

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

MONDAY, 30 JANUARY 2006
9.43 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Anna Matas
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Joseph Kamara Mr Kevin Tavener Ms Bianca Suciu (Case Manager) Ms Lynn Hintz (intern)
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Michiel Pestman
For the accused Allieu Kondewa:	Mr Ansu Lansana

1 [CDF30JAN2006 - SGH]
2 Monday, 30 January 2006
3 [Open Session]
4 [The accused present]
09:33:30 5 [Upon commencing at 9.43 a.m.]
6 PRESIDING JUDGE: Dr Jabbi, are you ready to proceed?
7 MR JABBI: Yes, My Lord.
8 WITNESS: SAMUEL HINGA NORMAN [Continued]
9 EXAMINED BY MR JABBI: [Continued]
09:44:08 10 Q. Good morning, Mr Witness.
11 A. Yes, My Lord.
12 Q. When we broke off the other time we had just returned to
13 Base Zero and you were answering a series of questions on the use
14 of the phone, the satellite phone. I would suggest we continue
09:45:47 15 with that for a while. Now, can you tell the Court the sorts of
16 persons and particular persons who communicated with you on the
17 satellite phone whilst you were in Base Zero and with whom you
18 also communicated?
19 A. Yes, My Lord. I was informed on the phone itself that the
09:47:11 20 main purpose for which the phone had been made available to me
21 was to facilitate constant communication with His Excellency the
22 President, who was also the commander-in-chief and the minister
23 of defence, automatically my boss.
24 Q. By whom were you so informed?
09:48:07 25 A. By the minister of finance his own self voice when he
26 talked to me on the phone.
27 Q. Yes, carry on.
28 A. But that the phone could be used not very strictly only for
29 that purpose. So, most of the times the phone was used to

1 contact the BBC and other news media by an electronic media
2 communication man, now deceased. He was called Prince Brima,
3 Mr Prince Brima. Who often spoke on the BBC Focus on Africa. I
4 spoke some of the times.

09:49:45 5 JUDGE ITOE: What was the name again - Brima?

6 THE WITNESS: Prince Brima, My Lords. I spoke sometimes to
7 Mrs Patricia Kabbah, the wife of His Excellency, the first lady.
8 I also spoke sometimes to the chief of staff, ECOMOG, Liberia.
9 There was no satellite communication facility between myself,
09:50:59 10 national co-ordinator, and the commanders in the field who
11 working with other ECOMOG commanders.

12 JUDGE ITOE: "Commanders in the field"; do you mean --

13 THE WITNESS: The hunters/commanders, My Lord. Every
14 fighting group right up to chiefdom level. From the number of
09:51:50 15 three, that was section, right up to the number of platoon, that
16 was 32, and a number of chiefdom commanders, that was from 75
17 beyond, had commanders up to --

18 JUDGE ITOE: Please take that again. Those who had
19 commanders takes those units again.

09:52:23 20 THE WITNESS: The units, the smallest was three, three men.
21 They had one commander.

22 PRESIDING JUDGE: Three men, how would you call them? A
23 section?

24 THE WITNESS: These were -- we referred to them as section,
09:52:43 25 My Lord. My Lord, thank you for the correction. Then from
26 section to squad; I omitted that one. The squad was seven. And
27 then from squad to platoon, 32 men. And then to a company. That
28 was the level of the command at that time. Company was anything
29 from 75 to 100 men. They all had commanders and that was at the

1 level of chiefdoms. Now, when it was decided that there should
2 be bigger command structure --

3 JUDGE ITOE: Decided by who?

4 THE WITNESS: The War Council. And arrangement was put in
09:53:55 5 place to recall to Base Zero all those who were leaders that
6 could be considered for command responsibility. To be recalled
7 to Base Zero and be processed through interviews by the man that
8 was placed in charge, called the director of appointments, whose
9 name was -- appointments and promotion whose name was XXXXXX
09:54:52 10 XXXX XXXXX.

11 MR JABBI:

12 Q. Now, if I may just ask at that juncture, you have named
13 various units up to --

14 A. The chiefdom.

09:55:11 15 Q. Yes. And your last statement deals with calling those who
16 could be said to have command responsibility. In relation to the
17 units that you have named, which of them were so considered who
18 were called to Base Zero?

19 A. All commanders at that level. All commanders. It was a
09:55:33 20 huge number, from the various chiefdoms, from the platoon to the
21 level of chiefdom commanders were all called and they were
22 interviewed, and a list of those recommended by the promotion and
23 the command responsibility committee.

24 PRESIDING JUDGE: How many people are we talking about,
09:56:13 25 that you recall?

26 THE WITNESS: Yes, we are talking about maybe 100, 150 men.

27 MR JABBI:

28 Q. Section commanders were excluded?

29 A. Some -- no, section commanders were not involved. They

1 were platoon commanders and other -- and the chiefdom commanders.
2 Section commanders remained in charge when these men had
3 returned -- had been recalled. So the appointment and promotion
4 committee screened them and later their names were released to
09:56:59 5 the War Council for promotion to the ranks of battalion commander
6 and senior battalion commanders. Battalion commanders and senior
7 battalion commanders.

8 Now, the difference, My Lord, is that those that are
9 soldiers will get this as a confusion, but I will explain that.
09:57:33 10 The battalion commanders were strictly those that were in charge
11 of chiefdoms -- wrong, in charge of the districts, districts.
12 The senior battalion commander was in charge of a group of
13 chiefdoms that was the leftover when the chiefdoms were divided
14 and added to the entire district. So you had the chiefdom
09:58:36 15 battalion commander, then you have the district battalion
16 commander. So the district battalion commander was a senior
17 battalion commander.

18 And there was no communication between myself and those
19 people through the satellite phone. That is what I was --

09:58:57 20 MR JABBI:

21 Q. All this line of command among the hunters were out of your
22 reach on --

23 A. Telephone.

24 Q. -- the telephone?

09:59:10 25 A. Yes, satellite telephone, My Lord.

26 Q. Now, although we are for the moment concerned with those
27 you could reach on the telephone, but since you have mentioned
28 this line of command, I just want to ask one question before
29 going to those you were able to contact on the phone.

1 A. Yes, My Lord.

2 Q. And that question is: About when was this arrangement,
3 this system of appointments adopted?

4 A. This was a wee bit before the end of December.

10:00:11 5 Q. What year?

6 A. 1998. Wrong, 1997, My Lords.

7 Q. 1997?

8 A. 1997. A wee bit --

9 Q. A wee bit before the end of December?

10:00:36 10 A. Yes, My Lord.

11 Q. Is that to say it was in December?

12 A. Any time between 15th December to the end of December.

13 Q. Thank you. So if we can get back to those who could
14 communicate with you and you could communicate with on the phone.

10:01:12 15 You named a few of them; His Excellency the President, his wife
16 and one or two others. I want us to take them one by one for a
17 moment. Let us say His Excellency the President. Can you tell
18 the Court the sorts of communications you had with His Excellency
19 the President on the satellite phone?

10:01:48 20 A. My Lord, this was basically dealing with the situation at
21 that time which was war and the struggle to reinstate the
22 presidency, government and restoring democratic system back to
23 Sierra Leone. And the President was --

24 Q. Keep watching your pace, please?

10:02:20 25 A. Thank you. And the President was most concerned about
26 cooperation, especially between the hunters and the ECOMOG forces
27 on the ground. His concern was that the success and failure
28 depended on that cooperation between those forces.

29 Q. The success and failure of what?

1 A. Of the mission to reinstate government -- democratic
2 government back to Sierra Leone. And he was often always
3 requesting that he be informed and he was so informed. Every
4 time there was need for his input in increased requirements in
10:03:48 5 the area of arms and ammunition he would be told. It was his
6 area that made the supply of the need for logistics, particularly
7 arms and ammunition -- were made affordable and available.

8 Q. Apart from this exchange of concern and information, did
9 he, as a minister of defence, communicate any instructions to
10:05:01 10 you, as national co-ordinator, on the telephone?

11 A. Please, I would like you to repeat. I don't quite
12 understand.

13 Q. You have explained various expressions of concern and
14 exchange of information between His Excellency and yourself on
10:05:38 15 the telephone. My question is: Apart from those expressions of
16 concern or exchange of information, were any specific
17 instructions communicated by His Excellency to you, as his
18 national co-ordinator, on the phone?

19 A. My Lords, whatever His Excellency communicated with me
10:06:14 20 during that time was basically and specifically to pursue the
21 success of the operation that was going on to reinstate his
22 government and democracy in Sierra Leone. His very concern was
23 whenever needs arose for logistical support or increased, he
24 should be immediately informed, and that I constantly did.

10:07:40 25 Q. I take it that you perceived his concerns as instructions
26 in respect of that objective.

27 PRESIDING JUDGE: I am not sure this is his evidence. It
28 is your interpretation of the evidence of the witness.

29 JUDGE THOMPSON: Quite right, and I think it is getting

1 argumentative.

2 PRESIDING JUDGE: I think the evidence is quite clear. I
3 mean, the witness clearly stated that the President had clearly
4 indicated to him that whenever there was needs for support or
10:08:14 5 increased support in arms and ammunition he should call in and he
6 would immediately respond to it. That was essentially the
7 essence of his evidence.

8 THE WITNESS: Yes, My Lord, and I would like to go that
9 whether it was the army or any organisation, the wishes of one's
10:08:39 10 senior is always considered a command. More particularly, the
11 President.

12 JUDGE THOMPSON: That is a perception, is it not? Because
13 there could be cases where wishes may not even be of the nature
14 of commands. That's why I thought was it argumentative and
10:09:18 15 perhaps too broad a proposition to put to you in a sense leading
16 and inviting -- because I could take issue with that. My father
17 sometimes would give me some -- express some wishes that I would
18 never have considered commands.

19 THE WITNESS: Yes, My Lord. My background as a soldier is
10:09:43 20 that there was hardly any excuse for me to tell the President,
21 "No, I won't."

22 JUDGE THOMPSON: That's okay. I just wanted to put a
23 hypothetical way --

24 THE WITNESS: I understand, My Lord, thank you.

10:10:00 25 JUDGE ITOE: What you are suggesting, Mr Norman, if I can
26 clarify myself, is that you were his military inferior.

27 THE WITNESS: There was a commander-in-chief, My Lord.

28 JUDGE ITOE: Inferior, yes.

29 THE WITNESS: Yes.

1 JUDGE ITOE: And so you considered whatever he told you as
2 an instruction -- as an order, rather?

3 THE WITNESS: Yes, My Lord, and I could complain later, but
4 I would have to carry out.

10:10:29 5 PRESIDING JUDGE: Mr Norman, so I understand what you are
6 saying, you did consider yourself at that time in those functions
7 that you occupied to be in the military structure. Because you
8 have just been using it. "He was my military superior," so,
9 based on that, do I have to conclude that you viewed yourself in
10:10:52 10 those circumstances as in a military kind of chain of command or,
11 if not, I would like to hear from you what you mean by this.

12 THE WITNESS: Fine, My Lord. This was not military in
13 reference to the organisation that was referred to as the
14 hunters. It was only that between the commander-in-chief and the
10:11:24 15 minister of defence, having a retired military officer as a
16 deputy, that that was considered relationship, My Lord.

17 PRESIDING JUDGE: But who considered it to be of that kind
18 of relationship? You did, or the President did, or everybody
19 did?

10:11:56 20 THE WITNESS: Well, I was under orders by the President so
21 I considered myself. That was not relative to any other person.
22 That's was how I was considering his orders to me.

23 PRESIDING JUDGE: Thank you.

24 MR JABBI:

10:12:16 25 Q. To pursue that line of questioning by His Lordship, may I
26 also ask: Apart from your considering that you were a military
27 inferior to your own commander-in-chief and minister of defence,
28 since he was also the President of Sierra Leone did you consider
29 that you were an inferior to him other than a military inferior?

1 A. Indeed, My Lord. The President is always the President.

2 PRESIDING JUDGE: You considered yourself to be inferior or
3 a subordinate?

4 THE WITNESS: Well, relative terminology of the language, I
10:13:10 5 would prefer that "subordinate" would be most appropriate in my
6 case.

7 MR JABBI:

8 Q. So what you are saying - correct me if I am wrong - is that
9 insofar as your relationship with him as President of Sierra
10:13:35 10 Leone, you were a non-military subordinate.

11 A. Indeed I was a non-military subordinate. I was not in
12 uniform. I was only saying that with my background training and
13 discipline, that was what I was considering. But, in actual
14 fact, I was a civilian subordinate to him, not a military
10:14:02 15 subordinate.

16 Q. Thank you. Now do you wish to say anything more about your
17 communication with the President on the satellite phone just
18 before we leave it?

19 A. My Lord, I would prefer to respond to your leading me.

10:15:00 20 Q. Now you also mentioned the President's wife as one of those
21 with whom you had communication on the phone. Can you explain to
22 the Court what sorts of communication you had with the
23 President's wife with that phone?

24 A. Yes, My Lords. The President's wife, Lady Patricia Kabbah,
10:15:47 25 was particularly very concerned about the part of Sierra Leone
26 she came from and she was always asking about Bonthe, about
27 Borhoi, her birth village.

28 Q. Please oblige the Court spellings of the particular names
29 that you are using. Thank you.

1 A. Thank you, My Lord. Bonthe --

2 PRESIDING JUDGE: Bonthe is okay.

3 THE WITNESS: Thank you, My Lord. Borhoi is B-O-R-H-O-I.
4 Borhoi. Sometimes it is U-I, sometimes O-I.

10:16:36 5 PRESIDING JUDGE: So this is the village where she --

6 THE WITNESS: The village of her birth. She was
7 particularly very, very concerned, especially at that time when
8 part of the army, the navy part of the army, was occupying those
9 two areas. I could remember that when on the BBC it was released

10:17:26 10 through the news that the navy head departed Bonthe and Borhoi
11 under pressure by the sea operators of the Kamajors, named
12 Cassilla Battalion.

13 Q. Selling please?

14 A. Cassilla. It is, My Lords, C-A-S-S-I-L-L-A. Sometimes it
10:18:35 15 is K but it is Cassilla Battalion.

16 Q. Was there a specific battalion by that name?

17 A. There was a very specific battalion by that name and since
18 the men composing that group had come merely from the sea men and
19 they have a legendary sea -- we call them sea devils or sea devil
10:19:20 20 by the name of Cassilla.

21 Q. Just for clarification can you spell sea?

22 A. S-E-A, Sea.

23 PRESIDING JUDGE: We understood that to be sea. If they
24 are doing navy operations it makes sense that it would be sea.

10:19:38 25 THE WITNESS: Sea devil. That was of various prowesses and
26 Masonic origin. So the battalion took their name after Cassilla
27 and they were wonderful also. So she was very jubilant over that
28 news and she even spoke that she was sending somebody with an
29 amount of \$10,000 to be used as part of logistical support and

1 for me to convey to the fighters, particularly the Cassilla
2 battalion, that she was very proud of them. She even promised
3 that she was communicating by a letter, and that she would give
4 further offers. One of them was if there was any way I could
10:21:19 5 make arrangement for the commander of that battalion to be
6 conveyed to Guinea for her to see the commander personally.
7 Thereafter, she also at another time --

8 JUDGE ITOE: Can you please watch your pace, please?

9 THE WITNESS: Thank you, My Lords. Thereafter, she also at
10:22:13 10 another time informed me, through the same satellite phone, that
11 Sierra Leoneans in the United States had put arrangements in
12 place to assist her husband the President to support the hunters.
13 Those are some of the times I remember communicating with
14 Lady Patricia Kabbah.

10:23:22 15 MR JABBI:

16 Q. Some of the times; not so?

17 A. There could have been many, sir.

18 Q. Thank you. Now, you mentioned a promise by her to send
19 some money for the assistance or welfare of the Cassilla
10:23:50 20 battalion. Did she send that money?

21 A. Indeed, I was informed by Honourable Pujeh, Momoh Pujeh,
22 that the amount of \$10,000 had been given to him to be
23 conveyed --

24 JUDGE ITOE: Given to him by who?

10:24:52 25 THE WITNESS: Given to him, My Lord, by
26 Lady Patricia Kabbah to be conveyed to me on behalf of the
27 hunters. I remember I was helicopter-lifted from Base Zero to
28 Monrovia where I received this amount and with which I purchased
29 few needfuls and returned to Base Zero with him and informed the

1 chairman of members of the War Council of the transaction.

2 MR JABBI:

3 Q. Did the War Council do anything about it?

4 A. Yes, My Lord, they did. The man who was round -- the
10:26:53 5 paramount chief was a member of the War Council from Bonthe
6 District.

7 Q. Name, please?

8 A. He is now late. He is Charlie Tucker, paramount chief
9 Charlie Tucker of Gbap, G-B-A-P. Nongoba Bullom Chiefdom.

10:27:17 10 Q. Spell it please, Nongoba Bullom.

11 A. M-O-N-G-O-B-A B-U-L-L-U-M [sic].

12 Q. Nongoba Bullom?

13 A. Chiefdom. He was in charge of whatever we got from who
14 ever and wherever supporting the war.

10:27:52 15 Q. In charge of?

16 A. The store that was storing whatever we got.

17 Q. Do you know what happened to the money?

18 A. Yes, My Lord. I told their Lordships --

19 PRESIDING JUDGE: He got food in Monrovia.

10:28:23 20 THE WITNESS: That I bought --

21 MR JABBI: Sorry. The things that you bought, what
22 happened to them?

23 A. My Lord, they were heli-lifted from Monrovia to the base
24 and these were, so to speak, handed over to the chairman of the
10:28:49 25 War Council for the attention of the War Council. But this was
26 the money I got and those were the things I purchased.

27 JUDGE ITOE: I'm lost somewhere.

28 THE WITNESS: Yes, My Lord.

29 JUDGE ITOE: In reply to an earlier question, you said that

1 the War Council reacted to this gesture by Mrs Kabbah. Did
2 you --

3 THE WITNESS: Yes, sir.

4 JUDGE ITOE: I was expecting to hear from you how -- what
10:29:18 5 this reaction was.

6 THE WITNESS: That is exactly where I'm coming now.

7 JUDGE ITOE: Now we are going into his receiving things and
8 so on and so forth.

9 THE WITNESS: When he received, he reacted and we put in a
10:29:44 10 call for Conakry and I could remember the chairman expressing
11 thanks and appreciation and informing Lady Patricia Kabbah that
12 whatever she had done will eventually be conveyed to the people
13 at the end of the crisis and when government was back in power.

14 MR JABBI:

10:30:29 15 Q. Do you know if it was ever so conveyed?

16 A. I know it was not conveyed. The opportunity did not arise
17 for the chairman of the War Council to convey, to my own
18 knowledge. Maybe he did otherwise.

19 Q. So when you said just now that you know it was not
10:30:56 20 conveyed?

21 A. Meaning that if it was at all, I don't know.

22 Q. Now according to you, Mrs Kabbah, Lady Kabbah, also
23 conveyed to you some information about some assistance that a few
24 people in the United States of America were putting together to
10:31:31 25 assist the President in taking care of the hunters?

26 A. Yes, My Lords.

27 Q. Can you say anything more about whether that materialised.

28 A. Well, later on I was told that set of monies were sent by
29 this group to the President in Guinea.

1 Q. Any idea how much?

2 A. I have an idea of one of such money which was again
3 \$10,000.

4 Q. From the US source?

10:32:48 5 A. Yes, referred to as Tegloma. Tegloma group.

6 T-E-G-L-O-M-A, Tegloma group.

7 Q. What was Tegloma?

8 A. In Mende, My Lord, Tegloma means the means to be lifted up,
9 or for advancement. Tegloma.

10:33:37 10 Q. What group was that?

11 A. Tegloma group, My Lord.

12 Q. I am sure an understanding of it would be necessary beyond
13 the name. What group was called Tegloma group?

14 PRESIDING JUDGE: I think he has testified to that. There
10:34:12 15 was a support group in the US that --

16 MR JABBI: As Your Lordship pleases. Just sometimes to
17 make assurance doubly sure.

18 JUDGE THOMPSON: Yes, but not to cross-examine either.

19 MR JABBI: As Your Lordships please.

10:34:33 20 Q. Do you have any instances of this source? Any other
21 instances of this source of support?

22 A. Yes, My Lord, that this same group --

23 JUDGE ITOE: This same group?

24 THE WITNESS: This same Tegloma group, My Lord, is still
10:35:02 25 existing in the United States and they are still sending messages
26 both to government and the CDF indictees of their continued
27 support for all those who assisted in the restoration of
28 democracy including the hunters.

29 MR JABBI:

1 Q. Watch the pace, please?

2 A. Yes, My Lord.

3 Q. Now are there any other instances of support from them
4 apart from these messages that are coming through? I mean,
10:36:44 5 support during the actual war exercise?

6 A. I don't quite understand, My Lord.

7 Q. You have named a series of items of support sent by the
8 Tegloma group for the war exercise itself.

9 PRESIDING JUDGE: It's not items that were sent forward.
10:37:15 10 It is money that has been sent to the President.

11 MR JABBI: Yes, My Lord. It is the sending of money on a
12 particular occasion that I am referring to as "item". He has
13 named certain items of assistance.

14 Q. And I want to just finally ask if there are any such items
10:37:35 15 you wish to talk about or is it exhausted?

16 A. My Lord, I wouldn't say it is exhausted. Only that after
17 my arrest those type of, you know, assistances could have
18 continued but without my knowledge.

19 PRESIDING JUDGE: But prior to you being arrested --

10:37:52 20 JUDGE ITOE: You cannot testify to what is [overlapping
21 speakers].

22 THE WITNESS: No, My Lord, I can't.

23 PRESIDING JUDGE: But, to your knowledge, during the war
24 and prior to your arrest were there any other transactions of
10:38:04 25 that nature from this US support group?

26 THE WITNESS: Yes, My Lord, and I have told Your Lordships
27 that.

28 PRESIDING JUDGE: Yes, other than those two that you have
29 described, that was the question. Was there any other that you

1 know of?

2 THE WITNESS: I said there were assistances and he asked me
3 to be specific. I said I heard that an amount of money to the
4 amount of \$10,000 was sent.

10:38:39 5 JUDGE THOMPSON: In other words, you have exhausted your
6 [overlapping speakers].

7 THE WITNESS: So to speak.

8 JUDGE THOMPSON: Quite right.

9 MR JABBI:

10:38:46 10 Q. Now you also said that Lady Kabbah mentioned a letter she
11 wrote or was going to write to you?

12 A. Yes, My Lord.

13 Q. Would you want to say anything further about that?

14 A. No, My Lord, I wouldn't want to say anything about that
10:39:12 15 because I did not receive that letter.

16 Q. You did not receive the letter in question?

17 PRESIDING JUDGE: Dr Jabbi, can we move into some areas
18 that are even more pertinent? I know it may be important to know
19 that there was support, but we would like to see a bit more
10:39:49 20 direct questions to matters that are of interest specifically to
21 the Court.

22 MR JABBI: Thank you, My Lord.

23 JUDGE ITOE: Particularly matters which are related to the
24 indictment. That is why we are here. It does not preclude you,
10:40:06 25 of course, from factoring in issues which you think are material
26 to the indictment, but I think we are more interested in as much
27 as what you are saying or the evidence you are adducing as we are
28 equally concerned about getting to the basics of what we are
29 doing here.

1 MR JABBI: Thank you, My Lord.

2 Q. Now closing on that satellite telephone for now, may I ask
3 how it was the bill was funded?

4 A. I don't know, My Lord.

10:41:10 5 Q. You have no idea. So going to those decisions that were
6 taken by the War Council's director of appointments or his
7 committee, what role did you, as national co-ordinator, play in
8 the determination of the specific appointments?

9 A. I personally, My Lords, did not play any other role except
10:42:43 10 in adhering to the advice of the War Council, and signed
11 confirmation of the appointments.

12 Q. Now, Mr Witness, I want to go to the area of ECOMOG's
13 movement into Sierra Leone from Liberia which you spoke about
14 earlier briefly.

10:44:26 15 A. Yes, My Lord.

16 Q. Can you tell the Court any specific arrangements that were
17 made to implement that movement into Sierra Leone?

18 A. Yes, My Lords. The arrangements that were put in place
19 included the introduction of the hunters to conventional weapons;
10:45:33 20 the training of the hunters to handle those weapons; setting up
21 of hospital and treatment centre for wounded as they launched the
22 operation; storage of logistics; Front line from rear area, rear
23 echelon.

24 [CDF30JAN06B - EKD.]

10:46:35 25 This was all arranged at Bo Waterside on the Liberian side.
26 And I'm also aware that back-to-back radio communication
27 arrangement was made for the information of ECOMOG to them, to
28 the troops that will be moving forward. But there was no such
29 arrangement with Base Zero. That radio arrangement, there was no

1 such for Base Zero. So, I was not in touch with anybody, they
2 were in touch with the men in the front line. Those were
3 specifically the arrangements I could remember.

4 PRESIDING JUDGE: Mr Norman, can you explain what you mean
10:48:11 5 by this that you had no such arrangements but they had -- they
6 were in touch of the front line?

7 THE WITNESS: The communication arrangement -- back-to-back
8 communication arrangement; front line to Bo Waterside. I was
9 insisting that I be part of that communication arrangement, but
10:48:31 10 the chief of staff told me there was no such for me at Base Zero,
11 so I was not part of it.

12 PRESIDING JUDGE: But when you say they were in touch with
13 the front line, do you mean the ECOMOG commanders?

14 THE WITNESS: ECOMOG commanders were in touch with their
10:48:47 15 men in the front line. I was not in touch --

16 JUDGE ITOE: With their men, that is the ECOMOG men?

17 THE WITNESS: My Lord, there was the communication
18 arrangement manned by the hunters at Waterside to their
19 commanders -- to the ECOMOG commanders at Waterside, and they had
10:49:08 20 hunters' communication to themselves and the base communication to
21 ECOMOG commanders. That's the field communication arrangement
22 normally.

23 MR JABBI:

24 Q. I believe His Lordship wanted to know whether the
10:49:37 25 communication arrangement was only from ECOMOG commanders at
26 Waterside to ECOMOG commanders at the front line?

27 A. Well, it could well be, but it was extended to hunters'
28 commanders also to Waterside.

29 PRESIDING JUDGE: When you say it was extended to hunters'

1 commanders, you mean hunters' commanders that were on the front
2 line?

3 THE WITNESS: Yes, My Lord. Communicate straight.

4 PRESIDING JUDGE: So they could communicate back to --

10:50:24 5 THE WITNESS: Back -- straight.

6 PRESIDING JUDGE: To Bo Waterside.

7 THE WITNESS: To Bo Waterside, My Lord.

8 JUDGE THOMPSON: And for the sake of clarification you were
9 not part of this link.

10:50:34 10 THE WITNESS: I was not, My Lord.

11 JUDGE THOMPSON: Thanks.

12 MR JABBI:

13 Q. For further clarification of that issue, my understanding
14 of what you have said so far is that the communication line

10:50:44 15 between ECOMOG and the front line was out of your own reach?

16 A. I was not part of --

17 Q. You were not part of it?

18 A. Yes, My Lord.

19 Q. Now, were you, however, able to be contacted by or to

10:51:04 20 contact ECOMOG at any point, whether at Waterside or on the front
21 line?

22 A. When the satellite telephone was installed, then I got
23 contact from Base Zero to the chief of staff.

24 Q. In Monrovia?

10:51:28 25 A. In Monrovia. And I could not contact the hunters in the
26 front line or down Waterside on the satellite.

27 Q. Thank you. Now, Mr Witness, we move to new ground. If I
28 may begin with the overall objectives, strategies and tactics of
29 the effort to reinstate the civilian government. That's the

1 broad area. The overall objective and the strategies and tactics
2 of that effort. What would you yourself say was the principal
3 strategies and tactics adopted or proposed to be adopted in that
4 exercise to reinstate the civilian government?

10:54:31 5 JUDGE THOMPSON: Counsel, could you keep a logical scheme
6 for us? Because you virtually have a three-fold category here:
7 Objectives, strategies and tactics. Of course, I am sure that
8 you know why you want that tripartite sort of classification.
9 But for the sake of logic, wouldn't it be better to begin with
10:54:56 10 the objectives, even if in a nutshell? Just to make the evidence
11 a little more comprehensible from my perspective. But I am not
12 pressing you in case you think otherwise.

13 MR JABBI: That is exactly what I have proposed to do.

14 JUDGE THOMPSON: It is just that you went straight to
10:55:16 15 strategies and tactics.

16 MR JABBI: I was assuming that quite a bit has been said
17 about the overall objectives.

18 JUDGE THOMPSON: Well, I thought you brought it as a new
19 segment.

10:55:26 20 MR JABBI: Yes. So, I will ask the introductory question
21 for this segment.

22 Q. What would you say were the overall objectives of the
23 effort to reinstate the President?

24 A. My Lords, I would not want to talk anything about overall
10:56:03 25 objectives, but rather specific objective relative to the
26 hunters, the fighters. Overall objective will be that of the
27 government and the head of government. That --

28 Q. Please, please, pace, please.

29 A. That which deals with the fighters, as far as my

1 responsibility for co-ordinating was concerned, was for the
2 hunters to assist the superior forces in --

3 Q. Superior forces of?

4 A. Superior forces of the ECOMOG and other forces -- fighter
10:57:15 5 forces that were in Sierra Leone. To reinstate the presidency
6 and restore the democratically elected government. If that runs
7 into relevant strategies, I would say military strategies, and
8 then further run down to military tactics.

9 Q. We are coming to that very soon. Would you say that with
10:58:44 10 that objective the CDF was determined to use any means necessary
11 to defeat the RUF and the AFRC? Any means necessary?

12 A. I would not say that, My Lord. I will only say that we
13 give every required support to the superior forces, ECOMOG, to
14 achieve that objective.

10:59:24 15 Q. And listen to this next question very carefully, please.

16 A. Yes, My Lord.

17 Q. And I will try and give it with very deliberate slowness.
18 Would you also say that the objective of the CDF in that effort
19 included the complete --

11:00:31 20 JUDGE ITOE: Are you not suggesting an answer in putting
21 that question, learned counsel? Are you not anticipating an
22 answer from that question that precedes your really coming to it?

23 MR JABBI: My Lord, I do not think the answer is
24 predetermined in the question I am posing.

11:00:59 25 PRESIDING JUDGE: Well, you are suggesting part of the
26 answer to the witness as such. You are describing to him what
27 you say would be one of the objectives, rather than asking the
28 witness what the objective would have been.

29 MR JABBI: My Lord, I have asked that general question and

1 the witness has answered it. But we have --

2 PRESIDING JUDGE: It is not because we are being generous
3 with you to allow that question that you need to pursue in that
4 direction, as such. We let that question get in, as such, but it
11:01:34 5 was indeed suggested; the previous question.

6 JUDGE THOMPSON: Let me join my learned Justices here and
7 say that it is clearly almost coming to one of the rules that are
8 forbidden in examination-in-chief that you can put leading and
9 suggesting questions. I was thinking perhaps one would have
11:02:01 10 talked about primary and subsidiary objectives. Otherwise if you
11 ask are there any subsidiary or whatever. But to be so
12 particularistic about the objective would clearly run foul of the
13 rule of leading questions and I join my learned brothers in
14 expressing that disfavour.

11:02:29 15 MR JABBI: Thank you very much, My Lords. My Lords, I will
16 rephrase the question and hope that it will not fall foul of
17 Your Lordships' admonition.

18 Q. Now, still with the objectives, with the RUF and AFRC and
19 their supporters or sympathisers, what was the objective of the
11:03:23 20 CDF in this overall effort to reinstate the civilian government?

21 MR TAVENER: I would object to that question, Your Honour.
22 If that could be broken down into -- there are fighting forces
23 mentioned, the RUF/AFRC, and there are sympathisers. Perhaps
24 that can be asked in two parts.

11:03:50 25 JUDGE THOMPSON: Yes, perhaps for the sake of simplicity.

26 MR JABBI: Thank you very much. I agree entirely with my
27 learned friend.

28 Q. The area I wish to pose questions on next concerns the RUF
29 and AFRC, their supporters and their sympathisers. Within that

1 area, if I may first ask, what was the particular objective of
2 the CDF in respect of the RUF and AFRC personnel?

3 A. Thank you, My Lord. At the time when His Excellency and
4 Government of Sierra Leone -- democratic Government of
11:05:12 5 Sierra Leone was in exile, there were two groups of
6 Sierra Leoneans existing. The one group that were supporters,
7 sympathisers and well-wishers of the democratic government that
8 had been thrown -- that had been overthrown on one side and
9 supporters, sympathisers and well-wishers of those who had
11:05:57 10 overthrown that democratic government on the other side. The
11 hunters, eventually CDF, were among the groups of the supporters,
12 sympathisers and well-wishers of the democratic government that
13 had been overthrown and their objective --

14 JUDGE THOMPSON: Slowly, Mr Witness.

11:06:32 15 THE WITNESS: Thank you, My Lord.

16 JUDGE THOMPSON: The hunters.

17 THE WITNESS: The hunters, eventually CDF. Their objective
18 was to join elements of supporters, sympathisers and well-wishers
19 of the democratic government that had been overthrown to be
11:07:14 20 returned to power, meaning reinstated, My Lords. So the CDF or
21 the hunters were completely in opposition to the supporters,
22 sympathisers and well-wishers who would want to obstruct the
23 achievement of the objective of reinstating that democratic
24 government that had been overthrown, My Lords.

11:08:42 25 MR JABBI:

26 Q. How did you propose to overcome that opposition, that is,
27 the opposition by those who had overthrown the government and
28 their sympathisers? How did you propose to overcome it?

29 A. You, meaning the other party that was opposed?

1 Q. I mean the CDF. How did the CDF?

2 A. The CDF co-jointly with the civilian and the superior
3 military force proposed to apply any means within acceptable
4 conditions applicable to overcoming forces that were heavily
11:10:40 5 armed with all sorts of weapons.

6 JUDGE ITOE: What forces?

7 MR JABBI: That was just what I was going to ask, My Lord.

8 Q. Which groups are you referring to as forces that were
9 heavily armed, et cetera?

11:11:15 10 A. Opposed to -- I'm referring to the AFRC/RUF combined at
11 that time called the People's Army, My Lords.

12 Q. So would that mean any military victory over the group, or
13 elimination of the group?

14 JUDGE THOMPSON: Why suggestive again? Why not let the
11:12:26 15 witness give the answer without prompting? The question could
16 be, "What does that mean?"

17 JUDGE ITOE: Overcoming them. How did you intend to
18 overcome them?

19 THE WITNESS: Thank you, My Lord. To overcome them --
11:12:46 20 well, then the strategies --

21 JUDGE ITOE: You've talked of any means within useful and
22 acceptable conditions.

23 THE WITNESS: Yes, My Lord.

24 JUDGE ITOE: Can you expound on this and let us know?

11:12:58 25 THE WITNESS: I am. The strategies that were used by
26 civilians were different from those that were used by the hunters
27 in arms. The civilians negotiated with friends for support and
28 the civil defence, or the hunters, operated with the ECOMOG
29 forces in the field, using arms and ammunition against the forces

1 of the AFRC/RUF that were correspondingly using arms and
2 ammunition, My Lords.

3 PRESIDING JUDGE: Dr Jabbi, before you pursue in another
4 direction, we will break for 15 minutes. Court is adjourned for
11:14:45 5 15 minutes.

6 THE WITNESS: My Lords, I wanted to make a very quick
7 request.

8 PRESIDING JUDGE: Please.

9 THE WITNESS: Through the Bench to let me make a request
11:14:54 10 through my counsel and that you may have to just deal with very
11 presently in a few seconds. That's what I'm requesting.

12 PRESIDING JUDGE: Yes.

13 THE WITNESS: I would like to request through
14 Their Lordships to authorise the provision that has already been
11:15:24 15 requested and granted, but with authority from the Bench, for the
16 three of us to have something for the break. That is a cup of
17 tea, biscuit and cheese from the detention chief. That has been
18 requested but they say I must first obtain the authority from the
19 Bench.

11:15:56 20 PRESIDING JUDGE: If this is what they say they need we are
21 quite prepared to give that authority. If that's all you need,
22 it is so ordered.

23 THE WITNESS: Thank you, My Lords.

24 [Break taken at 11.15 a.m.]

11:45:31 25 [Upon resuming at 11.45 a.m.]

26 PRESIDING JUDGE: Yes, Dr Jabbi, you're ready to proceed
27 and resume the examination-in-chief?

28 MR JABBI: Thank you very much, My Lord.

29 Q. Mr Witness, when we were going for the break you were just

1 explaining the strategies and tactics in dealing with the RUF and
2 the AFRC.

3 A. Yes, My Lord.

4 Q. Can you continue, please?

11:46:56 5 A. I thought I had completed the answer to the question.

6 Q. Thank you. I also want to mention another category of
7 persons. That category is people who did not actively resist the
8 RUF or AFRC occupation. People who did not actively resist the
9 RUF or AFRC occupation. Was the CDF in fact aware of any such
10 persons?

11:47:58

11 A. The CDF, My Lords, is a huge population of people. As
12 knowledge to the administration of such people, I wouldn't say,
13 My Lord.

14 Q. You will not say about the organisation's knowledge of such
15 persons?

11:48:42

16 A. No, My Lord.

17 Q. Did the CDF have any plan to deal with any such persons?

18 A. My Lords, I have said that I wouldn't say whether the CDF
19 had such groups in mind. So whether there was any plan, I would
20 again not say.

11:49:46

21 JUDGE THOMPSON: Learned counsel, what is this area? It's
22 a little -- perhaps I am missing something here. It is a little
23 problematic for me. You identified this category of persons, as
24 you say.

11:50:03 25 MR JABBI: Yes, My Lord.

26 JUDGE THOMPSON: What about them? I don't think you laid
27 any foundation before your subsequent questions were put to the
28 witness. You said there was a category of persons, namely those
29 who did not actively resist the RUF and the AFRC.

1 MR JABBI: Yes, My Lord.

2 JUDGE THOMPSON: What about those people?

3 MR JABBI: My Lord, I had said earlier on that I was going
4 to ask him a series of questions on certain categories of --

11:50:39 5 JUDGE THOMPSON: Yes, you merely highlighted the theme. In
6 other words, persons who did not actively resist the RUF or the
7 AFRC.

8 MR JABBI: Before that I had said that I was talking about
9 a set of categories of persons in this area and I have dealt with
11:50:56 10 two.

11 JUDGE THOMPSON: And then came the third.

12 MR JABBI: And the third one I have now mentioned and he
13 does not seem to be aware that --

14 JUDGE THOMPSON: What's the question to him about that
11:51:07 15 theme? Because I did not quite get the question.

16 MR JABBI: My Lord, my first question on this third
17 category - that is after the break - was whether the CDF was
18 aware of any persons who did not actively resist the RUF or AFRC
19 occupation.

11:51:30 20 JUDGE THOMPSON: I think that was the hiatus in the thing,
21 but I did not quite get that. What was his response?

22 MR JABBI: His response was that he cannot say -- because
23 the organisation was a big organisation he cannot say whether
24 they knew of any such persons.

11:51:47 25 JUDGE THOMPSON: All right, thanks.

26 MR JABBI: That was his answer.

27 JUDGE THOMPSON: Thank you.

28 MR JABBI: I was just posing the second question whether in
29 fact they had contemplated anything to do with such a group, and

1 he has now said more or less the same answer to the first
2 question.

3 PRESIDING JUDGE: The answer being, "I don't know".

4 MR JABBI: That he will not be in a position to know.

11:53:17 5 Q. Now, Mr Witness, again this is a transitional question. In
6 Base Zero, whilst you were still in Base Zero, was it ever
7 expected that the President could visit Base Zero?

8 A. Yes, My Lord.

9 Q. Can you tell the Court what gave rise to that expectation?

11:54:40 10 A. Yes, My Lord. After we had visitation from the
11 Sierra Leone ECOMOG commander, Colonel then General Khobe, some
12 wishes were expressed through the chairman of the War Council at
13 Base Zero for His Excellency to consider making such a visit.

14 The message was related through General Khobe for His Excellency
11:56:03 15 for secrecy. Information was received later that His Excellency
16 would instead dispatch a delegation. But unfortunately for me,
17 at the time of the delegation's arrival at Base Zero in December
18 1997 I was in a chiefdom headquarter called Tihun. Tihun,

19 T-I-H-U-N, My Lords, in Sogbini Chiefdom, S-O-G-B-I -- wrong,
11:57:42 20 G-B-E-N-I [sic], Sogbini Chiefdom, holding a meeting with some
21 NGOs, My Lords.

22 PRESIDING JUDGE: Dr Jabbi, please.

23 MR JABBI: Yes.

24 Q. Can you say what the delegation did?

11:58:26 25 JUDGE ITOE: Composition of the delegation?

26 MR JABBI: Okay.

27 Q. Can you tell the Court the composition of that delegation?

28 A. No, My Lord, I cannot. I can only guess a few names. I
29 was not in attendance.

1 JUDGE THOMPSON: But you didn't subsequently learn of?

2 THE WITNESS: These are the names that I subsequently got.

3 Among these names was a Mr Humphrey Swaray, a retired captain
4 colleague of mine. The rest of them I would not want to go

11:59:21 5 beyond.

6 JUDGE ITOE: That's the only name you were told? Is that
7 the only name?

8 THE WITNESS: I was told names, but this is the one that
9 really got stuck because of our relationship. Other names are
11:59:42 10 there and some other people who were there may perhaps remember
11 those names.

12 JUDGE THOMPSON: But you cannot now recall it?

13 THE WITNESS: I cannot now recall it, My Lord.

14 MR JABBI:

12:00:04 15 Q. Can you also say from subsequent information what the
16 delegation did?

17 A. Yes, My Lord. I was told they came instead of His
18 Excellency to assure me and other elders around and consequently
19 the hunter fighters of his support for the hunters, and to thank
12:01:29 20 and congratulate them for a job well done. And to implore them
21 to complete the job of reinstating him and his government. I was
22 also informed that the security at Rutile management should be
23 assisted by the hunters at all time. This security was in a
24 village that had sensitive Rutile equipments stored, but far away
12:03:38 25 from Base Zero.

26 Q. What was the name of the village? Where was it?

27 A. I think it was in the area called Mobimbi. M-O-B-I-M-B-I,
28 Mobimbi.

29 Q. What chiefdom and district, if you know?

1 A. Yes, I will try. Kpanda Kemo Chiefdom. Kpanda Kemo
2 Chiefdom.

3 Q. Spelling?

4 A. K-P-A-N-D-A, Kpanda; hyphen; Kemoh, K-E-M-O-H [sic].

12:04:35 5 Kpanda Kemo chiefdom.

6 JUDGE THOMPSON: This part about the security at Rutile --

7 THE WITNESS: Yes, My Lord.

8 JUDGE THOMPSON: -- was that information also got from the
9 delegation?

12:04:52 10 THE WITNESS: Yes, My Lord, but I knew about their
11 existence there.

12 JUDGE THOMPSON: Yes, I was just thinking that the
13 connection, I saw a little lack of connection there, whether the
14 delegation --

12:05:03 15 THE WITNESS: That was part of the delegation's mentioned
16 mission.

17 JUDGE THOMPSON: Mission, I see.

18 THE WITNESS: I am watching the pen. See, I've not
19 completed it.

12:05:31 20 MR JABBI:

21 Q. Carry on. Yes. That's very good.

22 A. Yes, My Lord. And I was told that they had specifically
23 mentioned the security that was based there because His
24 Excellency had received word from the manager that was with this
12:06:12 25 security -- that it was the company's manager with the security.

26 What company?

27 A. The Rutile company manager that was with the security
28 resident at Mobimbi during the war time.

29 Q. Can you give the name of the Rutile company? The name?

1 A. It's Rutile company.

2 Q. Is it perhaps Sierra Rutile?

3 A. Sierra Rutile, you're correct, My Lord. Sierra Rutile,
4 commonly called Rutile Company in Sierra Leone. Sierra Rutile.

12:06:59 5 Q. Carry on, please.

6 A. That they had complained to His Excellency that I was
7 annoyed with them. Me, Chief Sam Hinga Norman, was annoyed with
8 them for not allowing me to use their telephone to contact His
9 Excellency after I had arrived at Base Zero and up to the time of

12:07:51 10 their complaining. And this was true. This perhaps was what
11 necessitated the arrangement of the satellite telephone that the
12 Minister of Finance consequently got sent to me, My Lords.

13 Q. Do you have any more about the arrangements that this
14 delegation dealt with?

12:08:56 15 A. Not to my knowledge now.

16 Q. Thank you. Now if, as you say, President Kabbah was not
17 able in person to visit Base Zero, do you have any instances of
18 visits by the President to any other locations involving the CDF?

19 A. Many, many, My Lord.

12:09:42 20 Q. Yes, please.

21 A. Throughout Sierra Leone the President made series of visits
22 to places like Moyamba, Bo, Kenema. In his official visit to
23 Makeni he made reference to --

24 JUDGE THOMPSON: What is the time frame here?

12:10:27 25 THE WITNESS: We are talking about from 1998, after the
26 return -- the reinstatement of His Excellency, up to even as I
27 was in detention here. That is last year, 2005, My Lords.

28 JUDGE THOMPSON: Thanks. Kenema, you say?

29 THE WITNESS: Yeah, he even again went to Telu, to

1 sympathise with the people and join in the prayers at the common
2 grave of those who died there in one of the attacks.
3 MR JABBI: [Microphone not activated]
4 PRESIDING JUDGE: Your microphone.
12:11:33 5 MR JABBI: Sorry, My Lord.
6 Q. Can you take those visits one after the other and give a
7 time frame and circumstances of the visits?
8 A. No, My Lord, I cannot.
9 Q. What can you not in those two things?
12:11:53 10 A. One after the other and give time frame.
11 Q. You cannot give the time frame?
12 A. I do not have the listing of how he visited, but I'm of
13 knowledge that he visited those places.
14 PRESIDING JUDGE: And this is from 1998?
12:12:09 15 THE WITNESS: From 1998, My Lord.
16 PRESIDING JUDGE: Up to 2005.
17 THE WITNESS: From 10th March 1998 to 2005, My Lord.
18 MR JABBI:
19 Q. Now, dealing with the period before March 1998, are you
12:12:38 20 aware of any visits paid by the President to any place in
21 Sierra Leone during the time he was in Conakry?
22 A. As a visit to the hunters or the CDF, no, My Lord.
23 Q. As any visit?
24 A. Plenty. He was the President and he visited Sierra Leone.
12:13:09 25 Q. Any example for that period?
26 A. Yes, My Lord. He went to Bo, Kenema, Makeni.
27 PRESIDING JUDGE: Before 1998?
28 THE WITNESS: Before 1998, My Lord.
29 MR JABBI:

1 Q. No, before 1998?

2 A. Before 1998. From 1996 to 1997 before his overthrow.

3 PRESIDING JUDGE: [Overlapping speakers] I thought the
4 question was while he was in exile.

12:13:33 5 MR JABBI: [Overlapping speakers] Okay, well let me, in the
6 time frame --

7 Yes, indeed.

8 Q. Let us say from the period June 1997.

9 A. After his overthrow?

12:13:41 10 Q. Yes, up to just before his reinstatement. During that
11 period, did he pay any visits to any part of Sierra Leone?

12 A. Yes, My Lord. He visited Lungi, the airport. That is the
13 one I know of.

14 PRESIDING JUDGE: And you testified to that last week, as
12:14:03 15 well.

16 THE WITNESS: Thank you, My Lord.

17 MR JABBI:

18 Q. I would also want to take you to yet another aspect of the
19 entire situation. This now deals with the relationship between
12:14:28 20 ECOMOG and the CDF, and more particularly the aspects of control.
21 Are you aware of any instances of disciplinary action in respect
22 of the CDF by ECOMOG?

23 A. Yes, My Lords. I'm aware of disciplinary action by the
24 ECOMOG against the CDF personnel in Bo Waterside, Kenema,
12:15:53 25 Bo Town, Mile 91, Freetown, and Kono, that they disciplined the
26 CDF personnel under their command.

27 [CDF30JAN06C - CR]

28 Q. One or two specific instances explained would be welcome.

29 A. I would mention the specific disciplinary measure that was

1 taken against a senior battalion commander by the name of Joe
2 Tamidey that was brought from his command headquarter from
3 Koribundu to Bo. He was beaten physically and locked up in the
4 military cell in Bo Town.

12:17:42 5 Q. Do you know for what action or indiscipline?

6 A. Yes, My Lord. I conducted an investigation and the
7 information was forwarded to the Minister of Defence. The
8 content of that information I can only disclose with Their
9 Lordships' permission, because it veiled on secrecy relative to
10 relationship with ECOWAS government and forces.

12:18:26

11 Q. In the respect of the aspect of discipline, you made a
12 report to the Minister of Defence. What happened from that to
13 the action by the ECOMOG?

14 A. I don't understand, My Lord.

12:18:56 15 Q. After the report to the Minister of Defence, from that time
16 to the action taken by ECOMOG, what transpired?

17 A. The action had been taken by ECOMOG commanders in Bo.

18 Q. Before the report?

19 A. Which necessitated my investigation and consequent report,
12:19:26 20 My Lords. It is the content of the report that I am saying that
21 Their Lordships will only have to consider if I should come out
22 with that.

23 Q. We do not, I think, need to go into that.

24 A. Thank you, My Lord.

12:19:58 25 Q. Do you have any other incident of such discipline?

26 MR TAVENER: Before we go to another incident, might we be
27 told when this happened?

28 PRESIDING JUDGE: You mean the incident or the action?

29 MR TAVENER: Yes, when Joe Tamidey was sanctioned.

1 MR JABBI:

2 Q. Can you give us a time frame?

3 A. This was any time after the return of His Excellency from
4 exile, specifically between 10th March to either June or July
12:20:38 5 1998.

6 Q. So at least from March to July of 1998?

7 A. About that. And another disciplinary action was taken --

8 JUDGE ITOE: What was the result of this other disciplinary
9 action?

12:21:04 10 THE WITNESS: My investigation was made and the report was
11 forwarded to His Excellency, who was the Minister of Defence.
12 These were interesting involvements of issues that I would like
13 to treat as secret.

14 MR JABBI:

12:21:29 15 Q. Maybe you have actually given that information earlier, but
16 I think His Lordship only wanted to know what was the
17 disciplinary action.

18 A. I said that the first disciplinary action was that the man
19 was arrested and beaten severely. Other disciplinary actions
12:21:49 20 that I am mentioning now that took place between 10th March to
21 about July of 1998 were minor disciplinary actions that are
22 normally taken by military officers in the field, which is either
23 withdrawing them from the command or locking them up for a period
24 of time.

12:22:15 25 PRESIDING JUDGE: Dr Jabbi, before you carry on with this,
26 we do have some concerns. The witness has testified that he did
27 this investigation, forwarded his report to the Minister of
28 Defence, which is His Excellency President Kabbah at the time.
29 And, if I understood well what was said, this report dealt with

1 the relationship of ECOMOG with the --

2 THE WITNESS: ECOWAS government and ECOMOG forces.

3 PRESIDING JUDGE: Of ECOWAS government.

4 THE WITNESS: Yes.

12:22:51 5 PRESIDING JUDGE: And because of that, you are saying you
6 feel that you cannot speak about that.

7 THE WITNESS: No, My Lord. I said it would be unsafe for
8 me to speak about that without your permission.

9 PRESIDING JUDGE: The difficulty I have - and we will come
12:23:09 10 to the permission after that - presumably, you investigated that
11 and you'd include that whatever this senior battalion commander
12 may have done, or the action that had been taken as a result of
13 that, or subsequent to that eventually led you to some
14 conclusions having to do with that relationship. Because your
12:23:36 15 evidence has been up to now that it was a lot of interface, to
16 put it mildly between the hunters, ECOMOG and so on, I'm just
17 trying to see -- I'm trying to understand what you're saying by
18 making this comment at that time. So if this is a relationship
19 that has an import on this part of the evidence, I think we
12:24:01 20 should know about it. But I'm not necessarily asking you to
21 reveal the secrets of state.

22 THE WITNESS: Yes, My Lord, I thank you. Whatever was the
23 content of my report that was of import to the ECOWAS government
24 is not what I'm talking about now. I'm talking about the result
12:24:26 25 of the discipline itself was laid to rest thereafter. To
26 discipline the hunters who were specifically under the command
27 and control of ECOMOG continued long after, up to even when there
28 was declaration of "wa dan dan".

29 PRESIDING JUDGE: In other words, this problem that led to

1 some disciplinary action had to do with command and control by
2 ECOMOG of hunters?

3 THE WITNESS: Over the hunters that were located to their
4 commands, you're correct.

12:25:09 5 PRESIDING JUDGE: So the problem that arose at that time --
6 and what was that problem that existed that essentially brought
7 some punishment or disciplinary action upon this senior
8 commander?

9 THE WITNESS: Well, the punishment that they received for
12:25:28 10 purely disciplinary control was not very important for me to
11 report to His Excellency, only that that particular one that
12 happened in Bo had more relevance to it than ordinary
13 disciplinary control. That was why it was reported, because
14 investigation followed.

12:25:51 15 PRESIDING JUDGE: But what punishment, if any, was given to
16 this senior commander?

17 THE WITNESS: I told you that he was severely beaten,
18 My Lord.

19 PRESIDING JUDGE: I heard that you said that, but I didn't
12:26:02 20 know if that was the punishment or if that was what was done to
21 him when he was arrested. So you say that was the punishment?

22 THE WITNESS: The punishment was extremely corporal.

23 PRESIDING JUDGE: And you were called in to investigate
24 after he had been punished?

12:26:16 25 THE WITNESS: Yes, My Lord.

26 PRESIDING JUDGE: Thank you.

27 MR JABBI:

28 Q. Now, Mr Witness, the next set of questions are designed to
29 close the general review we have been doing so far unless, of

1 course, you yourself have anything after that to say. I would
2 now want to ask, apart from the overthrow of the civilian
3 government, were there any aspects of the conduct of the AFRC and
4 the RUF which the CDF was concerned to reverse?

12:27:38 5 A. Yes, My Lord. The CDF or the Kamajors or the hunters were
6 concerned about the action of the AFRC/RUF combined, called
7 People's Army. When the people of Sierra Leone were seen to be
8 driven away from their towns and villages, that their very
9 existence depended upon the land they occupy, and that they and
12:28:45 10 their people were being driven from these areas to regain those
11 areas and to regain their existence, in combination to
12 reinstating a government that would allow them to return to those
13 areas, were the very reasons.

14 Q. So the one thing there is that local people were displaced
12:29:29 15 from their respective areas from which they earned their living?

16 A. Yes, My Lord.

17 Q. And the CDF wanted to ensure that they regained those areas
18 so that people would return there?

19 A. Yes, My Lord.

12:29:47 20 Q. Apart from the share displacement of local people from
21 their traditional communities, were there any other aspects of
22 the conduct and behaviour of the RUF and AFRC the CDF was
23 concerned about?

24 A. Yes, My Lord. The denial of the people of Sierra Leone by
12:30:27 25 the AFRC and the RUF to their constitutional right of democracy
26 was another reason. I believe that that is the right that
27 belongs to every human being in this world. The fight to protect
28 and sustain sovereignty is the right for which men and women have
29 died, they are dying, and they will continue to die.

1 Q. That is very arcane to the overall objective of reinstating
2 the civilian government. Do you have any other aspect of their
3 conduct you want to talk about?

4 A. I think that is an enveloping subject, sufficient for me,
12:32:22 5 My Lord.

6 Q. Thank you. Taking the earlier period of -- let's say even
7 before the election that brought the civilian government itself
8 to power, that's pre-1996 period, were there any aspects of
9 conduct of the AFRC or the RUF, at this time, mainly the RUF,
12:33:47 10 that was carried over into that period, the period we have spoken
11 about? Were there any aspects of the conduct of the RUF before
12 the AFRC came into being which were carry-overs into that period
13 with which the CDF was concerned?

14 A. My Lords, I'm sure I did make mention to the RUF attacks in
12:34:23 15 this country before the overthrow of the government and that, in
16 some of those attacks, it was difficult to know who really was
17 the RUF, the ordinary person often referred to as civilian, and
18 soldiers. Because every type of wearing--

19 Q. Watch your pace, please.

12:35:03 20 A. Every type of wearings were worn by those whom we saw
21 attacking us in our various localities. This was continued up to
22 the coup, that the actual victims would not know exactly for
23 certain whether it was a soldier, or whether it was the RUF. In
24 those days they called them rebels, and so the name Sobel came
12:36:12 25 up. When I became the deputy defence minister of knowledge, I
26 knew that soldiers' supply to the battle front, especially for
27 food, did not get to them in the front line. So, the soldiers
28 took from the civilians their food and this became, again,
29 another area for misunderstanding and friction. Right up to when

1 the coup took place, this was the situation in the greater part
2 of Sierra Leone, My Lords.

3 Q. As I said earlier, we have to move from this general field
4 to specific issues. But just before we do so, would you want to
12:37:51 5 tell the Court any other thing of general nature that you think
6 the Court should know?

7 A. I would prefer to concentrate on the specific issues --

8 Q. As they come?

9 A. -- against me.

12:38:20 10 Q. As they come?

11 A. Yes, My Lord.

12 Q. Okay. My Lords, I know the time still has some 20 minutes
13 to go to lunch, but I wonder if this can be a suitable moment to
14 stop so that --

12:38:41 15 PRESIDING JUDGE: I saw you coming. I knew you would be
16 making this request.

17 JUDGE ITOE: I saw you coming too.

18 JUDGE THOMPSON: I add my feeble words to that.

19 PRESIDING JUDGE: Observing your insistence on trying to
12:39:03 20 get some additional information from the witness, it was obvious
21 that you were trying to buy time, not to get into the specifics.
22 We will adjourn until 2.30. We hope that at that time you're
23 going to be going into the specifics and move along.

24 MR JABBI: Indeed, My Lord.

12:39:22 25 PRESIDING JUDGE: Very well.

26 [Luncheon recess taken at 12.40 p.m.]

27 [CDF30JAN06D - CR]

28 [Upon resuming at 2.40 p.m.]

29 PRESIDING JUDGE: Dr Jabbi, are you ready to proceed with

1 your examination-in-chief this afternoon?

2 MR JABBI: Yes, My Lord. My Lord, I just want to raise one
3 issue briefly. In view of our moving now to specific incidents
4 and allegations, My Lord, I would just want to ask how soon the
14:43:17 5 decision on the motion about the aspects of the charges that are
6 expunged, how soon that would be so that I know how to plan
7 our --

8 PRESIDING JUDGE: We expect it to be completed by no later
9 than tomorrow, if it can be of assistance to you.

10 MR JABBI: Yes, My Lord. That will be very helpful,
11 My Lord.

12 PRESIDING JUDGE: Rest assured, we will not allow the
13 completion of your examination-in-chief until we have made it
14 clear as to what it is.

14:44:01 15 MR JABBI: Thank you very much.

16 PRESIDING JUDGE: If we have not delivered, then we will
17 have to give you the necessary time to deal with that issue.
18 It's a question of fairness. If it is there, then you should be
19 examining the witness. If it's not there, that's fine.

14:44:15 20 MR JABBI: Thank you very much, My Lord.

21 PRESIDING JUDGE: We're waiting for you, Dr Jabbi. Are you
22 waiting for us?

23 MR JABBI: I thought I was waiting for --

24 PRESIDING JUDGE: I thought I had indicated to you that we
14:45:14 25 were ready and waiting for you, but fine, let's proceed.

26 MR JABBI:

27 Q. Mr Witness.

28 A. Yes, My Lord.

29 Q. Maybe we'll begin with what may be home for you, and that

1 is with Koribundu. Do you know how many times the CDF attacked
2 Koribundu in order to take it from the soldiers of the AFRC and
3 the RUF?

4 A. I know about some of the attacks. I may not know all of
14:46:17 5 them.

6 Q. How many of them do you know about?

7 A. About three attacks on Koribundu.

8 Q. You know at least of about three attacks on Koribundu.
9 Now, can you give a time frame for all those three attacks?

14:46:53 10 A. My Lord, I will give broad time frames.

11 Q. Certainly.

12 A. The first happened between July and September 1997. That
13 was before I finally left to Base Zero. The other two happened
14 while I was at Base Zero after September, but definitely
14:47:48 15 between October 1997 and January 1998. Two attacks.

16 Q. Now, getting into the attacks proper --

17 JUDGE ITOE: Dr Jabbi, what year?

18 THE WITNESS: 1998, My Lord. October 1997
19 and January 1998.

14:48:47 20 MR JABBI:

21 Q. Before getting into the attacks proper, can you give a
22 general account of the situation in Koribundu --

23 A. My Lord --

24 Q. Just a minute, please. The situation in Koribundu before
14:49:07 25 the AFRC coup.

26 A. My Lord, I would give the overview of Koribundu, starting
27 from when I became regent chief of Jiama Bongor. That was
28 in October 1994. Koribundu is part of Jiama Bongor, the chiefdom
29 I become regent of. Jiama section of the amalgamated chiefdom of

1 Jiama Bongor, Jiama was a part of Koribundu and Bongor was a part
2 of Telu where I resided as regent chief. Up to my becoming
3 regent chief there had been serious series of conflicts between
4 the two parties. They never quite liked themselves.

14:50:45 5 Q. Which two parties?

6 A. Jiama and Bongor, that became the amalgamated chiefdom of
7 which I was regent chief. When I decided upon my appointment to
8 reside in Telu, which is the Bongor part of Jiama Bongor, the
9 Jiama section, which is of Koribundu, did not quite like that. I
14:51:31 10 knew it then and I still know it now. When the war came, or the
11 conflict in Sierra Leone, Jiama saw that as an opportunity to end
12 the amalgamation. The military was quick to notice and then
13 decided to establish a base at Koribundu, pre-empting any
14 eventual arrangement between the authorities in those places and
14:52:47 15 the RUF. So, Koribundu --

16 Q. Please watch your pace.

17 A. I'm looking at my Lords' pens. So, Koribundu, which is
18 situated at the crossroads running from Bo to Pujehun and from
19 Matru to Kenema, became a very important military object. During
14:53:55 20 the colonial time that was the important road junction from the
21 entire Guinea area to Sierra Leone, to Western Area proper, and
22 then Liberia again to Western Area, Freetown, the colony. So
23 Koribundu was and still remains an important base militarily. I
24 often visited Koribundu to discuss with the brigade commander
14:54:43 25 that was there, or a battalion commander, about the importance of
26 the defence and whatever assistance that he would require the
27 chiefdom to give his unit. So, the unit commander at Koribundu
28 and myself held several meetings together with the elders of the
29 town.

1 PRESIDING JUDGE: Mr Witness, when you're talking of these
2 meetings and this description you just gave, what time frame are
3 we talking about? Are we still before October 1994?

4 THE WITNESS: I'm talking about from October 1994 right up
14:56:14 5 to the taking of Koribundu by the civil defence.

6 PRESIDING JUDGE: It applies at a time when you were at
7 Base Zero and so on and so on?

8 THE WITNESS: Yes, My Lord. This is now after the first
9 attack on Koribundu, if I may go back to that attack. That
14:56:35 10 attack took place in 1997, before September 1997, and this was
11 the first group of hunters who had been armed by the initial
12 supplies of shotguns by ECOMOG Liberia, and they were to be
13 further supplied inland. On one of the missions of such
14 supplies, a group of hunters ran into the defences of Koribundu,
14:57:51 15 and so fighting ensued. So I would not call that a deliberately
16 planned attack, but there was an allegation of attack which could
17 not be denied there was fighting. Now, My Lords, beginning now
18 from --

19 JUDGE ITOE: There was fighting between who and who?

14:58:19 20 THE WITNESS: Between the hunters and the military unit
21 that was stationed at Koribundu.

22 MR JABBI:

23 Q. Just before you go to the next attack, can you state the
24 time frame for the meetings you were having with the brigade
14:58:49 25 command at Koribundu?

26 A. My Lord, I was just going back to Your Lordships to explain
27 the times of those meetings and the number of meetings when I
28 remembered that I had not explained the 1997 attack as I have now
29 explained. I would now go back to those meetings. I said I --

1 PRESIDING JUDGE: Before you do, Mr Norman, if I may, you
2 said these were not deliberate attacks, but there was
3 confrontation. What do you mean by this? Can you enlighten me
4 as to the meaning?

14:59:27 5 THE WITNESS: The patrol that was set by the army for
6 defensive purposes around Koribundu, and the hunters' group that
7 were carrying the weapons inland met, and there was a clash.

8 PRESIDING JUDGE: That's what you mean, it was not a
9 deliberate planned attack?

15:00:00 10 THE WITNESS: Yes, My Lord.

11 PRESIDING JUDGE: Thank you.

12 THE WITNESS: My Lord, as I said, I held several meetings
13 with the commander and the elders in Koribundu between the time I
14 became regent chief in October 1994 up to the 30th June 1995, the
15:00:36 15 day I was moved out by forces superior out of Telu. At some of
16 those meetings it was arranged that the people of Jiama Bongor
17 should assist by giving some number of young men for the purposes
18 of training to become vigilantes. And the chiefdom decided that
19 because of the constant dispute that was between the two sectors,
15:01:58 20 it will be better for the people of Koribundu, specifically, and
21 Jiama generally to supply such manpower. The manpower was later
22 supplied. They were given military uniforms and were trained as
23 vigilantes. Those were to be of assistance to the soldiers of
24 the unit that were stationed in Koribundu.

15:03:10 25 PRESIDING JUDGE: The unit, you mean the army --

26 THE WITNESS: The military unit that was stationed in
27 Koribundu. They had, at that time, a - it was the NPRC military
28 government that was in power. At the time when I became the
29 regent chief to the time of the general elections of 1996, it was

1 the NPRC government, the military government. It was in power.
2 So, the military government ordered the use of hunters across the
3 country, including those of Jiama Bongor, specifically Koribundu.
4 Also, because the unit had established for a long time, any time
15:04:56 5 around 1992 --

6 JUDGE ITOE: You mean this military unit?

7 THE WITNESS: The military unit at Koribundu had
8 established by 1992. To 1996 and seven, there had been quite a
9 number of intermarital relationships between the soldiers and the
15:05:37 10 daughters of the people in that area of Jiama. So there had been
11 social and economic relationship. This was the situation up to
12 my leaving Telu and the entire chiefdom when the rebels overran
13 my chiefdom headquarter.

14 JUDGE ITOE: When you say --

15:06:36 15 MR JABBI:

16 Q. What time was it?

17 A. In 1995. The day was Thursday, and the month was June.
18 June 30th. Thursday, June 30th, 1995.

19 JUDGE ITOE: You talked of a social and economic
15:07:07 20 relationship. Are you talking of people of Jiama and --

21 THE WITNESS: The soldiers.

22 JUDGE ITOE: And the soldiers?

23 THE WITNESS: Yes, My Lord.

24 JUDGE THOMPSON: Specifically, you said they married the
15:07:16 25 daughters of inhabitants?

26 THE WITNESS: Yes, My Lord.

27 PRESIDING JUDGE: On a different note, you have mentioned
28 in your evidence that the vigilantes had been issued military
29 uniforms?

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: Were these uniforms the same as
3 the uniforms of the --

4 THE WITNESS: The soldiers.

15:07:39 5 PRESIDING JUDGE: Same as the soldiers?

6 THE WITNESS: Same as the soldiers, that was what the NPRC
7 was doing at that time.

8 PRESIDING JUDGE: So the soldiers based at Koribundu had
9 the same uniforms as the vigilantes and vice versa?

15:07:53 10 THE WITNESS: Yes.

11 MR JABBI:

12 Q. And to follow up on that, when you spoke about the military
13 government allowing hunters to be used, did such hunters include
14 the vigilantes you are talking about?

15:08:04 15 A. No, My Lord.

16 Q. Thank you.

17 A. The hunters were not the vigilantes. This division came
18 out prominently during the time when the AFRC came to power. The
19 vigilantes were more loyal to the soldiers than to the hunters
15:09:00 20 and ECOMOG. All these were children of the same people. Hunters

21 of Koribundu and vigilantes of Koribundu were oftentimes even
22 members of the same family. So when the government was

23 overthrown and we had cause to go to Base Zero, and the hunters
24 were trained by the ECOMOG and under a director of training

15:09:51 25 called CPO, that is chief police officer, MS Dumbuya,

26 arrangements were put in place for the military unit in Koribundu
27 to be attacked and the base taken, to enable ECOMOG to travel by
28 road, crossing the Moa and the Wanjei.

29 Q. Spellings, please?

1 A. Moa, M-O-A; Moa River. Wanjei, W-A-N-J-E-I; Wanjei River.
2 And then on to the main motor road from Pujehun, through
3 Koribundu, across Gondama through the bridge. G-O-N-D-A-M-A,
4 Gondama Bridge. Gondama Town and bridge.

15:12:10 5 Q. What river at Gondama Town bridge?

6 A. River Sewa. S-E-W-A, Sewa River. And then on to Bo. So
7 it was necessary for that important military base to be taken to
8 necessitate the movement of ECOMOG through that axis into Bo. So
9 an attack on Koribundu was then planned in October 1997. That

15:13:27 10 attack failed and at the post-mortem in Base Zero -- post-mortem,
11 My Lords. Whenever a battle takes place -- may I go ahead?

12 Whenever a battle takes place, whether it fails or succeeds,
13 certain criteria are taken into consideration to come to the
14 reason for the success or failure. So, in military terms, and in
15:14:21 15 terms of battles, I just refer to as post-mortem, unlike that of
16 the surgeon specialist, so on.

17 At the post-mortem, it was discovered that because of the
18 extensive social relationship between the soldiers and the
19 ordinary people in Koribundu and the environ, it could be very
15:14:59 20 difficult to just launch a military operation. And to avoid
21 unnecessary civilian casualty in the environs, it would be better
22 that a method was used to get right into the base. So that
23 method was used, called deceptive method, that whereas when the
24 hunters were moving, the villagers knew them and saw them and
15:16:04 25 interrelated with them and obviously communicated with the
26 soldiers, the second time round, it was impossible. So the
27 battle got very close to the edge of the town.

28 Q. Which battle is it now?

29 A. The last battle that was to take Koribundu.

1 Q. That of January 1998?

2 A. That was January 1998. Between December and January 1998.

3 So, when the attack took place, it was specifically to be against
4 military targets and not deliberately against civilians. But, as

15:17:26 5 in every battle that is waged in such built-up areas, obviously
6 civilian casualties by actions of both sides is almost always
7 impossible.

8 Q. Now, would you like to explain what you have called the
9 deceptive method of entering Koribundu?

15:18:20 10 A. If Their Lordships would want me to explain that, but I am
11 sure that I can only at least take a lot of unnecessary time.

12 Deceptive method is enveloped-wise any method that could deceive
13 another person. In battle, it is not necessarily criminal. It
14 is only that you use that method to defeat the enemy. That is,

15:18:59 15 avoiding the previous mistake of personal contact with the
16 people, exposure to them and explaining their mission. The first

17 time at the post-mortem, the director of training, the War
18 Council, myself and others were told whenever they pass a

19 village, they will hear the clanking of either iron or the
15:19:37 20 ringing of Church bell, knowing that was the signal for the

21 soldiers to know strange people are moving towards your base.
22 But intelligence did reveal indeed that that was the

23 communication. So the second time, what necessitated the
24 communication was not obviously used. So that those are the

15:20:03 25 deceptive methods that I refer to.

26 Q. Keep watching the place, please.

27 A. I thought I was just explaining I was using -- I was
28 looking at Their Lordships' pen.

29 Q. The interpreter will also be --

1 A. Thank you, My Lord. My apology. So that was the deceptive
2 enemy method that would conceal your actual intention. One's
3 actual intention was deceptive in battle.

4 Q. Carry on.

15:20:52 5 A. So, because the vigilantes were the same children from the
6 same family as the hunters, so if a house was attacked on one
7 side, say, it was the hunters attacking that house because of
8 military target, the vigilante will attack on the other side
9 saying, "It is our own very brother, so if he burns my house, I
10 will burn his own." So this became a tick-tack-toe, tit for tat.

11 So if there was any destruction in Koribundu - and indeed there
12 was, but not as extensively as it has been testified to their
13 Lordships in this Court - that was the reason why. Then
14 resulting from the first attack and the failure, a series of
15:22:03 15 atrocities were committed by accusing people who were supporting
16 such attack against the soldiers and their own interests. Their
17 own interests meaning their in-laws, and their commercial
18 interest, and so on.

19 JUDGE ITOE: Can you take that again?

15:22:39 20 THE WITNESS: Yes, My Lord. Their own interest means --

21 JUDGE ITOE: No, from where you started. You said since --

22 JUDGE THOMPSON: He said resulting from the first attack.

23 THE WITNESS: Yes, My Lord.

24 JUDGE THOMPSON: That whole bit is a little --

15:22:52 25 THE WITNESS: Yes, resulting from the first attack. What
26 became --

27 MR JABBI:

28 Q. Watch your pace, please, so that clarity is not lost.

29 A. What became our experience was that blames were swinging

1 from one side to the other. It was our own brothers who were
2 hunters that have attacked the soldiers to whom we are
3 supporters. The other side, we say also, that if we allow the
4 hunters to defeat the soldiers, the result will be our suffering.
15:23:51 5 Because, at that time I was of knowledge that whatever the
6 soldiers got from the battlefield, they brought into Koribundu
7 and this was being seen as a lot of benefit while other people
8 were starving from the other side, they are better off. So, if
9 the hunters had --

15:24:28 10 JUDGE ITOE: Please, hold on.

11 THE WITNESS: Yes, My Lord. While other people were
12 suffering from starvation, they are a lot better off. So the
13 civilian support and the vigilante support for such soldiers was
14 very strong. To defeat an enemy in a built-up area that had such
15:25:23 15 support was not an easy thing. But if a military object had to
16 be taken, it was equally not easy.

17 JUDGE THOMPSON: That sounds like a theory.

18 THE WITNESS: Not a written theory, My Lord, but it was an
19 acceptable fact in battle.

15:26:00 20 JUDGE THOMPSON: Thank you.

21 THE WITNESS: My Lord, and so I --

22 PRESIDING JUDGE: Are you saying that at that time, in
23 those circumstances --

24 THE WITNESS: At that time and in the circumstances, My
15:26:09 25 Lord.

26 PRESIDING JUDGE: -- you accepted this was a consequence?

27 THE WITNESS: At the time, yes, My Lord.

28 PRESIDING JUDGE: I said at the time and in the
29 circumstances.

1 THE WITNESS: Yes, My Lord.

2 JUDGE THOMPSON: It is now clear.

3 THE WITNESS: Thank you, My Lord. This is often the result
4 of battle over bridge-heads. I'm sure My Lords read in the
15:26:46 5 Second World War, the history, the taking of Paris and the
6 resulting casualties. Heavy it was, but those are considered a
7 sacrifice which was not intentional. Equally so, as small as
8 Koribundu was, that could well have been the situation. So, when
9 it was then obvious at Koribundu that the soldiers could no
15:27:33 10 longer hold Koribundu, they left. Long after that, when I
11 eventually arrived in Koribundu, I held talks with the
12 townspeople.

13 MR JABBI:

14 Q. Now, just before coming to that, which of those attacks
15:28:25 15 came during the period of your stay in Base Zero?

16 A. Two of the attacks.

17 Q. Which two?

18 A. The attack before my arrival -- after my arrival in Base
19 Zero, the first attack that failed and the second attack that
15:29:00 20 succeeded.

21 Q. So two of those attacks were during the period in Base
22 Zero.

23 A. Yes.

24 Q. Do you know the commanders that led to each of those
15:29:25 25 attacks?

26 A. The first commander was --

27 JUDGE ITOE: Of which attack?

28 THE WITNESS: The first attack.

29 MR JABBI:

1 Q. The first attack after your arrival in Base Zero.

2 A. Was obviously not the second that succeeded. This was the
3 command from divergent points. One was one commander -- there
4 were about three or more commanders put together for the first
15:30:23 5 attack. One of them was called Osman Vandi aka Vanjawai and I
6 think there are two others.

7 Q. By aka, you mean otherwise known as?

8 A. Alias, otherwise known as Vanjawai.

9 Q. Also known as?

15:30:56 10 A. Yes, as Vanjawai, as Osman Vandi. And two others. The
11 second was specifically under a single commander for
12 effectiveness and this one was Joe Tamidey.

13 Q. Of the attack of December/January?

14 A. Of the attack that succeeded, yes, December/January, and he
15:31:16 15 eventually became the general battle commander after the battle.

16 Q. Now, let's take the first attack, the one after your
17 arrival at Base Zero.

18 A. Yes, between September and October 1997.

19 Q. According to you, some commanders from different places
15:31:48 20 were put together for that exercise?

21 A. Yes.

22 Q. Now, can you tell the Court the process of selection and
23 direction or orders given to those commanders for that first
24 attack?

15:32:17 25 A. Well, those were times when commanders were chiefdom
26 commanders.

27 Q. They were chiefdom based.

28 A. Chiefdom commanders and so whoever was in difficulty in his
29 chiefdom would summon the support of the other chiefdom commander

1 to help in overcoming either enemy attack or enemy base in his
2 own chiefdom. So, Vanjawai does not belong to Jiama Bongor. The
3 Jiama Bongor commander was called Moissa Kondia. Moissa,
4 M-O-I-S-S-A, Moissa. Kondia, K-O-N-D-I-A, Kondia. And his other
15:33:38 5 section commanders, one of them I knew very well at that time,
6 was Silaji Rogers. So, these ones --

7 Q. Can you spell that as well for their Lordships?

8 A. Silaji, S-I-L-L-A-J-E, Silaji Rogers. These ones got
9 together.

15:34:07 10 Q. Just before you continue. Where was Silaji Rogers?

11 A. They were all in Jiama Bongor.

12 Q. Yes, carry on.

13 A. This Osman Vandi was in Base Zero at that time who came up
14 as requested to join them in the attack on Koribundu, and the
15:34:46 15 commander in Yawbeko released this Osman Vandi to join them.

16 Now, the three of them went and put their resources together with
17 assistance from Waterside, the guns and cartridges from ECOMOG,
18 and they launched the attack. Now, the other attack that was
19 specifically under a commander called Joe Tamidey was discussed
15:35:39 20 at Base Zero with myself in attendance, Alhaji Daramy Rogers, the
21 chairman of the War Council and members, and other elders. We
22 requested Joe Tamidey --

23 Q. Sorry, who was Alhaji Daramy Rogers in the exercise?

24 A. Alhaji Daramy Rogers was a prominent politician living in
15:36:09 25 Bo who had sent word to reach me in Base Zero that his life was
26 being threatened in Bo and he would like to take protection --
27 seek protection. So a special time was sent from Base Zero on
28 foot to spirit him from Bo Town through Bumpe on to Base Zero.
29 Because of him being an Alhaji and a politician, it was

1 considered that he could be a useful member at Base Zero to
2 assist in the effort of restoring democracy. So he became a
3 director for appointment and recommendation committee.

4 Q. Is that the capacity in which he participated in this
15:37:30 5 discussion of the second attack?

6 A. He attended as a member of the council, the War Council.
7 He had been selected as one of those from Bo, Bo Town. There
8 were not many, so he became a member representing Bo, even though
9 he is a man who I know he is from Moyamba District. He was a
15:38:03 10 prominent business person, a politician, an Alhaji, and a
11 respected member of the community in Bo, so he represented Bo at
12 the War Council.

13 Q. Carry on, please. So, My Lords --

14 JUDGE THOMPSON: Counsel, you better direct the witness on
15:38:31 15 the attacks --

16 THE WITNESS: Because there was the person --

17 JUDGE THOMPSON: This is an elaborate digression into
18 the -- that was prompted by you.

19 [CDF30JAN06 - SV]

15:38:32 20 MR JABBI: Yes, indeed.

21 JUDGE THOMPSON: So can we get back to focus?

22 MR JABBI: I think that is where he was coming.

23 Q. The discussion concerning the second attack.

24 A. The second attack, yes, My Lord. So all of us getting
15:38:56 25 together, listening, decided that the first -- the result for
26 that first failure was lack of co-ordination. These were not
27 military men, they did not know in battle what to do, which flank
28 they should attack and so on. So those that were military
29 instructors at the base assisted in helping to arrange whatever

1 was going to happen next. And what really was going to happen
2 next was another attack. So that was how the attack was put in
3 place. And Joe Tamidey was specifically requested to lead the
4 attack because of his ability in battle. And so the War Council
15:40:13 5 took the decision that if the task at hand, which was to restore
6 constitutionality, was achieved Koribundu would be a key military
7 base to be taken in that area. So Joe Tamidey was tasked to lead
8 the operation.

9 Q. Now, were any specific instructions given to Joe Tamidey at
15:41:27 10 the council meeting?

11 A. No, My Lord. The orders were brought. The capture of
12 Koribundu was the order.

13 Q. Was there any instruction as to the condition in which
14 Koribundu should be taken?

15:42:14 15 A. No, My Lord. Before I left this Court I heard witnesses
16 saying I gave specific orders for houses to be burnt and there
17 should only remain four houses. Those were not my orders and I
18 never said such words. I never gave such instructions.

19 Q. Did you yourself give any instructions, by yourself, to
15:43:21 20 Joe Tamidey?

21 A. Specifically by myself personally?

22 Q. Yes.

23 A. No, My Lord. This was an embodied instruction to
24 Joe Tamidey.

15:43:34 25 Q. Where?

26 A. By the War Council at Base Zero. These --

27 Q. Sorry, carry on.

28 A. This was not a Hinga Norman affair. It was a national
29 affair to reinstate the government and restore constitutionality.

1 So Hinga Norman did not take upon himself to be personally
2 satisfied.

3 Q. Apart from Joe Tamidey, were there present at the
4 War Council meeting any of those who were going to take part in
15:44:34 5 the attack on Koribundu, that particular attack on Koribundu?

6 A. There could have been other commanders but Joe Tamidey was
7 the one that had been summoned by the council and was given
8 instruction as to the taking of Koribundu. This was an area
9 where there was another commander in this chiefdom, and other
15:45:20 10 fighters. We're talking about thousands of fighters around.

11 Q. Apart from the deliberations and the instructions at the
12 council meeting, did you by yourself have any further discussions
13 with Joe Tamidey outside the council?

14 A. Before he left for the battle?

15:45:59 15 Q. Yes, indeed.

16 A. Meaning specific orders from me personally? No, My Lord.

17 Q. Any specific discussion?

18 A. No. Relative to that battle, no.

19 Q. Apart from the discussions at the council meeting, did you,
15:46:45 20 by yourself, outside the council meeting, discuss the planned
21 battle with any other commanders or participants in that battle
22 before they went?

23 A. No, My Lord.

24 Q. Now, you were earlier on about to talk about some meeting
15:47:51 25 in Koribundu. Would you want to proceed to that now?

26 A. Yes, My Lord. I was saying that long after that operation,
27 I had cause to visit Koribundu.

28 JUDGE ITOE: Would you like to refer to it as long after
29 the second operation, the successful operation?

1 THE WITNESS: Long after the second, final and successful
2 operation, My Lord, I had cause to visit Koribundu. But before
3 then, before my visit, Joe Tamidey had been recalled to Base Zero
4 and was commended for the success. I'm sure when in January
15:49:05 5 after that battle commanders were being processed, that could
6 well have been the reason why the director of appointment and
7 recommendation made such recommendation for him.

8 MR JABBI:

9 Q. What recommendation was made?

15:49:37 10 A. To become general battalion commander. That is, three or
11 more chiefdoms to be under one battalion commander.

12 PRESIDING JUDGE: So that's what you referred previously as
13 a senior battalion commander?

14 THE WITNESS: Yes, My Lord.

15:50:13 15 MR JABBI:

16 Q. What chiefdoms were assigned to Joe Tamidey after that
17 battle to make him senior battalion commander?

18 A. He was in charge of Lugbu Chiefdom.

19 Q. Spelling, please?

15:50:36 20 A. L-U-G-B-U, Lugbu Chiefdom. Tikonko Chiefdom.

21 T-I-K-O-N-K-O, Tikonko Chiefdom.

22 Q. And?

23 A. Jiama Bongor Chiefdom, My Lords.

24 Q. What were the distances between those chiefdoms? I mean,
15:51:21 25 for instance, were they contiguous?

26 A. Geographically they are contiguous. That is, having no
27 separate chiefdom between them. They are just joined.

28 Q. Now, you said before the meeting and you narrated about the
29 recall of --

1 A. Yes, I was making a visit but before the visit --

2 Q. This happened?

3 A. -- this happened.

4 Q. Yes, then?

15:52:03 5 A. Now, long after the battle to take Freetown had happened
6 and the President had been reinstated, I made a trip to Jiam
7 Bongor, specifically Koribundu. I arrived in Bo after the
8 reinstatement activities, any time between the end of March and
9 the early part of April 1998. I was accompanied by Alhaji Daramy
10 Rogers and some commanders who were in Bo. At that time Alhaji
11 Daramy Rogers was the regional co-ordinator for the south. So
12 him, myself and other commanders proceeded, together with some
13 other members of Base Zero, War Council, proceeded to Koribundu.

14 Q. Including Alhaji Daramy Rogers?

15:54:12 15 A. Including. He was our host in Bo and in Koribundu. He in
16 fact was at Koribundu ahead of our arrival, my team, team of
17 arrival.

18 Q. Does that mean he was an advance team?

19 A. Yes, My Lord. And upon arrival in Koribundu I was led to
15:54:58 20 the court barri where I met elders of the chiefdom and of the
21 township. Indeed, I was annoyed with some of the elders of the
22 township, particularly, that it was their double standard in that
23 town that caused the stalemate in the battle to take Koribundu.
24 That it was going to be a shame on all of us, them and myself,
15:56:01 25 for not being part to support Sierra Leone to restore democracy.

26 Q. Are you in fact explaining what you said at the meeting?

27 A. That was what I said. That is what I am explaining,
28 My Lord. And I said I was extending, on behalf of His
29 Excellency, my appreciation for those who have stood by the

1 President, by the Government of Sierra Leone and by the people of
2 Sierra Leone. And I was also extending --

3 Q. Watch your pace, please.

4 A. Yes, My Lord. And I was also extending, on behalf of His
15:57:34 5 Excellency, sympathy to all who suffered as a consequence. Some
6 houses of my own very friends where I lodged, where I used to
7 sleep, were destroyed. But not even up to 15 houses were
8 destroyed in all told in Koribundu at that time. So I was amazed
9 when it was being narrated here in this courtroom that Koribundu
15:58:25 10 was extensively destroyed and I specifically gave those orders.

11 Even as I am sitting here, I would that Their Lordships visit
12 Koribundu to see for themselves the hundred or more houses that
13 were destroyed or their site.

14 Q. Now, can you give an estimate of roughly how many houses
15:59:10 15 there could have been in Koribundu at that time, a rough
16 estimate?

17 A. Slightly less than a hundred.

18 Q. The whole township?

19 A. The whole township. So if a hundred was burnt, to my
15:59:31 20 estimation there would have been no house remaining.

21 Q. And do you know what particular buildings were destroyed in
22 that encounter?

23 A. Yes, My Lord.

24 Q. Yes?

15:59:53 25 A. Specifically those that were heavily destroyed, and this
26 was over period of time, series of attacks, were the military
27 headquarters, the guard post house on the Bo-Koribundu end, the
28 storehouse that was down towards the junction, driving from Bo,
29 into Koribundu on the left-hand side.

1 Q. Please, watch your pace.
2 A. Thank you.
3 JUDGE ITOE: A storehouse, which was --
4 THE WITNESS: A storehouse, My Lord. Storehouse for
16:00:42 5 soldiers. For soldiers.
6 JUDGE ITOE: Which was located where?
7 THE WITNESS: Driving from Bo to Koribundu on the left-hand
8 side of the road. About five houses to the junction unto the
9 road running to Blama from Koribundu. That is the location of
16:01:10 10 that storehouse. The police --
11 MR JABBI:
12 Q. About five houses to the junction?
13 A. That was the location of the storehouse, I'm saying. The
14 storehouse was about four houses to the junction, to the main
16:01:28 15 road running to Blama.
16 Q. So that was not another number of houses that were
17 destroyed?
18 A. No.
19 Q. Thank you.
16:01:35 20 A. It's only a single house.
21 PRESIDING JUDGE: So you have described, up to now, four
22 houses.
23 THE WITNESS: Four. Five of them was the police
24 headquarter. Six, permanent -- six was the house of my own
16:01:58 25 friend, Dresser Lamin. Dresser Lamin, that is the Mende word for
26 the medical orderly or somebody with medical experience. Dresser
27 Lamin. There was another house that was slightly destroyed at
28 the junction standing by the military headquarters. Those were
29 the ones, apart from the various others that had bullet scars and

1 so on.

2 PRESIDING JUDGE: So these houses that you have just
3 described are houses that were destroyed. Can you explain what
4 you mean by destroyed?

16:03:06 5 THE WITNESS: Well, at the time when I got to Koribundu
6 they were not habitable, My Lord. These were all houses that had
7 either military or police personnel that were supportive to the
8 government that has ousted the legitimate and democratic
9 government at that time.

16:03:33 10 MR JABBI:

11 Q. I think the sort of information His Lordship was asking for
12 was the extent of damage done to these houses that you call
13 "destroyed"?

14 A. Was such that they were not habitable at the time when I
16:03:52 15 got there, My Lord. That's the only thing I can say. They were
16 not completely demolished.

17 Q. Now, I didn't want to interrupt you at the time, but when
18 you were beginning to give the catalogue of damaged houses, you
19 started by saying this was over the period of attacks?

16:04:19 20 A. Yes.

21 Q. Can you explain that a little bit more?

22 A. Well, the rebels were attacking Koribundu systematically
23 before the overthrow of the legitimate government, and then
24 attacks on that same unit continued. This was what I meant by
16:04:42 25 systematic attacks.

26 Q. So, for instance, could it be seen on your visit which of
27 the houses had been destroyed during the last battle as distinct
28 from others earlier on?

29 A. Yes. The military headquarter itself was destroyed as a

1 result of that battle. The house of Mr Lamin --

2 Q. Dresser Lamin?

3 A. Dresser Lamin, was destroyed as a result of that battle.

4 The military post that I have talked about was destroyed, and the
16:05:38 5 storehouse, together with the police building, the house that was
6 housing the police headquarter and office in Koribundu, those
7 were the specific ones that my eyes saw that were most recent
8 that I didn't leave them destroyed when, in 1995, I got out of
9 the chiefdom.

16:06:28 10 Q. Were there any damaged houses in Koribundu by the time you
11 left the chiefdom in 1995?

12 A. Yes, there were damaged houses. Some of them incompletd
13 houses that had just risen from foundation and were not finished.
14 Those were plenty at that time. So I didn't count them as, you
16:06:58 15 know, completed houses. But there was a house very far end, on
16 leaving Koribundu towards Pujehun Road, that had been destroyed
17 in an attack on Koribundu in November 1994 by rebels.

18 Q. Attack by rebels?

19 A. Yes. On leaving Koribundu towards Bandajuma-Sewa Road.

16:07:44 20 Q. Now, coming back to the meeting, you have just said that
21 you were indeed annoyed with the local dignitaries?

22 A. Yes, I was.

23 Q. Was there any other group present at that meeting with whom
24 you were annoyed? More specifically, did you express annoyance
16:08:10 25 with the CDF who had taken Koribundu?

26 A. No, no. I was only annoyed with the elders who had played
27 double role to have made the war to go on over Koribundu so long.
28 But apart from that, not with any other person or group.

29 Q. Did you sense if there was any annoyance among the people

1 with the CDF who took Koribundu?

2 A. Yes, I did sense that, and this was those who had lost
3 their social opportunities whom I knew -- some of whom I knew.
4 They were not very happy. But this was not because their
16:09:26 5 properties were destroyed. I would think that it was because
6 they lost the opportunities that they had been enjoying when the
7 soldiers were there.

8 Q. Having sensed that annoyance among the people, did you say
9 anything about their annoyance with the CDF?

16:10:07 10 A. My Lord, yes. This was what I meant by I was annoyed with
11 them. I said their double standard had led to the suffering over
12 the long struggle to take Koribundu. That some of them, because
13 they were gaining from the suffering of other people, they wanted
14 the soldiers to stay there and not to be defeated, but that that
16:10:40 15 was all over. All we were left to do now was to rebuild
16 ourselves and forget now about whatever has happened. We have
17 all paid the sacrifices. Lives were lost on both side: The
18 soldiers, the civilian and the hunters, including damaged
19 properties and so on. And that had gone on all over

16:11:11 20 Sierra Leone. Now that the battle was over, government was
21 reinstated, we should busy ourselves for reconstruction of
22 property and of our minds. I remember saying those words. And
23 before the end of the meeting a vote of thanks was moved.

24 Q. Before the vote of thanks did you apologise for any damage
16:11:52 25 or destruction that might have been attributed to the CDF?

26 A. No. Those were hunters. They are fighting.

27 Q. Thank you.

28 PRESIDING JUDGE: Dr Jabbi, we will break at this time for
29 15 minutes. Just for your information, we will adjourn at

1 5.15 p.m. this afternoon. There is a staff meeting, I am told,
2 at 5.30 p.m. To allow people to attend we will adjourn at 5.15
3 p.m. Thank you. Court is adjourned.

4 [Break taken at 4.13 p.m.]

16:34:57 5 [Upon resuming at 4.40 p.m.]

6 PRESIDING JUDGE: Yes, Dr Jabbi.

7 MR JABBI: Thank you, My Lord.

8 Q. Yes, Mr Witness --

9 A. Yes, My Lords.

16:41:43 10 Q. -- do you have anything more to say on your first meeting
11 at Koribundu after the reinstatement before we move to the
12 other --

13 JUDGE ITOE: You ended up with a motion of thanks which was
14 given to you at the end of the meeting.

16:42:13 15 THE WITNESS: A vote of thanks.

16 JUDGE ITOE: A vote of thanks, yes.

17 THE WITNESS: Yes, My Lord, thank you.

18 JUDGE ITOE: I'm sure if there were anything else to add --

19 THE WITNESS: I would have.

16:42:23 20 JUDGE ITOE: It's not too late to if you wish.

21 THE WITNESS: No, My Lord.

22 MR JABBI:

23 Q. Is there anything after the meeting itself, or as you were
24 saying Koribundu, is there anything you want to tell the Court
16:42:38 25 even if it wasn't at the meeting itself?

26 A. Yes, I left the court barri and walked around a bit in the
27 town, met people and talked to them, especially giving them words
28 of encouragement. And I asked for Mr Lamin, who was my own
29 personal friend and whose house had been destroyed. They said he

1 was down in Freetown with his daughter. I asked how his house
2 came to be burnt and I was told that that house and some of the
3 houses got burnt on the day of the departure of the soldiers, by
4 some soldiers who had a lot of things stored there, but they did
16:44:19 5 not now have the opportunity of carrying those things because of
6 the non-availability of transport. And some of the things that
7 were left in the house were carted away by some of the people who
8 were living in the town itself. Why I called that house a
9 storehouse that was on the main road, again I went there and I
16:44:57 10 was told that most of the rations including fuel and explosives
11 were all stored there.

12 Q. Which house?

13 A. The house that I have called the storehouse in my evidence
14 today, that was on the main road, and that that house was also
16:45:24 15 burnt on the day the soldiers were departing to Bo.

16 Q. Watch the pace, please.

17 A. Yes, My Lords. On the day the soldiers were departing to
18 Bo.

19 Q. Burnt by whom?

16:45:43 20 A. Well, they didn't tell me the soldiers burnt them, but the
21 day they were departing for Bo, the attack had subsided the
22 previous day and they were then expecting another attack that day
23 when they all pulled out. So obviously there was no attack and
24 who else could have burnt the storehouse? So, it would be safe
16:46:15 25 to say I don't know, but the house was burnt on the day the
26 soldiers were leaving.

27 Q. And, according to you, on the day when there was no --

28 A. No attack on -- and some of the houses that were -- some
29 part of it were destroyed were in exchange of both parties.

1 Q. Cross-fire, is that the word?

2 A. Cross-fire, where shots were coming from and so on. So
3 that was how I walked around and met people and I got some of the
4 answers to my question to houses that were burnt specifically.

16:47:09 5 Q. By the way, were you still regent chief of Jiama Bongor
6 chiefdom at that time?

7 A. Yes, My Lords, I was regent chief of Jiama Bongor up to
8 January 2003 when the chief of Jiama Bongor was finally given the
9 chieftaincy staff of office.

16:47:38 10 JUDGE ITOE: 2003?

11 MR JABBI: 2003, My Lord.

12 THE WITNESS: January, 2003. But I continue to be called a
13 chief and I will remain so until death.

14 MR JABBI:

16:48:00 15 Q. Happily?

16 A. Very happily, My Lords.

17 Q. Now, between May 1997, that is the coup of May 1997, and
18 10th March 1998, did you pay any visit to Jiama Bongor chiefdom?

19 A. No. No, My Lord.

16:48:44 20 Q. The whole of that period?

21 A. No, I -- from -- between May 1997 to March 1998, no. No,
22 My Lord.

23 Q. No visit to any part of Jiama Bongor chiefdom?

24 A. Yes.

16:48:58 25 Q. More specifically, let's say Koribundu, no visit to
26 Koribundu?

27 A. No visit to Koribundu, My Lords.

28 Q. During that period?

29 A. No.

1 Q. Now, did you hold any other meeting in Koribundu --
2 A. After --
3 Q. -- after this first meeting?
4 A. This first meeting after the reinstatement of His
16:49:30 5 Excellency?
6 Q. Yes, indeed.
7 A. Yes, I went there again on my way to Pujehun.
8 Q. When was that?
9 A. It was in April or May 1998.
16:49:48 10 Q. April or May?
11 A. 1998. Not specifically to meet him, but that was still my
12 chiefdom, so I always stopped there and met elders.
13 JUDGE ITOE: Stopped where?
14 THE WITNESS: In Koribundu, My Lord, from Bo on my way --
16:50:07 15 JUDGE ITOE: In April or May 1998?
16 THE WITNESS: In April or May 1998 on a visit to Pujehun I
17 stopped in Koribundu, My Lord.
18 MR JABBI:
19 Q. Yes, can you explain what you did there on this visit?
16:50:40 20 A. Well, there was no specific meeting arranged with the
21 people of Koribundu, but I never always passed by without
22 stopping and saying -- talking to the people and giving them
23 encouragement and they always called people around to see me in
24 the court barri.
16:51:10 25 Q. So on this --
26 JUDGE THOMPSON: The answer was in the negative.
27 MR JABBI: Pardon, My Lord?
28 JUDGE THOMPSON: I said the answer was in the negative.
29 THE WITNESS: My answer was no to a meeting, My Lord.

1 JUDGE THOMPSON: I see.

2 MR JABBI: It was a qualified no, My Lord.

3 JUDGE THOMPSON: Yes, no specific meeting arranged, yes.

4 MR JABBI: He said he didn't go for a meeting, but whenever
16:51:32 5 he's passing through he likes to talk to elders and they call
6 people to come and meet him in court barri.

7 JUDGE THOMPSON: The question is: Did this happen on that
8 particular occasion?

9 MR JABBI:

16:51:43 10 Q. What happened on this particular occasion?

11 A. The second --

12 Q. The second visit?

13 A. Well, I would only say it was a passers-by visit, and I
14 said because of the chiefdom being my chiefdom, I usually did not
16:52:06 15 just pass by without stopping and say hello or meeting with the
16 people before I pass by.

17 Q. So what actually happened on this occasion?

18 A. I cannot now remember. There was no meeting scheduled.

19 Q. On this second passing-by visit, if I may characterise it
16:52:46 20 the way you have --

21 JUDGE THOMPSON: [Microphone not activated].

22 MR JABBI: Pardon, My Lord?

23 JUDGE THOMPSON: No, I would not contribute to that. Not
24 for the records.

16:52:56 25 MR JABBI: Your mic, My Lord.

26 JUDGE THOMPSON: No, I will not continue. I think I'll
27 adopt your own --

28 JUDGE ITOE: Passer-by.

29 JUDGE THOMPSON: I wanted to volunteer, but I think I'll

1 restrain myself.

2 MR JABBI: I want to confine myself to his own language.

3 Q. On this passing-by visit who and who went with you?

4 A. I had some bodyguards, and on arrival I met the commander,
16:53:45 5 Joe Tamidey, was always there and met elders. There was no
6 scheduled visit that I made with people in attendance with me
7 like the first visit after the reinstatement of His Excellency
8 the President.

9 Q. Okay, so if we may go back to that first visit. Who and
16:54:13 10 who went with you on that visit, the first visit?

11 A. On that visit I could remember the co-ordinator of the
12 southern region at that time, Alhaji Daramy Rogers, who had in
13 fact arranged the meeting, scheduled it, together with a host of
14 hunters and commanders.

16:54:46 15 Q. Then the second incidental visit, if we may call it that,
16 how long did you stay in Koribundu itself on that occasion.

17 A. Not quite an hour. I was on my way to Pujehun. I only
18 stopped, went to the headquarters of Commander Tamidey, spoke to
19 them, then went to the barri and just said hello to the people
16:55:25 20 and told them that I was on my way to Pujehun.

21 Q. Now on that occasion can you say what you were going to do
22 in Pujehun?

23 A. Like the visit to Koribundu, Pujehun was also an important
24 district and chiefdom headquarter where Kamajors had gathered to
16:56:17 25 see me, some of them for the first time, after hearing my voice
26 so many times on the BBC, and to express thanks and appreciation
27 on behalf of His Excellency and the Minister of Defence for their
28 sacrifice in the job of restoring democracy and reinstating
29 government.

1 Q. With respect to Koribundu, did you ever give any
2 instructions about policemen to be killed?

3 A. No. No, My Lords.

4 Q. Did you give any instructions as to what should happen to
16:58:10 5 policemen in Koribundu?

6 A. No, My Lord.

7 Q. Now, Joe Tamidey continued in Koribundu even after the
8 reinstatement of the civilian government?

9 A. Yes, My Lord.

16:58:49 10 Q. Did Joe Tamidey himself give you any account of how the
11 destruction in Koribundu had taken place?

12 A. Joe Tamidey, My Lords, was with me on the first visit and I
13 took that walk around with him. Whenever I asked specifically
14 about some of the houses destroyed, he would give me his version
16:59:33 15 of answer and those that were standing by would give me their
16 own. They were always similar.

17 Q. So, since you have been saying you were told this is what
18 happened here, this is what happened there, are you in fact
19 saying that more or less that is what Joe Tamidey told you?

17:00:01 20 A. Yes, Joe Tamidey told me in their presence, "Please, sir,
21 when these people were leaving, this is what they did to this
22 house or so." And I would turn around to a chief standing by me
23 and he will say yes. One of them was here, but because of the
24 pseudonym I cannot call his name and connect his --

17:00:31 25 Q. Comment.

26 A. His comment. But he was one of those who were in the
27 entourage around me and who did not tell me what he told
28 Their Lordships here during his evidence. His own house was a
29 house in which petrol and diesel were being kept --

1 Q. For?

2 A. For the transporting -- transporting or use for the
3 military vehicles that were being used for some of the commanders
4 who were using his house as a place of dwelling and office. So
17:01:26 5 if he -- I went to his house, I saw part of it destroyed. It was
6 one of those which was destroyed because of the presence of
7 soldiers during attack.

8 Q. When was it destroyed?

9 A. The second attack that --

17:01:52 10 Q. During the attack?

11 A. It was during the attack. It was not destroyed before or
12 after the attack. It was during the attack. But that was not
13 extensive. I looked at it and it needed only some minor repairs,
14 barring the breakages of some of the rooms in which some of the
17:02:20 15 fuel was kept and which caught fire and they had to break and
16 then finally put the fire out by the help of the community. So
17 he was lucky, his house was not burnt.

18 Q. You are talking about somebody whom you say gave evidence
19 before this Court. Can you refer to some of the evidence so that
17:02:53 20 the Court knows whom you are referring to without the name? Some
21 of the evidence that identifies him to the Court.

22 A. I believe he was an old man who said he was a chief and
23 that, I think, he lost someone in that war and that his house was
24 destroyed. I would not go beyond that to disclose.

17:03:29 25 Q. Thank you very much. Now on this -- sorry. You said on
26 that first visit you were going around from one place to the
27 other and some explanations were being given to you. Did you go
28 to the actual military base?

29 A. Yes, My Lord, the actual military base meaning the office

1 of -- the main office of the unit that was there. It is a house
2 at a prominent spot in Koribundu. So if you drive from Bo
3 towards Pujehun and you wanted to make a stop, one is always
4 tempted to stop right there. That's where I stopped and that was
17:04:24 5 where the senior battalion commander Joe Tamidey was staying.

6 Q. In the same building?

7 A. He was staying on the opposite building. Part of the
8 building, this particular building that was destroyed underneath
9 where repaired sitting place that was not destroyed. It was
17:04:59 10 upstairs that was destroyed.

11 Q. Now, did you get any explanation as to how that place was
12 destroyed?

13 A. I know how the place was destroyed and I got explanation
14 how it was further destroyed. The place --

17:05:20 15 Q. Pace, please.

16 A. The building had survived series of attacks long before
17 Joe Tamidey's attack and I was going there to meet with the
18 brigade commander. And a day or two before enemy forces struck
19 my chieftom headquarter I had paid a visit to that base that had
17:06:03 20 seen an attack from the RUF, and part of the front verandah and
21 one of the approaching areas coming from Pujehun end had been
22 blown off by RPG attack from the rebels. So up to that time that
23 house has suffered seriously from attacks. After the
24 reinstatement of His Excellency, the upstairs was no longer in
17:06:55 25 use.

26 Q. Now, did you at any time say to people in Koribundu that
27 the CDF should not be blamed for anything?

28 A. I did.

29 Q. Yes, what was it expressly?

1 A. That the hunters were not alone to be blamed for whatever
2 happened in Koribundu. Soldiers, vigilantes, civilians and the
3 hunters were all having part of whatever happened. So I will not
4 lay blame on any one individual area. The only --

17:08:27 5 JUDGE THOMPSON: Let's have that again, the categories.

6 THE WITNESS: Yes.

7 JUDGE THOMPSON: Who and who were to share the blame again?

8 THE WITNESS: The soldiers, vigilantes, civilians and the
9 hunters. The only people I said I would blame were the elders
17:09:05 10 and those who were specifically benefitting from the
11 civilian/soldier relationship that was going on in Koribundu.
12 Those were my words, My Lords.

13 MR JABBI:

14 Q. In what senses did you say that those categories were all
17:09:42 15 to be blamed?

16 JUDGE THOMPSON: Not to be blamed, isn't it?

17 THE WITNESS: Yes.

18 JUDGE THOMPSON: In other words, you were shielding them
19 from any culpability?

17:09:53 20 THE WITNESS: Yes, in the sense that the soldiers were
21 there initially to defend them. The vigilantes had been given to
22 the soldiers by the people of the town --

23 MR JABBI:

24 Q. Watch your pace, please.

17:10:14 25 A. The Kamajors had also been provided by the chiefdom for the
26 defence of the chiefdom, and the civilians were to take care of
27 all of them because they were all part. The only thing I thought
28 that was necessary was the action by the elders and the chiefs,
29 whom I blamed, which was obvious they did not play the part that

1 was expected of them. When the government that all of us had
2 voted for was overthrown, all they needed -- the elders needed to
3 do in my absence was to step in and make sure that government had
4 the support.

17:11:28 5 JUDGE THOMPSON: You told them all this?

6 THE WITNESS: No, I'm --

7 JUDGE THOMPSON: This is just your ex post facto
8 rationalisation on the situation?

9 THE WITNESS: Correct, My Lord.

17:11:41 10 JUDGE THOMPSON: I see.

11 PRESIDING JUDGE: This is why you blamed them?

12 THE WITNESS: That was the rationale behind my blaming
13 them.

14 JUDGE THOMPSON: I just wanted to clarify the exact thing
17:11:51 15 that you said and your own rationalisation.

16 THE WITNESS: Correctly, My Lord.

17 MR JABBI:

18 Q. Was this rationalisation for which you said all that, was
19 that rationalisation present to your own mind whilst you were
17:12:18 20 saying what you were saying?

21 A. My Lords, I'm sure I was not talking about my mind -- about
22 things resulting from the absence of my mind.

23 Q. I have posed that question in view of the characterisation
24 given to that rationalisation by His Lordship Justice Thompson as
17:12:49 25 ex post facto. That means --

26 A. I understand.

27 Q. -- something happening after the event. So it is necessary
28 to know whether you were conscious of that rationalisation as you
29 were making those statements to the people.

1 A. I was, as I am now, My Lord.

2 Q. Thank you. Now, I don't know whether in the remaining time
3 you can give some answers to the final aspect of this Koribundu
4 affair, dealing with the hunters and their role insofar as
17:13:36 5 Koribundu is concerned, in total time perspective during the war.
6 I don't know if that is clear. But from the time the war started
7 to the time --

8 A. "Di wa dan dan".

9 Q. Okay, let's say that. What roles did the hunters play in
17:13:54 10 respect of Koribundu?

11 A. Quite apart from the concerted effort by non-hunters of
12 Koribundu, in the final capture of Koribundu, Koribundu hunters
13 and Jiama Bongor hunters have been responsible for their chiefdom
14 and towns and villages in their chiefdom.

17:14:35 15 Q. Since when?

16 A. Since my arrival in Koribundu when the request was made.

17 Q. Your arrival as?

18 A. As regent chief, when the request was made for chiefs to
19 put together defences in their chiefdom to assist the soldiers,
17:15:08 20 right up to when the soldiers turned against the elected
21 government and that relationship became severed.

22 Q. So what you are saying is that from your appointment as
23 regent chief to May 1997, the hunters of Jiama Bongor and
24 Koribundu were working closely together with the military based
17:15:35 25 at Jiama Bongor -- at Koribundu?

26 A. Yes, My Lord, and that even went beyond the hunters. A
27 group of separate Jiama Bongor young men were selected and given
28 to the soldiers exclusively, trained, uniformed and armed and
29 were called vigilantes.

1 Q. And following a coup and up to the reinstatement of the
2 civilian government, what role did the vigilantes play vis-a-vis
3 Koribundu?

4 A. Jiama Bongor and specifically Koribundu became a difficult
17:16:36 5 situation. Part of their children had become loyal to the
6 soldiers, even after the overthrow. Others that became hunters
7 saw this loyalist of their own kith and kin loyalist to the
8 soldiers as part of the enemy. And that was the difficulty that
9 was facing that chiefdom. That was the difficulty which we were
17:17:07 10 all summoned to make sure that it did not develop even after "di
11 wa dan dan" statement. That is the difficulty I am still praying
12 that it shall remain subdued.

13 PRESIDING JUDGE: Dr Jabbi, it appears you will not be
14 finished with that. I have a few questions but I'll keep those
17:17:31 15 for tomorrow morning.

16 MR JABBI: Your Honour, I just have one more question if it
17 can be accommodated.

18 PRESIDING JUDGE: Well, it may be a short question, but the
19 answer --

17:17:40 20 MR JABBI: It will be a short question.

21 PRESIDING JUDGE: We'll see.

22 MR JABBI: I hope the answer will also be short.

23 Q. Following reinstatement of the civilian government did the
24 hunters continue to play any role in respect of Koribundu?

17:17:57 25 A. Yes, My Lord.

26 Q. Briefly can you just explain?

27 PRESIDING JUDGE: That's more than one question. The Court
28 will adjourn to tomorrow morning at 9.30.

29 MR JABBI: As My Lordship pleases.

1 PRESIDING JUDGE: Thank you.

2 [Whereupon the hearing adjourned at 5.20 p.m.,
3 to be reconvened on Tuesday, the 31st day of
4 January, 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: SAMUEL HINGA NORMAN 2

EXAMINED BY MR JABBI 2