

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

TUESDAY, 31 JANUARY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Anna Matas
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Mr Kevin Tavener Ms Bianca Suci (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 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 [CDF31JAN06A - RK]
2 Tuesday, 31 January 2006
3 [Open session]
4 [The accused present]
09:32:01 5 [Upon commencing at 9.45 a.m.]
6 PRESIDING JUDGE: Good morning, Mr Witness. Good morning,
7 Dr Jabbi.
8 MR JABBI: Good morning, My Lord.
9 PRESIDING JUDGE: Are we ready to continue where we were
09:45:20 10 yesterday by the end of the day?
11 MR JABBI: Yes, My Lord.
12 PRESIDING JUDGE: You may proceed.
13 MR JABBI: Thank you, My Lord.
14 WITNESS: SAMUEL HINGA NORMAN [Continued]
09:45:29 15 EXAMINED BY MR JABBI: [Continued]
16 Q. Good morning, Mr Witness.
17 A. Yes, My Lord.
18 Q. I believe that the last question I posed yesterday was in
19 respect of the role of the hunters in respect of Koribundu after
09:46:01 20 March 1998.
21 A. Yes, My Lord.
22 Q. Can you explain, please.
23 A. Yes, My Lords, I gave the last answer yesterday and from
24 that answer there was no further question.
09:46:47 25 PRESIDING JUDGE: That is where we stopped and I said we'll
26 do that tomorrow morning.
27 THE WITNESS: Yes, My Lord.
28 MR JABBI:
29 Q. Would you mind to repeat that answer?

1 A. Could you repeat the question, please.

2 PRESIDING JUDGE: The hunters' role in Koribundu after
3 March 1998.

4 THE WITNESS: Yes, My Lord. I said their role was to
09:47:33 5 assure stability in the area. Further to that I want to say they
6 were to keep the base that they had captured until the return of
7 democracy and reinstatement of the President. That was what was
8 pursued.

9 MR JABBI:

09:48:09 10 Q. Thank you. Now, do you know one Daniel Habib in Koribundu?

11 A. Yes, My Lord. He was one of my chiefs in the town of
12 Koribundu.

13 PRESIDING JUDGE: Can you repeat the name and spell it out,
14 Dr Jabbi?

09:49:12 15 MR JABBI: The name is Daniel.

16 PRESIDING JUDGE: Yes, that's okay.

17 MR JABBI: Habib, H-A-B-I-B.

18 PRESIDING JUDGE: Thank you.

19 MR JABBI:

09:49:23 20 Q. Do you know if his house was damaged or burnt?

21 A. His house was damaged, My Lord. Part of it was burnt.
22 This was as a result of the soldiers who were occupying that
23 house who had stored some inflammables in the house.

24 Q. A certain witness gave evidence that along Blama Road in
09:50:26 25 Koribundu, up to the junction, he saw about 25 houses burnt
26 including Daniel Habib's house. What would be your --

27 A. It is impossible for 20 house to be burnt.

28 Q. Twenty-five.

29 A. Twenty-five houses to be burnt --

1 JUDGE ITOE: What you are saying is not that it is
2 impossible, it is not true.
3 THE WITNESS: It is not true, My Lord.
4 JUDGE ITOE: Not that it is impossible.
09:50:55 5 THE WITNESS: It is not true and I will go further to say
6 it is impossible and state the reason.
7 MR JABBI:
8 Q. Why do you say it is impossible?
9 JUDGE ITOE: The first answer first.
09:51:04 10 THE WITNESS: It is not true, My Lord.
11 JUDGE ITOE: Twenty-five houses were burnt.
12 THE WITNESS: It is not true. And it is not possible,
13 My Lord.
14 PRESIDING JUDGE: You were to say why.
09:51:30 15 THE WITNESS: Yes, My Lord.
16 PRESIDING JUDGE: Please.
17 THE WITNESS: I'm watching the pens. It is not true
18 because the number --
19 JUDGE THOMPSON: Well, you've dealt with that; not so?
09:51:35 20 THE WITNESS: Yes. Because --
21 JUDGE THOMPSON: It's the second part of your thesis.
22 THE WITNESS: It is not true.
23 MR JABBI: It is not possible.
24 JUDGE THOMPSON: It is not possible. That is what you are
09:51:50 25 supporting now?
26 THE WITNESS: Yes, My Lord. Because the number of houses
27 from the junction to the last house, moving on to Blama
28 direction, the houses on that side, either left or right, could
29 not count more than 15. And the house of Chief Daniel Habib is

1 on the opposite side of the Junction on Blama -- on
2 Koribundu-Sumbuya Road. That is the reason why I say it is not
3 possible.

4 MR JABBI: Okay.

09:53:12 5 JUDGE THOMPSON: So your theory is that the number is
6 inflated?

7 THE WITNESS: It is inflated, My Lord.

8 JUDGE THOMPSON: From your knowledge of that area.

9 THE WITNESS: Yes, My Lord. I was the regent chief of that
09:53:25 10 chiefdom and I was very often in Koribundu, and I took walks
11 around Koribundu with the chiefs.

12 MR JABBI:

13 Q. When?

14 A. When I was their regent chief from 1994 to the year 2003.

09:53:47 15 Q. Now, when you visited Koribundu and said you had a walk
16 round after the meeting, did you walk along Blama Road in
17 Koribundu?

18 A. This was after the reinstatement of His Excellency.

19 Q. Yes.

09:54:11 20 A. Yes, My Lord. It is a cross road like that and you take
21 walk in different directions.

22 Q. Did you walk along Blama Road in Koribundu?

23 A. I did not walk along Blama Road. I stood at the junction
24 and looked into the Blama direction of the road on either side.

09:54:34 25 I walked from Bo direction to the junction, where I observed
26 mainly the storehouse and then got to the junction, where the
27 headquarter of the military unit was. And standing right there,
28 turning clockwise or anti, you could see Pujehun Road, Sumbuya
29 Road, Bo Road, Blama Road.

1 PRESIDING JUDGE: So you did walk up to the junction. You
2 did not pass the junction, but at the junction you looked around?

3 THE WITNESS: It is a straight direction, My Lord. You
4 could see visibly.

09:55:20 5 MR JABBI:

6 Q. Could you see to the end of Blama Road from the junction?

7 A. Yes, it is a very direct road. Where houses stopped, you
8 could see even beyond that. Even today it is like that.

9 Q. From your recollection how many houses were damaged along
09:55:55 10 Blama Road?

11 A. I think I can recollect standing, looking at the road; on
12 the right part of the road was a house that was unfinished and --

13 Q. Watch your pace, please.

14 A. Unfinished from the foundation to just about the window
09:56:24 15 height, and I could see part of the front side towards the road
16 leading to Blama that was smashed. It looked either like --

17 Q. Watch your pace, please.

18 A. Either something like a mortar bomb or a rocket-propelled
19 bomb may have hit, or human endeavour, maybe throw of a hammer
09:56:58 20 could have crushed the cement wall that was by the side of the
21 window. That was all I observed.

22 Q. Now, yet another witness testified that after the attack on
23 Koribundu, the last attack on Koribundu, he left for Bo, but kept
24 returning to Koribundu from time to time. And one and a half
09:57:32 25 months afterwards, when he came back, he counted 161 burnt houses
26 in Koribundu.

27 JUDGE THOMPSON: What is the question?

28 MR JABBI:

29 Q. The question is, is that true?

1 A. No, My Lord, it is not true. And I will go further to say
2 it is not possible. My Lords, I said it is not possible because
3 the number of houses in Koribundu at that time were not up to and
4 beyond, expansively, 100.

09:59:25 5 Q. Yet another witness testified as to a meeting held in
6 Koribundu by you approximately one week after the attack on
7 Koribundu. Approximately one week after the attack on Koribundu,
8 that he attended that meeting and proceeded to go thereafter with
9 you. Is that true?

10:00:00 10 A. No, My Lord, it is not true. And it was not possible.

11 Q. Why is it not possible?

12 A. I never moved from Base Zero to anywhere in that direction
13 until after the reinstatement of His Excellency which took place
14 on 10 March 1998, My Lords.

10:01:14 15 MR JABBI: My Lords, at this stage I would just want to
16 remind the Court of the request by the witness for the Court to
17 visit Koribundu at some stage of these hearings. So as I leave
18 the Koribundu scene, I wish to remind Your Lordships that an
19 application --

10:01:47 20 PRESIDING JUDGE: Are you making officially an application?
21 If you do so, I would suggest you make it in writing.

22 MR JABBI: That's what I'm saying, My Lord, just to give
23 notice that an application will be made to that effect later on.

24 PRESIDING JUDGE: Are you about to leave Koribundu? That's
10:02:10 25 what you were saying?

26 MR JABBI: Yes, unless for any incidental --

27 PRESIDING JUDGE: I do have one question for the witness,
28 that's why I'm asking.

29 MR JABBI: Yes, My Lord.

1 PRESIDING JUDGE: Mr Norman, you have testified about
2 Koribundu being a military base. They were the words you used.

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: I would like you to explain what you
10:02:28 5 meant, if you can, by a military base in Koribundu. I was
6 following your description, but can I assume and understand that
7 by a military base in Koribundu, it is a base that is different
8 than the one that we see here in Freetown at Wilberforce.

9 THE WITNESS: Yes, My Lord. This is in terms of size of
10:02:51 10 unit.

11 PRESIDING JUDGE: Yes.

12 THE WITNESS: Koribundu was a company-sized base military
13 unit --

14 MR JABBI: Watch your pace, please.

10:03:12 15 THE WITNESS: -- with rifle platoons that were operational
16 militarily with Koribundu serving as the headquarter, My Lords.

17 PRESIDING JUDGE: What you described as the base, was the
18 base defined in terms of space, or just in your own language then
19 you described the village of Koribundu as being a base? Do you
10:04:03 20 understand my question?

21 THE WITNESS: I do, My Lord. I was GSO-3, training, so I
22 created units for the army. It was a base that the headquarters
23 and the various supporting platoons - transport, communication -
24 and assault pioneers, et cetera, all had --

10:04:50 25 JUDGE ITOE: What? Assault pioneers?

26 THE WITNESS: Yes, My Lord. This is a branch of the army
27 that does some specific work in making sure that the movement of
28 the battle sector of that army was not prominently obstructed
29 from movement. They all had their platoon commanders and wings

1 according to the various roads of the crossroad, Blama Road,
2 Pujehun Road, Sumbuya Road and Bo Road, clockwise. The main
3 building housing the headquarter office was, and is still, at a
4 junction, main junction of Koribundu. From when the posting of
10:06:32 5 the company took place in 1992 up to when the company finally
6 moved out in 1997, the headquarter of that company never moved
7 out of Koribundu, My Lords. I also want Your Lordships to know
8 that in my answer to the responsibility that was given to
9 Joe Tamidey, I gave three chiefdoms. I recollected --

10:07:57 10 PRESIDING JUDGE: When he became the --
11 THE WITNESS: The senior --
12 PRESIDING JUDGE: Commander, yes.
13 THE WITNESS: Yes. Those three chiefdoms were increased
14 later to five.

10:08:07 15 PRESIDING JUDGE: So it began with three --
16 THE WITNESS: Chiefdoms.
17 PRESIDING JUDGE: Three chiefdoms.
18 THE WITNESS: And it ended with five chiefdoms; two of them
19 being Wunde Chiefdom, W-O-N-D-E [sic], and the other being Jimmi
10:08:38 20 Bagbo Chiefdom. J-I-M-M-Y [sic] B-A-G-B-O, Bagbo Chiefdom,
21 My Lords.
22 MR JABBI:
23 Q. When was that increase made?
24 A. It was after he had reported to Base Zero on the capture of
10:09:04 25 Koribundu.
26 Q. I mean they increased to five. You explained the timing
27 for the increase from three yesterday.
28 A. Yes.
29 Q. When was the increase to five?

1 A. The increase to five happened slightly before the end of
2 January 1998, My Lord. That is when ECOMOG moved into Bo. After
3 ECOMOG had moved into Bo, and those two chiefdoms were seen not
4 to be under a definite control.

10:09:45 5 PRESIDING JUDGE: When you say end of January, of what
6 year?

7 THE WITNESS: 1998, My Lord.

8 MR JABBI:

9 Q. Well finally, I hope, on Koribundu, can you state the
10:10:05 10 period over which Koribundu served as a military base as you have
11 described?

12 A. Yes, My Lord.

13 Q. Just the period?

14 A. I remember saying 1992 to 1997.

10:10:27 15 Q. Thank you.

16 JUDGE ITOE: I would like to have a clarification,
17 Mr Norman. How many attacks did you say were operated in
18 Koribundu?

19 THE WITNESS: I said, My Lord, there were many. Notable
10:10:48 20 were three.

21 JUDGE ITOE: Yes, you talked of three.

22 THE WITNESS: Yes, My Lord.

23 JUDGE ITOE: You've talked of the attack, the first one
24 which failed.

10:10:59 25 THE WITNESS: No, no, My Lord, the first that was an
26 incident that occurred --

27 JUDGE ITOE: It was an incident which was involuntary?

28 THE WITNESS: Yes, My Lord.

29 JUDGE ITOE: Just by two forces meeting themselves and

1 misunderstanding themselves?

2 THE WITNESS: Thank you, My Lord.

3 JUDGE ITOE: Okay. That's all right. That's okay.

4 PRESIDING JUDGE: This is what you described as the first
10:11:19 5 attack?

6 THE WITNESS: Yes, My Lord.

7 JUDGE ITOE: You used a technical term for that attack.

8 What did you refer to it as again? You said it was?

9 THE WITNESS: An involuntary attack, not intentional.

10:11:45 10 JUDGE ITOE: You used a different term yesterday. It's
11 okay. That's all right, I'll find it in my notes.

12 THE WITNESS: Thank you, sir.

13 JUDGE ITOE: Yes.

14 THE WITNESS: It's the equivocation of language. I
10:11:51 15 remember using the word "incidental".

16 MR JABBI:

17 Q. Now, Mr Witness, may we go over to Base Zero. On this
18 visit now --

19 MR KAMARA: Excuse me, Mr Jabbi. Sorry, Your Honour, just
10:13:00 20 a point of note. The Prosecution has noted that my learned
21 friend has been making references to the context of the evidence
22 led before this Court and has been putting questions to the
23 witness with reference to other witnesses without using the
24 pseudonyms. We believe that it would be helpful to the Court if
10:13:23 25 the necessary pseudonyms are attached to the witnesses so we can
26 cross-check the information as put by my learned friend. For
27 example in one context in which he referred to the number of
28 houses that were burnt my recollection of the evidence was, in
29 the totality of the township, not particularly along the road,

1 but that is subject to verification. If we know the pseudonyms,
2 we can attach the pseudonym to the witness and then we can go
3 back and crosscheck the information. As another example --

4 JUDGE THOMPSON: In other words, to give an opportunity to
10:13:59 5 challenge if you want to challenge it?

6 MR KAMARA: Honestly, that's --

7 JUDGE THOMPSON: Yes, that's the procedural --

8 MR KAMARA: That is it.

9 JUDGE THOMPSON: Sounds like a reasonable request to me,
10:14:01 10 anyway.

11 MR KAMARA: Yes. Also, the fact that my learned friend
12 posed another question to the witness, suggesting that he went
13 back to Bo with someone. I don't know how the witness was able
14 to answer that, but that is an issue for cross-examination since
10:14:16 15 he doesn't know who he was referring to. So, it would be helpful
16 if we had the pseudonyms attached to the witnesses and then we
17 can crosscheck to make sure the evidence is not misstated or
18 misquoted.

19 MR JABBI: Thank you very much, My Lord. That information
10:14:33 20 can be very easily supplied. I have been trying to edge away
21 from the possibility of a witness being likely to be named.

22 PRESIDING JUDGE: But if you use pseudonyms.

23 MR JABBI: Yes, I will. I will, My Lord.

24 PRESIDING JUDGE: And I would add to that that we need to
10:14:49 25 be able to understand the totality of the evidence as well. So
26 it's not only for the benefit of the Prosecution, but for the
27 Court as well. So, anything you can do to facilitate our
28 understanding of what is going on is and would be much
29 appreciated, Dr Jabbi, so I would ask you to try to assist in

1 this respect.

2 MR JABBI: My Lord, if I may give that assistance in
3 respect of the instances already referred to.

4 PRESIDING JUDGE: Yes, if you have that information, we
10:15:19 5 will take note of that.

6 MR JABBI:

7 Q. With respect to the reference to houses burnt on
8 Blama Road, including --

9 JUDGE ITOE: Hang on, please. Your first reference was --
10:15:47 10 I don't know, was it Habib, the chief's house, the local chief?

11 JUDGE THOMPSON: Yes, 25 you said.

12 MR JABBI: Yes, My Lord.

13 JUDGE THOMPSON: Who was that witness?

14 MR JABBI: In respect of that the witness was PW6,
10:16:06 15 pseudonym TF2-159.

16 JUDGE ITOE: TF2?

17 MR JABBI: Dash 159, of September 9th, 2004.

18 JUDGE ITOE: He is prosecution witness number?

19 MR JABBI: Number six, My Lord.

10:16:42 20 JUDGE ITOE: Number six.

21 MR JABBI: And with reference to the witness who said there
22 was a meeting approximately one week after the attack on
23 Koribundu and who went to Bo with the witness, with this witness,
24 the reference is to prosecution witness number 9, pseudonym
10:17:34 25 TF2-082. And I believe the last one is the reference to the
26 suggestion that when that witness --

27 JUDGE ITOE: Let me take you back, please.

28 MR JABBI: Yes, My Lord.

29 JUDGE ITOE: You said he never attended a meeting in

1 Koribundu one week after the attack.

2 MR JABBI: Yes, that is the one.

3 JUDGE ITOE: Is that the one you are saying it PW --

4 MR JABBI: That one is --

10:18:12 5 JUDGE ITOE: TF?

6 JUDGE THOMPSON: PW9.

7 MR JABBI: PW9, TF2-082.

8 JUDGE THOMPSON: Before you leave that, was there a

9 specific reference to 161 houses?

10:18:35 10 MR JABBI: That is the one I'm coming to next, My Lord.

11 JUDGE THOMPSON: I see.

12 MR JABBI: So with a reference to a witness who was going

13 to Bo and coming back to Koribundu and, according to him, after

14 one and a half months he went and counted 161 houses burnt, that

10:19:00 15 witness is prosecution witness number 7, TF2-032. I believe that

16 is all, so far. Thank you.

17 My Lord, I just want to indicate that there will be

18 occasions when, because of the content of the discussion, it may

19 not be advisable either to say that particular person is a

10:19:58 20 witness or was a witness or indeed what these witness numbers

21 were, because the questions could well be based on even using the

22 names of persons.

23 PRESIDING JUDGE: If it is necessary and important for the

24 case for the accused that the name, a name be used and that name

10:20:26 25 is indeed protected, the identity of that particular person.

26 There are ways of doing it. You could write it down on a piece

27 of paper, pass it to the witness and he can read it and so that

28 may be filed confidentially. That is what I mean, without using

29 a name and still remain in a public setting and there is no need

1 to cause any difficulty. So this is one way you can use to
2 achieve that if needed.

3 MR JABBI: I had also thought that since many names will be
4 used in the questions, if no reference is made to a witness
10:21:05 5 situation, then all the names will be more or less without
6 reference to specific witness evidence. There are one or two
7 instances where --

8 PRESIDING JUDGE: If that is the case, we will deal with it
9 when we get there, Dr Jabbi. I mean, in as much as possible and
10:21:23 10 feasible, we would prefer that you use pseudonyms. But if it is
11 not possible, then it is not possible. As you know, the
12 challenge here is to try to balance the interests of justice and
13 fairness and at the same time protect the witnesses.

14 MR JABBI: As Your Lordships please.
10:22:20 15 Q. Mr Witness, I would like us to move over to Base Zero and I
16 want to begin with references to the Death Squad, Death Squad.
17 Now, can you tell this Court what the Death Squad was?

18 A. My Lords, that was a name, battle name, for a group of
19 hunters who had existed just about the time when I was made
10:24:17 20 regent chief of Jiama Bongor. I heard the name when I was at
21 Base Zero --

22 Q. The first reference --
23 A. -- but I never met them as a group of fighters, nor did I
24 have anything personally to do with them or with anyone of them
10:25:13 25 knowingly.

26 Q. Let's set the historical scene first of all. With
27 reference to your arrival in Base Zero, with reference to your
28 arrival in Base Zero in September 1997, would you say that the
29 Death Squad had already been in existence?

1 A. Yes, My Lord.

2 Q. When you were in Base Zero, was the Death Squad still in
3 existence?

4 A. Whether they were or they were not, then that I could not
10:27:00 5 tell, but I heard about them. I did not see them in the group
6 nor see any one of them singly, knowingly.

7 Q. Now, a certain witness -- if you can meanwhile look at the
8 name on this piece of paper.

9 PRESIDING JUDGE: Show it to the -- before, could you show
10:28:52 10 it to second accused and third accused, please?

11 JUDGE ITOE: Dr Jabbi, those papers are small. They are
12 very small. If they have to be tendered, they must be sizeable.

13 MR JABBI: I will write it on a proper size --

14 PRESIDING JUDGE: There is paper you can have just by the
10:29:20 15 printer.

16 MR JABBI: I will write it on that. The proper size of
17 paper is coming up now.

18 PRESIDING JUDGE: So the two papers you had given to the
19 witness are papers containing the same name.

10:29:53 20 MR JABBI: The same name, My Lord.

21 PRESIDING JUDGE: Okay. So now you are coming up with a
22 third piece of paper, it will be the same name but a bigger piece
23 of paper?

24 MR JABBI: Yes, and this for tendering, My Lord.

10:30:09 25 JUDGE ITOE: Is it with a name or names written on it?

26 MR JABBI: Only one name.

27 JUDGE ITOE: Only one name.

28 MR JABBI: Yes, My Lord.

29 PRESIDING JUDGE: Yes, Dr Jabbi.

1 MR JABBI:

2 Q. Now that name is a witness PW40 with a pseudonym TF2-190.

3 And, Mr Witness, I'm sure you appreciate the exercise you are
4 doing to ensure that the witness's name is not revealed in the

10:31:28 5 questions or answers?

6 A. Thank you, My Lord.

7 Q. Now, do you know that person?

8 A. I know this person, My Lord.

9 Q. When did you come to know him?

10:31:54 10 A. Long after I had been at Base Zero, My Lord. That is any
11 time between October and November 1997.

12 Q. And how did you come to know him?

13 A. I saw him and he was just like any one of the hunters that
14 were around, but he was called a very common name, different to
10:32:37 15 this. That's how I knew him.

16 Q. Did you also know him by this name?

17 A. Yes, the name that was common was then connected to this
18 name.

19 Q. I see. Please do not reveal that other name in your
10:33:01 20 answers.

21 A. Thank you, My Lord.

22 PRESIDING JUDGE: But again, if it is useful, he can write
23 it down. He can write on the same piece of paper.

24 MR JABBI:

10:33:23 25 Q. So please write it on the paper that you have.

26 PRESIDING JUDGE: And we will ask you, Dr Jabbi, to have
27 that piece of paper marked as an exhibit subsequent to the
28 witness writing the name.

29 MR JABBI: And maybe after the questions in connection with

1 it, he may well find it necessary to write some other information
2 on it.

3 PRESIDING JUDGE: Yes.

4 MR JABBI:

10:33:42 5 Q. Yes, can I have a look at it as well. Don't hold it too
6 high. There are some very powerful eyes behind you.

7 A. Thank you.

8 JUDGE ITOE: Mr Norman, when you say he was called by a
9 common name, would you say it's the pseudonym?

10:34:33 10 THE WITNESS: Pseudonym, aka name, My Lord. That was what
11 I knew him for a long time before -- after I saw the individual
12 himself, then I got to know the name that was first written.

13 PRESIDING JUDGE: You first have known him more or less
14 under this pseudonym?

10:34:53 15 THE WITNESS: Yes, My Lord. That was around October,
16 November when I saw him.

17 MR JABBI:

18 Q. Was this person ever introduced to you?

19 A. At the time when I got to know him, yes, he was introduced
10:35:32 20 to me by that name and I was told --

21 Q. By which name? The name that you have written?

22 A. The name I have written.

23 Q. Thank you.

24 A. The name I have written was the name I had known. When he
10:35:51 25 was introduced to me, then he was called the name that you wrote.
26 So it was the pseudonym first.

27 JUDGE ITOE: Let's get it clear. He was introduced to you
28 in what name?

29 THE WITNESS: The pseudonym, and his proper name was

1 connected.

2 MR JABBI:

3 Q. There and then?

4 A. To the second name.

10:36:19 5 Q. There and then?

6 A. Yes. And I was told about his activities.

7 Q. Was he introduced to you with a group?

8 A. No, My Lord. Out of curiosity after of the meaning of the

9 name, pseudonym, I wanted to know him because I know the meaning

10:37:25 10 of the pseudonym. So I wanted to see this person and then to

11 know him.

12 Q. Again just for clarification, this last statement you made,

13 does it mean that you knew the pseudonym before you knew the man?

14 A. The pseudonym is a Mende word --

10:37:50 15 Q. Yes, I know. Let us not deal with the meaning yet.

16 A. -- Having some meaning.

17 Q. Yes, let's not deal with the meaning yet. The pseudonym,

18 did you in fact know that pseudonym of some person before you

19 knew the man himself?

10:38:04 20 A. The name was being called often before I knew the man

21 himself.

22 Q. Okay. That was the clarification I wanted. Now you seem

23 anxious to explain the meaning, but I hope you appreciate the

24 linguistic difficulty you will have because you will need to name

10:38:32 25 some element in it and show the meaning.

26 A. My Lord, I am not anxious.

27 JUDGE THOMPSON: I'm sure the Bench would appreciate the

28 meaning of the pseudonym in Mende, if only it will be of

29 relevance to the person, otherwise it would be perhaps an

1 unnecessary linguistic exercise.

2 MR JABBI: I will not pronounce the pseudonym, but I will
3 only tell the meaning.

4 JUDGE THOMPSON: Actually, my point is that this linguistic
10:39:09 5 exercise which may well be enlightening and be appreciated could
6 only be embarked upon, and I say this with all deference to
7 Dr Jabbi's interest in this area, if it is of relevance in
8 elucidating the testimony or putting it in context. That's my
9 own random observation.

10:39:36 10 MR JABBI: My Lord, it was actually the witness who said
11 there is a meaning to this pseudonym. I have seen the name and I
12 know that the etymological elements in it --

13 JUDGE THOMPSON: And that is the difficulty I am in. I
14 don't want us to embark upon an etymological or semantic exercise
10:40:10 15 if it really has no relevance to elucidating the evidence for our
16 purposes. You can keep that as a pastime.

17 PRESIDING JUDGE: I subscribe to these comments. Please,
18 let's move.

19 MR JABBI: Sorry, My Lord. My main concern is since the
10:40:22 20 witness considers the meaning of relevance in this evidence, I
21 was only trying to warn him that if he wants to talk about that
22 meaning he should not resort to naming the elements in the name,
23 calling the elements in the name.

24 JUDGE THOMPSON: But remember that you are in control of
10:40:39 25 the examination-in-chief. The witness may have a different
26 perception of some portions of his evidence, whereas you may not
27 consider this necessary for the purposes of determining the
28 truth. But, as I say, it is entirely up to you. My own caution
29 is just to avoid multiplying the issues.

1 MR TAVENER: You Honour, the Prosecution also has a
2 concern. If you explain the meaning of a word, then it is not
3 difficult to work out the word and therefore the pseudonym. So
4 unless there is some particular need to take this any further, I
10:41:16 5 would say we should just move on from here.

6 JUDGE THOMPSON: Actually I thank the Prosecution for
7 supporting my concern. It's a serious concern, but --

8 JUDGE ITOE: Just one question, is that pseudonym relevant
9 to the facts in issue?

10:41:42 10 THE WITNESS: My Lord, the relevance is why do I have this
11 particular name so interesting. That is the relevance and so --

12 PRESIDING JUDGE: So we have heard you on that, Mr Norman.
13 We know that this is a name that struck you as being of common
14 knowledge to you and, because of that, you were curious to see
10:42:01 15 what it was.

16 THE WITNESS: Yes, My Lord. Having satisfied that I think
17 I'm all right now that you know the reason why I was insistent.

18 PRESIDING JUDGE: We understand your evidence in this
19 respect.

10:42:19 20 THE WITNESS: Thank you, My Lords.

21 MR JABBI: My Lord, if I may just ask one question on this
22 name for clarity and consistency of the records, because it is
23 also true that this name has appeared in the evidence before and
24 it was certainly spelt. I will take very great care that the
10:42:52 25 name itself doesn't come out.

26 Q. Now will you accept if I suggest that if we delete from the
27 spelling of this name the third letter you have written there,
28 which is an M -- just to delete that M to get the spelling
29 consistent with how it has appeared in evidence before?

1 A. My Lords, this is a name I read in a newspaper relative to
2 the evidence here. I read it in a newspaper. So I don't think
3 that it is all that subtle. But the spelling maybe I misspelled.
4 But that is the ethnical spelling connected to the name with the
10:44:06 5 ethnicity to which that individual belongs.

6 PRESIDING JUDGE: Dr Jabbi, we do have the pseudonym of the
7 witness in question, plus now the common name, so I don't think
8 we should spend much time on the exact spelling of the name.

9 MR JABBI: As Your Lordships please.

10:44:42 10 Q. Now, did you used to give orders to this person?

11 A. I have said I had nothing to do with this person other than
12 the fact that I just wanted to know him with my curiosity being
13 satisfied. I knew about him that he and his activities had
14 existed between 1994 and 1995, long before 1997.

10:44:47 15 [CDF31JAN06B - EKD]

16 Q. You have mentioned the activities of this person two or
17 three times now in answering questions. Would you want to
18 explain what these activities were?

19 A. What I was told, yes.

10:45:56 20 Q. Yes.

21 JUDGE ITOE: Before you move there, the witness had said,
22 you know, that because he had said so much about this pseudonym
23 and this person, he wanted to meet him. Would that be correct?

24 THE WITNESS: I wanted to know him.

10:46:16 25 JUDGE ITOE: You wanted to know him?

26 THE WITNESS: Yes.

27 JUDGE ITOE: Did you in fact know him?

28 THE WITNESS: Yes, My Lord.

29 PRESIDING JUDGE: That's the meeting you had with him where

1 you connected the pseudonym of the aka with the --

2 THE WITNESS: I was told that this was the man whose
3 pseudonym, you know, is so so so. That was any time around
4 October/November 1997.

10:46:47 5 PRESIDING JUDGE: And you have said this is the only
6 meeting you have had with that --

7 THE WITNESS: That is the first time I met him.

8 PRESIDING JUDGE: Okay.

9 MR JABBI:

10:47:15 10 Q. My last question was what the activities of this person had
11 been, as you were told?

12 A. That he was --

13 Q. Please watch your pace.

14 A. -- that he was the leader of -- at that time they referred
10:47:41 15 to them as Kamajor group that was called Death Squad. That had
16 been put in place by the people of the chiefdoms around that area
17 for their own protection. Death Squad. He was the leader.

18 Q. Around which area?

19 A. The area of Nongoba Bullom Chiefdom, Yawbeko.

10:48:25 20 Q. Watch your pace, please, and the spellings as you go along.

21 A. I have given the spelling to Their Lordships, I'm sure.
22 Nongoba Bullom Chiefdom, Yawbeko Chiefdom, Mano Dasse Chiefdom.

23 Q. You have not given that one before.

24 A. No. M-A-N-O. Dasse, D-A-S-S-E, Dasse Chiefdom, running
10:48:59 25 down to Njama Kowa. N-J-A-M-A K-O-W-A, Kowa Chiefdom, down to
26 Taiama Kori Chiefdom. K-O-R-I Chiefdom.

27 Q. Taiama?

28 A. Taiama.

29 Q. Taiama. Spell it?

1 A. T-I-A-M-A [sic], Taiama, My Lords. So that was the belt
2 running right up to where later became Base Zero when I was
3 there. So those were young people put together in that area and
4 they were to operate for their protection. So they gave it the
10:49:54 5 name. I was told they gave it the name Death Squad, and this was
6 between 1994 and 1995, My Lords. When I was at Base Zero, I
7 never communicated orders or command to platoon commanders. He
8 had his own chiefdom commander at that time and that was the man
9 that later became 1st Battalion commander, and his name I have
10:51:13 10 given here as a Mr Rufus Collier.

11 Q. Do you have anything more to say on the activities of this
12 man?

13 A. I do not have anything to say.

14 Q. Nothing more. Although you have said you did not
10:52:17 15 communicate any orders or command when you were in Base Zero,
16 however, do you remember any orders for this group to reinforce
17 Kamajors in Moyamba area?

18 A. My Lord, I said I did not give orders to platoon commanders
19 when I was in that area, and that he was under the command of his
10:52:48 20 own battalion -- chiefdom commander, who later became number one
21 battalion commander. Never said I did not give orders or
22 command. I do not remember, My Lords, giving any orders, either
23 general or specific, to a group of people known as Death Squad.

24 JUDGE ITOE: You say you do not remember or you did not?

10:53:19 25 THE WITNESS: I did not, My Lord. Thank you. I played no
26 part in their creation and I had no contact with them.

27 MR JABBI:

28 Q. My last question, however, was slightly wider. It was
29 whether you know if any orders were given to this group; not

1 necessarily by you, but whether you know that any orders were
2 given to this group to reinforce Kamajors in the Moyamba area?
3 A. No, My Lord, I don't.
4 Q. Dealing with that same person, did you invite that person
10:55:40 5 at any time to come to Freetown in order to receive
6 President Kabbah from exile?
7 A. No, My Lord.
8 Q. Did you in fact see that person in Freetown during the
9 return of President Kabbah from exile?
10:56:47 10 A. No, My Lord.
11 Q. Did you give any instructions to this person that SSDs had
12 looted cars during the junta period, which were at the SSD
13 headquarters, and that they should remove those cars from the SSD
14 quarters?
10:57:59 15 A. No, My Lord.
16 Q. In view of your negative replies so far, would you be
17 surprised to learn that, according to this person, he and others
18 attacked the SSD headquarters, drove three vehicles away from
19 there, and handed them to you at your Spur Road residence? Would
10:58:59 20 you be surprised to learn that?
21 A. I would be surprised, My Lord. I would be surprised. And
22 I am surprised to hear it for the first time.
23 Q. Why?
24 JUDGE ITOE: Your question was long. Can we take down --
10:59:22 25 MR JABBI: Yes, My Lord, I will state it slowly. I asked
26 if, in the light of the negative answers he has given so far, the
27 last two, three answers he has given, whether he would be
28 surprised to learn that according to this person, and on this
29 witness's instructions, that person, together with others,

1 attacked the SSD headquarters, drove three vehicles away from
2 there, and handed them over to this witness at his Spur Road
3 residence. That was my question, My Lord.

4 JUDGE ITOE: He said he was surprised.

11:01:11 5 THE WITNESS: I would be surprised and I'm surprised.

6 MR JABBI:

7 Q. Why?

8 A. Reason is that if that witness was referring to activities
9 that may have taken place after the reinstatement of His
11:01:47 10 Excellency the President, 10th March 1998, up to when "di wa dan
11 dan" statement was made, there had been arrangements put in place
12 that hunters, who later specifically became group named Civil
13 Defence, never operated in localities that was not specifically
14 their own without assignment. If he surely --

11:03:03 15 Q. Watch your pace, please.

16 A. If he surely operated in the Western Area, specifically
17 Freetown, then this was the area that was hunter-wise strictly
18 under the OBHS, Organised Body of Hunting Society, to which he
19 was not a member and did not belong. Secondly --

11:03:52 20 Q. Watch your pace, please, and the pens.

21 A. I'm watching, My Lord. Secondly --

22 JUDGE ITOE: No, watch the pace. Don't move.

23 THE WITNESS: Sorry, My Lord. I'm watching the pens,
24 My Lord.

11:04:09 25 MR JABBI:

26 Q. Some of the pens --

27 A. Secondly, the entire Freetown area --

28 JUDGE ITOE: OBHS, you say it stands for?

29 THE WITNESS: Organised Body of Hunting Society, My Lord.

1 Secondly, the entire Freetown area was strictly militarily -
2 strictly militarily - under ECOMOG, whose headquarters were at
3 Wilberforce, from whom hunters were to obtain orders. Thirdly,
4 Spur Road was the residence of the Deputy Minister of Defence and
11:06:04 5 National Co-ordinator, and not his office, My Lords.

6 MR JABBI:

7 Q. After the operational scenario that you have set, I still
8 ask as a matter of simple fact, did you receive three vehicles
9 from this person at any time?

11:06:55 10 A. No, My Lord. Neither at my residence, nor at my office.

11 Further, nowhere in Freetown or Sierra Leone.

12 Q. Now, still with this person, one of the incidental returns
13 to Koribundu, but a very short one. Did you at any time give
14 instructions to this person that his group should hold the
11:08:45 15 Bo-Koribundu Highway, so as to prevent any reinforcement coming
16 from Bo to assist Koribundu in the last attack you narrated?

17 A. No, My Lord.

18 PRESIDING JUDGE: I would appreciate it if you would repeat
19 that one in a slower mode, please.

11:09:11 20 MR JABBI: Thank you, My Lord. Sorry, My Lord.

21 Q. Did you at any time give instructions to this person and
22 his group to hold the Bo-Koribundu Highway during the last CDF
23 attack on Koribundu, so as to prevent any reinforcements reaching
24 Koribundu from Bo?

11:10:14 25 A. No, My Lords, I did not. And I was not the commander or a
26 commander for that operation.

27 Q. Still dealing with this same person, did you at any time
28 receive a situation report prepared by him concerning their
29 operations in the Moyamba area?

1 A. No, My Lord.

2 Q. And did you receive from this same person the crown symbols
3 from the uniforms of dead soldiers from the Moyamba exercise?

4 A. No, My Lord.

11:12:54 5 JUDGE ITOE: Take that again. The crown symbols?

6 MR JABBI: Yes.

7 Q. Did you at any time receive from this person crown symbols
8 from the uniforms of dead soldiers from the Moyamba exercise?

9 A. No, My Lord.

11:14:25 10 PRESIDING JUDGE: Dr Jabbi, while you are looking for the
11 next question, we will break for 15 minutes and that should give
12 you the time to get to it.

13 MR JABBI: Thank you, My Lord.

14 PRESIDING JUDGE: Thank you, court is adjourned.

11:15:06 15 [Break taken at 11.15 a.m.]

16 [Upon resuming at 11.43 a.m.]

17 PRESIDING JUDGE: Dr Jabbi.

18 MR JABBI: My Lord.

19 Q. Now, Mr Witness, a little time more with the person we were
11:44:12 20 dealing with just before the break. This time it is to ask if a
21 report was ever made to you of serious looting being perpetrated
22 by the hunters during the attack on Koribundu on Friday, 13
23 February 1998. Was any such report ever made to you?

24 A. No, My Lord.

11:45:05 25 Q. That person confessed specific acts of looting by himself
26 during that exercise, which I will just recite before I pose the
27 question. He said he personally looted 56 bundles of zinc he
28 took from a store in Koribundu, and that he also looted fuel from
29 a petrol station. Was a report of those lootings ever made to

1 you?

2 A. No, My Lord.

3 Q. Do you know if a report about general looting and acts of

4 that particular person were ever reported to any CDF organ?

11:46:30 5 A. Not to my knowledge, My Lord.

6 Q. To conclude on that person, do you yourself have anything

7 to say about his general comportment and conduct?

8 A. I did not know the man very well, nor was I in constant

9 touch with him. So I could not --

11:47:42 10 Q. Please watch your pace.

11 A. I could not give judgment on his general comportment. The

12 only few times I saw him at Base Zero, he looked young, handsome,

13 and I would think that he was of amiable character.

14 Q. Thank you.

11:48:45 15 MR JABBI: My Lords, if I may now tender this piece of

16 paper.

17 PRESIDING JUDGE: Yes.

18 MR JABBI: May I date it, My Lord?

19 PRESIDING JUDGE: Yes.

11:48:54 20 JUDGE ITOE: You have to state there that it is tendered

21 by --

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

23 JUDGE ITOE: The way we have been doing it, you know.

24 MR JABBI: Yes.

11:49:06 25 PRESIDING JUDGE: I think it will be Exhibit 121.

26 MR JABBI: I believe so, My Lord.

27 MS EDMONDS: Yes, Your Honour, it is 121.

28 PRESIDING JUDGE: Thank you. So 121 will contain the name

29 of the witness as well as another pseudonym, the aka - common

1 name.

2 THE WITNESS: Yes, My Lord.

3 JUDGE ITOE: Dr Jabbi, from the chain of evidence, I think
4 you need to give us the pseudonym of this witness who appears to

11:49:44 5 have testified here so that we have it on record.

6 MR JABBI: I gave it earlier on and it is --

7 JUDGE ITOE: It is there already?

8 MR JABBI: Yes, it is there already, My Lord.

9 PRESIDING JUDGE: It was prosecution witness 40.

11:50:00 10 MR JABBI: Yes, My Lord. My Lords, I have headed the paper
11 as follows: "Exhibit 121 - name and pseudonym of Prosecution
12 witness referred to in the testimony of first accused on 31st
13 January 2006."

14 PRESIDING JUDGE: Thank you.

11:51:17 15 [Exhibit No. 121 was admitted]

16 MR JABBI:

17 Q. Now, Mr Witness, if we may move on --

18 JUDGE ITOE: Can you hold on, please.

19 MR JABBI: Thank you, My Lord.

11:52:31 20 PRESIDING JUDGE: Yes, Dr Jabbi.

21 MR JABBI: Yes.

22 Q. If we may move on to yet another prosecution witness, whose
23 name and court pseudonym I have placed on this paper. For the
24 information of the Court, this is prosecution witness 61,

11:53:16 25 TF2-014.

26 MR JABBI: If you can kindly --

27 Q. Mr Witness, please don't hold the paper too high when it
28 reaches you.

29 A. Yes, My Lord.

1 PRESIDING JUDGE: Yes, Mr Prosecutor. Were you standing up
2 to --

3 MR TAVENER: I was, Your Honour, but I wasn't fully
4 accoutred so I didn't want to speak. This witness did speak in
11:54:47 5 the open, so there would be no need to maintain the provisions.

6 PRESIDING JUDGE: Thank you.

7 MR JABBI:

8 Q. So, Mr Witness, can you call out the name of the person on
9 the paper that was given to you?

11:54:47 10 A. Yes, My Lords, I can.

11 Q. Please do.

12 A. The name is Albert Nallo.

13 Q. Albert Nallo.

14 A. My Lords.

11:55:03 15 Q. Do you know him?

16 A. I know him very well, My Lords.

17 Q. Would you like to tell the Court in what capacity you know
18 him?

19 A. I know him as a Sierra Leonean.

11:55:22 20 Q. Watch your pace, please. Watch your pace, please, and the
21 pens.

22 A. Sierra Leonean, Mende ethnicity, a hunter and a group of
23 Kamajors, and a man of sundry activities, and equally of
24 behaviour. I observed him as being someone of mild

11:56:35 25 inconsistencies, both in action and behaviour, My Lords.

26 JUDGE THOMPSON: Excuse me, was the word "mild"?

27 THE WITNESS: Mild, M-I-L-D, My Lords.

28 JUDGE THOMPSON: I thought I heard "wild".

29 THE WITNESS: No, My Lord.

1 MR JABBI: I thought I heard "mud".
2 THE WITNESS: No, My Lords.
3 JUDGE ITOE: I didn't hear "mud"; I heard "mild".
4 THE WITNESS: Thanks, My Lords.
11:58:09 5 MR JABBI:
6 Q. What was his status in the hunter organisation?
7 A. He was a hunter, and he was more wanting to be in the
8 field.
9 JUDGE ITOE: He was more?
11:58:39 10 THE WITNESS: Wanting to be in the field. He liked being
11 away in the areas of activities, My Lord. And so the man who was
12 in charge of operations at that time chose him to be going around
13 in the field. Later I heard he was referring to himself as
14 deputy director of operations, My Lords.
12:00:07 15 MR JABBI:
16 Q. Was he or was he not?
17 A. He was not, My Lord, a deputy director of operations.
18 Q. What was he then?
19 A. I said he had been -- so to speak, he had been given a job
12:00:43 20 by the man who was in charge of operations at that time so that
21 he was sending him into the field, that is the areas of
22 operations, away from Base Zero.
23 Q. Did that job have any designation?
24 A. The job of?
12:01:18 25 Q. Sending him away to operational areas.
26 A. Well, I would say that he was assisting that man who was
27 doing the work of operations at the time.
28 Q. Officially or otherwise?
29 A. There was no designation from the War Council or from me to

1 him, as such.

2 JUDGE THOMPSON: So there was no position characterised
3 "deputy director of operations"?

4 THE WITNESS: To him, My Lord.

12:02:07 5 JUDGE THOMPSON: But was there such a characterisation
6 anyway?

7 THE WITNESS: There was eventually a designation under the
8 director of operation called a deputy.

9 JUDGE THOMPSON: Deputy, okay, yes.

12:02:21 10 THE WITNESS: Yes.

11 MR JABBI:

12 Q. When that designation --

13 JUDGE ITOE: You are saying that no such designation was
14 given to him by?

12:02:32 15 THE WITNESS: The National Co-ordinating Committee or by
16 the director of appointment committee.

17 PRESIDING JUDGE: I thought you had said it was not given
18 to him by the War Council?

19 THE WITNESS: No, I said it was not a designation by either
12:02:55 20 the War Council, me, further to it, nor from the director of
21 appointments, promotions.

22 MR JABBI:

23 Q. How effective was he, anyway, in the errands he ran?

24 A. I cannot estimate that, My Lord. He was not directly
12:03:55 25 performing whatever he was doing under me.

26 Q. Now, let me read out to you the gist of certain things
27 which this witness said you had said or told him.

28 A. Yes, My Lord.

29 Q. He said that you told him and other people that "Tejan

1 Kabbah has failed to give us arms and ammunition. Tejan Kabbah
2 doesn't believe in the Kamajor movement. He doesn't want to hear
3 about the Kamajor movement." That you said that Tejan Kabbah
4 believes in international bodies for them to fight for him. All
12:06:16 5 food --

6 JUDGE ITOE: Please wait. All food?

7 MR JABBI:

8 Q. "All food, arms and ammunition that the
9 National Co-ordinator brought for us, he got them from one of his
12:06:56 10 friends, an ECOMOG general who was in Liberia, one Abdulai
11 Mohamed. Therefore we were fighting on our own, and when we
12 fight on our own and we capture the entire country, we would rule
13 the country for three years. If we find out that it is necessary
14 for us to hand over, we would. But if we don't find out that it
12:08:43 15 is necessary, then we will take over the reign of government and
16 form the government."

17 That is the gist of some of the things that this witness
18 said you had told him and the Kamajors generally. How true is
19 that?

12:09:31 20 JUDGE THOMPSON: Counsel, without interfering with your
21 methodology, that's quite a chunk. Wouldn't it be necessary to,
22 at least speaking for myself and I am sure for the Bench, unless
23 my brothers have a different view -- necessary to have this
24 broken down so that we can understand and ascertain the truth in
12:09:59 25 respect of the different elements of that totality of, as you
26 represented, the gist of the witness's report about what this
27 witness allegedly said to him.

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

29 Q. Well, Mr Witness, taking those elements in turn, the

1 witness said you told him that Tejan Kabbah has failed to give
2 you arms and ammunition. How true is that?
3 A. My Lords, from the time I arrived Base Zero up to the time
4 I left, in its entirety I never made any such story that the
12:11:30 5 counsel has put to me being given as evidence by a witness in
6 this Court. Further, I made a broad --
7 Q. Please watch your pace.
8 A. I gave a broad view of opinion on the man called
9 Albert Nallo. Having now heard a chunk of what he has said here,
12:12:33 10 this goes to confirm my opinion that I have expressed about him
11 of mild inconsistency and the rest of it, My Lords.
12 Q. Having said that, however, is it true that you did say to
13 them that Tejan Kabbah has failed to give arms and ammunition for
14 the Kamajor exercise?
12:13:15 15 A. It is not true, My Lord.
16 Q. And that you also said "Tejan Kabbah doesn't believe in the
17 Kamajor movement. He doesn't want to hear about the Kamajor
18 movement."
19 A. Those are not true. They are alleged to have come from me,
12:14:20 20 My Lords.
21 Q. And that instead Tejan Kabbah believes in international
22 bodies for them to fight for him?
23 A. I never said those words, My Lords.
24 Q. That you also said all food, arms and ammunition that the
12:15:13 25 National Co-ordinator brought for the war exercise, you got them
26 from one of your friends, an ECOMOG general in Liberia called
27 Mohamed.
28 A. That is not true, My Lord. Further, on oath I have said
29 here that through His Excellency the President Alhaji Ahmad Tejan

1 Kabbah, arrangements were made for me to receive on behalf of the
2 hunters, from ECOMOG Liberia, arms, ammunition, food, medicine,
3 transportation, and cash instead of most times food. So I could
4 not have told Nallo that those came from a friend of mine because
12:17:05 5 of friendship in sort of arrangement that had been put in place
6 by His Excellency the President of Sierra Leone, My Lords.

7 Q. Did you also say that that as the Kamajors were therefore
8 fighting on their own when they capture the entire country, they
9 would rule the country for three years and possibly even more if
12:17:58 10 they don't find it necessary to hand over?

11 A. That is not true, My Lord, and I cannot possibly discern
12 the difference between ruling and governing. Ruling for three
13 years and then governing for the rest of the time.

14 Q. That witness also said in evidence that those who took the
12:19:28 15 ammunition to them said that you had told them that chiefs who
16 were not in favour of the Kamajors should be killed like civilian
17 collaborators sympathising with the AFRC and RUF. Is that
18 correct; did you tell any people that to be conveyed to the
19 fighters?

12:20:30 20 A. My Lords, that was Nallo's evidence before Your Lordships,
21 told him by other people.

22 Q. According to him.

23 A. According to him. Who are not charged with me. So I
24 prefer to tell Your Lordships that I did not say that to Nallo,
12:21:01 25 nor did I say it to any other person who Nallo may be referring
26 to.

27 Q. The witness also said -- what I am reading now, part of it
28 has been clarified, but there is also a second part. He also
29 said in evidence that after he was appointed national deputy

1 director of operations by Hinga Norman, he took general and
2 specific instructions from Norman and passed it to the warfront.
3 Is it correct; the aspect about his taking general and specific
4 instructions from you for the warfront?

12:23:08 5 A. No, My Lord, it is not correct that I gave him general and
6 specific orders for the warfront. And I never appointed him
7 national deputy director of operations, My Lords.

8 Q. He also said in evidence that you told them, the fighters,
9 that all AFRC fighters, their collaborators and sympathisers were
12:24:55 10 enemies of the hunters, and that they should kill them. That you
11 said the hunters should not be sorry at all for such people.
12 Because the Kamajors don't have food, they don't have any house
13 to keep those people, and that the best way of getting rid of
14 your enemy is to exterminate him. Did you give such line of
12:26:13 15 instructions to the hunters?

16 A. No, My Lords.

17 Q. The witness also said that you equally approved the looting
18 of the properties of such persons; is that correct?

19 A. That may not be correct they allege coming from me.

12:27:13 20 Q. May?

21 A. It will not be correct if they are alleged coming from me
22 to anybody, including Nallo, as an instruction from me or
23 directive from me or a command from me.

24 Q. Why do you say it is not correct?

12:27:36 25 A. I said it will not be correct, because --

26 JUDGE ITOE: There is a difference between "it will not be
27 correct" and "it is not correct".

28 THE WITNESS: It is not and it will not be correct.

29 JUDGE ITOE: Avoid conditionalities.

1 THE WITNESS: The conditionality is that Nallo is saying I
2 did so and I could not have done so to him or to the general
3 fighters without a medium to be disseminated to the general
4 fighters. To him I did not and to the general fighters it will
12:28:16 5 not be correct.

6 MR JABBI:
7 Q. His Lordship is warning that answers should indicate
8 clearly whether they are categorical statements as distinct from
9 conditionalities or futurities or contingencies or things of that
12:28:45 10 nature.

11 A. I'm sorry, My Lords, if my answers are being perceived in
12 those views. But these are answers that are relatively going to
13 one person and then a group of people. That is what Nallo's
14 evidence is very pregnant. No, I did not tell him that. No, I
12:29:14 15 did not give such orders for any group of people.

16 [CDF31JAN06C - CR]

17 Q. Thank you very much.

18 A. My Lords.

19 Q. This Court is investigating to establish the truth with the
12:29:33 20 end of justice in view. That is why His Lordship is warning
21 about categorical statements.

22 A. Yes, My Lord. Thanks.

23 Q. Now, Mr Witness, the witness very specifically alleged in
24 his evidence that prior to the battle in Koribundu, he received
12:30:24 25 specific orders from you at Base Zero in your room in the
26 presence of a named person; is that correct?

27 A. My Lords, I did not give Nallo any specific orders in
28 respect of Koribundu or in respect of anywhere else in
29 Sierra Leone, either in his own single presence or in the

1 presence of other person or persons inside my room or outside my
2 room.

3 Q. Did Nallo, at any stage, ever enter your room at Base Zero?

4 A. Not to my knowledge, My Lord.

12:32:10 5 Q. He also gives the following further specific reports about
6 what he says you told him in respect of certain planned or
7 instructed lootings and killings. I will just go through them
8 one by one - that is in the room. He said you told him, "When
9 you go down to Bo, the southern pharmacy should be looted and
12:32:59 10 bring all the medicines to me." Is that correct?

11 A. That is -- we are staying in the room where he had put me?

12 Q. According to him.

13 A. And we are talking about the battle of Koribundu?

14 Q. And Bo.

12:33:22 15 A. And Bo co-jointly. I did not, My Lord, neither about
16 Koribundu nor about Bo. Either between the two of us, or between
17 the two of us and any other person present in the room.

18 Q. He also said that you instructed that when they go to Bo,
19 they should kill the following persons: One, Joe Kpundeh Boima
12:34:21 20 the third, paramount chief of Bo Karuka Chiefdom; is that
21 correct?

22 JUDGE ITOE: Joe?

23 MR JABBI: Joe Kpundeh, K-P-U-N-D-E-H. Joe Kpundeh.

24 Boima, B-O-I-M-A. Joe Kpundeh Boima III, paramount chief of Bo
12:34:45 25 Karuka Chiefdom.

26 Q. Is that correct?

27 A. No, My Lords.

28 Q. And that they should also kill Madam Toma Elias - Toma
29 T-O-M-A. Elias, E-L-I-A-S. Toma Elias, chairlady of Bo Town

1 Council, because she used to collect market dues and give it to
2 the junta and so she is the collaborator.
3 A. No, My Lord.
4 Q. And that they should also kill Lansa Koroma, possibly
12:36:02 5 Lansana Koroma, provincial secretary in Bo; is that correct?
6 A. No, My Lord.
7 Q. And one other person to be killed, a Dr MB Sesay, according
8 to him, because he used to give money to the juntas to prepare
9 ronkos with the junta's war, so as not to distinguish between
12:36:45 10 juntas and Kamajors. Did you give instructions that such a
11 person be killed?
12 A. No, My Lord.
13 Q. Do you, in fact, know MB Sesay?
14 A. Yes, My Lord. He is an in-law to our family in Jagbwema
12:37:51 15 and in Bo he is married to one of our distant cousins.
16 MR JABBI: Jagbwema, My Lords, I believe is spelt
17 J-A-G-B-O-I-M-A [sic]. Some people sometimes put an N at the
18 beginning.
19 Q. Where is he now?
12:38:23 20 A. He is deceased, My Lords. Dr MB Sesay is dead.
21 Q. When did he die?
22 A. I'm sure he died after the reinstatement of the President
23 and returned to democracy. He was a man suffering from
24 hypertension.
12:38:55 25 Q. Do you know the circumstances in which he died?
26 A. No, I don't. I only say -- I only know he was suffering
27 from hypertension.
28 Q. The following persons, according to that witness, were also
29 to be killed. If I can name all of them now?

1 A. Please.

2 Q. One Ali Fataba; another, Ali Jabu; and yet another, Brima
3 Tolli; did you give any such instructions?

4 A. No, My Lord. These are people I know. I know Fataba, I
12:39:40 5 know Brima Tolli, it's the other name I don't know.

6 Q. Ali Jabu.

7 A. No, I don't.

8 Q. Ali Fataba and Brima Tolli, are they alive?

9 A. Brima Tolli and Fataba are alive up to the time when I was
12:39:58 10 arrested. I don't know now. I have not listened to their death,
11 so I assume that up to now they are alive.

12 Q. He also said that you instructed that police officers who
13 used to work under the AFRC junta must also be killed.

14 A. No, My Lord, I did not.

12:41:12 15 Q. With respect to Koribundu, the witness said you instructed
16 that the root cause for the hunters being so far unable to
17 capture Koribundu at the time was because the civilians had given
18 their children in marriage to the junta soldiers, which made them
19 spies and collaborators, and that, therefore, when they go to
12:42:35 20 Koribundu, the hunters, including Nallo, they should see that --
21 in his words, "They should see that nobody should be left, not
22 even a farm. All houses should be burnt." According to him,
23 petrol was given for that operation. Did you so instruct?

24 A. These are still Nallo's allegations in the room?

12:43:18 25 Q. In the evidence that he gave.

26 A. We're still following his allegation against me in that
27 room --

28 Q. No.

29 A. -- or outside the room?

1 Q. No, not necessarily, the instructions, according to him,
2 that you gave. He doesn't specify in some cases where the
3 instructions were given, specifically.

4 A. These are all wild allegations, imaginations of his own
12:43:49 5 fiction and I categorically deny them.

6 Q. According to him, one specific name you instructed them to
7 kill was one Shekou Gbao, a driver, and that they should burn his
8 house because he used to give his vehicle to the AFRC junta to
9 attack hunters.

12:44:20 10 A. I am not smiling because I believe that this is -- the
11 allegation is not serious. I'm smiling because of the reason.
12 Shekou Gbao was a contestant in the chieftaincy struggle that was
13 in Jiam Bongor. And he happened to be a friend --

14 Q. Of whom?

12:44:54 15 A. Of both Nallo and Alhaji Daramy Rogers, and --

16 Q. Please watch your pace and the pens.

17 A. Thank you. Up to the time the chief was crowned, Shekou
18 Gbao was suspicious of my support for the other candidate that
19 was his own elder brother --

12:45:41 20 Q. Keep watching your pace, please.

21 A. -- Momoh Gbao. So coming down to this type of allegations
22 in Nallo's evidence, I'm not surprised that he includes Shekou
23 Gbao, but I deny that I ever gave Nallo such instruction, My
24 Lords.

12:46:48 25 Q. That witness also did say in evidence that the Death Squad
26 reported directly to you in Base Zero.

27 A. I deny that allegation, My Lord.

28 Q. The witness also established an interesting trilogy in
29 which he said you were the God and that the second accused was

1 the Son and the third accused, the Holy Spirit.

2 JUDGE THOMPSON: He didn't establish it, he devised.

3 MR JABBI: He devised. Thank you, My Lord, very much.

4 Q. He drew that analogy to explain the relationship among the
12:48:47 5 three of you and his own apprehension or perception of your
6 functions and operations in the eyes of the Base Zero community.
7 There was the Son -- God the Father, God the Son, and God the
8 Holy Spirit. Norman was the God, the second accused was the Son
9 and the third accused was the Holy Spirit. Do you find that true
12:49:31 10 of you?

11 A. I find it difficult to say Nallo was speaking the truth. I
12 am a human being, not empowered with supernatural powers to
13 equate myself to God the Father, and to the rest of the other two
14 gentlemen as God the Son, and God the Holy Ghost. In whatever
12:50:16 15 context Nallo may have come out with such a statement and for
16 whatever reason, I would only say may God forgive him, My Lords.

17 Q. Another set of gruesome allegations by the witness
18 involving you to the effect that you had absolute powers at Base
19 Zero, even over the War Council, and that when things happened
12:52:16 20 and the War Council took decisions, you reversed them. For
21 example, he refers to one Kamajor called Vanjawai, who, according
22 to him, killed one pregnant woman called Jeneba at Kponima
23 village and his boys killed Juma Joe Betty in Sulehun and he,
24 that witness, wrote a report about it and took it to the director
12:53:13 25 of war and to the War Council and the War Council said they would
26 not touch it. Because, according to him, you had threatened the
27 War Council and created in them fear concerning the Kamajors and
28 that if they did not stop, the Kamajors would kill them and they
29 would have nobody to blame but themselves.

1 JUDGE ITOE: Is that the state of the evidence?

2 MR JABBI: That's the --

3 JUDGE ITOE: Are you sure that that is the state of the
4 evidence in relation to that issue?

12:54:17 5 MR JABBI: I believe so, My Lord.

6 JUDGE ITOE: All right. I just wanted to draw your
7 attention to that, ensuring that --

8 MR JABBI: I'm not overstating or --

9 JUDGE ITOE: Precisely.

12:54:33 10 MR JABBI: I believe so, My Lord.

11 JUDGE ITOE: Well, the records will correct the situation
12 when it comes to time.

13 MR JABBI: If it needs correction, My Lord.

14 JUDGE ITOE: If it does need correction, indeed.

12:54:47 15 MR JABBI: Thank you.

16 Q. Yes, what do you say about that complex of allegations?

17 A. In its entirety it is not true and it could not be true for
18 the following reasons: The War Council at Base Zero, My Lords,
19 was set up with powers and authority to advise me, especially,
12:55:33 20 being far away from the Minister of Defence under whom I served
21 as deputy and from the commander-in-chief and President to whom I
22 was in service as Deputy Minister of Defence.

23 Q. Please watch your pace, for the interpreters, in
24 particular.

12:56:11 25 A. And I would bring a situation to Their Lordships why this
26 could not be true. Vanjawai, that was an aka or a kind of
27 pseudonym for Osman Vandy - Osman Vandy, the name. He was a good
28 fighter. He was sent to the area of Gondama, Gbaima and Kponima,
29 K-P-O-N-I-M-A. Kponima. Gondama was part of Tikonko Chiefdom --

1 is part of the Tikonko Chiefdom. Kponima is part of Jiama Bongor
2 Chiefdom in the Bongor area. Information got to us about his
3 violent behaviour to civilians, and the man who was in charge of
4 discipline was instructed to cause Osman Vandy to be brought to
12:58:05 5 Base Zero for investigation. Osman Vandy was eventually brought;
6 it's a long distance. Investigations were carried out and Osman
7 Vandy was charged --

8 JUDGE ITOE: Learned counsel, haven't you been through this
9 piece of evidence before?

12:58:39 10 THE WITNESS: My Lord --

11 JUDGE ITOE: Aren't we getting -- I thought we had been
12 through this portion of evidence before?

13 THE WITNESS: My Lord --

14 MR JABBI: Yes, My Lord.

12:58:51 15 THE WITNESS: Especially in the light of Nallo's
16 allegation, I would like to, with your permission, please --

17 JUDGE ITOE: Fair enough. Fair enough, please. Go ahead.

18 THE WITNESS: Thank you, My Lord. Osman Vandy was charged
19 and was brought for judgment before elders, including members of
12:59:12 20 the War Council and in sitting where the names of the paramount
21 chiefs that were there: Paramount Chief Charles Caulker;
22 Paramount Chief Charlie Tucker; Paramount Chief JW Quee, Q-U-E-E;
23 Paramount Chief Madam Sebureh; Alhaji Daramy Rogers; Mr George
24 Jambawai, J-A-M-B-A-W-A-I, Jambawai - George; Mr Chief Ngahiteh
13:00:31 25 Aruna, N-G-A-H-I-T-E-H, Ngahiteh Aruna; Chief JB Muana; Chief MT
26 Collier; Mr Moinina Fofana; Mr Allieu Kondewa. It is a long
27 list, and others, My Lord. Osman Vandy was found guilty of
28 violence to civilians. The penalty to set an example for other
29 fighters in the field was death. He was to be hanged until he

1 was dead. The War Council was then requested to advise me on
2 this issue. Their advice thereafter was that I did not have
3 state authority, therefore, they would not allow me to exercise
4 and instruct or give orders for death penalty to be carried out.
13:03:24 5 I accepted their advice and thought that they were right. They
6 further advised that the best, in the interest of civilian
7 protection, was to recall commanders so that they could be
8 screened for appointment and better and effective control. That
9 necessitated establishing the appointment that later followed,
13:04:33 10 including that of the director of appointments and
11 recommendation. So for Nallo to state here that I did not
12 respect the members of the War Council and that I threatened them
13 cannot be correct, and it was not correct and I so deny his
14 allegations, My Lords.
13:05:10 15 Q. Thank you.
16 PRESIDING JUDGE: We will pause for lunch at this
17 particular time so the court will adjourn until 2.30.
18 [Luncheon recess taken at 1.05 p.m.]
19 [CDF30JAN06D - CR]
14:44:17 20 [Upon resuming at 2.44 p.m.]
21 PRESIDING JUDGE: Dr Jabbi, are you ready to resume the
22 examination-in-chief of the witness?
23 MR JABBI: Yes, My Lord.
24 PRESIDING JUDGE: Please proceed.
14:45:24 25 MR JABBI:
26 Q. Good afternoon, Mr Witness.
27 A. Yes, My Lord.
28 Q. Mr Witness, I am still continuing with the evidence of
29 Mr Nallo.

1 A. Yes, My Lords.

2 Q. The next question I wish to ask is whether any report was
3 made to you by Nallo about the killing of a chiefdom speaker in
4 the Ribbi area by a hunter commander called Abu Bawote. Was such
14:46:57 5 a report made to you?

6 A. No, My Lord.

7 JUDGE ITOE: A hunter commander called Bawote. Can you
8 spell that, please?

9 MR JABBI: B-A-W-O-T-E. Bawote.

14:47:18 10 THE WITNESS: No, My Lord, no report from Bawote.

11 MR JABBI:

12 Q. No, not the report from Bawote, a report from --

13 PRESIDING JUDGE: From Nallo.

14 MR JABBI:

14:47:28 15 Q. From Nallo about Bawote having killed a chiefdom speaker in
16 the Ribbi area.

17 A. No, no report from Nallo and no reports about such
18 incidents to me.

19 Q. More specifically, according to him, notwithstanding your
14:47:53 20 denial so far, according to him, when the report was made, you
21 inquired why Bawote killed the collaborator -- I mean, the
22 chiefdom speaker. And the answer given was that Bawote said the
23 chiefdom speaker was a collaborator and the witness then said
24 that you reply, "Well, if it was the collaborator, then he
14:48:27 25 deserves it, because that is the standing arrangement." Do you
26 remember any such incident?

27 A. I don't remember any such incident and I said I have
28 received no such report.

29 Q. There is also the allegation by Nallo in his evidence that

1 he captured five AFRC/RUF people and sent them to Base Zero and
2 that those five captured people were handed over to the Death
3 Squad to be tortured to death. The Death Squad, according to
4 him, being specially answerable only to you. Is that correct?

14:50:38 5 A. That is not correct and my evidence about the Death Squad
6 is that I had nothing to do with them. For that, denying the
7 statement of Nallo, in the form that Nallo was giving his
8 evidence, is such that I do not consider myself safe to say yes
9 or no. Nallo is alleging to have sent that he himself did not
14:51:27 10 come with whoever he captured. Now he's talking about, again,
11 the incidents of those he sent be handed over to death squad to
12 be tortured, whether he was present or not, I don't know. These
13 are my difficulties in dealing with Nallo's evidence, My Lords.

14 JUDGE THOMPSON: The question, really, is whether you have
14:51:52 15 knowledge of what he has alleged.

16 THE WITNESS: I don't have any knowledge of such
17 allegation.

18 JUDGE THOMPSON: [Overlapping speakers] whether he came
19 there with -- it seemed to be material if virtually counsel is
14:52:05 20 saying that Nallo did allege that these matters were within your
21 knowledge.

22 THE WITNESS: No, My Lord, they were not.

23 MR JABBI:

24 Q. There is also another allegation concerning a Dodo village,
14:52:59 25 Dodo village, where Nallo alleges he was sent by you with two
26 other men called Momoh Pemba, P-E-M-B-A.

27 MR JABBI: Dodo, My Lords, is D-O-D-O, Dodo Village.

28 Q. That he was sent with Momoh Pemba, P-E-M-B-A, and Billo
29 Conteh, B-I-L-L-O, Billo, Billo Conteh and that when they got to

1 that village --

2 JUDGE ITOE: Conteh is C --

3 MR JABBI: C-O-N-T-E-H, My Lord.

4 Q. That when they got to the village, they found it abandoned,
14:54:03 5 the people had run away and they sent for them, saying you had
6 sent them there to protect those people, but that when the people
7 came out of hiding and went to the barri, they were then told
8 that you had said that they were all rebels and you had therefore
9 sent them to go and weed them out and that they accordingly

14:55:02 10 opened fire on the people and 15 of them, over 15 of them were
11 killed, and houses burnt down in the village. Did you send Nallo
12 and the others to Dodo village with this upshot of incident?

13 A. My Lord, I did not send Nallo to go and gun those people
14 down, if he did.

14:56:29 15 Q. Yet another allegation by the same Nallo, this time
16 involving a man called -- allegedly called, Alpha Dauda Kanu, a
17 Kapra, who, according to Nallo, was killed by you and others in
18 an oil palm plantation between Base Zero and Mokasi, and that you
19 skinned the body and took it away. Is that correct?

14:57:50 20 A. That is not correct. It is not true.

21 Q. Yet another allegation, Mr Witness, this time allegedly
22 concerning one Mustapha Fallon. Mustapha, M-U-S-T-A-F-A, Fallon
23 F-A-L-L-O-N. The allegation being that this person was killed in
24 the bush in your presence with others. Do you remember a name
15:00:12 25 like that, Mustapha Fallon?

26 A. Fallon is a very strange name to me, and it is a very
27 strange name in this country, Fallon, F-A-L-L-O-N. I don't
28 remember such name. I never was witness to the killing of
29 anybody either by that name or without that name. And again,

1 Sierra Leone, geographically has towns, villages, chiefdoms,
2 districts and so on. If I was helped, the chiefdom and districts
3 where these things happened, at what time, perhaps it could be
4 possible for me to be a yo-yo, being elsewhere, hundreds of miles
15:01:20 5 away or apart. Nallo seemed to be everywhere in Sierra Leone,
6 taking me to witness horrible criminal sights and to participate
7 with them. I have nothing to do with these allegations of Nallo,
8 My Lords.

9 JUDGE THOMPSON: The evidence would be less complicated if
15:01:59 10 you don't give your own commentaries like what you think of
11 Nallo's evidence. I think the essence of the exercise is to put
12 the allegations to you and ask for your response by way of
13 rebuttal, repudiation or explanation, but whether he was
14 ubiquitous or not will not help the Court in evaluating the
15:02:30 15 evidence.

16 THE WITNESS: Taken, My Lords.

17 MR JABBI:

18 Q. If I may also bring this other allegation to your attention
19 concerning a village called Pipor Village, Pipor Village, where,
15:03:38 20 according to the witness Nallo that, on your orders, he and a
21 Mustafa Ngobea, or maybe it is Ngobe, Mustafa Ngobe, N-G-O-B-E,
22 and other Kamajors went to Pipor Village because you said you had
23 got information that there were collaborators there, who had been
24 given zinc to roof their houses, allegedly by the RUF, and they
15:05:04 25 had roofed the house of one Mamuna Cleveland.

26 JUDGE ITOE: Mamuna?

27 MR JABBI: Cleveland, C-L-E-V-E-L-A-N-D.

28 JUDGE ITOE: Cleveland, Ohio?

29 MR JABBI: Most likely, My Lord.

1 Q. Do you remember sending Nallo and other Kamajors to a
2 village called People Village where this incident occurred?

3 A. I did not, My Lord. Not only that I do not remember, I did
4 not.

15:06:18 5 JUDGE ITOE: What was the instruction given? I got it up
6 to the supply of zinc which was already done, and that the house
7 of one Mamuna Cleveland was already roofed.

8 MR JABBI: They were sent there on the information received
9 by -- allegedly received by the first accused that there were
15:06:44 10 collaborators there who had been given zinc to roof their houses,
11 and they went there -- by the RUF -- and they went there to get
12 rid of them.

13 JUDGE ITOE: [Indiscernible] was it for them to go and burn
14 the houses or so, or to do what?

15:07:10 15 MR JABBI: It is unclear, My Lord, but to go and get rid of
16 collaborators who had been given zinc by the RUF. So the
17 question really is whether the witness ever sent Nallo to People
18 Village in such circumstances.

19 JUDGE THOMPSON: Well, with such instruction to get rid of.

15:07:37 20 MR JABBI: Yes, My Lord.

21 JUDGE THOMPSON: We know what get rid of means in the
22 context.

23 MR JABBI: Yes.

24 THE WITNESS: My answer, My Lords, is that I did not.

15:07:56 25 JUDGE THOMPSON: In other words, you never sent him on any
26 such mission.

27 THE WITNESS: Yes, My Lord.

28 JUDGE THOMPSON: And no instructions to that effect.

29 THE WITNESS: No instructions to that effect to him, or

1 whoever may have gone with him.

2 MR JABBI:

3 Q. Now, the witness Nallo also alleged that whilst he and
4 others were in Koribundu after the capture of Koribundu that he
15:09:11 5 received instructions by you that he should proceed to Bo
6 immediately and put Bo under control since, according to him,
7 there were still rebels there and a lot of looting taking place
8 there, and that he should go and stop it until Bo would be taken.
9 Did you give any such instructions to Nallo?

15:09:46 10 A. No, My Lord.

11 Q. Also, the witness Nallo spoke about one Junior Spain at
12 Base Zero who was aged around 12 to 15 years and who, with
13 others, of similar or even lower age at Base Zero, were sent to
14 war to take part in combat, so long as they had been initiated
15:11:29 15 into the Kamajor society. Are you aware of such a situation
16 having existed in Base Zero?

17 A. No, My Lord.

18 Q. The particular situation being the child combatant
19 situation?

15:11:59 20 A. My answer is no, My Lord.

21 Q. Now, generally speaking, were you personally aware of
22 children of 15 years and under joining the Kamajor society and
23 going to war?

24 A. My Lords, the question whether I was aware, as it's being
15:13:51 25 asked, is that the structure of -- some Sierra Leoneans are very
26 likely those of children, if one were not very careful to know
27 their age. Since I did not order recruitment, nor enlistment,
28 but if these people were sent by their chiefs, so whether they
29 were children or not, I would not be aware.

1 JUDGE ITOE: We are not referring to chiefs. We are not
2 referring to the chiefdoms.

3 THE WITNESS: Yes, My Lord.

4 JUDGE ITOE: Yes, don't take it to the chiefdoms. The
15:14:55 5 question is very clear. Your counsel is asking whether you -
6 you - were aware of this situation.

7 THE WITNESS: My Lord --

8 JUDGE ITOE: I think you should answer that question.

9 THE WITNESS: This was a national situation, so whether I
15:15:11 10 was aware or I knew, these are very different questions.
11 Awareness with responsibility?

12 JUDGE ITOE: Okay, maybe you will clarify the Tribunal on
13 the distinctions you want to make.

14 THE WITNESS: Yes, My Lord.

15:15:37 15 JUDGE ITOE: Yes.

16 THE WITNESS: I knew children were involved in the war, or
17 the conflict that occasioned in Sierra Leone. But this was a
18 situation where chiefs and elders of the chiefdoms sent their
19 people for initiation and sometimes immunisation for the defence
15:17:04 20 of their various chiefdoms. And when His Excellency made the
21 request for all Sierra Leoneans to defend their democracy, and
22 pleaded with them for their assistance in returning him to power,
23 meaning reinstatement, I am indeed aware that such Sierra
24 Leoneans were involved in the conflict.

15:18:21 25 JUDGE THOMPSON: By "such Sierra Leoneans", you mean?

26 THE WITNESS: Whether under age or above age. In the
27 constitution of Sierra Leone there is no age limit for defence.

28 JUDGE THOMPSON: I don't want a lecture, Witness. We can
29 keep strictly to the answer.

1 THE WITNESS: Thank you, My Lord.

2 JUDGE THOMPSON: I can see the thrust of the answer, but in
3 the context of the particular question, "such Sierra Leoneans"
4 meaning children underage. Is that what you are saying?

15:18:45 5 THE WITNESS: All Sierra Leoneans, including children and
6 elders.

7 JUDGE THOMPSON: I see, right.

8 JUDGE ITOE: [Overlapping speakers] under and over age?

9 THE WITNESS: I was aware that these type of
15:19:00 10 Sierra Leoneans were involved in the conflict.

11 JUDGE THOMPSON: Yes.

12 MR JABBI:

13 Q. Now, did you yourself take any steps to tackle this
14 phenomenon of 15 and under 15-year-olds being involved in the
15:19:47 15 battles?

16 A. Yes, My Lord, I did. Not specifically for 15 years, but
17 children.

18 JUDGE ITOE: Take it slowly, Mr Norman.

19 THE WITNESS: Yes, My Lord, I did. But not specifically
15:20:12 20 mentioning age, that is, 15 and below. Those who appeared to me
21 as children, I did inform, as a matter of instruction to the
22 civil defence, not to encourage the involvement of children. I
23 also informed His Excellency to assist with the issue of children
24 being involved in the war. As a result, children who had been
15:22:19 25 collected from the war front of the AFRC and RUF, and who were
26 brought to Bo and called CAW - CAW, CAW - Children Affected with
27 War, shall be strictly controlled from sneaking from their
28 concentrated area back into the front line. Arrangement was
29 thereafter made for all who appear to be children to be

1 immediately apprehended, brought to Freetown, quartered in
2 Brookfields Hotel, and the Catholic mission, together with
3 UNICEF, were approached for their maintenance and protection, My
4 Lords.

15:25:10 5 PRESIDING JUDGE: What date of time are we talking about
6 here?

7 THE WITNESS: My Lords? Repeat, My Lord.

8 PRESIDING JUDGE: What period of time? What is the time
9 frame that you're making reference to?

15:25:23 10 THE WITNESS: This was any time after the reinstatement of
11 His Excellency, right up to "di wa dan dan" pronouncement.

12 PRESIDING JUDGE: By this -- I mean, you said as a result,
13 children collected from the war front and so on. So, this is the
14 period of time you're talking about?

15:26:04 15 THE WITNESS: Yes, My Lord. They had been previously ahead
16 of that time in Bo, but then they went under no control after the
17 reinstatement and control started coming. It was then I took
18 this action. These were children mainly from the rebel line
19 under the RUF head, particularly.

15:26:40 20 PRESIDING JUDGE: Thank you.

21 JUDGE ITOE: Are you saying it concerned only or mainly
22 children from the rebel lines?

23 THE WITNESS: Mainly, My Lord; not only. They started with
24 children from the rebel line. When he came to Brookfields, any
15:27:00 25 child that was seen with either weapon or clad in uniform, they
26 were picked up and brought.

27 PRESIDING JUDGE: They were picked up by whom?

28 THE WITNESS: Well, the police were used mostly in this.
29 ECOMOG, the Civil Defence were all used in apprehending those who

1 appeared to be children. And a whole official occasion in fact
2 took place at Brookfields Hotel when these children were being
3 collected in the end, as a government program.

4 PRESIDING JUDGE: So you, in that part of your answer,
15:28:00 5 Mr Norman, said, "I informed His Excellency to assist with the
6 issue and as a result". So this is as a result of your informing
7 the President, or discussing it with the President? Can you
8 explain what you mean by that?

9 THE WITNESS: There was no action I could take on my own --

15:28:25 10 JUDGE ITOE: Or if I may follow up with my learned
11 Presiding Judge's comment.

12 THE WITNESS: Yes, My Lord.

13 JUDGE ITOE: When you made the appeal to the President to
14 assist in this situation, did the President do anything in
15:28:39 15 particular to assist in this situation?

16 THE WITNESS: He did. He made a government approach to
17 UNICEF and UNICEF and the Catholic mission were brought in to
18 care for these children.

19 PRESIDING JUDGE: So you're saying this is as a result of
15:29:19 20 your raising the issue with His Excellency at the time, or
21 subsequent to that? That's basically the way I heard it.

22 THE WITNESS: Well, subsequent to that, the Catholic
23 mission had made the venture of setting up an area in Bo where
24 these children were brought from Kailahun and other areas and
15:29:34 25 kept, but then the children were escaping, and there seemed to be
26 no control, so that was when I made the appeal to His Excellency.
27 He involved these non-governmental organisations. From that time
28 on, they started caring for these children, right up to when the
29 official program took place at Brookfields Hotel and the children

1 were officially taken over.

2 [CDF31JAN06E - SV]

3 PRESIDING JUDGE: So this official programme, could you
4 please expand on that? I know you mentioned that children were
15:30:12 5 brought to the Brookfields Hotel and so on, but you didn't
6 mention anything of an official programme.

7 THE WITNESS: Yes, My Lords.

8 PRESIDING JUDGE: Could you say a bit more about what you
9 mean by this official programme?

15:30:25 10 THE WITNESS: Official programme was when the Catholic
11 mission and the UNICEF got together under government arrangement,
12 the children were then officially taken over and the person who
13 was in charge of that arrangement to whom the children were
14 handed over was, I think, Professor Joko Smart.

15:31:07 15 PRESIDING JUDGE: Smart?

16 THE WITNESS: Smart, My Lord.

17 PRESIDING JUDGE: And what's the time of the official
18 programme?

19 THE WITNESS: I'm sure it was a little later, after the
15:31:44 20 January invasion of Freetown. Any time after that, My Lord. But
21 it was 1999, I'm sure.

22 PRESIDING JUDGE: Thank you very much.

23 JUDGE THOMPSON: Correct me if I'm wrong - and of course
24 learned counsel will correct me if I'm wrong here - the question
15:32:12 25 was originally put in the context of the allegation by Nallo of
26 some conscription of children into the war; the war situation.

27 MR JABBI: Yes, My Lord.

28 JUDGE THOMPSON: And, of course, with the imputation that
29 the first accused had knowledge of this conscription. What I

1 need to understand, just to clear a lingering doubt in my mind,
2 is whether the answer that we now have, based on your follow-up
3 question, was meant to revert to that question. The allegation
4 in other words, was meant as a rebuttal, or whether that context
15:33:05 5 is still operating in the answer that the witness has given, or
6 am I missing something? There's sort of a slight disconnect in
7 my own appreciation of it, that it wasn't really a kind of
8 isolated question, that it relates back to the allegation by the
9 witness. I'm not asking for any expansion of the answer, but I
15:33:38 10 just want to be clear that I am following the proceedings
11 correctly.

12 MR JABBI: Yes, My Lord. The specific question commenced
13 with the allegation by Nallo, but the Nallo -- the Nallo
14 allegation, notwithstanding that it started with a specific name,
15:34:04 15 also included reference to others unnamed or even unnumbered. So
16 it opened into the general situation as it were, or we're still
17 within the context of Nallo, notwithstanding that the situation
18 was wider than the Nallo exercises themselves. So when I asked,
19 "What did you do?" Or, "Did you do anything to tackle the
15:34:40 20 problem of the child combatant issue?" Obviously that went into
21 a wider frame.

22 JUDGE THOMPSON: Yes, a kind of -- but, of course, the
23 initial context was whether the witness was aware that the
24 alleged conscription was going on. He gave an answer to that,
15:35:05 25 did he? Not what was -- what I am saying is that there are two
26 sides to the issue here. What we have as an answer is what was
27 done to ameliorate a situation that was considered to be perhaps
28 undesirable. I'm just thinking aloud.

29 MR JABBI: My Lord, as a matter of fact, I was just

1 adopting a bridge into the general issue.

2 JUDGE THOMPSON: Okay, yes.

3 MR JABBI: Since I was dealing with Nallo and he had made a
4 specific allegation, both in terms of an individual named and in
15:35:42 5 terms of a general situation existing at Base Zero, I used that
6 opportunity to bridge out into the general problem of child
7 combatants.

8 JUDGE THOMPSON: I am satisfied with your response.

9 PRESIDING JUDGE: But I do have some doubts as to some
15:35:59 10 portions of the question related to what my brother Justice
11 Thompson just raised, because I think we moved sort of away from
12 Base Zero because at the beginning Nallo made allegations and
13 that's what you put to the witness, that Nallo had made
14 allegations about children under the age of 15 being used at Base
15:36:23 15 Zero, so we are back in time now to '97, not '98 subsequent to
16 that. So that was a question you posed, and from there you asked
17 a question: "Are you aware of the situation of child combatants
18 at Base Zero?" And right after you asked a question: "Were you
19 personally aware of child under 15 joining the Kamajor society
15:36:44 20 and going to war?" I don't think we got an answer to that. So
21 we got into the very general approach that the witness took,
22 vis-a-vis the child soldiers as such, but to those questions I
23 don't think -- and that's basically what Justice Thompson was
24 alluding, in part, to.

15:37:09 25 JUDGE ITOE: I think that this is particularly important,
26 not just in consideration of what you refer to as generalities.
27 He also on some specifics -- because the issue of child soldiers
28 is clearly an allegation in Count 8 of this indictment and it is
29 important that you address it properly. You are talking of

1 general allegations. I would say yes and no because I think you
2 have your foot firmly on Count 8 and on other issues that relate
3 to child soldiering, and I think that the witness has to clarify
4 us on this issue because we were in Base Zero when Nallo made
15:37:54 5 these allegations. But now we are moving into -- what do you
6 call it? Is it the DDR or what is it? We're moving into
7 Freetown already when the children are being disarmed and are
8 being taken care of. Like the Presiding Judge said, we didn't
9 get any specific answer as to whether there was this use of child
15:38:17 10 soldiers in combat, or in fact whether there was any enlistment
11 at all.

12 PRESIDING JUDGE: Or whether the witness was aware.

13 THE WITNESS: Precisely, My Lords, if I can comment.

14 JUDGE ITOE: We are clarifying this so that you can
15:38:30 15 [overlapping speakers]

16 THE WITNESS: Yes, My Lord, I am very much aware and
17 concerned about the clarification. The question was whether I
18 was aware of child involvement in the war. My answer was to give
19 an absolute answer yes or no would be unsafe to that question and
15:38:52 20 then His Lordship came in.

21 MR JABBI:

22 Q. Can you take care of your pace.

23 A. Thank you.

24 Q. You are being interpreted even if the pens are not moving.

15:39:02 25 A. Thank you. And so His Lordship came in with a question of
26 what answer I was given. I said awareness was in fact different
27 from knowledge of enlistment. That was where I came in with what
28 had happened.

29 So I am aware of the situation that one of the charges

1 against me is enlisting children into the war, not that I was
2 aware of children being in the war. And with this awareness I am
3 saying that I am never -- I am not and I was never connected with
4 the enlistment of children in the conflict whether with the
15:40:08 5 hunters as a national co-ordinator or with the army as the Deputy
6 Minister of Defence in Sierra Leone, My Lords.

7 I deny being involved in any such enlistment and I deny
8 ordering any such enlistment. I further deny participating in
9 any enlistment of children, My Lords.

15:42:05 10 Q. Now, Mr Witness, I would like to apply a historical
11 perspective upon dealing with this issue of child combatants just
12 for the sake of clarification.

13 A. Yes, My Lord.

14 Q. Let us say we divide up the historical framework: First
15:42:52 15 part pre-1996 in the war, second part 1996 to May 1997, third
16 part May 1997 to March 1998, and the fourth and final part March
17 1998 until thereafter.

18 A. Thank you.

19 Q. Talking of the period up to the coming into office of the
15:43:58 20 President Kabbah government in 1996, the period up to that time,
21 do you know of any situation in which children 15 and under took
22 part in the conflict in Sierra Leone at the war front?

23 A. Including the rebel side and the government side?

24 Q. Any and all sides.

15:44:36 25 A. That will be unfair to me. I wouldn't go to the rebel
26 side. The government side, I was not in government at that time
27 and I had no knowledge of children being involved right up to
28 1996.

29 Q. So --

1 A. Not involving they got -- the rebels, I will not deny for
2 them.

3 Q. For that period?

4 A. Yes, I was not a rebel.

15:45:13 5 PRESIDING JUDGE: Is your question of any child being
6 involved in war or being enlisted?

7 THE WITNESS: That is it. That is the question.

8 MR JABBI: My Lord, as the witness has just said, he was
9 neither in government, nor in the army or the rebel movement. So
15:45:36 10 the question of enlistment may well not be fair to be posed at
11 that level. I was concerned only to ask whether he was aware of
12 children 15 and under taking part in hostilities during that
13 period.

14 JUDGE THOMPSON: Well, why not use "taking part in
15:45:59 15 hostilities"? Why being involved? Involved is ambiguous. Why
16 not "taking part in hostilities"? That is precise.

17 MR JABBI: Yes, indeed, My Lord.

18 JUDGE THOMPSON: Yes.

19 MR JABBI:

15:46:12 20 Q. So if I may state the question again.

21 JUDGE ITOE: And we would like to remind you -- we would
22 like to draw your attention to the fact that enlisting is
23 separate and taking part in hostilities is separate, a separate
24 allegation.

15:46:26 25 MR JABBI: Yes, My Lord.

26 JUDGE THOMPSON: Probably as well that conscripting too is
27 separate.

28 JUDGE ITOE: The Statute is very clear on this.

29 MR JABBI: Yes, indeed, My Lord.

1 PRESIDING JUDGE: And I would add the allegation is clear,
2 as well, that we're talking here of enlisting or using them to --

3 THE WITNESS: Thank you, My Lord.

4 PRESIDING JUDGE: It's two different actions we're talking
15:46:50 5 about here.

6 JUDGE THOMPSON: So perhaps the best thing is to avoid the
7 word "involved" because it clearly beclouds the issue.

8 MR JABBI: I will use "taking part in hostilities" or
9 "participating actively in hostilities", to use the language of
15:47:17 10 the indictment.

11 PRESIDING JUDGE: That's exactly what I just referred to,
12 the language of the indictment.

13 MR JABBI: Yes, My Lord. So I will state the question
14 again.

15:47:41 15 Q. Are you aware of children of 15 and under having
16 participated actively in the hostilities of the war before the
17 Tejan Kabbah government came to power in 1996?

18 A. I'm not aware that children were enlisted to participate in
19 the conflict in Sierra Leone up to the time when President Kabbah
15:48:33 20 came to power.

21 JUDGE THOMPSON: We need precision here, Mr Witness.
22 Counsel actually used the phrase, which we seem unanimous here on
23 in the proper usage, "actively participating in hostilities".
24 "Enlisted to", that would be another dimension of it. But let's
15:49:00 25 be precise so that we don't complicate the issue.

26 THE WITNESS: Precisely, My Lord.

27 JUDGE THOMPSON: Actively participating in hostilities.

28 THE WITNESS: Actively participating in hostilities may
29 mean the children being in their locality in their chiefdoms,

1 were attacked in those chiefdoms and they become involved without
2 being enlisted.

3 JUDGE THOMPSON: Yes, but let us not debate this. We
4 thought that the agreement on that formula was more or less
15:49:29 5 because we were striving here for precision so that we really
6 don't becloud the issues. Because they're different dimensions
7 of it and the question was precisely put to you. You either have
8 the awareness or had the awareness, or you either had the
9 knowledge or you did not have the knowledge. But I don't think
15:49:50 10 you should now take issue with the phraseology which we have all
11 agreed upon would achieve the degree of clarity that we're
12 seeking to achieve.

13 THE WITNESS: My Lords, we were all living in a country
14 where unusual things happened. So I have to be very careful
15:50:15 15 where I seem to have been the only one picked out of the millions
16 to be held responsible for those active participation. This is
17 why I am being very careful in giving my answers to
18 Your Lordship.

19 JUDGE THOMPSON: That is appreciated. In fact, I can
15:50:30 20 assure you that the Bench really wants to do the best it can to
21 have these questions put to you with maximum precision and
22 conciseness. Nobody is here to entrap you by the use of legal
23 language or ordinary language. We clearly are, in fact,
24 interested in the truth.

15:50:54 25 THE WITNESS: Thank you, My Lord. In that context,
26 children actively participated in the conflict in Sierra Leone.

27 JUDGE ITOE: Before 1996?

28 THE WITNESS: Before 1996.

29 MR JABBI:

1 Q. Before the government -- the Tejan Kabbah government came
2 to power in 1996?
3 A. Children actively participated in the war, in the
4 hostilities, before Tejan Kabbah government came to power.

15:52:08 5 Q. Dealing with that early period still, do you have any
6 examples from which that awareness is created?
7 A. Yes, My Lord. Whenever there were attacks against
8 chiefdoms, everyone, including those who were considered children
9 and those who appeared like children, participated in the defence
15:52:55 10 of their villages, towns and their personal lives.
11 Q. You have spoken about children being involved in the
12 defence of the local communities whenever there were attacks. I
13 suppose you are referring to the attacks by the RUF; is that
14 correct?

15:54:02 15 A. Attacks by whoever the enemy force was. Initially it was
16 the RUF. Later it became People's Army.

17 Q. No, we are still dealing with that early period.
18 A. Early period it was the RUF, My Lord.

19 Q. Thank you. Now, in that early period were you aware of
15:54:40 20 active participation of such children in the hostilities on the
21 RUF side, for instance?
22 A. I only assume. I was not among them.

23 Q. Thank you. So let us move now into the second period. The
24 second period is roughly, let's say, from April 1996 to May 1997.
15:55:42 25 Roughly. So for that period do you know whether children of 15
26 and under took active part in the hostilities?
27 A. I know that children took part in the hostilities.
28 Q. For that period?
29 A. For that period.

1 Q. There were obviously opposing sides in those hostilities.
2 Can you tell the Court what such sides were during that period,
3 the sides that were in conflict?

4 A. The attacking side and the defending side, My Lords.

15:57:38 5 PRESIDING JUDGE: Who was what; that was the question? The
6 attacking and the defending?

7 MR JABBI: Yes, I was just coming to that, My Lord.

8 THE WITNESS: Between April 1996 and May 1997, the
9 attacking side -- May, to be precise, May 24, 1997, the attacking
15:58:09 10 side was, to us who were being attacked, the RUF was attacking.

11 MR JABBI:

12 Q. The RUF was the attacking side in that period?

13 A. Yes, and the us who were being attacked were the soldiers,
14 the police and the civilians at that time were being attacked by
15:58:30 15 the RUF, all of us, including our wives and children.

16 Q. Now, taking those sides, the attacking and the attacked,
17 one by one, the attackers, the RUF, according to you, were you
18 aware of children taking active part in the hostilities on the
19 side of the RUF during that period April '96 to early May '97?

15:59:45 20 A. My Lord, I saw human beings who were small enough, for me,
21 to be called children, who were among those who were attacking
22 us. And also among us who were defending I saw corresponding
23 sizes of people who I would assume were children, all helping in
24 every way to defend.

16:00:27 25 JUDGE THOMPSON: So in a sense on both sides?

26 THE WITNESS: Yes, My Lord.

27 JUDGE THOMPSON: The attacking and the defending sides.

28 THE WITNESS: Had children.

29 JUDGE THOMPSON: Human beings small enough, to use your

1 language, to be characterised as children.

2 THE WITNESS: As children; yes, My Lord.

3 MR JABBI:

4 Q. For the whole of that period, the second period, you were
16:01:05 5 Deputy Minister of Defence; is that correct?

6 A. Yes, My Lord.

7 Q. For the whole of that period?

8 A. From April 1996 to May 24, 1997 I was the deputy defence
9 minister.

16:01:26 10 Q. Now, just for a further detailed clarification, this time
11 within one group, that is those who were being attacked during
12 that period --

13 A. Yes, My Lord.

14 Q. -- were there any distinguishable groups in that side where
16:02:23 15 a certain subgroup, if you may call it, can be characterised in
16 some particular way?

17 A. As --

18 Q. What subgroups comprised the side of the attacked people,
19 if I may put it that way?

16:02:40 20 A. I wouldn't say "sub". I would say broadly everyone - man,
21 woman and child - were being attacked.

22 Q. If I may propose some sub-categories just for you to say
23 whether they obtained in that group. So, for example, the formal
24 army and civil militia; were there such subgroups in the group of
16:03:24 25 the attacked during that period?

26 A. Yes, My Lord. I had named soldiers, police and civilians.
27 Now, alongside with the soldiers were the hunters, together
28 alongside with the police. They were all on one side.

29 Q. Okay.

1 PRESIDING JUDGE: Dr Jabbi, we'll break at this time for
2 probably a shorter time than usual, 10 minutes, because we intend
3 to shorten the sitting of this afternoon. So we'll be adjourning
4 earlier today. So we'll pause for 10 minutes and we'll come back
16:04:04 5 to carry on with this aspect of your examination-in-chief.

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

7 [Break taken at 4.05 p.m.]

8 [Upon resuming at 4.20 p.m.]

9 PRESIDING JUDGE: Yes, Dr Jabbi.

16:20:34 10 MR JABBI: Thank you, My Lord.

11 Q. Welcome back, Mr Witness. We were dealing with what we
12 called the second period, roughly from April 1996 to early May
13 1997.

14 PRESIDING JUDGE: Well, the witness had said 24th May '97.

16:21:14 15 MR JABBI: 24th May.

16 Q. Now, I asked you about the possible subgroups in the first
17 group, the people attacked or the people defending. I think we
18 were able to identify the formal army, for instance, the
19 civilians, and the hunters who fought --

16:22:05 20 JUDGE ITOE: Also identified the police.

21 MR JABBI: And the police, My Lord.

22 Q. So I would want us to focus on those subgroups to answer a
23 few questions.

24 A. Yes, My Lord.

16:22:20 25 Q. Let us say the formal army, the Sierra Leone Army, as a
26 subgroup in the group defending. Do you know whether children of
27 15 years and under -- or under were used for active participation
28 in hostilities on the side of the formal army?

29 A. This was after May 24?

1 Q. No, before.
2 A. Before May 24.
3 Q. April 1996 up to May 24, 1997.
4 A. There was no child soldier, My Lord.
16:23:19 5 Q. The formal --
6 JUDGE ITOE: There was no child soldier in the regular
7 army?
8 THE WITNESS: Army, My Lord.
9 MR JABBI:
16:23:41 10 Q. Then we'll go to the next subgroup, the police?
11 A. There was no child police in the regular police at that
12 time.
13 Q. So far I take it that when you say there was no child
14 soldier in the regular army and no child police, you are talking
16:24:29 15 about enlistment of such children?
16 A. I'm talking of enlistment and recruitment.
17 Q. No enlistment and no recruitment --
18 A. Recruitment.
19 Q. -- of children --
16:24:48 20 A. Children.
21 Q. -- in either the regular army or the regular police?
22 A. Yes, My Lord.
23 Q. Talking about active participation in hostilities on a side
24 in the conflict, do you know whether children of 15 or under
16:25:36 25 actively participated in the hostilities on the side of the
26 regular army during that period?
27 A. And the police, no, I don't know, My Lord.
28 Q. So you've answered for both right away?
29 A. Yes, My Lord.

1 Q. The final subgroup in that group is the civilians and the
2 hunters. Do you know whether children of 15 or under actively
3 took part in the hostilities on the side of the civilians and the
4 hunters?

16:26:57 5 A. My Lord, I would like to go to approach this question with
6 whether I know about children being recruited or enlisted by the
7 civilians. I don't know.

8 Q. Excuse me, please.

9 A. Yes.

16:27:20 10 Q. The question -- the series of questions so far have --

11 A. Have been dealing with recruitment and enlistment.

12 Q. Just a minute.

13 A. Yes.

14 Q. The questions have distinguished the two concepts,

16:27:42 15 enlistment going more or less together with recruitment --

16 A. Yes.

17 Q. -- as one concept?

18 A. For the army and the police.

19 Q. No, the two concepts were there, whether which one obtained

16:27:55 20 was the question posed to you. The other concept was

21 participation in the -- active participation in the hostilities?

22 A. On the part of the army and the police I said I don't know.

23 Q. Fine.

24 A. I will come now to the civilians and the hunters.

16:28:12 25 Q. Fine. I would still want you to keep the distinction

26 clear. So my question --

27 A. Between enlistment and recruitment.

28 Q. Together.

29 A. Yes, for the civilians.

1 Q. As distinct from --
2 A. Participation.
3 Q. Active participation.
4 A. Yes, My Lord.
16:28:30 5 Q. Fine. So let us ask then, first of all with respect to
6 enlistment --
7 A. And recruitment.
8 Q. -- and recruitment together.
9 A. Yes.
16:28:44 10 Q. Do you know whether children of 15 or under were enlisted
11 or conscripted on the side of the civilians and hunters during
12 that period in the hostilities?
13 A. My Lords, I know that the civilians and the hunters are not
14 a military organisation and so they don't do recruitment and
16:29:22 15 enlistment. To go further with the addition of conscription,
16 they don't do that.
17 Q. So what is the short answer; yes or no?
18 A. They did not. I know they did not.
19 Q. So enlistment or recruitment of children of 15 or under --
16:29:48 20 A. By civilians and hunters --
21 Q. -- was not --
22 A. Was not --
23 Q. -- done?
24 A. Was not conducted. Was not done.
16:30:10 25 Q. Now we are left with the concept of active participation in
26 the hostilities.
27 A. Yes.
28 Q. Do you know whether children of 15 years or under actively
29 took part in the hostilities on the side of the civilians and

1 hunters during the period April 1996 to May 24, 1997?

2 A. On the part of the civilians, yes. On the part of the
3 hunters, I would say, with a cautious condition, yes.

4 Q. So in both cases they're yes?

16:31:13 5 A. Yes.

6 Q. However cautiously?

7 A. Yes.

8 Q. Now do you know how the children of 15 or under got
9 involved in active participation in the hostilities on the side
16:31:57 10 of the civilians?

11 A. Yes.

12 Q. Can you explain?

13 A. Whenever a community was attacked, My Lords, the children
14 assisted in the defence of that community on the side of their
16:32:32 15 parents and wards, some of whom were hunters, to defend, My Lord.

16 Q. Did you, as a person, by your own active exercise, bring
17 about the active participation of children of 15 or less on the
18 side of the civilians during the period April 1996 to 24th May
19 1997?

16:33:47 20 A. On the side of the civilians and hunters, no, My Lord, I
21 did not order or even give authority for such.

22 [CDF31JAN06F - SGH]

23 Q. Since, however, you say that the exercise -- the active
24 participation of children 15 or under did take place on the side
16:34:53 25 of the civilians and the hunters during that period, but that you
26 did not play any part in bringing it about, did you make any
27 effort to prevent it?

28 A. During that period, no, My Lord. There was no way I could
29 tell children not to assist their parents and their wards in such

1 a conflict.

2 JUDGE ITOE: Words, wards?

3 THE WITNESS: Wards, W-A-R-D-S, My Lords. Guardians.

4 JUDGE THOMPSON: You mean the guardians, rather than wards?

16:36:18 5 THE WITNESS: Yes, My Lord. I Would prefer guardians, for

6 better --

7 JUDGE THOMPSON: The guardians, of course, are the ones who

8 are in charge of wards.

9 THE WITNESS: Yes, My Lord.

16:36:25 10 JUDGE THOMPSON: Not the wards in charge of the guardians.

11 THE WITNESS: I think it would be better guardians.

12 MR JABBI: Just be clear what is being said.

13 THE WITNESS: Clearly I am saying, with correction now,

14 guardians.

16:36:41 15 JUDGE THOMPSON: Guardians.

16 THE WITNESS: My Lords.

17 MR JABBI:

18 Q. What about guardians?

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

16:36:53 20 Q. You have said you are correcting wards to guardians?

21 A. Yes.

22 Q. So what statement about guardians are you making in the

23 process in answer to the question?

24 A. Parents and guardians used together.

16:37:07 25 JUDGE ITOE: He has removed the word "wards".

26 THE WITNESS: For confusion.

27 JUDGE THOMPSON: I take it the "wards" will stand in place

28 of children who were living with persons who were not their

29 parents but who were the guardians of those children.

1 THE WITNESS: The guardians of the parents and children --
2 JUDGE THOMPSON: Quite right. In other words a parent --
3 THE WITNESS: I was talking about children assisting their
4 parents and guardians.
16:37:33 5 JUDGE THOMPSON: And guardians.
6 THE WITNESS: Yes, My Lord. Not wards.
7 JUDGE THOMPSON: Which means parent is to child as guardian
8 is to ward.
9 THE WITNESS: Yes, correct, My Lord.
16:37:44 10 MR JABBI:
11 Q. Were you in a position -- as a person were you in a
12 position to prevent that situation of the participation of
13 children and wards in active participation -- active
14 participation and hostilities by them in that period? Were you
16:38:19 15 in a position personally --
16 A. To prevent --
17 Q. -- To prevent that? To ensure that it doesn't happen?
18 A. With the children and wards --
19 Q. Yes.
16:38:24 20 A. -- assisting their parents and guardians.
21 Q. Yes.
22 A. I was in no such position to do such a thing, My Lord.
23 PRESIDING JUDGE: I have also some difficulties to
24 understand how civilians, as a civilian, could be said to be a
16:38:46 25 participant in hostilities.
26 THE WITNESS: No, in --
27 PRESIDING JUDGE: Civilians.
28 THE WITNESS: Civilians could be participant in
29 hostilities, My Lord. When you deal with uprising, riots,

1 conflicts in tense city situation --

2 PRESIDING JUDGE: I don't want to open the debate. I am
3 sorry I even raised the issue. We will deal with that later.

4 But I take it in your answers -- and that is really my trying to
16:39:21 5 understand the nuances and the difference you are making. So you
6 are making a difference between civilians, children with their
7 parents defending themselves whenever attacked.

8 THE WITNESS: Yes. As opposed to soldiers and police.
9 That line.

16:39:34 10 PRESIDING JUDGE: That's right. But in the civilians I
11 understand you are saying that you do include the hunters.

12 THE WITNESS: They are civilians.

13 PRESIDING JUDGE: That's why I am asking you the question.
14 When you are talking of civilians you mean hunters as well.

16:39:48 15 THE WITNESS: Hunters as well, My Lord.

16 PRESIDING JUDGE: But in the civilian classification there
17 are two types: The non-hunters and the hunters.

18 THE WITNESS: And the hunters.

19 PRESIDING JUDGE: Can I put it that way?

16:39:58 20 THE WITNESS: Thank you, My Lord.

21 PRESIDING JUDGE: So the children you are talking about,
22 are you talking about the children of the non-hunters or the
23 children of the hunters?

24 THE WITNESS: Both, My Lord.

16:40:05 25 PRESIDING JUDGE: Both.

26 MR JABBI:

27 Q. I will break it down. Certain questions will be posed to
28 ensure that the concepts are also treated separately.

29 PRESIDING JUDGE: Thank you.

1 MR JABBI:

2 Q. Just before I go to that, do you know whether civilians -
3 civilians - took active part in the hostilities when the rebels
4 attacked during that period?

16:40:50 5 A. Yes, I know.

6 Q. You have just answered that you were in no position as a
7 person to prevent the active participation of children in the
8 hostilities on the side of civilians?

9 A. In the assistance --

16:41:15 10 Q. During that period.

11 A. In the assistance of their parents and guardians.

12 Q. Yes.

13 A. That were --

14 Q. Involved in the hostilities.

16:41:22 15 A. That were civilians and hunters.

16 Q. Now, I want to go over to the hunters as distinct from the
17 general civilian group.

18 A. Yes.

19 Q. You said earlier on that the hunters were civilians?

16:42:09 20 A. They are civilians.

21 Q. In what sense?

22 A. They are not a military people, trained as an army or
23 military force. So they call them civil defence. Civil,
24 civilian.

16:42:26 25 Q. Civil militia.

26 A. I would prefer to call them, under the Geneva Convention,
27 civil defence.

28 Q. Civil defence?

29 A. Yes.

1 Q. You will agree, however, that they are distinguishable as a
2 subgroup from the general run of civilians, would you agree?

3 A. Yes, the line thin.

4 Q. Thank you. So thinking of that minor subgroup of hunters
16:43:12 5 engaged in civil defence, do you know for that period, April 1996
6 to 24th May 1997, whether children of 15 years or under were
7 enlisted or conscripted into the hunter group?

8 A. I know that they were not, My Lord. Conscripted, enlisted,
9 recruited into the hunters group; that did not happen.

16:44:19 10 Q. In what sense?

11 A. Only a military force conscripts and enlists and recruits.
12 To some extent the police do also recruit, but the police in
13 Sierra Leone operate under the general orders, GO. So the actual
14 uniform people for recruitment, enlistment and conscription refer
16:45:02 15 to the army.

16 Q. So in fact what you are saying there is that since they
17 were not regular forces like the army and the police, the concept
18 of enlistment or conscription --

19 A. Does not arise.

16:45:28 20 Q. Does not arise with respect to the hunters.

21 A. Yes, My Lord.

22 Q. So we go to our --

23 JUDGE THOMPSON: Just a minute. Let me have that. That's
24 his evidence. Just repeat that.

16:45:49 25 MR JABBI: He just said that since the concept of
26 enlistment or recruitment or conscription is confined to regular
27 forces either of the regular army or the regular police --

28 PRESIDING JUDGE: He did not testify to regular forces or
29 regular army. He testified to army or police. It could be a

1 militia or such. It could be also -- so this is not the
2 evidence. The evidence of the witness was that police could be
3 recruiting, but the witness was talking of the military force.

4 MR JABBI: My Lord, the witness, on the prompting of
16:46:41 5 Justice Itoe using the phrase "regular army", did say that there
6 was no enlistment of children in the regular army. Using that
7 phrase, My Lord.

8 THE WITNESS: And the regular police.

9 MR JABBI: And I was from then that I started applying it
16:47:02 10 to the police and the soldiers in questions and he was answering
11 accordingly.

12 JUDGE THOMPSON: [Microphone not activated]

13 MR JABBI: My Lord, the mic, please.

14 JUDGE THOMPSON: The distinction you are seeking to make
16:47:20 15 based on his answer was that the concept of enlisting or
16 conscription or recruitment was more germane to the army.

17 THE WITNESS: Yes.

18 MR JABBI: The army and the police.

19 JUDGE THOMPSON: And the police. And that it would not
16:47:40 20 apply in respect of hunters.

21 MR JABBI: Of the hunters, My Lord.

22 JUDGE THOMPSON: Because by virtue of the hunters being a
23 civilian --

24 THE WITNESS: Organisation.

16:47:44 25 JUDGE THOMPSON: -- organisation.

26 MR JABBI: Yes, My Lord.

27 Q. So we go into our third period. Before we go into it,
28 because this was referred to by you, why you specifically chose
29 May 24 for the delimiting point for the second period.

1 A. May 25 in the history of this country was another day of
2 another government judicially referred to as de facto, rather
3 than de jure.
4 Q. What government was that?
16:48:44 5 A. The AFRC, My Lords.
6 Q. So because of the emergence of the AFRC, the third period
7 for you should begin from 25th May?
8 A. Yes, My Lord.
9 Q. 1997.
16:49:09 10 A. Yes, My Lord. I was in an authoritative position to know
11 that the coup in fact started slightly before midnight between
12 24th and 25th.
13 Q. Okay.
14 A. So that's why I am always deliberate about separating the
16:49:24 15 days.
16 Q. So our third period, therefore, is 25th May 1997
17 to 10th March 1998?
18 A. Yes, My Lord.
19 Q. Now adopting that period --
16:49:51 20 PRESIDING JUDGE: Dr Jabbi, I had indicated that we would
21 be breaking earlier today and I would like to tell you that we
22 will stop now before you embark onto this third period because we
23 would like to hear that on the continuum. So we'll adjourn at
24 this time until 9.30 a.m. tomorrow morning.
16:50:08 25 MR JABBI: As Your Lordship pleases.
26 PRESIDING JUDGE: Court is adjourned.
27 [Whereupon the hearing adjourned at 4.50 p.m., to be
28 reconvened on Wednesday, the 1st day of February 2006, at 9.30
29 a.m.]

EXHIBITS:

Exhibit No. 121	30
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WITNESSES FOR THE DEFENCE:

WITNESS: SAMUEL HINGA NORMAN	2
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EXAMINED BY MR JABBI	2
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