we met together, and that was
22 the first time that he saw me.

23 Q. I am suggesting to you, Mr Lansana, that once the Kamajors
24 attacked Sorgia, they were searching for Joseph Lansana, the
15:45:04 25 secretary of the RUF. You are aware of that; is that not so?

26 A. The day Sorgia was captured, they were not looking out for
27 me. They met me there and they captured me. They captured us
28 there.

29 Q. When you were captured, were you captured as Joseph

1 Lansana, the secretary of the RUF, or you were captured as one of
2 the villagers?

3 A. I was not captured because I was Joseph Lansana. We were
4 all captured because that we were together with the rebels in
15:46:15 5 that town. They didn't know, in fact, that I was their clerk at
6 the time that town was captured.

7 Q. Yes, that is what I'm saying. They never knew you were
8 Joseph Lansana, the clerk; you agree with me, right?

9 A. No, they didn't know that. But later they knew of it.

15:46:36 10 Q. When did they know you were the clerk?

11 A. After two days, they knew that I was a clerk.

12 Q. After two days, yes. Now, at the point your mother was
13 caught, where were you at that scene?

14 A. I was in the town, the place where they asked us to
15:47:15 15 assemble. We were all gathered there.

16 Q. Did your mother do anything for her to be singled out?

17 A. No, I did not see her do anything for her to be identified.

18 Q. When you say you were captured, were you tied?

19 A. No.

15:47:55 20 Q. You were just standing all by yourself?

21 A. Yes.

22 Q. Were you -- you were gathered at a particular place?

23 A. Yes.

24 Q. For how long were you so gathered?

15:48:28 25 A. The time when we were assembled, it was not long. It was
26 not even up to 30 minutes. I mean, the moment they gathered us
27 together, they said that we were together with the rebels in that
28 town. Then -- then --

29 THE INTERPRETER: Your Honours, could the witness take that

1 last bit of --

2 PRESIDING JUDGE: Witness, slowly. Please repeat the last
3 part of your answer.

4 THE WITNESS: It was not long. After they set the fire on
15:49:13 5 the houses, then the Conteh killed my mother and threw her into
6 the fire. So it was not a long time when we were assembled
7 there. Immediately they finished burning the place, they left.
8 After Conteh had killed my mother, then they left.

9 MR KAMARA:

10 Q. Let's take it slowly. When the Kamajors attacked, what was
11 the first thing that they did?

12 A. The first thing they did, they said that we were together
13 with the rebels together in town, that we were together with
14 them. So, not too long --

15:49:54 15 THE INTERPRETER: Your Honours --

16 MR KAMARA:

17 Q. Go slowly, please.

18 PRESIDING JUDGE: Witness, please take it slowly so that we
19 can have the evidence as clearly as possible. All right? Don't
15:50:11 20 rush.

21 MR KAMARA:

22 Q. Let me help you. They came, then they gathered the
23 villagers together; is that right?

24 A. Yes.

15:50:25 25 JUDGE ITOE: Is that what they did when they came?

26 MR KAMARA: That's what I'm asking him.

27 JUDGE ITOE: Let him say what they did.

28 MR KAMARA: All right, My Lord.

29 JUDGE ITOE: Please.

1 MR KAMARA:

2 Q. So when they came, what was the first thing that they did?

3 Tell this court. Take it step by step.

4 A. After they had assembled us at one place -- may I continue?

15:50:48 5 Q. You were assembled together. Where, in Sorgia, were you
6 assembled?

7 A. In between two houses, outside.

8 Q. And after the gathering, what else did they do?

9 A. The leader said -- because we had been at times together
15:51:28 10 with the rebels, and therefore we were all the same people, so
11 all of us should be killed and they should burn the town. That
12 is what he said.

13 Q. And they started burning the town before your mother was
14 killed?

15:51:48 15 A. Yes.

16 Q. How many houses were there in the town?

17 A. There were about 22 houses there.

18 Q. How many houses were burnt?

19 A. They burnt 19.

15:52:32 20 Q. And you said Kamoh Lahai Bangura, the leader you referred
21 to, is it the same person who gave the instruction for the
22 burning?

23 A. Yes.

24 Q. And for how long did this exercise last? When they came
15:52:53 25 in, how long were they there?

26 A. Well, it took some time, but not very long time.

27 Q. Is it two hours, three hours, or the entire day? Tell us;
28 you were the secretary for the RUF.

29 A. No. I think they took an hour they were [indiscernible],

1 because I hadn't a watch on me. I think it was one hour. That
2 is what I think.

3 Q. After an hour they left; is that what you're saying?

4 A. Yes.

15:53:59 5 Q. Did they come back?

6 A. No.

7 Q. In a question I asked you earlier on, you mentioned that
8 they were there for two days. Now --

9 PRESIDING JUDGE: Is there an objection?

15:54:16 10 MR POWLES: No, Your Honour.

11 PRESIDING JUDGE: Continue.

12 MR KAMARA:

13 Q. In a question I asked you earlier on, you said the Kamajors
14 were there for two days, now you are saying they were there for
15:54:30 15 an hour, and they left, they never returned. What do you want us
16 to believe?

17 A. I didn't say they were there for two days. When you said
18 the job that I was doing, the clerk job that I was doing, I said,
19 after two days they knew that I was a clerk.

15:54:53 20 Q. Meaning that they were there for two days; is that not so?

21 A. No.

22 Q. Tell us, how did they know you were the clerk? Where were
23 they when they knew you were the clerk?

24 A. At that time that they knew I was a clerk, when they --
15:55:27 25 when they went -- between those two days, someone came from them
26 I came and explained to me, and said that those guys know that
27 you are a clerk, but you didn't do anything bad, so that's why
28 they didn't even do anything wrong to you.

29 Q. Now you're explaining that someone came from the Kamajors

1 and informed you about what they were thinking; is that what
2 you're telling this Court?

3 A. Someone came -- a civilian came from the village where they
4 were based, and that was what the civilian explained to us.

15:56:21 5 Q. Which village was that?

6 A. Blama.

7 Q. Where in -- where is this Blama?

8 A. Yawbeko Chiefdom, Bonthé District.

9 Q. Now, will you tell this Court where you were standing when
15:56:45 10 you saw your mother being thrown into the fire?

11 A. I was amidst that crowd where all of us were assembled.
12 That Kamajor Conteh, who wounded my mother and sent her into the
13 fire.

14 Q. Was any other person in that village molested by the
15:57:17 15 Kamajors?

16 A. No.

17 Q. No one suffered any attack from the Kamajors, apart from
18 your mum?

19 A. Yes.

15:57:52 20 Q. Now, Mr Lansana, I am putting it to you that yourself --
21 your mother and yourself were suspected rebel collaborators;
22 right?

23 A. Well, for me, I could say yes, because I was -- I used to
24 write letters for them, but I can't say for my mother because --

15:58:38 25 Q. But then your mother suffered death as a result; I'm
26 putting that to you as well.

27 A. With the Kamajors?

28 Q. At the hands of the Kamajors?

29 A. Yes, that is what you have said, the Kamajors.

1 Q. And you seriously want this Court to believe that, in your
2 case, nothing happened to you?

3 A. Apart from the time that they burnt and when they killed my
4 mother, they didn't do anything to me.

15:59:33 5 Q. Yes, that is what I'm saying. I suggested to you that they
6 were looking for you, the secretary. Unfortunately, your mother
7 was a victim, and you're telling this Court you were there and
8 nothing happened to you; is that what you're telling this Court?

9 A. I was there when they killed my mother, and even the town
16:00:09 10 speaker was there when this incident took place. That is what --
11 what I saw is what I am explaining. I was there.

12 Q. And this incident, of course, was after the overthrow of
13 the President; is it?

14 MR POWLES: Just for clarification, it may assist if my
16:00:43 15 learned friend specifies which President. I know this country
16 has a troubled history and many Presidents have been threatened
17 during the course of its history. It may assist the witness to
18 know which President my learned friend is talking about.

19 PRESIDING JUDGE: Counsel.

16:00:58 20 MR KAMARA:

21 Q. I said, and that incident occurred after the overthrow of
22 President Ahmed Tejan Kabbah; am I right?

23 JUDGE ITOE: Which incident? This one he's referring to?

24 MR KAMARA: Yes, My Lord, the incident of --

16:01:13 25 JUDGE ITOE: The attack by the rebels in March --

26 MR KAMARA: The attack by the Kamajors.

27 JUDGE ITOE: -- or May 1995? First, captured
28 [indiscernible] by the rebels in May 1995, and then by the
29 Kamajors in November or September of 1995.

1 MR KAMARA: My Lord, I'm trying to get a clearer picture of
2 the date. Sometimes witnesses associate events with certain
3 happenings, and he's given a date. I'm trying to verify that
4 date. That is why I'm linking him up to that kind of a linkage
16:01:46 5 that we've used, the incidence of the overthrow of the President.
6 Sometimes they say it happens before, it happens after. He's
7 given us a date. I'm putting it to him now that in fact that
8 incident occurred after the overthrow of President Kabbah, not
9 according to the date he's given us. I didn't want to spell it
16:02:06 10 out as clear as that, My Lord, and that is why --

11 JUDGE ITOE: I was looking at the dates he gave to the
12 Court, that is why I came with this intervention.

13 MR KAMARA: I understand.

14 JUDGE ITOE: You may proceed.

16:02:18 15 MR KAMARA: Thank you.

16 Q. Mr Witness, this incident you've narrated, the Kamajor
17 attack, I am putting it to you it occurred after the overthrow of
18 President Ahmad Tejan Kabbah by the AFRC.

19 A. At that time, Mr Tejan Kabbah had not even become the
16:02:55 20 President.

21 Q. Who was the President?

22 A. Maada Bio was in the Presidency, Julius Maada Bio.

23 Q. Julius Maada Bio.

24 MR KAMARA: No further questions of this witness.

16:03:29 25 PRESIDING JUDGE: Thank you. Re-examination?

26 MR POWLES: No re-examination, Your Honour.

27 Your Honours --

28 PRESIDING JUDGE: May I release the witness. Witness.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: We thank you for your testimony. You're
2 now released.

3 THE WITNESS: Okay.

4 PRESIDING JUDGE: Would the representative of the Witness
16:04:06 5 and Victims Unit escort the witness out, please.

6 MR POWLES: Your Honours, I did indicate a short
7 adjournment earlier would speed things up, and indeed it has. I
8 am now in a position to indicate that Moriba Sellu will not be
9 called on behalf of Mr Fofana. Accordingly, for the time being,
16:04:24 10 that concludes the live evidence that will be called on behalf of
11 Mr Fofana until, of course, the expert witness Daniel Hoffman
12 attends on 9 October.

13 PRESIDING JUDGE: In other words, your case is held in
14 abeyance?

16:04:42 15 MR POWLES: Your Honours, yes.

16 [The witness withdrew]

17 PRESIDING JUDGE: Are we on firm ground that Dr Hoffman
18 will be available on 9 October?

19 MR POWLES: Your Honours, yes. It is anticipated --

16:04:58 20 PRESIDING JUDGE: Bearing any unforeseen circumstances.

21 MR POWLES: Your Honours, yes. As I understand it, he
22 arrives on 6th October, well in advance of his proposed testimony
23 on 9th October.

24 PRESIDING JUDGE: Right. Mr Margai.

16:05:14 25 MR MARGAI: Yes, My Lords.

26 PRESIDING JUDGE: This morning, following your application,
27 the Court made an order that the defence for the third accused
28 will commence on 5th October 2006.

29 MR MARGAI: Yes, My Lord.

1 PRESIDING JUDGE: Is there any variation or revision in
2 your position on advance date? If not, I am prepared to adjourn
3 the trial to that date.

16:05:50 4 MR MARGAI: My Lord, following Your Lordships' order this
5 morning, we have, in fulfillment of our undertaking, dispatched
6 our investigator to ensure that the witnesses will be here on the
7 agreed date -- before the agreed date, for us to commence on
8 Thursday.

16:06:12 9 PRESIDING JUDGE: Very well. Are there any other matters
10 that need to be taken care of before we adjourn for today?
11 Excuse me. Just a minute.

12 [The Trial Chamber conferred]

16:07:20 13 JUDGE BOUTET: Mr Powles, just some clarification on your
14 position with respect to witnesses to be called. Do we
15 understand that where we are at the stage we're at in the calling
16 of the evidence on behalf of the second accused, there is only
17 one witness left, which is your expert, Dr Hoffman, on
18 9th October, which means that -- I say this, because at the last
19 status conference, I recall you had indicated, either yourself or
16:07:40 20 somebody else in the team, that there was still some possibility
21 about General One Mohamed to be called. I just want to have some
22 clarification as to what it is and what's your position. Now
23 we're adjourning for the third accused to proceed next week on
24 the 5th, pending the calling of your last witness, I insist, the
16:08:04 25 last witness.

26 MR POWLES: Your Honours, yes. If Your Honours would just
27 give me one moment. Your Honour, certainly in relation to
28 General One Mohamed, my learned legal assistant has made attempts
29 to try and contact him. They have proved fruitless. It seems to

1 me there is no prospect of him being called.

2 I should perhaps alert Your Honours at this stage, and it
3 is perhaps premature, that there is one possible last witness, or
4 additional witness, factual witness, who may be called on behalf
16:08:56 5 of Mr Fofana. It's proving difficult to locate him and ascertain
6 the precise details of the issues he can assist with. However --

7 PRESIDING JUDGE: That would be an additional witness?

8 MR POWLES: It would be one additional witness.

9 PRESIDING JUDGE: Of course, you would have to invoke the
16:09:14 10 necessary statutory provision.

11 MR POWLES: We certainly would. That's why I say it is
12 premature at this stage, because I'm not really in a position to
13 do it. If we do it, it would need to be done formally and
14 properly, and giving all parties due notice, which is why I'm not
16:09:31 15 in a position to do it now with all the relevant details in front
16 of me --

17 PRESIDING JUDGE: In answer to Justice Itoe's --

18 JUDGE ITOE: Is he in Sierra Leone?

19 MR POWLES: As I understand it, yes, he is in Sierra Leone.
16:09:41 20 He's a Sierra Leonean.

21 JUDGE ITOE: Is he a Sierra Leonean?

22 MR POWLES: As I understand it, yes.

23 JUDGE BOUTET: Even though it may be premature, I don't
24 want to push you much further in this respect, but I'm asking
16:09:51 25 this question because we want to see where and when it is you
26 will be closing your case. As you've asked this Court indulgence
27 for Dr Hoffman to be called out of sequence, and so on, and we
28 all agreed to this to facilitate the calling of that particular
29 witness, now it is our expectation that, at least when Dr Hoffman

1 comes and finishes his evidence, that should conclude the case
2 for your client at that time. So it means that if another
3 witness -- and you made the application that another witness
4 would be called between now and that time, presumably.

16:10:21 5 MR POWLES: Your Honours, yes.

6 PRESIDING JUDGE: Well, before you -- it joins the both
7 together. In fact, I think the situation is complicated by the
8 fact that you have already applied for a *92bis* evidence --

9 MR POWLES: Your Honours, yes.

16:10:36 10 PRESIDING JUDGE: -- to be received by this Court and that
11 the Prosecution is strenuously objecting to it. So that, I
12 think, complicates scenario and whatever you might want to give
13 us as an undertaking in response may well give the situation a
14 different complexi on.

16:10:53 15 MR POWLES: Your Honour, yes.

16 PRESIDING JUDGE: If you want to give any definitive
17 positions, it's entirely up to you.

18 MR POWLES: Your Honours, perhaps it's safer once the
19 precise details and information the potential witness is able to
16:11:10 20 offer is ascertained, then the matter could be canvassed with
21 learned legal counsel for the third accused to ascertain his
22 views and his views as to whether it impacts at all in any way on
23 his case, and also the Prosecution as well. Only then would we
24 come to the Court and seek the Court's leave to do so, being in a
16:11:26 25 position to give the Court the full picture. But it may not even
26 arise, Your Honour. At this stage, I just raise it as a
27 possibility to be open with the Court.

28 PRESIDING JUDGE: So the best approach would be to wait and
29 see?

1 MR POWLES: Your Honours, yes.

2 PRESIDING JUDGE: Rather than fix any tentative dates.

3 MR POWLES: Your Honour, yes.

4 PRESIDING JUDGE: Or tell us of any firm positions that can
16:11:47 5 be taken.

6 MR POWLES: Your Honours, yes. It may be that my learned
7 friend for the third accused would object and, in those
8 circumstances, I may not come to Your Honours to seek leave to
9 call him. At this stage, it is certainly premature, because I'm
16:11:59 10 not in any real position to tell the Court, or, indeed, my
11 learned colleagues any further information. It is only then and
12 when we are in a position to even contemplate calling that
13 witness that I would seek to trouble the Court and my learned
14 colleagues. But now is certainly premature. I just raise it.

16:12:18 15 JUDGE ITOE: Well, it's good you are giving us the
16 indication there is a possibility.

17 MR POWLES: Your Honours, yes.

18 JUDGE ITOE: We appreciate the [indiscernible] which we'll
19 examine, if it ever arises, at the appropriate time.

16:12:30 20 MR POWLES: I'm grateful, Your Honours.

21 PRESIDING JUDGE: Does the Prosecution have any
22 contribution to make on this before I bring this proceeding to a
23 close.

24 MR KAMARA: Yes, My Lord. Thank you. Before getting to my
16:12:40 25 learned friend Mr Margai's position, in as much as we --

26 PRESIDING JUDGE: For his position now, we have something
27 like a tentative fait accompli. There is a Court order --

28 JUDGE ITOE: For the 5th.

29 PRESIDING JUDGE: For the 5th.

1 MR KAMARA: Yes, My Lord.

2 PRESIDING JUDGE: Perhaps you should avoid that.

3 MR KAMARA: No, it is only in relation to the order of call
4 of witnesses so we can service in time; we don't come back and
16:13:03 5 then, because there is an indication they are going to shorten
6 the list, and we want to -- they're moving witnesses back and
7 forth.

8 PRESIDING JUDGE: Yes.

9 MR KAMARA: If only we know in time, that will help us come
16:13:10 10 ready, that is for Mr Margai's team. And with the notice given
11 by my learned friend, Mr Powles, the Prosecution has actually
12 leaned backwards a lot to accommodate the defence and now, if
13 he's suggesting a witness that we do not know of, and we haven't
14 heard of --

16:13:26 15 JUDGE ITOE: It should. This Court has leaned very much
16 further backwards to accommodate everybody.

17 MR KAMARA: Yes, and that would be a very, very tight
18 position for us.

19 JUDGE ITOE: This is one of the attributes of a fair trial.

16:13:39 20 MR KAMARA: Yes, My Lord.

21 JUDGE ITOE: Yes.

22 MR KAMARA: In our position, that would be a very, very --
23 we would be very constrained if ever that application is made
24 within such a time, and I'm giving an indication that we would,
16:13:52 25 most likely seek an adjournment, because we may need to
26 investigate and probe further about this witness.

27 JUDGE ITOE: You seek an adjournment. It depends on
28 whether the application for the adjournment will be granted and
29 for how long --

1 MR KAMARA: And whether the additional witness motion would
2 be granted.

3 JUDGE ITOE: Oh, well, they are all hypothetical
4 situations.

16:14:12 5 MR KAMARA: Yes, My Lord. Thank you, My Lord.

6 PRESIDING JUDGE: Is there anything else? Consistent with
7 our order made this morning, the trial is adjourned to
8 5th October at 9.30 a.m .

9 [Whereupon the hearing adjourned at 4.12 p.m , to be
16:15:10 10 reconvened on Thursday, the 5th day of October 2006,
11 at 9.30 a.m]

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WITNESSES FOR THE DEFENCE:

WITNESS: Junisa Conneh	7
EXAMINED BY MR BOCKARIE	7
CROSS- EXAMINED BY MR BANGURA	17
WITNESS: TOMMY JABBI	29
EXAMINED BY MR POWLES	30
WITNESS: BILLOH CONTEH	33
EXAMINED BY MR BOCKARIE	34
CROSS- EXAMINED BY MR BANGURA	45
WITNESS: JOSEPH LANSANA	60
EXAMINED BY MR POWLES	60
CROSS- EXAMINED BY MR KAMARA	66