

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

FRIDAY, 03 FEBRUARY 2006
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges: Pierre Boutet, Presiding
Bankole Thompson
Benjamin Mutanga Itoe

For Chambers: Ms Roza Salibekova
Ms Anna Matas

For the Registry: Mr Geoff Walker

For the Prosecution: Mr Joseph Kamara
Mr Kevin Tavener
Ms Bianca Suciu (Case Manager)
Ms Lynn Hintz (intern)

For the Principal Defender: Mr Lansana Dumbuya

For the accused Sam Hinga Norman: Dr Bu-Buakei Jabbi
Mr Alusine Sesay
Mr Kingsley Belle (legal assistant)

For the accused Moinina Fofana: Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the accused Allieu Kondewa: Mr Charles Margai
Mr Ansu Lansana

1 [CDF03FEB06A - SV]

2 Friday, 03 February 2006

3 [Open session]

4 [The accused present]

09:31:33 5 [Upon commencing at 9.47 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. Good morning,

7 Mr Witness.

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Dr Jabbi, good morning.

09:49:07 10 MR JABBI: Good morning, My Lord.

11 PRESIDING JUDGE: And so we're back to you again and you

12 may proceed to continue with the examination-in-chief of the

13 accused, please.

14 WITNESS: SAMUEL HINGA NORMAN [Continued]

09:49:32 15 EXAMINED BY MR JABBI: [Continued]

16 Q. Good morning, Mr Witness.

17 A. Yes, My Lords.

18 Q. I would like us to proceed just a little bit more with the

19 Tongo area before moving to the sea. I refer first to Telama
09:50:09 20 village. Telama village. Do you know a Commander Kamabote?
21 A. No, My Lord.
22 PRESIDING JUDGE: You did ask that question yesterday and
23 the answer was no.
24 MR JABBI: Thank you, My Lord.
09:51:03 25 Q. If we may then proceed to Panguma. P-A-N-G-U-M-A, Panguma.
26 Do you know a CO Baggie Walters of the Kamajors?
27 A. I don't know Baggie Walters but I know Panguma.
28 Q. You know Panguma, you do not know Baggie Walters.
29 JUDGE ITOE: Is it Baggie Waters or Walters?

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1 MR JABBI: Walters, My Lord. B-A-G-G-I-E, I believe.

2 Baggie Walters.

3 Q. During the hostilities were you in communication with that

4 area, your men in that area, you personally?

09:52:36 5 A. No, My Lord.

6 PRESIDING JUDGE: In communication with the area, more

7 specifically here presumably you're asking about Panguma.

8 MR JABBI: His men in the area, My Lord. The Panguma area.

9 PRESIDING JUDGE: Okay, because you first began to say

09:52:54 10 we're going to be talking about the Tongo area and within Tongo

11 now you've been to Panguma.

12 MR JABBI: I asked the question about -- well, My Lord,

13 they're in the same area actually. Those are particular towns in

14 the wider geographic area.

09:53:12 15 PRESIDING JUDGE: That's what I assume, but I am just

16 asking for greater precision.

17 MR JABBI: The next series of towns are what I'm calling

18 the Tongo area. They are all around just a few miles of Tongo.

19 PRESIDING JUDGE: Thank you. But the answer to your
09:53:25 20 question was the witness was not in communication.

21 MR JABBI: That's right, My Lord.

22 JUDGE THOMPSON: With whom? Who were "my men"?

23 MR JABBI: The hunters --

24 JUDGE THOMPSON: Let us be -- let's not -- we've been using
09:53:36 25 that for consistency.

26 THE WITNESS: Yes, My Lord.

27 JUDGE THOMPSON: Let's just --

28 MR JABBI: Yes, My Lord.

29 THE WITNESS: Yes, My Lord.

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1 MR JABBI:

2 Q. So were you in communication during the hostilities with
3 the hunters on the ground in that area?

4 A. In Panguma?

09:53:50 5 Q. In Panguma area.

6 A. No, My Lord.

7 Q. And do you know a town called Giehun in the same area?

8 A. On the way to Panguma, yes.

9 Q. Yes.

09:54:16 10 A. Yes, My Lord.

11 Q. Were in communication with the hunters on the ground in
12 that area during the hostilities?

13 A. In Giehun, no, My Lord.

14 Q. And do you know of any child fighter by the name of

09:55:00 15 Small Hunter who was operating in that area?

16 A. Small Hunter, no.

17 Q. Small Hunter.

18 A. No, My Lord.

- 19 Q. If we may then move to the Bo area. Do you know the rough
09:56:09 20 time frame when the effort to take Bo was mounted?
- 21 A. No, My Lord.
- 22 Q. You cannot guess the rough time frame. When were the junta
23 men finally driven away from Bo; do you know?
- 24 A. No, My Lord.
- 09:56:50 25 Q. During the encounter that led to the taking of Bo by the
26 hunters and ECOMOG were you in communication with the hunters on
27 the ground in the Bo area during that time?
- 28 A. No, My Lord.
- 29 Q. Do you know a town called Gumahun --

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1 A. Yes, My Lord.

2 Q. -- in that area?

3 MR JABBI: G-U-M-A-H-U-N, My Lords. G-U -- G as in George.

4 G-U-M-A-H-U-N.

09:58:54 5 Q. Around the end of November 1997 were you in communication
6 with hunters in that area?

7 A. No, My Lord.

8 JUDGE ITOE: What month was that again, 1997?

9 MR JABBI: Around the end of November 1997.

09:59:24 10 Q. Did you know of any incident there concerning some young
11 men who allegedly were shot by Kamajors and thrown into the river
12 around that time?

13 A. No, My Lords.

14 Q. Did you know of the concept "town mother" among the
10:00:17 15 fighters by that time, among the rebels?

16 A. No, My Lord.

17 Q. The concept "town mother"?

18 A. No, My Lords.

19 Q. And do you know a town called Mandu in that area?

10:00:43 20 A. Yes, My Lord.

21 MR JABBI: M-A-N-D-U, My Lords.

22 Q. And did you ever know of the killing of a woman in Mandu

23 town by the Kamajors because allegedly she was a town mother to

24 rebels there?

10:01:36 25 A. No, My Lords.

26 Q. Did you ever know of a person called Arun Massaquoi in Bo?

27 Arun, A-R-U-N. Possibly also Aruna. Arun Massaquoi in Bo?

28 A. No, My Lords.

29 Q. And did you ever hear of a person by that time,

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1 Arun Massaquoi, having been hacked to death by Kamajors in

2 March 1998 in Bo?

3 A. No, My Lord.

4 Q. And whilst still in Bo, did you hear of any killings by

10:03:51 5 Kamajors in Bo on 27th April 1998?

6 A. No, My Lords. My Lords, I want to refer to the counsel's

7 question about the hacking of somebody in March, and I would like

8 to know --

9 PRESIDING JUDGE: In Bo, you mean?

10:04:28 10 THE WITNESS: In Bo, My Lord. Whether it was before 10th

11 or after 10th, the arrival of His Excellency and the

12 establishment of a constitutional government with police

13 functioning in Bo.

14 MR JABBI:

10:04:47 15 Q. That is not very clear from the allegation. It's just in

16 March 1998.

17 A. Thank you. Before 10th or after 10th, I don't, My Lord.

18 JUDGE THOMPSON: Dr Jabbi, is he qualifying his answer now?

19 MR JABBI: I believe he has just reasserted it. He has
10:05:24 20 just said before or after 10th March he doesn't know.
21 JUDGE THOMPSON: Which means there's a limitation on that.
22 There's a qualification on the previous answer; am I right?
23 MR JABBI: My Lord, the previous answer was just blank
24 reference to March.
10:05:40 25 JUDGE THOMPSON: That's what I'm saying.
26 MR JABBI: And he said no.
27 JUDGE THOMPSON: It's a revised answer we now have. Would
28 that be right? I need to be guided on that.
29 MR JABBI: I do not believe it is revised in substance,

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1 because he says whether before 10th March or after 10th March he
2 doesn't know of any such incident having taken place in March.

3 JUDGE THOMPSON: But doesn't the time element affect the
4 substance? You guide me on that.

10:06:10 5 MR JABBI: My Lord, since the original question dealt
6 generally with March, some time in March, without specifying it,
7 I believe that the statement that whether it was before 10th or
8 after 10th March, the substance does not, to me, seem to modify
9 the answer in any way.

10:06:34 10 JUDGE THOMPSON: I'll yield.

11 MR JABBI: Thank you, My Lord.

12 Q. Now, Mr Witness, we are still in Bo. Did you ever hear of
13 a sub-inspector, James Vand, who was a police CID in Bo?

14 A. No, My Lord.

10:07:35 15 Q. Or did you ever hear of such a person, sub-inspector James
16 Vand, a police CID in Bo, having been hacked to death with a
17 cutlass by Kamajors?

18 A. No, My Lord.

19 Q. And if we may move to Bonthe, the Bonthe area. We have
10:08:42 20 been here quite some time in Bonthe District.

21 A. My Lords, before moving out of Bo, Bo was a town after
22 10th March --

23 Q. Please watch the pace.

24 A. -- under the control of both ECOMOG troops and the
10:09:13 25 Sierra Leone police for security. After the taking of Bo by the
26 ECOMOG troop, right up to 10th March, the reinstatement of
27 His Excellency the President and the Government of Sierra Leone,
28 Bo was before 10th March under the control of ECOMOG. After the
29 taking and from 10th March to this date, to the date when "di wa

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1 dan dan", was under the control of ECOMOG and the police and the
2 UNAMSIL and the police. So whatever happened there that was
3 violence to life was within the ambit of the authorities that
4 were there. That is what I would like to state to

10:11:10 5 Your Lordships, My Lords.

6 Q. So if we may transit to Bonthe.

7 A. Yes, My Lords.

8 Q. Do you know whether Kamajors operated in Bonthe during the
9 hostilities?

10:12:22 10 A. Yes, My Lords.

11 Q. And do you know the origin of those Kamajors, where they
12 came from?

13 A. Yes, My Lords.

14 Q. Can you help the Court with that information?

10:13:01 15 A. Yes, My Lords. These were the Sherbro Kamajors along the
16 river belt right up to the boundary of Pujehun District. They
17 operated in the sea, the rivers, generally in the waters around
18 the area. It's a waterlogged district of various chiefdoms.

19 They were commonly referred to as the Kassila Battalion.

10:14:29 20 K-A-S-S-I-L-A, Kassila Battalion, My Lord.

21 Q. Do you know when Kamajors started operating in the Bonthe
22 area?

23 A. Before I was born, My Lord.

24 Q. With reference to the war, from 1991 unto 2002 -- with

10:15:27 25 reference to that war, do you know when hunter fighters started
26 operating in Bonthe area?

27 A. I cannot be very exact, My Lord. I can only help the Court
28 that around 1992 and 1993 they had been requested to help the
29 naval wing of the Sierra Leone Army in those areas, My Lord.

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1 Q. "They" there meaning?

2 A. The Sherbro Kamajors.

3 Q. The Sherbro Kamajors. Who had made that request to the

4 Sherbro Kamajors?

10:16:43 5 A. It was the Sierra Leone Army at that time, My Lords.

6 Q. Now, talking specifically about the phenomenon of

7 initiation into the hunter fighters groups during the war, do you

8 know when such initiations started in the Bonthe area?

9 A. I don't, My Lord. And in the entire Sierra Leone I don't.

10:18:27 10 Q. Now, for the sake of some specifics there, by the time you

11 went to -- I will pose an intermediate question before this one.

12 A. Yes, My Lords.

13 Q. Now, in what district of Sierra Leone was Base Zero?

14 A. Bonthe District, My Lord.

10:19:09 15 Q. Base Zero was in Bonthe District. In the town of Talia,

16 not so?

17 A. Yes, My Lord.

18 PRESIDING JUDGE: The witness has testified to that in

19 detail.

10:19:23 20 MR JABBI: Yes, My Lord. I just wanted to use it as a base

21 for the question coming now.

22 Q. By the time you went to Base Zero for the first time during

23 this war, were initiations into the hunting fighters, groups

24 operating in Bonthe District?

10:20:02 25 A. I did not ask and I don't know, My Lord.

26 Q. Whilst you were in Base Zero did you know whether

27 initiations into the fighting society were taking place?

28 A. In Base Zero?

29 Q. In and around -- in Bonthe District?

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1 A. I could not tell for Bonthe District, but I can tell for
2 Base Zero, My Lords. There was one initiation at Base Zero
3 during my time, My Lords.

4 Q. Now, did you know of a town called Mobayeh in the Bonthe
10:22:09 5 District?

6 A. I heard that name but I don't know the town, My Lord.

7 Q. You do not know the town.

8 JUDGE ITOE: What was the town called again?

9 MR JABBI: M-O-B-A-Y-E-I, Mobayeh.

10:22:39 10 THE WITNESS: My Lord, I would like to assist with the
11 correction. The last letter is H, instead of I, My Lord.
12 Mobayeh.

13 MR JABBI: E-H, Mobayeh.

14 Q. Now, did you ever get a report of two women having been
10:23:16 15 killed in this town by Kamajors during the hostilities?

16 A. No, My Lord.

17 Q. In Talia Yawbeko itself did you ever hear of the killing of
18 a man called Lahai Lebbie?

19 A. No, My Lord.

10:24:48 20 Q. By the Kamajors?

21 A. No, My Lord.

22 Q. Did you also know of a Kamajor in Talia called Nulelei?

23 A. No, My Lord.

24 MR JABBI: N-U-L-E-L-E-I, My Lords. Nulelei. A black

10:25:51 25 Kamajor.

26 PRESIDING JUDGE: Nulelei would be the name of what you

27 describe as black Kamajor?

28 MR JABBI: No, that was some transliteration of that name.

29 PRESIDING JUDGE: Nulelei would mean black Kamajor?

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1 MR JABBI: No, black person.

2 PRESIDING JUDGE: Black person.

3 JUDGE ITOE: Were there some white Kamajors? Mr Norman?

4 THE WITNESS: My Lord, there are no gowe [phon] Kamajors.

10:26:32 5 Meaning there are no white people in the Kamajor.

6 MR JABBI:

7 Q. Now, did you ever hear of a report of the so-called Nulelei

8 killing the husband of a certain woman in Talia?

9 A. My Lords, I don't know Nulelei and I never knew about any

10:27:10 10 incidents involving that person called Nulelei throughout my stay

11 in Talia.

12 Q. And in Bonthe Town proper --

13 A. Yes, My Lords.

14 Q. -- were any -- did you know of any killings by Kamajors

10:28:42 15 when they were operating in Bonthe Town?

16 A. No, My Lord.

17 Q. And did you get any reports of Kamajors looting such

18 institutions as Bonthe Technical College, Bonthe Holiday Complex,

19 Bonthe Hospital and the doctors' quarters there during the
10:29:46 20 hostilities?

21 A. No, My Lord.

22 JUDGE ITOE: Take the enumeration again, please. The
23 Bonthe Technical College.

24 MR JABBI: Bonthe Technical College, Bonthe Holiday
10:30:09 25 Complex, Bonthe Hospital and the doctors' quarters there.

26 THE WITNESS: No, My Lords.

27 MR JABBI:

28 Q. And did you know a Commander Gbokambama in Bonthe?

29 MR JABBI: G-B-O-K-A-M-B-A-M-A, Gbokambama. I will not ask

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1 for the translation.

2 THE WITNESS: I will not tell the meaning, My Lords.

3 I know Gbokambama and he was -- I saw him in Talia. I did not

4 know him in Bonthe.

10:31:28 5 MR JABBI:

6 Q. You saw him in Talia?

7 A. I saw him in Talia. I knew him there. A young man.

8 Q. Was any information or report made to you that the said

9 Commander Gbokambama and his Kamajor group had looted such places

10:32:08 10 as the police headquarters, the post office and the paramount

11 chief's staff in Bonthe?

12 A. No, My Lords.

13 JUDGE ITOE: There are three places. The police?

14 MR JABBI: The post office.

10:33:09 15 JUDGE ITOE: Okay, thank you.

16 MR JABBI:

17 Q. And did you also know of a Kamajor by the name of Rambo,

18 R-A-M-B-O, probably a pseudonym? Rambo in Bonthe?

- 19 A. I heard the name, My Lord.
- 10:33:49 20 Q. You heard that name. Do you know if that is the proper
21 name or only a nickname?
- 22 A. I only heard Rambo. I don't know whether it was proper or
23 nick.
- 24 Q. And do you know if he led a group of Kamajors in Bonthe?
- 10:34:19 25 A. No, My Lord.
- 26 Q. You do not know?
- 27 A. No, I don't.
- 28 Q. Did you get any report of Rambo and his group of Kamajors
29 looting the fisheries department in Bonthe?

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1 A. No, My Lord.

2 Q. Now, Mr Witness, I want to show you an exhibit which has
3 been tendered in this Court.

4 MR JABBI: May I get Exhibit 27, please?

10:36:33 5 MR WALKER: Your Honour, Exhibit 27 isn't in court at the
6 moment. I'll need to get it.

7 PRESIDING JUDGE: Dr Jabbi, can we proceed with some other
8 questions in the meantime so they can get this exhibit? Will you
9 be making reference to other exhibits? If that is the case, they

10:36:54 10 may --

11 MR JABBI: For today at any rate. I just want to refer
12 to --

13 PRESIDING JUDGE: Only that one?

14 MR JABBI: Yes, My Lord.

10:37:04 15 PRESIDING JUDGE: Okay. Mr Court Officer, will you get
16 this document now or -- yes, please.

17 MR JABBI: My Lord, I don't know if it may be premature to
18 ask for a break at this time because I want to round up with that

19 exhibit alone.

10:37:21 20 PRESIDING JUDGE: We'll break for that purpose as such. As

21 soon as the document is back we're coming back in court.

22 MR JABBI: Thank you, My Lord.

23 PRESIDING JUDGE: Court is adjourned.

24 [Break taken at 10.37 a.m.]

10:46:26 25 [CDF03FEB06B-SGH]

26 [Upon resuming at 10.50 a.m.]

27 PRESIDING JUDGE: So I have been informed that the document

28 Exhibit 27 and copies are now available and copies there of.

29 MR JABBI: Yes, My Lord.

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1 PRESIDING JUDGE: So you are ready to carry on from there?

2 MR JABBI: Yes, My Lord.

3 PRESIDING JUDGE: If copies are available, we would like to
4 have a copy of it if you [indiscernible].

10:52:21 5 But the copy we have has no indication that this is the
6 exhibit. So can we assume, Mr Court Officer, that this is indeed
7 27, Exhibit 27?

8 MR WALKER: It is, Your Honour.

9 PRESIDING JUDGE: Where is it marked?

10:52:38 10 MR WALKER: It was not marked on the original. We have a
11 cover sheet that goes with it and it was on a cover sheet which I
12 have in a folder and it came out of a sleeve in a folder.

13 MR JABBI: My Lords, my own document that made me request
14 Exhibit 27, which is marked 27, is the same as this document.

10:53:03 15 PRESIDING JUDGE: Yes. Okay.

16 MR JABBI: Yes, My Lord.

17 PRESIDING JUDGE: Please proceed. You have given a copy of
18 the Exhibit to the witness?

19 MR JABBI: Yes.

10:54:21 20 PRESIDING JUDGE: Mr Norman, you have a copy?

21 THE WITNESS: Yes, I do.

22 PRESIDING JUDGE: Would you open your mic.

23 THE WITNESS: Sorry, My Lord. I have.

24 MR JABBI:

10:54:29 25 Q. Now, Mr Witness --

26 A. Yes, My Lord.

27 Q. I shall straightaway remind you that the name on that

28 document should not be read aloud.

29 A. Yes, My Lord.

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1 Q. It should not be disclosed.

2 PRESIDING JUDGE: You mean the name of the person at the
3 top?

4 MR JABBI: Yes, My Lord, the one against the word "two".

10:55:10 5 PRESIDING JUDGE: Two, that's fine.

6 MR JABBI: The name against the word "two". It is not for
7 public consumption.

8 Q. Now, have you had a sufficient look at the document?

9 A. Yes, My Lord.

10:55:51 10 Q. Do you recognise it? Do you recognise it?

11 A. The document?

12 Q. Yes.

13 A. Yes, My Lord.

14 Q. What is the subject matter?

10:56:31 15 A. It is letter of appointment.

16 Q. To?

17 A. The name I should not disclose.

18 Q. Not to the person.

19 PRESIDING JUDGE: Appointed to what?

10:56:41 20 THE WITNESS: To the War Council.

21 MR JABBI:

22 Q. A letter of appointment to the War Council.

23 A. Yes, My Lord.

24 Q. Now, you recognise the signatory?

10:57:01 25 A. Yes, My Lord.

26 Q. Who is the signatory?

27 A. The signature, My Lord, is that of mine.

28 Q. In your capacity as?

29 A. The National Co-ordinator.

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1 Q. National Co-ordinator.

2 JUDGE ITOE: National co-ordinator of? Let's complete that
3 of.

4 THE WITNESS: National co-ordinator of the Civil Defence.

10:58:34 5 JUDGE ITOE: Of the CDF.

6 THE WITNESS: CDF, Civil Defence.

7 MR JABBI:

8 Q. Can you explain to the court the normal procedure for
9 signing letters of appointment to the War Council?

10:59:19 10 A. Yes, My Lord. At that time at Base Zero it was strictly
11 upon recommendation and not by mere selection by the National
12 Co-ordinator. On recommendation to him, My Lords.

13 Q. What is the time frame you are referring to? You say at
14 that time?

11:00:05 15 A. 1997.

16 Q. 1997?

17 A. Yes. While we were away in Base Zero.

18 Q. What is the date of this particular letter itself?

19 A. It is written 30 December.

11:00:33 20 JUDGE ITOE: But again the date is there.

21 THE WITNESS: 1997.

22 JUDGE ITOE: The date is on the Exhibit.

23 THE WITNESS: Thank you, My Lord.

24 MR JABBI: 30th December 1997.

11:00:48 25 Q. Now you have just said, at that time, membership was

26 strictly on recommendation?

27 A. Yes, My Lords.

28 Q. Can you explain who recommended this person to whom this

29 letter of appointment was sent?

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1 A. Yes, My Lord. There were various groups of people from
2 various regions and districts at Base Zero. So nomination for
3 appointment to an important council like the War Council were
4 done by people from either the various regions or various
11:02:09 5 districts, My Lords.

6 Q. Now --

7 JUDGE ITOE: Let's get this very clear. You mean the
8 people from the various districts who were based in Base Zero?

9 THE WITNESS: In Base Zero, My Lord, various regions or
11:02:51 10 various districts who had come to Base Zero. They were to select
11 their own membership, My Lords.

12 MR JABBI:

13 Q. At what stage in the formation and existence of the war
14 Council was this particular appointment made? At what stage?

11:03:47 15 A. This was towards the end of the year 1997 when the war was
16 already being driven into most of the important parts of Sierra
17 Leone by the ECOMOG and hunter forces. This appointment was
18 among the last bit of those who had already been in the War

19 Council at Base Zero, My Lords.

11:05:08 20 Q. Was this mode of selection continued? Was this the mode of

21 selection into the War Council for all the time that the council

22 existed?

23 A. That was the most convenient and safest mode, I thought,

24 that could well be representative.

11:05:36 25 JUDGE THOMPSON: That is not the answer. What was the

26 question?

27 MR JABBI: The question was whether this mode of selection

28 was the mode throughout the existence of --

29 JUDGE THOMPSON: In terms as -- if it's a question, let's

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1 focus on time. Of course, the answer seems to talk about the
2 quality of selection methodology. In other words, a kind of
3 judgmental statement relating to whether this was the best option
4 in terms of qualitative analysis. That is what I've got, anyway.

11:06:16 5 But you were talking about throughout, except I misunderstand
6 what your question was.

7 THE WITNESS: My Lords --

8 MR JABBI: No, My Lord.

9 THE WITNESS: -- I remember telling you what led to the
11:06:28 10 formation of the War Council at Base Zero. I remember that this
11 took place after September 1997, My Lords.

12 JUDGE THOMPSON: Except I've been misunderstanding
13 something. I thought the question was really more in terms of
14 whether this happened throughout this particular mode which was
11:06:53 15 applied throughout a particular point in time. But your answer
16 seemed to have talked about the -- giving an answer for --

17 THE WITNESS: The reason for --

18 JUDGE THOMPSON: -- a qualitative --

19 THE WITNESS: Qualitative.

11:06:56 20 JUDGE THOMPSON: Quite right.

21 THE WITNESS: Yes, My Lord, you are correct. That is my
22 understanding.

23 JUDGE THOMPSON: I mean, I may be not at cross-purposes
24 here with counsel, but it's entirely your defence. I will

11:07:12 25 restrain myself.

26 MR JABBI: My Lord, I was seeking to put a supplementary
27 question to clarify the object of the first question. He has
28 given his answer and I wanted to have that sink down.

29 JUDGE THOMPSON: Okay, I'll yield.

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1 MR JABBI: Thank you.

2 Q. Now, my question was whether this mode of selection of
3 people into the War Council was the mode applied with all
4 appointments into the War Council throughout the time the council

11:07:47 5 existed in Base Zero?

6 A. For this particular person?

7 Q. No, generally for appointments into the War Council. The
8 mode of selection applied to this person as evidenced in
9 Exhibit 27. Was that the mode applied to selections of all

11:08:14 10 members into the War Council throughout the time it existed in
11 Base Zero?

12 A. The mode was representative of the areas --

13 JUDGE ITOE: No, Mr Norman, you have told the Court.

14 THE WITNESS: Yes, My Lord.

11:08:32 15 JUDGE ITOE: That there were diverse communities
16 represented --

17 THE WITNESS: Yes, My Lord.

18 JUDGE ITOE: In the agglomeration that was Base Zero.

19 THE WITNESS: Yes.

11:08:46 20 JUDGE ITOE: And that people were appointed as a result of

21 recommendations from those areas.

22 THE WITNESS: Representatives of their communities.

23 JUDGE ITOE: Representatives of their communities.

24 THE WITNESS: Yes, My Lord.

11:08:54 25 JUDGE ITOE: I am sure that is what counsel is referring to

26 as the mode.

27 MR JABBI: All I want to know is that -- [overlapping

28 speakers].

29 JUDGE ITOE: All counsel wants to know is whether it is

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1 this same method that you used all along for the appointment of
2 members into the War Council?

3 THE WITNESS: Yes, My Lord.

4 MR JABBI:

11:09:10 5 Q. Throughout its existence in Base Zero?

6 A. Yes, My Lords.

7 Q. Thank you. Now, if we can disengage ourselves from Exhibit
8 27 for a moment. Do you know a person by the name of --

9 MR JABBI: My Lord, I just want to supply this document to
11:10:27 10 the Prosecution. I am not very clear whether this person I am
11 referring to gave evidence or not before I --

12 PRESIDING JUDGE: So you are giving this document to the
13 Prosecution for what purpose?

14 MR JABBI: My Lord, I want to lay the foundation for it for
11:11:02 15 tendering, but if I am not inhibited by any procedural issue in
16 the Court, I will want to call out the name. So I just want to
17 see whether this name is or is not a Prosecution witness. I
18 don't remember the entire list. It is just initially for that

19 purpose, My Lord.

11:11:57 20 PRESIDING JUDGE: Very well. Mr Tavener?

21 MR TAVENER: No, that person wasn't a witness, was not.

22 PRESIDING JUDGE: He was not?

23 MR JABBI: Thank you very much.

24 PRESIDING JUDGE: So now you want to lay the foundation?

11:12:25 25 MR JABBI: Yes, I will lay the foundation and seek to

26 tender it.

27 Q. Now, Mr Witness, do you know one Mr Thomas PD Langba?

28 A. Yes, My Lord.

29 JUDGE THOMPSON: Shall we have the benefit of the spelling

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1 or is it phonetic?

2 MR JABBI: Yes, My Lord, this particular one is strictly
3 phonetic. The last one, the surname, is L-A-N-G-B-A.

4 JUDGE THOMPSON: Yes.

11:14:18 5 MR JABBI: Langba.

6 JUDGE ITOE: Was Thomas followed by some initials? Thomas
7 BC Langba?

8 MR JABBI: PD.

9 JUDGE ITOE: PD?

11:14:31 10 MR JABBI: PD, My Lord.

11 Q. Can you tell the Court what role, if any, he played in
12 respect of the Civil Defence Forces?

13 A. Yes, My Lord.

14 Q. Yes, please.

11:15:07 15 A. Mr Langba, on this document called Mr Thomas PD Langba, was

16 one of the commanders was directly linked with the ECOMOG

17 garrison command in Freetown, Western Area, My Lords.

18 JUDGE ITOE: He was the what commander? Was he a hunter

19 commander?

11:15:53 20 THE WITNESS: A hunter commander, sorry, My Lords. A

21 hunter commander, the Kamajor wing of the civil defence, My

22 Lords.

23 MR JABBI:

24 Q. For what period was he serving in that capacity?

11:16:29 25 A. Since the reinstatement of His Excellency the President.

26 That was any time after March, 10th March 1998 to the year 2000.

27 Q. From just after 10th March 1998 to the year 2000?

28 A. Up to the date of his suspension.

29 Q. What was that date?

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1 A. 6th March 2000, My Lord.

2 Q. So are you saying that he was suspended from office?

3 A. By this document he was given notification for such a

4 suspension, My Lord, and he was so suspended because the

11:17:28 5 documents speaks that he should strictly adhere to this letter.

6 Q. Now if we can talk off the document for a while.

7 A. Yes, My Lords.

8 Q. Why was he suspended?

9 A. For disciplinary reason, according to the document, My

11:17:57 10 Lord.

11 PRESIDING JUDGE: But this is not something that is of your

12 knowledge, Mr Norman?

13 THE WITNESS: No, My Lord.

14 PRESIDING JUDGE: You know this now because you read this

11:18:03 15 document.

16 THE WITNESS: Yes, My Lord.

17 PRESIDING JUDGE: And the same as to whether he was

18 suspended or not, I take it that you assume that from reading

19 this document.

11:18:13 20 THE WITNESS: The content of the document.

21 MR JABBI:

22 Q. Can you tell the Court the signatories to that document?

23 A. Yes, My Lord.

24 Q. Yes, please.

11:18:57 25 A. The source of the letter, My Lord, the signatory is of the

26 name Andrew NK Harding, Director of Personnel. The other

27 signature for approval of this suspension was that of

28 Chief Samuel H Norman, National Co-ordinator CDF and Deputy

29 Minister of Defence, My Lords.

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1 Q. And what is the date of the letter?

2 A. My Lord, I said 6th March.

3 PRESIDING JUDGE: 2000.

4 THE WITNESS: 2000.

11:20:36 5 MR JABBI: My Lords, I now seek to tender this document.

6 PRESIDING JUDGE: Counsel for the second accused, any

7 comment?

8 MR BOCKARIE: No objection, Your Honour.

9 PRESIDING JUDGE: Mr Margai?

11:20:45 10 MR MARGAI: None, My Lord.

11 PRESIDING JUDGE: Mr Prosecutor?

12 MR TAVENER: Your Honour, I note that the date of the

13 letter is outside the terms of the indictment but, having

14 recently reread 89(C) of the Rules of Procedure, there is no

11:21:02 15 objection.

16 PRESIDING JUDGE: Thank you. So you are asking that this

17 be marked as an exhibit, Mr Jabbi?

18 MR JABBI: Yes, My Lord.

19 PRESIDING JUDGE: I think we are at 124.

11:21:13 20 MR WALKER: That is correct, Your Honour.

21 PRESIDING JUDGE: So, Dr Jabbi, we would like to have

22 copies of that document. We have not seen it. Can we have one

23 more copy for the Bench? So this document dated 6th March 2000

24 with the title "Civil Defence Forces of Sierra Leone suspension

11:22:29 25 from office and all duties Mr Thomas PD Langba" is marked as

26 Exhibit 124.

27 [Exhibit No. 124 was admitted]

28 MR JABBI:

29 Q. Now, Mr Witness, you referred to the CDF disciplinary

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1 committee. What exercise was conducted by that committee in
2 respect of this letter?

3 A. This is a committee, My Lords, that was charged with the
4 responsibility of investigating allegations and matters of

11:23:40 5 discipline, My Lords.

6 Q. Now at what times in the life of the CDF did this committee
7 operate?

8 A. From my arrival at Base Zero and the formation of the War
9 Council it was recommended that there should exist a disciplinary

11:25:22 10 committee to investigate and recommend, where appropriate, for
11 punishment of all members of the civil defence, barring those who
12 had more state authority than the council at Base Zero, My Lords.

13 Q. So what happened to that recommendation -- the
14 recommendation that that second committee should be established?

11:26:32 15 A. The committee -- the recommendation was adopted, the
16 committee was formed and it was further adopted when the NCC was
17 established.

18 Q. Carry on. Carry on.

19 A. But at that time the War Council at Base Zero had ceased to
11:26:59 20 function.

21 Q. As at what time?

22 A. As at the return of the President and the reinstatement of
23 government, My Lords.

24 Q. So at what time did the disciplinary committee become
11:27:48 25 effectively operational?

26 A. From its institution.

27 Q. Yes, when? When was that?

28 A. I cannot be very exact now, but at any time around October
29 1997, My Lords.

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1 JUDGE ITOE: And the NCC, when did it start existing?

2 THE WITNESS: 1999, My Lord. January 1999.

3 MR JABBI: My Lords, I would like to close this

4 examination-in-chief at this stage, but would just want to say

11:29:20 5 that this is obviously with a caveat in view of the decision we

6 are expecting. I cannot say in advance what that decision is

7 going to be, but we would like to end the examination-in-chief

8 now, but that if it becomes necessary at all by our understanding

9 of that decision --

11:29:52 10 PRESIDING JUDGE: I will, if you allow me, Dr Jabbi

11 facilitate your life. We will adjourn for 15 minutes. Please

12 look at the decision that has been filed this morning, and when

13 we come back you should be able to advise yourself and the Court

14 what position you want to take.

11:30:07 15 MR JABBI: Thank you very much, My Lord, I didn't know it

16 had been filed.

17 PRESIDING JUDGE: Thank you. Court is adjourned.

18 [Break taken at 11.30 a.m.]

19 [CDF03FEB06C - RK]

11:50:59 20 [Upon resuming at 12.00 p.m.]

21 PRESIDING JUDGE: Mr Defence counsel, Dr Jabbi.

22 MR JABBI: Yes, My Lord.

23 PRESIDING JUDGE: When we adjourned, you were informing the

24 Court of a decision you were about to make, or informing the

12:00:49 25 Court as to what decision you had made and it was conditional to

26 certain circumstances. Can we ask you what your position is at

27 this particular time? Indeed are you closing your case?

28 MR JABBI: My Lord, I'm happy to announce that we are

29 closing the examination-in-chief --

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1 PRESIDING JUDGE: That's what I mean by your case. That is
2 the examination-in-chief.

3 MR JABBI: -- of the first accused as of now and for now.

4 PRESIDING JUDGE: Thank you.

12:01:23 5 JUDGE ITOE: What does "as of now" mean?

6 MR JABBI: With the evidence led by him up to this point,
7 My Lord.

8 JUDGE ITOE: I see. Not subject to a resumption of --

9 MR JABBI: We can foresee no circumstances that will
12:01:45 10 necessitate such an application at this stage.

11 PRESIDING JUDGE: You have always the re-examination
12 process in due course if the matter is a matter that could be
13 examined in that process. I know the fact that you have closed
14 your case in examination-in-chief does not preclude you to
12:02:10 15 clarify certain issues, if need be, later on in the process.

16 MR JABBI: Indeed, My Lord.

17 JUDGE THOMPSON: But, if I understand My Lords correctly,
18 it means that as far as examination-in-chief is concerned that's

19 the end of the matter.

12:02:21 20 MR JABBI: Indeed, My Lord.

21 JUDGE THOMPSON: Because I certainly would not see how
22 procedurally regular it would be for you to be allowed to reopen
23 your examination-in-chief. Because you do have a chance for a
24 second bite of the cherry.

12:02:34 25 MR JABBI: Indeed.

26 PRESIDING JUDGE: That being the case -- yes, Mr Tavener.

27 MR TAVENER: Thank you, Your Honour. In the limited time
28 available to consider the decision, the Prosecution would ask for
29 some brief time, perhaps until 2.30, so an hour of your Court's

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1 time, to consider our response. We understand the decision. We
2 may make further submissions as to the practical response to the
3 decision. That might, for instance, involve making submissions
4 that Chief Norman be allowed to testify on the areas that have
12:03:10 5 been proscribed by the decision, because if he stops now, that
6 evidence can no longer be obtained, it is gone forever, which
7 then obviously impacts on the ability of the Prosecution to take
8 any steps. It limits our ability, for instance, to appeal in a
9 practical sense.

12:03:31 10 PRESIDING JUDGE: I'm not sure that we are to invite you to
11 make any response. I thought the decision was quite specific and
12 I don't think the decision invites any response.

13 MR TAVENER: It is a very serious issue. It is a matter
14 that impacts quite significantly on the Prosecution case. What
12:03:50 15 we would like is some time to consider what options we have. It
16 is not a matter that we would say an hour of the Court's time is
17 going to be misspent.

18 PRESIDING JUDGE: That's fine.

19 JUDGE THOMPSON: I would like to take the point up that in
12:04:06 20 terms of the decision, as far as I understand it, that your only
21 remedy at this point in time would be to appeal against the
22 decision, I'm not sure myself procedurally why the Court would
23 want to hear you on the decision. In my own judicial frame of
24 mind, it would amount to a kind of allowing for a post mortem on
12:04:32 25 our decision.

26 MR TAVENER: Not on the decision per se, but as to the
27 consequences. If, as Your Honour says, an option available to us
28 clearly is to appeal. If the appeal comes to a decision that the
29 evidence about this particular area should have been heard, it's

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1 a nugatory decision, it's of no point, because the evidence would
2 have gone. This is the only opportunity for Chief Norman to
3 testify in this area.

4 JUDGE THOMPSON: These are legal matters. What I am trying
12:04:57 5 to say is at this point I do not see how we can entertain even
6 legal submissions or legal arguments on a decision that I think,
7 and I don't know what my other brothers think, were functus
8 officio, so to speak. In other words, the only next stage for
9 this decision this morning is an appeal if counsel for the
12:05:21 10 Prosecution is aggrieved, or invoke a review or reconsideration
11 option. But clearly I find it, quite frankly, procedurally
12 incongruous to have you stand there and ask us to allow you the
13 opportunity of conducting some kind of prosecutorial surgery on a
14 decision we have given in respect of which I know I am functus
12:05:57 15 officio. It is not within my compass as a judge to entertain any
16 argument as to whether I contributed to a decision correctly or
17 incorrectly at this point in time.
18 MR TAVENER: What we're seeking to do is preserve evidence.

19 We're seeking to preserve the opportunity of the accused man to
12:06:16 20 testify in an area that he introduced, that he is willing to
21 testify on. We also --
22 JUDGE THOMPSON: No. I quite find it strange and
23 anomalous. I think we are twisting the rules, with respect. I
24 have put my signature on a decision this morning. As far as I'm
12:06:37 25 concerned, I am functus officio. I am in a way judicially bound
26 not to discuss its merit with anyone, not even the parties here.
27 MR TAVENER: I am not seeking to discuss the merits.
28 JUDGE THOMPSON: What is the point of the legal submissions
29 then?

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1 MR TAVENER: What I am seeking to preserve is the evidence,
2 bearing in mind this Court is not a usual court. There is not
3 the provision, for instance, from a practical sense if an appeal
4 happens, a retrial is obviously not, from a practical point --

12:07:08 5 JUDGE THOMPSON: You are talking of the consequences of the
6 process. I am saying there are two options here open to any
7 party, the Prosecution or the Defence. One, ask for a
8 reconsideration of this decision in the proper procedural manner,
9 or appeal. In other words, seek leave to appeal. I find it

12:07:30 10 extremely difficult it to know what I am supposed to do in
11 response to you, Mr Tavener, once I say I have washed my hands of
12 that decision. I can say nothing about it. In fact, I feel
13 judicially estopped to talk about it.

14 PRESIDING JUDGE: To again clarify any possible ambiguity
12:07:57 15 about the process at this particular stage, we have issued our
16 decision. The counsel for the first accused, as thereafter
17 informed the Court that they are not calling any more evidence
18 and they have closed their case, you will not, whatever argument

19 you may put forward, if we allow you to do that, will certainly
12:08:19 20 not -- we will not force the Court to try now to impose a
21 direction on the first accused to re-open their case. In other
22 words, not to close their case at this particular time. Your
23 comments appear to be in that direction. I fail to see how you
24 could ever ask the Court to order the Defence not to close their
12:08:40 25 case, regardless of.

26 JUDGE THOMPSON: Because you have some reservation about
27 the decision. That's the point I am making. I'm sure we are not
28 at cross-purposes here, as a matter of law. I'm sure we are on
29 the same radar screen. You know that what you are asking this

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1 Court to do is procedurally unusual. Your options are there. I
2 have told you. Ask for a reconsideration by this very Chamber of
3 what we just published or seek leave to appeal and say we erred
4 in law.

12:09:15 5 MR TAVENER: I understand, Your Honour. Then, if we adopt
6 the latter course of asking for a reconsideration, we would ask
7 at this stage that the matter not proceed any further to enable
8 us to consider whether that is an appropriate option at this
9 stage, or what other --

12:09:31 10 PRESIDING JUDGE: Your application was to adjourn until
11 2.30 so you could look into this matter.

12 MR TAVENER: At least 2.30, yes.

13 JUDGE THOMPSON: I hope I have not been too oppressive, but
14 I think we all want to do things procedurally tidy here. We have

12:09:45 15 a judicial process that is settled in many respects, in other
16 areas it is not. It is just that I feel I have nothing to do now
17 that that decision has been put out unless you come and ask us to
18 reconsider.

19 PRESIDING JUDGE: We'll grant you this adjournment until
12:10:05 20 2.30. Let me tell you that we are not inclined at this
21 particular time to delay any further the proceedings, so it will
22 be clearly understood. If you are coming to ask for a further
23 adjournment at that particular time because of what you have read
24 or perceived or understood, I can tell you that it will not be
12:10:23 25 received with a lot of pleasure but we will hear you.
26 MR TAVENER: Thank you, Justice Thompson, for your
27 directions as well.
28 PRESIDING JUDGE: Before we adjourn there was an indication
29 that --

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1 MR BOCKARIE: Yes, Mr Margai made an indication that we do
2 not intend to cross-examine Chief Norman. Your Honours, upon
3 further consultation with our client, that stands as now changed.

4 PRESIDING JUDGE: That is why I was asking you because I
12:11:01 5 was going to ask you in any event for the record if you were not
6 to and you are saying you will. That's fine.

7 MR BOCKARIE: Yes, Your Honour.

8 PRESIDING JUDGE: Thank you. The Court is adjourned until
9 2.30.

12:11:31 10 [Luncheon recess taken at 12.10 p.m.]

11 [CDF03FEB06D - RK]

12 [Upon resuming at 2.40 p.m.]

13 PRESIDING JUDGE: So following this adjournment, we're now
14 back to where we were before this pause and at that time counsel
14:40:30 15 for the first accused had indicated that the case in chief for
16 the accused was closed. We are now moving to the second accused
17 for cross-examination of the witness. Mr Bockarie, you had said
18 that you would go and start the cross-examination.

19 MR BOCKARIE: Thank you, Your Honours.

14:40:53 20 PRESIDING JUDGE: So you are ready to do so?

21 MR BOCKARIE: Yes, Your Honour. Before I commence my

22 cross-examination, Your Honours, I would like to get an

23 indication as to when, if any, oral applications will be heard in

24 respect of the subpoena motion now that all the respective

14:41:11 25 parties have completed their written submissions, Your Honour.

26 PRESIDING JUDGE: We will give direction in this respect

27 this afternoon.

28 MR BOCKARIE: As Your Honours please. Thank you very much,

29 Your Honour.

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1 CROSS-EXAMINED BY MR BOCKARIE:

2 Q. Good afternoon, Chief.

3 A. Good afternoon, My Lords.

4 Q. Chief, when you were appointed national co-ordinator in
14:42:10 5 1997 did you have a deputy?

6 A. No, My Lords.

7 Q. And, Chief, that was the position right up to the time "di
8 wa dan dan" was declared sometime in 2002; correct?

9 A. Yes, My Lords.

14:43:03 10 Q. Yes, Chief, was Moinina Fofana battalion commander of any
11 Kamajor battalion in any location during the crisis? Kamajor
12 battalion in any location during the crisis?

13 A. No, My Lord, not to my knowledge.

14 MR BOCKARIE: Thank you very much, Chief. That will be all
14:44:04 15 for him, Your Honours.

16 PRESIDING JUDGE: Thank you. Mr Margai.

17 MR MARGAI: Yes, My Lords.

18 PRESIDING JUDGE: I take it you are not --

19 JUDGE ITOE: Mr Margai may even take less time, maybe.

14:44:18 20 MR MARGAI: It is very possible.

21 PRESIDING JUDGE: So you are ready to proceed?

22 MR MARGAI: I am very much so, My Lords.

23 PRESIDING JUDGE: Thank you, you may do so.

24 MR MARGAI: Thank you.

14:44:34 25 CROSS-EXAMINED BY MR MARGAI:

26 Q. Good afternoon, Chief.

27 A. Good afternoon, My Lords.

28 Q. Chief, how would you characterise this war we have been

29 talking about in terms of brutality? And please watch the pen of

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1 Their Lordships.

2 A. Thank you. My Lords, I would say it was extremely brutal
3 and of complex characters.

4 Q. Before we come to the complexity, why do you say it was
14:45:44 5 extremely brutal? Very briefly, please.

6 A. Yes, My Lords. It caused extensive loss of life,
7 property --

8 Q. Slowly, please.

9 A. -- and opportunities, My Lord.

14:46:26 10 Q. Chief, how would you distinguish this particular war from
11 other wars? Something that is distinct.

12 A. In the various characters, My Lords, this was not a
13 conventional war.

14 Q. Slowly, please.

14:47:05 15 A. It was mixed with national and international characters, My
16 Lords. It was between brothers and sisters, friends and
17 acquaintances, My Lords.

18 Q. Thank you. Chief, when you say it was mixed with national

19 and international characters, what exactly do you mean?

14:48:02 20 A. That --

21 JUDGE ITOE: First of all starting from national.

22 MR MARGAI: National.

23 THE WITNESS: Yes, My Lord. This was -- it involved

24 forces, national, involving forces within --

14:48:24 25 MR MARGAI:

26 Q. Hold it, please.

27 A. -- Sierra Leone.

28 Q. Could you state these forces?

29 A. Composing the army --

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1 Q. Slowly.

2 A. -- the police, the hunters, the vigilantes and the
3 non-uniformed, referred to as civilians, My Lords.

4 Q. Thank you. Slowly. What about the international flavour?

14:49:17 5 A. The international were soldiers, armies of different
6 nations of Africa and the rest of the world, My Lords. Soldiers
7 of armies of Africa and other nationals of the world, My Lords.

8 Q. Chief, could you tell this Court the various armed
9 factions, national, as well as international, if any, that took

14:50:05 10 part in this war? Not the nationalities.

11 PRESIDING JUDGE: Mr Margai, just bear with me, Mr Norman.
12 When you say this war what --

13 MR MARGAI: You are talking of the rebel war, My Lord. The
14 period covering 30th November 1996 to December 1999. That is the

14:50:28 15 only period this Court, I believe, is concerned with.

16 PRESIDING JUDGE: Indeed.

17 MR MARGAI: As My Lord pleases.

18 PRESIDING JUDGE: That is why I'm asking the question --

19 MR MARGAI: Very well.

14:50:39 20 PRESIDING JUDGE: -- because there was a conflict taking

21 place before that.

22 THE WITNESS: Please repeat the --

23 MR MARGAI: If you please, my cross-examination is going to

24 be confined to the indictment before this Court covering 30th

14:50:53 25 November 1996 to December 1999.

26 PRESIDING JUDGE: Mr Margai, my comment was not necessarily

27 to limit you, it is only to understand because it may be

28 necessary for you to cover a period before. It is up to you, but

29 I just want to know, when you're asking a question, what it is

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1 you intend to address.

2 MR MARGAI: My Lord, covering THE period before will be
3 time wasting and beyond 1999 would be superfluous.

4 PRESIDING JUDGE: It is your cross-examination.

5 MR MARGAI: As My Lord pleases.

6 JUDGE THOMPSON: What date in December, please?

7 MR MARGAI: No date, no specified date.

8 JUDGE THOMPSON: Thank you.

9 THE WITNESS: 1990 --

10 MR MARGAI: December 1999.

11 THE WITNESS: Thank you.

12 MR MARGAI:

13 Q. My question was could you tell the Court the armed factions
14 to this rebel war within the period prescribed?

14:51:49 15 A. Yes, My Lord.

16 Q. Thank you.

17 A. The armies of ECOWAS states, specifically Nigeria --

18 Q. Sorry, I do not want us to go into the various -- just the

19 umbrella, please. Please.

14:52:19 20 A. I would say ECOWAS countries, My, Lord, known as ECOMOG,

21 and the army of Sierra Leone. Then the civil hunters of Sierra

22 Leone known as CDF who started as auxiliaries to the army of

23 Sierra Leone --

24 Q. Just confine yourself, Chief, to the question.

14:53:01 25 A. I know, My Lord, yes. The other faction was a faction of

26 the army that was known as AFRC of Sierra Leone, then the RUF and

27 their associates, My Lords.

28 Q. Chief, have you heard of UNAMSIL?

29 A. Yes, I heard of UNAMSIL, but that was after 1999.

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1 Q. No, the question is have you heard of UNAMSIL?

2 A. I have.

3 Q. Thank you.

4 A. I have.

14:54:11 5 Q. Now, Chief, when did CDF come into existence?

6 A. The letters CDF were used, but it really came into

7 existence after the establishment of the NCC, which was in

8 January 1999, My Lords.

9 Q. January 1999. Before that, was there anything known as

14:54:56 10 CDF, not CDU, CDF?

11 A. No, there was no administration set for --

12 Q. Chief, please confine yourself to just the questions.

13 Thank you.

14 A. No, My Lords.

14:55:16 15 Q. Thank you. Chief, was there a Kamajor group before

16 January 1999? Kamajor group.

17 A. Yes, My Lord.

18 Q. When did the Kamajor group come into being, as far as you

19 can recollect?

14:56:14 20 A. Kamajor group in Sierra Leone was in existence before I was

21 born, My Lord.

22 Q. Thank you. Was there a Kamajor organisation, Chief, before

23 January 1999?

24 A. Yes, My Lord.

14:56:59 25 Q. Is that separate and distinct from Kamajors as we know them

26 or generally?

27 A. They are one and the same, My Lord.

28 Q. When did the Kamajor --

29 JUDGE THOMPSON: So the answer is that the Kamajor

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1 organisation and the Kamajors, as we know them generally, are one
2 and the same thing?

3 MR MARGAI: That is his answer, My Lord.

4 JUDGE THOMPSON: I just wanted to have it precisely.

14:57:48 5 MR MARGAI: Yes, My Lord, that is his answer.

6 Q. When did the organisation come into being, as distinct from
7 the group?

8 A. I see no distinction. They had existed before I was born,
9 My Lord.

14:58:03 10 Q. Thank you. Now initiation, Chief, has been deposed to in
11 this Court as part of the Kamajor movement. Initiation into the
12 Kamajor society.

13 A. Yes, My Lord.

14 JUDGE THOMPSON: What was the question?

14:58:37 15 MR MARGAI: It has been deposed to in this Court that
16 initiation is part of the Kamajor society. He said yes, My Lord.

17 JUDGE THOMPSON: And did you ask is that so?

18 MR MARGAI: Yes, My Lord. That is what -- He is

19 testifying, I am merely guiding him.

14:58:49 20 JUDGE THOMPSON: Yes.

21 PRESIDING JUDGE: So you are now using Kamajor society.

22 Society, organisation, group, it's all the same. So we will not

23 make --

24 MR MARGAI:

14:58:58 25 Q. Are they not all the same?

26 A. They are all the same, My Lord.

27 PRESIDING JUDGE: I just want to make sure that you are not

28 using now society because you're talking of initiation and you're

29 talking --

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1 MR MARGAI: No, no, they are all the same, I'm sorry.

2 PRESIDING JUDGE: That's okay, thanks.

3 MR MARGAI:

4 Q. When did initiation commence within the Kamajor movement?

14:59:24 5 A. I don't know, My Lord. It existed in society before I was
6 born. I could not tell.

7 Q. Now, Chief, you have told this Court that you were
8 appointed by the President Dr Alhaji Ahmad Tejan Kabbah as the
9 co-ordinator of the CDF?

15:00:05 10 A. Yes, My Lord, I did.

11 Q. You did. Now, as co-ordinator, were the Kamajors or CDFs
12 told about abiding by international humanitarian law?

13 A. No, My Lords.

14 Q. Did the CDF have its own rules of engagement, guiding

15:01:28 15 rules?

16 A. The initiators told us what to do and what not to do on the
17 battlefield.

18 Q. So, in other words, there were rules of engagement?

19 A. Yes, My Lords.

15:01:56 20 JUDGE ITOE: And are these rules the ones which the

21 initiators told you, linking you --

22 THE WITNESS: Those are the ones that I remember I referred

23 to as being part of the Bible, My Lord.

24 MR MARGAI:

15:02:11 25 Q. So these were the guiding rules?

26 A. Yes, My Lords.

27 Q. Insofar as warfare was concerned?

28 A. What to do and what not to do.

29 JUDGE THOMPSON: Put short, the law resided in the breasts

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1 of the initiators.

2 PRESIDING JUDGE: It emanated from the breast, but it

3 was --

4 JUDGE THOMPSON: Well, that's what I wanted to know; the

15:02:37 5 source of the law which they had emanated from the initiators.

6 MR MARGAI: Yes, My Lord.

7 JUDGE THOMPSON: All right.

8 MR MARGAI:

9 Q. Now, are you aware of these laws, Chief?

15:02:51 10 A. I am, My Lord. I was told when I was initiated.

11 Q. You were told when you were initiated. If you don't mind,

12 who initiated you?

13 A. One of the initiators that is not here.

14 Q. His name?

15:03:21 15 A. He is Moalem Sesay.

16 Q. Moalem Sesay. Could you tell the Court what these laws

17 were, keeping pace with Their Lordships' pens?

18 A. Yes, My Lord. After initiation and the test had been

19 advanced to us, we were then admonished that the following things
15:04:11 20 you should not do as fighters: If one was involved in sexual
21 contact with a woman, you should keep away from your colleagues
22 and there would not be any contact between you and any of your
23 colleagues until a night separates a day and until you have taken
24 bath with fresh, clean water; that, unless it was by accident,
15:06:12 25 there should be no wilful killings of those not participating in
26 the conflict to the point of threatening your lives.
27 JUDGE ITOE: That to the point of threatening not your
28 life, their life.
29 MR MARGAI:

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1 Q. Whose lives?

2 A. Our lives, those of us who had been admonished, the
3 initiates, to the point of threatening the lives of the
4 initiates. That --

15:07:19 5 Q. Watch Their Lordships' pens, please?

6 A. Initiates were told to be extremely extra careful in
7 killing a woman of all age descriptions, from babies to the
8 oldest; that initiates should only be interested in their action
9 in war and not in looting of properties or taking anything from
15:08:50 10 individuals in the field; that whoever gives up in battle should
11 be protected; that any act contravening these admonitions should
12 be reported by those who do it so that traditional countering
13 could be performed. If not, then the punishment is in the field,
14 that those who are guilty may not return to camp alive. These
15:11:02 15 were the major that I had and I have kept to this day.

16 Q. Thank you, Chief. Now, Chief, in telling the Court what
17 these rules of engagements were you used the word "an initiate
18 should not engage in wilful killing."

19 A. Yes, My Lord.

15:11:32 20 Q. What exactly do you mean? I want you to be very simplistic

21 so that we can understand. I'm very grateful, please.

22 A. Wilful killing is a killing outside of the action of

23 exchange of fire.

24 Q. You cannot be more simplistic than that? Is it the enemy?

15:12:02 25 A. That is taking the enemy or anybody and they stand there

26 and then you shoot and kill. That is wilful killing. There is

27 just no justification within the law of either God protection or

28 the law of the land.

29 Q. In other words, do I understand you to be saying that your

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1 target must be the enemy combatant?

2 A. Well, not necessarily, My Lord. The one that is
3 challenging you is equally the same force.

4 Q. Is that not the enemy?

15:12:46 5 A. No, the enemy may be on the other side but he may not be
6 armed enough to kill you. That's why I say the combatant that
7 you are engaged when the advance of contact line has been
8 crossed.

9 Q. Thank you. You also used the word that an initiate should
15:13:21 10 be extremely careful in killing women. What exactly did you mean
11 by that?

12 A. Nothing in killing women.

13 Q. No, those were your words. I stand corrected by Your
14 Lordships.

15:13:33 15 JUDGE ITOE: Yes, of all categories.

16 MR MARGAI: Of all categories, as My Lord --

17 THE WITNESS: That you should be careful not to kill. I
18 said you should be careful.

19 JUDGE ITOE: No, you said to kill women.

15:13:48 20 THE WITNESS: Extremely and especially careful not to kill

21 women of all age descriptions.

22 JUDGE THOMPSON: Let me tell you what I heard.

23 THE WITNESS: Yes, My Lord.

24 JUDGE THOMPSON: Initiates were to be entirely extra

15:14:03 25 careful in killing a woman of all age descriptions.

26 THE WITNESS: My correction, My Lords. Thank you very

27 much.

28 MR MARGAI:

29 Q. I think we will make progress if only you answer directly.

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1 A. Thank you.

2 Q. If I want you to expand, I will tell you and be as
3 simplistic as you possibly could for all of us to understand.

4 A. Thank you.

15:14:23 5 Q. Now, you also talked about traditional countering if an
6 initiate were to go against the --

7 JUDGE THOMPSON: Counsel, shouldn't we resolve that one
8 before you move on?

9 MR MARGAI: As My Lord pleases. Extremely careful.

15:14:39 10 JUDGE THOMPSON: What is the amendment?

11 MR MARGAI: For?

12 JUDGE THOMPSON: In other words, what do you want to --

13 THE WITNESS: Particularly warned against the killing of
14 women.

15:14:53 15 MR MARGAI: Thank you, very much.

16 JUDGE THOMPSON: That's fine.

17 MR MARGAI:

18 Q. You also talked of traditional countering if an initiate

19 were to flout the laws. What do you mean?

15:15:16 20 A. That is come and confess.

21 Q. That is cleansing?

22 A. Cleansing, thank you.

23 Q. Thank you, very much.

24 A. There was one omission, My Lord.

15:15:33 25 Q. Yes.

26 A. That we should avoid touching dead bodies.

27 Q. Thank you. Chief, why was it necessary to be initiated?

28 Very briefly, why was it necessary?

29 A. It was necessary to prepare the mind of the fighter, My

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1 Lord, so as not to turn tail, turn away in the face of battle and
2 run.

3 Q. I'm afraid I'm not with you. I don't know whether Their
4 Lordships are. Was it to immunise?

15:16:39 5 A. No, My Lord.

6 JUDGE ITOE: No, not immunising.

7 MR MARGAI: Okay.

8 PRESIDING JUDGE: To prepare them for combat.

9 JUDGE ITOE: You don't go to the battle front and you back

15:16:53 10 out.

11 MR MARGAI: I say no turning back.

12 JUDGE ITOE: No turning back.

13 MR MARGAI: Yes, My Lord, correct.

14 THE WITNESS: You go, you go with all preparedness not to

15:17:01 15 be afraid to turn around.

16 MR MARGAI: As My Lords please, very well.

17 Q. Chief, who performed these initiations?

18 A. The initiator. They have their own right of herbalism --

19 Q. I see. Thank you.

15:17:35 20 A. -- that does not belong to us.

21 Q. Chief, were initiates also immunised from bullets?

22 A. I can't tell, My Lord. They immunise us -- whether they

23 were immunised themselves, I don't know.

24 Q. No, no, please understand the question. Were these

15:18:18 25 initiates also immunised from bullets?

26 A. That's what we thought. I thought so, My Lord.

27 Q. Chief, Chief, Chief. Come on, please, please.

28 PRESIDING JUDGE: You're now talking about immunisation

29 rather than initiation?

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1 MR MARGAI: Yes, My Lord.

2 JUDGE ITOE: But the witness earlier on had said there were
3 two procedures. You could have been initiated without having
4 been immunised.

15:18:47 5 MR MARGAI: I'm coming to -- I'm aware of that.

6 JUDGE ITOE: See, when we're going into the second arm of
7 it, I think we'd better be careful.

8 MR MARGAI: Let me put it that way, yes.

9 JUDGE ITOE: Yes, let's be careful.

15:18:59 10 MR MARGAI:

11 Q. Now, Chief, were all initiates fighting forces?

12 A. All initiates are supposed to be fighting forces, My Lord.

13 Q. No, no, no, were they?

14 A. Well, My Lord, these are human beings we're dealing with.

15:19:23 15 You can initiate a man who runs away and hides. What can I say
16 in that situation? But they are all supposed to be fighters.

17 MR MARGAI: I think he is right, My Lord, because of the
18 distinction Your Lordship drew my attention to; initiation and

19 immunisation. When I come to the next one, I'm sure it will --

15:19:41 20 JUDGE THOMPSON: But he's virtually saying that as a matter

21 of logic he cannot say whether all initiates were fighting

22 forces.

23 MR MARGAI: I accept that.

24 JUDGE THOMPSON: It's a matter of logic.

15:19:52 25 MR MARGAI: I accept that.

26 JUDGE ITOE: In fact, if we go back to his evidence, his

27 evidence-in-chief with Dr Jabbi, it is clear that he did say

28 somewhere that the fact that you were initiated did not

29 necessarily mean that you would go to war.

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1 MR MARGAI: As My Lord pleases.

2 JUDGE ITOE: That is it.

3 MR MARGAI: Very well.

4 Q. Now, Chief, let us come back to the immunisation. As we
15:20:09 5 understand it, when you are shot by the bullet, you are not
6 affected?

7 A. You are traditionally concealed.

8 Q. Traditionally concealed if you want it that way.

9 A. From bullets or missiles.

15:20:30 10 Q. From bullets or missiles, yes. Now, Chief, the CDF
11 combatants who were immunised largely depended on this
12 protection?

13 A. Yes, My Lords, yes.

14 Q. Now, Chief, let me ask you a direct question: Was the
15:21:42 15 third accused Allieu Kondewa an initiator?

16 A. He was an initiator.

17 Q. He was. Who was the head of the initiators in the CDF?

18 A. This was not a permanent post, My Lord. I will explain

19 that. At the time I got to Base Zero, Kondewa was observed as
15:22:24 20 the head of the initiators.

21 Q. Of the initiators. That was when, time-wise? What period
22 are we talking about?

23 A. That was the period up to 1999.

24 Q. 1999.

15:22:42 25 A. He was initiator, head of initiators, known as High Priest.

26 Q. High Priest. Did he cease to be High Priest?

27 A. Yes, My Lord.

28 Q. And, therefore, head of the initiators?

29 A. Yes, My Lord.

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1 Q. When did he cease?

2 A. In 1999, My Lord.

3 Q. Which month, if you may recall?

4 A. This was soon after the establishment of the NCC and, I

15:23:31 5 think, between February and March 1999, My Lord.

6 Q. Thank you very much. He ceased being head of the

7 initiators, in other words, High Priest, in or around

8 February 1999?

9 A. Yes, My Lord.

15:23:43 10 Q. Thank you.

11 MR MARGAI: My Lords, may I have Exhibit 123, please?

12 Thank you.

13 JUDGE ITOE: Before 123 comes, he ceased to be High Priest

14 between the months of February and March 1999?

15:24:43 15 THE WITNESS: Yes, My Lord.

16 JUDGE ITOE: Why did he cease to be High Priest? Can we

17 have a reason?

18 THE WITNESS: Yes, My Lord.

19 JUDGE ITOE: Can you provide a reason, please?

15:24:53 20 THE WITNESS: I can, My Lord.

21 MR MARGAI:

22 Q. Please go ahead.

23 A. Thank you. The other initiators, My Lords, got together

24 and requested me to inform His Excellency the President through

15:25:28 25 the National Co-ordinating Committee that as a result of the

26 unanimous decision they had decided to replace Kondewa by another

27 initiator called Kamoh Lahai Bangura.

28 Q. Thank you.

29 A. His Excellency was informed by me through the NCC.

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1 Q. Was approval given? If so, by whom?

2 A. His Excellency approved.

3 Q. His Excellency meaning who?

4 A. His Excellency the President, Alhaji Ahmad Tejan Kabbah.

15:27:14 5 Q. He gave the approval?

6 A. Yes, My Lord.

7 Q. Thank you.

8 A. And Kondewa's appointment as high priest was changed and

9 the rank of advisor through His Excellency the President was

15:27:25 10 suggested to Kondewa.

11 Q. Very well.

12 A. To award him for his good services. But his certificate --

13 JUDGE ITOE: Please wait.

14 MR MARGAI: Please wait.

15:27:54 15 THE WITNESS: To award him for his good services.

16 MR MARGAI:

17 Q. Thank you.

18 MR TAVENER: Your Honour, the Prosecution asks that the

19 question be answered. The answer to date has been how he was
15:28:09 20 replaced. The question was why was he replaced.

21 MR MARGAI: I would have thought, My Lord, the answer was
22 very clear. Why he was replaced; because the rest of the
23 initiators so elected.

24 JUDGE ITOE: The answers at this stage -- I would like to
15:28:28 25 observe that the answers to these questions at this stage should
26 very rarely be the subject matter of a comment by the Prosecution
27 because you have the time to cross-examine this witness. If
28 there is any obscurity anywhere or an incomprehension in the
29 evidence, I think you will because you will not dictate the sort

1 of answers which will come from this witness because he is not
2 your witness.

3 MR MARGAI: I don't think I need assistance any way.

4 JUDGE THOMPSON: To add to that, I think from the answer it
15:29:00 5 would seem as if the two answers were covered in the one
6 question. Indeed, the question of how and why can sometimes
7 merge. They have merged here at this points.

8 MR MARGAI: Saving time. Thank you, My Lords. May I now
9 go to Exhibit 123?

15:29:23 10 JUDGE ITOE: Yes, you may. I just interjected with a
11 question for certain clarification.

12 MR MARGAI: Thank you. I appreciate that. I was really
13 going to go to that question, but I'm happy that we have dealt
14 with it at this stage.

15:29:42 15 JUDGE THOMPSON: We got to the point for his good services.

16 MR MARGAI: I'm coming to that, My Lord.

17 JUDGE THOMPSON: And that is where we left off.

18 MR MARGAI: That is where we're going to take off.

19 JUDGE THOMPSON: I see.

15:29:54 20 MR MARGAI: It is all contained in Exhibit 123.

21 Q. Now, Chief, do you see Exhibit 123?

22 A. Yes, My Lord.

23 Q. Is the position of high priest mentioned in that exhibit?

24 A. Yes, My Lord.

15:30:17 25 Q. Could you read what it states, slowly. Watch the pens of

26 Their Lordships, please.

27 A. I could, My Lord. "High priest and traditional advisor to

28 HE," meaning here, My Lord, "His Excellency".

29 Q. His Excellency?

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1 A. The President of Sierra Leone as His Excellency. At this
2 time, it is His Excellency is Alhaji Ahmed Tejan Kabbah.

3 Q. Thank you. And where does the high priest rank in
4 Exhibit 123 from the top, counting downwards?

15:31:16 5 A. Nine, My Lord. Nine.

6 PRESIDING JUDGE: I would like to know how you proceed to
7 do your counting.

8 MR MARGAI: Sorry, My Lord. If I may just guide him.

9 Q. We just want the steps.

15:31:44 10 A. Six steps from the national commander.

11 Q. Count again, please.

12 PRESIDING JUDGE: From below the national commander?

13 [Overlapping speakers]

14 MR MARGAI:

15:31:58 15 Q. From president, national commander, that's one?

16 A. Yes.

17 JUDGE ITOE: Mr Norman, you were the sixth the other day.

18 MR MARGAI:

19 Q. Yes, you were six.

15:32:07 20 A. I was counting even the extension here, but you said just

21 step downwards.

22 Q. No, if you take it from president, national commander, one;

23 vice-president, two; Honourable Lagawo, PC Caulker, three, that

24 is one step.

15:32:21 25 A. Okay. That is the step that I --

26 Q. Yes, so count that way.

27 A. This is the step I'm taking. Six. [Overlapping speakers]

28 Q. His lordship said you were six.

29 A. Nine.

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1 Q. So there is some confusion here.

2 JUDGE ITOE: You were sixth.

3 PRESIDING JUDGE: You did count the third step, you counted
4 that as being three and four.

15:32:51 5 THE WITNESS: Honourable Caulker I counted as four, five,
6 six.

7 MR MARGAI:

8 Q. Oh, I see. So in other words, you were five.

9 A. I was five.

15:32:58 10 Q. A step down and the high priest is a step below you?

11 A. Six.

12 Q. Six.

13 MR MARGAI: Is that acceptable, My Lords?

14 JUDGE ITOE: The evidence has been revisited.

15:33:14 15 MR JABBI: My Lords, if I will make an observation. My
16 Lords, between one and two which the witness has already spoken
17 about, I don't know want to go on to the others. Between one and
18 two the president, national commander is regarded as the higher

19 rank in the structure over vice-president and vice-commander. So
15:33:43 20 it would appear that the substantive or deputy and vice are
21 separate steps through the structure.

22 PRESIDING JUDGE: That's okay. We are just asking to try
23 to understand how the witness is doing his accounting for that
24 purpose. That is all we are trying to do. We are not disputing.
15:34:00 25 We just want to understand.

26 JUDGE THOMPSON: I hope we can clarify this because
27 [Overlapping speakers].

28 MR MARGAI: My Lord, I think we will.

29 JUDGE THOMPSON: I haven't bought the theory that this

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1 document speaks for itself; I never bought it at all.

2 MR MARGAI: Very well, I agree with my learned friend

3 Jabbi. If that is the case, then it is one, two, three, four,

4 five, six, seven. The high priest is eight.

15:34:31 5 JUDGE ITOE: That is our interpretation. We are all

6 strangers to this document. It was made and submitted. He had

7 the first contact. He is the one to guide us. [Overlapping

8 speakers]

9 MR MARGAI:

15:34:45 10 Q. Use your method, your own method of stepping down.

11 A. Thank you. I will use this method: Number one, president,

12 national commander; number two, vice-president, vice commander;

13 number three, chairman, National Co-ordinating Committee; number

14 four, vice to the chairman, National Co-ordinating Committee;

15:35:07 15 number five will be members of the National Co-Ordinating

16 committee; number six is National Co-Ordinator; number seven, is

17 a national public relations; number eight is the director.

18 PRESIDING JUDGE: No, that is not my understanding on that.

19 THE WITNESS: Number nine is the high priest.

15:35:27 20 MR MARGAI:

21 Q. Thank you. As My Lords please, I accept that.

22 PRESIDING JUDGE: I do have a question if I may on this,

23 because I must say that this is not my understanding of reading

24 an organigram because when you have a very fixed line, it goes

15:35:41 25 to -- the Vice-President goes to the second level, which means

26 the chairman and the vice-chairman are the same level and

27 therefore this is one level. My question to you, Mr Norman, is:

28 What was your knowledge and understanding of what it was at the

29 time, not reading only from that piece paper. Your own

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1 understanding of the structure and the command structure within
2 that organisation.

3 MR MARGAI: My Lord, he is at the moment on oath and the
4 question he is answering is related to Exhibit 123 and I submit
15:36:18 5 most humbly and respectfully that he has to confine his answers
6 to what is herein contained, not his personal knowledge.

7 PRESIDING JUDGE: I asked the question of the witness. I
8 have asked the question of the witness. I want to understand.

9 THE WITNESS: Yes, My Lord.

10 MR MARGAI: No, this was because Your Lordship said that
11 your own understanding of reading an organigram rather
12 unfortunately and perhaps fortuitously Your Lordship is not here
13 testifying, but he is here testifying.

14 PRESIDING JUDGE: That is why I'm asking the question.

15 MR MARGAI: As My Lord pleases.

16 JUDGE THOMPSON: And let us be bold faced saying that we
17 are here to ascertain the truth and we must avoid any importation
18 of any technicalities to stand in the way of that. It was

19 intended in this court rather strenuously that this document
15:37:03 20 speaks for itself. I was very much against that idea that it
21 doesn't speak for itself. It is a matter of interpretation. And
22 what I think is important here is that the witness interprets it
23 in the light of his knowledge at the time and now, otherwise the
24 truth will not be ascertained.

15:37:24 25 MR MARGAI: As My Lord pleases.

26 THE WITNESS: Thank you, My Lord.

27 MR MARGAI: Thank you, My Lord.

28 Q. Now, Chief Norman, would you please assist this Court by
29 going through the steps?

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1 A. I read this organigram indicating --

2 Q. Chief Norman, could you just tell us the various stages,
3 please.

4 A. I know, My Lord.

15:37:50 5 PRESIDING JUDGE: Let the witness answer, please. I have
6 asked the question to the witness and he is providing the answer
7 to my question.

8 MR MARGAI: As My Lord pleases.

9 PRESIDING JUDGE: Thank you.

15:37:58 10 THE WITNESS: That every box indicates an office, My Lords.

11 PRESIDING JUDGE: But my question, Mr Norman, was: What
12 was your knowledge, not your reading of this document, your
13 knowledge of the structure at the time.

14 MR MARGAI: My Lord, in relation to the document? In
15:38:24 15 relation to Exhibit 123.

16 PRESIDING JUDGE: That is right.

17 MR MARGAI:

18 Q. Yes, look at Exhibit 123.

19 A. I'm saying this was the organigram produced by National
15:38:47 20 Co-ordinating Committee after it was formed and ticking every box
21 as any office. My own box indicated office number six, right
22 down.
23 Q. And what is after office number six, number seven?
24 A. Number seven is public relations. National public
15:39:02 25 relations officer. Box number eight became the director.
26 Q. Watch their lordships' pen.
27 [CDF03FEB06E - EKD]
28 A. I'm watching.
29 Q. Director, office number 8 and office number 9?

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1 A. High Priest.

2 Q. Thank you very much.

3 MR MARGAI: May I have the exhibit, please, Maureen?

4 Q. Chief Norman, when did you become a member of the CDF?

15:40:10 5 A. When the National Co-ordinating Committee had been

6 established and all of us in our different groups then became --

7 JUDGE ITOE: You, you, you.

8 MR MARGAI:

9 Q. You as an individual.

15:40:38 10 JUDGE ITOE: Please, take it easy because we are taking you

11 down. Don't expound beyond the question put to you.

12 MR MARGAI:

13 Q. I will ask you to --

14 A. After the formation of the National Co-ordinating

15:40:47 15 Committee.

16 Q. That was when you became a member of the CDF?

17 A. The CDF.

18 Q. In what year and month?

19 A. This was 1999, January.

15:40:58 20 Q. January. Thank you. When did you become a member of the

21 Kamajor movement?

22 A. When I was a child in 1945.

23 Q. Chief, we are talking of the Kamajor movement in relation

24 to what is before this Court.

15:41:27 25 A. In relation to the conflict?

26 Q. Yes, in relation to the conflict.

27 A. I became a Kamajor in relation to this conflict in October

28 1994.

29 Q. In October 1994?

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1 A. Yes.

2 Q. And, Chief, why did the CDF become involved in this
3 conflict? Why?

4 JUDGE ITOE: I concede that you are cross-examining on
15:42:31 5 behalf of the third accused.

6 MR MARGAI: Yes, My Lord. I am thinking of the JCE.
7 That's the only reason why I am asking.

8 JUDGE ITOE: Yes, because the witness has in some detail
9 given reasons why the CDF was involved in this conflict. I mean,
15:42:59 10 various reasons have been given here and there. I just wanted to
11 draw your attention to that.

12 MR MARGAI: Yes, I recall that, My Lord.

13 JUDGE ITOE: Right.

14 MR MARGAI:

15:43:08 15 Q. What was the main reason, just in one or two words?

16 A. It was to assist in the restoration of democracy that the
17 CDF was -- that the CDF -- that the fighter group put together
18 and later called CDF was involved in the war.

19 Q. Thank you. And who was at the helm of this democracy that
15:43:40 20 was going to be restored?

21 A. The constitutional head is the President of Sierra Leone,

22 My Lords.

23 Q. Chief, you were regent chief of Jiama Bongor?

24 A. Correct, My Lord.

15:44:37 25 Q. Comprising of?

26 A. The chiefdom?

27 Q. Yes.

28 A. Jiama and Bongor, an amalgamated chiefdom, My Lords.

29 Q. Were you liked by the people of Jiama?

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1 A. Some of them liked me, My Lord, not all.

2 Q. What about the majority?

3 A. They liked me.

4 Q. Thank you. Would you say the same for Bongor?

15:45:15 5 A. You were separating the -- for Bongor, I was more liked in

6 Bongor than in Jiama.

7 Q. Well, that is what I meant.

8 A. Thank you.

9 PRESIDING JUDGE: I understand the answer of the witness

15:45:28 10 because I thought you were asking for both.

11 MR MARGAI: No, no, no, I was asking for separate. Jiama

12 as distinct from Bongor. I shall put that again.

13 JUDGE THOMPSON: But your formulation was not --

14 MR MARGAI: I shall put that again.

15:45:43 15 Q. Let's put that again. Now were you liked by the people of

16 Jiama?

17 A. Some of them liked me, My Lords.

18 Q. Would you say those who liked you were in the majority?

19 A. I wouldn't say that, My Lord.

15:45:55 20 Q. No?

21 A. To be safe.

22 JUDGE ITOE: You wouldn't say that --

23 THE WITNESS: Those who liked me were not in the majority,

24 My Lord.

15:46:03 25 JUDGE ITOE: Those who liked you in Jiana --

26 THE WITNESS: In Jiana, were not in the --

27 JUDGE ITOE: -- were not in the majority?

28 THE WITNESS: Yes, My Lord.

29 MR MARGAI:

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1 Q. What about Bongor?

2 A. I would say it was a total issue for liking me. They liked
3 me, all of them.

4 Q. All of them liked you in Bongor?

15:46:25 5 A. Yes, My Lord.

6 Q. Now, where is Koribundu?

7 MR MARGAI: Sorry, My Lords.

8 JUDGE ITOE: Please wait.

9 MR MARGAI: Sorry, My Lords.

15:46:28 10 JUDGE ITOE: Please wait.

11 JUDGE THOMPSON: [Microphone not activated]

12 THE WITNESS: Bongor, all of them liked me, My Lord. In

13 Jiam, majority did not like me.

14 JUDGE ITOE: So those who liked you in Jiam were in the

15:46:57 15 minority?

16 THE WITNESS: Yes, My Lord.

17 MR MARGAI:

18 Q. Now, Chief, where does Koribundu fall within these two

19 chiefdoms?

15:47:04 20 A. That was the headquarter of Jiamā.

21 Q. It is part of Jiamā?

22 A. Jiamā.

23 Q. Thank you. Could you briefly tell Their Lordships why the

24 disparity of likeness between Bongor and Jiamā?

15:47:38 25 A. I will repeat. I have said here once that the people of

26 Jiamā took me for -- took me to liking more the people of Bongor

27 because it was in Bongor that I settled and I did not -- I

28 settled down in Bongor, which in fact was the headquarter town of

29 Jiamā Bongor. And the people of Jiamā were expecting me to

1 reside in Koribundu instead, but when I choose Telu, which is the
2 headquarter town of Bongor before they became amalgamated, they
3 took my not residing in Koribundu as a hostile move by me against
4 them. So they have never liked me.

15:48:58 5 Q. Thank you. Chief, do you belong to a political party?

6 A. Yes, My Lord.

7 Q. Which?

8 A. I belong to the Sierra Leone People's Party, commonly known
9 as the SLPP.

15:49:50 10 Q. And you are still a member of that party?

11 A. I've still not resigned. I'm still a member, My Lord.

12 Q. Thank you. Chief, when did you become a member of the

13 SLPP, if you can recall the year?

14 A. Yes, My Lord.

15:50:15 15 Q. When?

16 A. In October 1972, My Lords.

17 Q. 1972. Who is currently head of the SLPP?

18 A. The head of the SLPP is supposed to be the chairman of the

19 party, and the chairman of the party is, I believe,

15:51:00 20 Alhaji UNS Jah, My Lords.

21 Q. At the time you were deputy minister of --

22 JUDGE ITOE: Let's have that name again.

23 MR MARGAI: Alhaji UNS Jah, J-A-H, My Lords.

24 Q. At the time you were deputy defence minister, who was

15:51:35 25 leader of the SLPP?

26 A. My Lords, I am under oath and I want to explain this

27 question very carefully. There is a constitutional situation

28 regarding the leadership of the SLPP.

29 JUDGE ITOE: Are we interested in that controversy?

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1 THE WITNESS: My Lord, that will lead us to the truth.

2 JUDGE ITOE: We are interested in that controversy?

3 Because it takes us maybe completely out of the scope of our

4 indictment, out of our road map.

15:52:12 5 THE WITNESS: I won't let Your Lordships --

6 JUDGE ITOE: We don't want to get into the politics of

7 this, please.

8 THE WITNESS: -- I won't let Your Lordships bear patience

9 with me and not to give either yes or no answer to that question,

15:52:26 10 My Lord, because of the --

11 JUDGE THOMPSON: Perhaps learned counsel should guide us on

12 this. Is this an excursion into a political or constitutional

13 issue which is --

14 MR MARGAI: It is not an excursion, My Lord.

15:52:39 15 JUDGE THOMPSON: Shall I finish?

16 MR MARGAI: Sorry. Sorry.

17 JUDGE THOMPSON: Is it an excursion into a political or

18 constitutional issue which is not germane to the matters in

19 controversy or which is merely tangential or peripheral?

15:52:55 20 MR MARGAI: It is neither, My Lords.

21 JUDGE THOMPSON: Good. So, in other words, I need to be

22 convinced, like my brother raised the issue, whether it goes to

23 the heart of your defence or whether it is a key element of your

24 defence.

15:53:07 25 MR MARGAI: It is a key element.

26 JUDGE THOMPSON: I will restrain myself then.

27 MR MARGAI: I assure Your Lordships.

28 JUDGE ITOE: But I will come again.

29 PRESIDING JUDGE: The question you asked Mr Margai, was:

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1 at the time when you were the Deputy Minister of Defence, who was
2 the leader of SLPP? I have difficulty, not to understand your
3 question, but to understand why the witness is now asking to
4 speak about --

15:53:33 5 MR MARGAI: I think --

6 JUDGE ITOE: Because, to follow up on that, because we have
7 it on record that Mr Norman became Deputy Minister of Defence
8 when the government was formed in 1996.

9 MR MARGAI: '96.

15:53:47 10 JUDGE ITOE: Isn't it?

11 MR MARGAI: Yes, My Lord.

12 JUDGE ITOE: Who was the head of the party at that time?

13 MR MARGAI: That is what I am asking.

14 JUDGE ITOE: It is a simple question.

15:53:57 15 MR MARGAI: That is what I'm asking.

16 Q. Who was the head of the party in 1996 when you became
17 deputy Defence Minister?

18 A. My Lord, the head of the party --

19 Q. Sorry, the leader of the party, not the head.

15:54:08 20 A. There was no leader at the time when I became the

21 minister -- Deputy Minister of Defence.

22 Q. Thank you. Chief Norman, do you know Dr Albert Joe Demby?

23 A. Very well, My Lord, I know him.

24 Q. Was he the Vice-President when you were deputy Minister of

15:55:06 25 Defence?

26 A. He was, My Lord.

27 Q. What was the relationship between you and him?

28 A. The relationship was good, very good.

29 Q. Very cordial?

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1 A. Very cordial, My Lords.

2 Q. Thank you. Did this cordial relationship continue even at
3 the time of the coup, May 25, 1997?

4 A. Yes, My Lord.

15:55:58 5 Q. And beyond?

6 A. Right up to now, My Lords.

7 Q. Thank you. In 1996 when you became deputy Defence
8 Minister, your immediate boss was the Minister of Defence, who
9 doubled as president?

15:56:34 10 A. Yes, My Lords.

11 Q. What was your relationship with your immediate boss in
12 1996?

13 A. Good, My Lord.

14 Q. 25th May 1997?

15:57:09 15 A. It was not so very good.

16 Q. It was not so very good. Why was it not so very good,
17 Chief Norman? Slowly, and keep pace with Their Lordships' pens.
18 Thank you.

19 A. Thank you, My Lord. I found out that His Excellency was
15:57:57 20 not open to my advice as his technical deputy to the Minister of
21 Defence. That I have testified here, that when I informed him of
22 a situation in the army that warranted my confiding in him, when
23 I gave him to keep working parts of dangerous weapons in the army
24 to forestall a pending coup, in my absence he returned those
15:59:44 25 parts that eventually necessitated the coup.

26 Q. Chief, you had deposed to this. Apart from this, was there
27 any other reason --

28 A. Again --

29 Q. -- that soured your relationship?

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1 A. Yes.

2 Q. Thank you.

3 A. Again, on Friday, 16th May 1997, I took before him officers
4 who I told His Excellency knew about a planned coup, and I
16:00:51 5 requested, pleadingly, to His Excellency to do everything to
6 prevent that coup from taking place; he did not.

7 JUDGE ITOE: What you are saying is he took no action?

8 THE WITNESS: He took no action, My Lord, and the coup took
9 place, and I was doing this to prevent loss of life in this
16:01:45 10 country.

11 MR MARGAI:

12 Q. Thanks, Chief. Talking about coups, is there any other
13 reason?

14 A. Yeah, there are many other reasons. Some of them are that
16:01:57 15 His Excellency never listened to advice, and I advised him again
16 in the way of dealing with individuals in the political party
17 that he was president of. Thereafter, I realised he became less
18 interested in our relationship, My Lords. And --

19 JUDGE ITOE: Please wait.

16:03:01 20 PRESIDING JUDGE: What time frame are we talking about on
21 this last part when you said that he became less interested in
22 your relationship?

23 THE WITNESS: Up to 25th May, My Lord. This is the period,
24 25th May 1997.

16:03:19 25 PRESIDING JUDGE: Okay, we are still in that time frame?

26 THE WITNESS: Yes.

27 MR MARGAI:

28 Q. Now, you testified, Chief Norman, in this Court that when
29 you went into exile to Conakry, Guinea --

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1 A. This is now after 19 --

2 Q. I know, after the coup.

3 A. Yes.

4 Q. You made several attempts to see the President --

16:03:48 5 A. Yes, My Lord.

6 Q. -- but you couldn't.

7 A. Yes, My Lords.

8 Q. Did you find out why you couldn't?

9 A. When I finally met His Excellency, I didn't find out,

16:04:02 10 My Lord.

11 Q. You did not find out?

12 A. No.

13 Q. Did you subsequently find out?

14 A. I did.

16:04:06 15 Q. Will you tell Their Lordships what you found out, please,

16 very briefly?

17 A. My Lords, I found out that His Excellency had had the

18 suspicion that I --

19 Q. Slowly.

16:04:39 20 A. -- together with his vice at that time --

21 Q. And who was the vice?

22 A. Dr Albert Joe Demby. Were working in concert to overthrow

23 him from power. That's what I found out, My Lord.

24 Q. Was that in fact the case?

16:05:05 25 A. That was exactly opposite the case.

26 Q. Thank you. Chief Norman, did you express an opinion to the

27 President about his choice of running mate?

28 A. Yes, I did.

29 Q. Slowly. Slowly, very slowly and watch the pen.

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1 A. On our return from exile and at a convention in Bo, I
2 discovered that His Excellency had planned to change his vice,
3 who was Dr Joe Demby, to a Mr Solomon E Berewa at that time.

4 Q. Is this Mr Solomon E Berewa the same as the vice-president?

16:06:42 5 A. As the same man, My Lords.

6 Q. Thank you; please proceed.

7 A. And I approached Mr Berewa at the convention and confronted
8 him. He denied. I did a gesture by undoing the front buttons of
9 his higher height jacket and underneath was a T-shirt on which it

16:07:24 10 was written "Solo B for VP." And I said, "Is this not what I am
11 talking to you about?"

12 Q. Solo B?

13 JUDGE ITOE: No, no, take it easy. You confronted Berewa
14 this?

16:07:47 15 THE WITNESS: Yes, My Lord.

16 JUDGE ITOE: What did you do in the confrontation?

17 THE WITNESS: Well, it was not a violent meeting. It was a
18 colleagues meeting and I said you deny and I undid the button.

19 JUDGE THOMPSON: Learned counsel, I need to be reassured
16:08:01 20 that this is again germane to key aspects of the Defence.
21 MR MARGAI: My Lord, when we finally come to address this
22 Court, Your Lordships will find out the motive for the presence
23 of these people here.
24 JUDGE THOMPSON: Very well.
16:08:14 25 MR MARGAI: Thank you.
26 JUDGE THOMPSON: Well I just, as a matter of law, since we
27 are in a court of law --
28 MR MARGAI: Yes, My Lord.
29 JUDGE THOMPSON: Shall I finish, learned counsel?

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1 MR MARGAI: Yes, My Lord, I'm sorry.

2 JUDGE THOMPSON: Since we are in a court of law, I am sure

3 that we all at law school, and particularly at law school, heard

4 the caution against multiplying the issues as one of the

16:08:36 5 principal injunctions in trying to discover the truth.

6 MR MARGAI: I shall refrain --

7 JUDGE THOMPSON: It is from that perspective that I pose my

8 question for judicial enlightenment. Now that you assure me, I

9 will take you on your word.

16:08:52 10 MR MARGAI: Thank you, My Lord.

11 PRESIDING JUDGE: But before you proceed, I am not sure

12 that the motive as to why -- if you are questioning in this area

13 to show that if that witness or other witnesses might be called

14 and there may be any prejudice and bias because, I would see some

16:09:08 15 relevancy, but I have difficulties to see the motives for the

16 witness to be an accused in this case. How is this relevant at

17 this stage?

18 MR MARGAI: If only Your Lordship will take me on my word.

19 When we come to address, My Lords, I shall definitely address
16:09:27 20 Your Lordship to the best of my ability as to --
21 JUDGE THOMPSON: For the time being you are keeping
22 everything close to your chest.
23 MR MARGAI: AS My Lord pleases. Very guardedly, may I
24 proceed, My Lord?
16:09:42 25 PRESIDING JUDGE: Yes, you may.
26 MR MARGAI: Thank you.
27 THE WITNESS: Yes, My Lord. As I was saying, I undid the
28 front button and underneath was a t-shirt written on it "Solo B
29 for VP". And I said to -- I said to him, "Your very brother is

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1 the vice-president and you want to become the vice-president. Is
2 this not going to cause problem in the party and consequently in
3 the nation?" The matter never came up at that convention after
4 that incident. But then, after the convention, the same man,
16:11:10 5 Solomon E Berewa, was appointed the vice-president by the
6 President. After elections --

7 MR MARGAI:

8 Q. Let's complete the sentence and then we will move away from
9 that.

16:11:40 10 A. Go on, sir.

11 Q. Yes, you said after the elections?

12 A. Yes, sir. After the elections, Your Lordship, I met His
13 Excellency. After I had been appointed minister of internal
14 affairs I said to him, "I see signs of problems ahead in the
16:12:18 15 party and the nation. Surely, your Excellency, you will not be
16 vying for a third election. And I hope that you may not end up
17 imposing your choice for VP on us in the party as a presidential
18 candidate."

19 Q. How did His Excellency take --

16:13:13 20 JUDGE ITOE: Please, let us take it down. Please.

21 MR MARGAI: I'm sorry. I beg your pardon, My Lord. May I

22 continue, My Lord?

23 JUDGE ITOE: Yes.

24 THE WITNESS: His Excellency, on the look of his face, did

16:13:44 25 not quite like my comments. I took leave of him, but expressed

26 to him that I was going to see the vice-president.

27 MR MARGAI:

28 Q. Who was the vice-president then?

29 A. He became Solomon E Berewa.

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1 Q. Thank you.

2 A. I went and saw the VP, Vice-President. I told him that I
3 had seen -- I had been from seeing His Excellency the President,
4 and said, "I had told His Excellency that I hope he was not going
16:14:55 5 to impose you, Solomon Berewa, on us as a presidential
6 candidate."

7 PRESIDING JUDGE: I still fail to see the relevancy to the
8 charges we are dealing with. I understand there might be this
9 political debate in this country, as such, but I don't think this
16:15:14 10 is the forum for that, Mr Margai.

11 MR MARGAI: My Lord, I do not intend it to be a debate in
12 this Chamber. But like I said --

13 PRESIDING JUDGE: But it has to be relevant to the charges
14 that we are dealing with.

16:15:26 15 MR MARGAI: My Lord, it is very crucial to my client's
16 defence, having regard to the joint criminal enterprise. I have
17 assured Your Lordships that when we do come to address you at the
18 end of the day, Your Lordships will have no doubt in your minds

19 as to the --

16:15:46 20 PRESIDING JUDGE: There is more to it. I want to know more

21 as to how you will make the linkage between that and the charges

22 that the accused is facing and the three accused are facing.

23 MR MARGAI: May I crave Your Lordship's patience.

24 Your Lordship will see the nexus as we move along.

16:16:04 25 PRESIDING JUDGE: We'll see.

26 MR MARGAI: Thank you.

27 PRESIDING JUDGE: Proceed.

28 MR MARGAI: Thank you.

29 Q. Now, Chief, when were you arrested?

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1 A. My Lord, I was in the middle of a statement. Can I stop
2 you there?

3 Q. Sorry.

4 A. I said I told the Vice-President I'd been from seeing the
16:16:35 5 President and that I had told the President that I hope he,
6 Solomon Berewa, he, the President, may not end up imposing him,
7 Solomon Berewa, on us. I could see that he himself, the
8 Vice-President, was not very pleased with this comment.

9 Q. Thank you.

16:17:03 10 A. So I left.

11 Q. Thank you. When were you arrested, Chief Norman?

12 A. On 10th March, the year 2003.

13 Q. 2003. Where were you arrested?

14 A. In my office. I was sitting in my official chair as a
16:17:27 15 minister -- the minister of internal affairs.

16 Q. Minister of internal affairs.

17 A. I was handcuffed in my chair with guns around me.

18 Q. Chief, please.

19 A. I'm watching the pens, My Lord.

16:17:51 20 Q. No, I am cross-examining, please.

21 A. Thank you.

22 Q. You were then a minister of government?

23 A. I was then, My Lord.

24 Q. A very senior one at that?

16:18:01 25 A. Yes, My Lord.

26 JUDGE ITOE: We don't need to go into seniority or

27 whatever, Mr Margai.

28 MR MARGAI: Very well, My Lord. I apologise.

29 JUDGE ITOE: He was a cabinet minister.

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1 MR MARGAI:

2 Q. You were a cabinet minister, that suffices. You were a
3 cabinet minister?

4 A. Yes, My Lords, yes.

16:18:22 5 Q. Now what time of day were you arrested?

6 A. In the morning, My Lord.

7 Q. Around what time?

8 A. Around 10.00 a.m., 10.00 a.m.

9 Q. Did you receive a telephone call immediately before your
16:18:42 10 arrest?

11 A. Yes, My Lord.

12 Q. From whom?

13 A. From His Excellency the President.

14 Q. And how shortly after the telephone call were you arrested?

16:19:22 15 A. His Excellency just said, "I wanted to know whether you
16 were in your office", and then he put the phone down. Just a few
17 minutes, not quite five minutes, and I saw Sierra Leone police
18 and other people walked in.

19 Q. Thank you. And did you say you were handcuffed?

16:19:58 20 A. Yes, My Lord.

21 Q. Would you tell Their Lordships how you were handcuffed,

22 briefly, very briefly?

23 A. I was sitting in my chair like I am sitting --

24 Q. Watch Their Lordships' pen, please.

16:20:19 25 A. And I was told by a Sierra Leone police officer --

26 Q. His name?

27 A. He is now assistant commissioner -- no, assistant inspector

28 general, Mr Munu, I don't know the other initials, Mr Munu, that

29 I was under arrest on the orders of the Special Court.

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1 Q. Did you resist?

2 A. No, My Lord.

3 Q. What happened?

4 A. I couldn't. There were guns around me and more manpower

16:21:17 5 than I could challenge, My Lords.

6 Q. Did you have any intention of challenging them?

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

8 Q. Thank you. And you said you were handcuffed. How were you

9 handcuffed?

16:22:06 10 A. Initially I was handcuffed in front, like this [indicating]

11 and eventually before I was put in the helicopter my hands were

12 behind me.

13 Q. Thank you. Chief, you talked of before you boarded a

14 helicopter?

16:22:39 15 A. Yes.

16 Q. Where did you board this helicopter?

17 A. I was taken from my office to a waiting vehicle. The

18 outside of that vehicle was painted ambulance for police.

19 Q. Slowly, slowly.

16:22:56 20 A. Police vehicle ambulance. The inside of the vehicle turned

21 out to be a sundry market vehicle, filthy, with nothing to hold

22 or nothing to sit.

23 Q. How did you enter the vehicle?

24 A. I was assisted by some of the men who were around me, and I

16:23:31 25 walked into the vehicle. The vehicle moved and I had a very

26 serious fall, which has caused my limping now.

27 Q. You said there was nothing to hold on to?

28 A. Nothing to hold on to, so I had a very serious fall.

29 PRESIDING JUDGE: Were you standing up?

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1 THE WITNESS: I was just pushed inside and left standing.

2 When the vehicle moved, I fell.

3 PRESIDING JUDGE: So you were standing up in a vehicle?

4 THE WITNESS: Yes, My Lord, and the vehicle eventually --

16:24:09 5 MR MARGAI:

6 Q. Watch Their Lordships' pens, please.

7 A. The vehicle eventually got to Lumley Beach. At a helipad

8 around the beach, I was taken out of the vehicle and helped into

9 the -- before I was helped into the helicopter, the position of

16:24:43 10 the cuff changed from in front of me to behind me and I was

11 shoved into the helicopter. I was made to sit in one of the

12 seats with my hands cuffed behind me until we flew off to a place

13 called Bonthe.

14 Q. Thank you.

16:25:25 15 MR MARGAI: I'm about to move into another area, My Lords.

16 PRESIDING JUDGE: Maybe we should break now before -- will

17 this other area be a very short one or is it likely to be more

18 than 10, 15 minutes?

19 MR MARGAI: More than 10, 15 minutes.

20 PRESIDING JUDGE: Very well. We will pause at this moment.

21 MR MARGAI: As My Lords please.

22 PRESIDING JUDGE: The Court is adjourned for 15 minutes.

23 Thank you.

24 [Break taken at 4.25 p.m.]

16:59:32 25 [CDF03FEB06F - CR]

26 [Upon resuming at 4.53 p.m.]

27 PRESIDING JUDGE: Mr Margai, Yes.

28 MR MARGAI: Thank you, My Lord.

29 PRESIDING JUDGE: You may proceed, please.

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1 JUDGE ITOE: Are we likely to wrap it up today? Are we
2 likely to wrap it up today?

3 MR MARGAI: How long Your Lordships --

4 PRESIDING JUDGE: 5.30.

16:59:32 5 MR MARGAI: 5.30. I'll try.

6 JUDGE ITOE: Please try.

7 MR MARGAI: Without compromising --

8 JUDGE ITOE: Don't feel pressures or pressured.

9 MR MARGAI: No, no, no, no, I'll try not to. Thank you.

16:59:32 10 Q. Chief, did paramount chiefs have anything to do with
11 recruiting members of the hunters' group?

12 A. My Lords, I would prefer not to use the word "recruit".

13 They had something --

14 Q. Or selecting or recommending.

16:59:33 15 A. Yes, for selecting --

16 Q. Yes.

17 A. -- their subjects in their various chiefdoms. Yes, they

18 had something to do with that.

19 Q. In other words, would an individual go forward to become a
16:59:33 20 member of the hunters' society, or did he have to be recommended?

21 A. Initially it was the paramount chiefs selecting their
22 people for initiation.

23 Q. Slowly, slowly, please.

24 A. Eventually, My Lords, it became a general whole-scale issue
16:59:33 25 by individuals.

26 Q. When you say "initially", what period are we talking about?

27 A. We are talking for the period between 1991 and 1990 --
28 early part of 1997, My Lord.

29 Q. Could you tell this Court what brought about the change in

1 procedure?

2 A. Yes, My Lord.

3 Q. Please do.

4 A. The change in procedure came when the AFRC overthrew the
16:59:33 5 constituted government, My Lord.

6 Q. Why was it necessary to have the change?

7 A. At the time, I believe the people felt obliged and the army
8 was in power and the army and the -- the army, that is the AFRC
9 that had taken power, had formed association with the rebels
16:59:34 10 called the People's Army. The people then felt themselves obliged
11 to self-defence.

12 Q. I see. Thank you. Did CDF keep a record of its members,
13 as would be expected of a conventional army?

14 A. No, My Lord.

16:59:34 15 Q. Thank you.

16 A. There was no number, rank and name system.

17 Q. Now, Chief, on the question of discipline within the CDF,
18 to what extent did commanders on the ground have the right to

19 discipline miscreants?

16:59:35 20 A. My Lords, the commanders' authority and responsibility to

21 that extent, discipline -- the disciplining of their men on the

22 ground was entirely their own, My Lord, entirely the

23 responsibility of the commanders.

24 Q. Chief, as best to your knowledge as co-ordinator of the

17:00:03 25 CDF, did commanders carry out disciplinary actions in respect of

26 their locations and localities?

27 A. Yes, My Lord.

28 Q. Now, Chief, did initiators go to war in the CDF?

29 A. No, My Lord, when they finished with us, they'd admonish

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1 us. They'd stay -- they'd stay away, far away from battle.

2 Q. Could you tell Their Lordships why they could not go to
3 war?

4 A. To the hunter organisation, these were very expensive
17:01:08 5 people to lose --

6 Q. Slowly, slowly, slowly.

7 A. These, the initiators, were treated by us like the bees
8 treat their queen; very, very seriously protected from war and
9 prevented from going to war, My Lords.

17:01:48 10 Q. Chief, did Kondewa ever play the role of a commander?

11 A. No, My Lord.

12 Q. Apart from him, meaning Kondewa, being an initiator, did he
13 have anything to do with the procurement of arms?

14 A. No, My Lord.

17:02:59 15 Q. Did he, meaning Kondewa, have anything to do with the
16 procurement of ammunition?

17 A. No, My Lord.

18 Q. Did Kondewa have anything to do with the distribution of

19 arms?

17:03:24 20 A. No, My Lords.

21 Q. Did Kondewa have anything to do with the distribution of

22 ammunition?

23 A. No, My Lords.

24 Q. Now, Chief, because of the value placed on initiators like

17:03:59 25 Kondewa, he surely had bodyguards.

26 A. He did, My Lord.

27 Q. Thank you.

28 A. He had.

29 Q. Now, apart from the bodyguards Kondewa had, did he have

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1 fighters under his control?

2 A. No, My Lord.

3 Q. Chief Kondewa is illiterate, is he not?

4 A. He is completely illiterate.

17:05:02 5 Q. Did Kondewa have anything to do with the planning of the
6 war apart from initiation?

7 A. No, My Lord.

8 Q. Thank you. Now, Chief, there is evidence before this

9 Court --

17:06:28 10 PRESIDING JUDGE: Please open your microphone.

11 MR MARGAI: Sorry.

12 Q. There is evidence before this Court that in your presence

13 Kondewa ordered the killing of a Kapra called Kanu at Talia

14 Yawbeko whose body was burnt and the ash used in the ritual of

17:07:09 15 immunising CDF fighters. What are your comments, if any?

16 A. Very shocking. It is not true.

17 MR MARGAI: My Lord, that is the testimony of TF2-014 on

18 10th March 2005.

- 19 Q. What is your response?
- 17:07:33 20 A. If anybody narrated an incident like that, I call it a lie.
- 21 A wicked lie.
- 22 Q. Did anything -- did any such thing happen before you?
- 23 A. It did not happen.
- 24 Q. It did not happen.
- 17:07:49 25 A. I would call it a very wicked lie.
- 26 Q. Thank you. Now, it's also --
- 27 PRESIDING JUDGE: Your microphone again.
- 28 MR MARGAI: I am sorry, My Lord.
- 29 Q. There is also evidence before this Court that one Mustapha

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1 Fallon was also killed in similar circumstances. What is your
2 comment?

3 A. It is untrue.

4 Q. It is untrue.

17:08:38 5 A. My Lord.

6 Q. Chief, did you know Kondewa before November 1996,

7 30 November 1996?

8 A. No, My Lord.

9 Q. No. When did you know him?

17:09:15 10 A. Repeat the question. Is it 1995 or 1996?

11 Q. 1996.

12 A. November 1996.

13 Q. Yes.

14 A. Yes, I had known him before that time.

17:09:29 15 Q. You had known him.

16 A. Sorry, My Lord; yes.

17 Q. Did you work closely with him as an initiator?

18 A. Yes, My Lord.

19 Q. Now, throughout the war period, Chief, did you ever see
17:10:10 20 Kondewa handle weapons, such as guns, ammunition?

21 A. No, My Lord, no.

22 Q. Thank you very much, Chief.

23 A. Thank you, My Lords.

24 MR MARGAI: That will be all, My Lords.

17:10:59 25 PRESIDING JUDGE: Thank you. Mr Prosecutor?

26 MR TAVENER: Obviously I'm in a position to start,

27 Your Honour, but it may be appropriate at this time, given the

28 length of the evidence put forward by Chief Norman, I'm obviously

29 in a position to start on Monday, if that's acceptable to the

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1 Court.

2 PRESIDING JUDGE: Very well. At 9.30 on Monday morning.

3 MR TAVENER: Thank you.

4 PRESIDING JUDGE: You may be seated. I was asked this
17:11:30 5 afternoon if and when we would hear the oral submission about the
6 subpoena. We intend to hear oral submissions on Wednesday, this
7 coming week, which is 8th February 2006, in the morning. So we
8 want to start the morning that day with the hearing on submission
9 on that motion. Does that answer your question, Mr Bockarie?

17:12:09 10 MR BOCKARIE: Very well, Your Honour. Thank you very much,
11 Your Honour.

12 PRESIDING JUDGE: So that applies to you and the first
13 accused and to the Prosecution as well, as they filed arguments
14 in this respect, and to the Attorney-General's office, who has
17:12:25 15 been granted the intervenor status on this application.

16 MR SESAY: With the leave of the Court, may I be heard?

17 PRESIDING JUDGE: Yes. On what? May I ask you on what?

18 MR SESAY: In respect of the date to which the Court has

19 now indicated to the counsel present in this Chamber, My Lord, I
17:12:45 20 believe before we went for the break for lunch, we had indicated
21 to the Court that there is a witness who is already in town and
22 we have informed the Prosecution about that witness. That
23 witness only has a week to be present within the jurisdiction.
24 It will be very difficult for us to get him to come here after
17:13:12 25 next week. So, we are merely appealing to the Court if we may be
26 given the opportunity for that witness to testify without
27 considering the postponement of the submissions, the oral
28 arguments, in respect of the application for subpoena to His
29 Excellency the President.

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1 PRESIDING JUDGE: Well, as you know, we are trying to fix a
2 date as soon as we can to dispose of this matter. This is as a
3 result of a motion filed by yourself for the first accused and by
4 the second accused. So we're trying to move on this matter as
17:13:59 5 expeditiously as we can, because it was indicated by you, or
6 Dr Jabbi, that it was important that it be disposed of as soon as
7 possible, and the same by -- and especially by your colleague on
8 behalf of the second accused.

9 MR SESAY: Yes, My Lord, I quite appreciate the fact that
17:14:19 10 it has to be disposed of expeditiously. But, My Lord, our
11 concern is order to avoid a possible clash in respect of the time
12 limit that witness has to take to testify before this Court.

13 JUDGE ITOE: That witness is to take how much time, if I
14 may just ask? How many minutes?

17:14:44 15 MR SESAY: Depending on the cross-examination of the
16 Prosecutor --

17 JUDGE ITOE: For you, for instance.

18 MR SESAY: Hopefully less than two days.

19 PRESIDING JUDGE: If you say less than two days, and
17:14:58 20 presuming we start to hear this witness on Wednesday, that
21 presumes that the cross-examination of the accused is finished
22 with, and that on Wednesday morning we start with this new
23 witness. On Wednesday we sit half days. Two days takes us to
24 Friday noon and we have not gone to the cross-examination yet of
17:15:24 25 that witness. So I'm just mentioning that to you to show that it
26 is going to be very difficult to make any accommodation in that
27 respect, from what you're telling me.

28 JUDGE THOMPSON: Is the position so inflexible from your
29 perspective? Had you informed the Bench or the Prosecution about

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1 this straitjacketed situation in which you find yourself in in
2 respect of the time for this particular witness? Had you given
3 us prior notice?

4 MR SESAY: No, My Lord, we only informed the Court
17:16:20 5 yesterday.

6 JUDGE THOMPSON: About the fact that he's going to be
7 around for one week?

8 MR SESAY: Yes, and we intend for him to testify out of
9 turn.

17:16:30 10 JUDGE THOMPSON: Why wasn't the Chamber informed much
11 earlier on?

12 MR SESAY: My Lord, we had to inform the Prosecution. We
13 cannot proceed with that witness without informing the
14 Prosecution.

17:16:41 15 JUDGE THOMPSON: Because if you're asking for the so-called
16 equity of the Court, one would have thought that if you are
17 praying the Court to grant you this indulgence, he who seeks
18 equity must do equity. Some advance notice to the Chamber would

19 have enabled us to work out some kind of accommodation. But
17:17:09 20 giving us such a short notice, it seems that it is so difficult
21 for us to do anything that would be of great assistance to you.
22 That's the way I'm looking at it.
23 MR SESAY: My Lord, I continue to appeal to the Chamber.
24 JUDGE ITOE: But, learned counsel, if my recollections are
17:17:29 25 right, this witness is not even listed here as one of the
26 witnesses to testify here during this session. Why this pressure
27 on the Court?
28 MR SESAY: My Lord, it's not so much --
29 JUDGE ITOE: And why do you think that the Court should

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1 bulldoze its judicial calendar just because we want to please a
2 particular situation or so?

3 MR SESAY: No, My Lord, I beg to differ. It's not so much
4 to bulldoze the calendar of the Court. But, My Lord, the
17:17:58 5 position here was that we had made it clear since yesterday that
6 his name is not on the list of the 16 witnesses.

7 PRESIDING JUDGE: Yes, but what we want to make clear to
8 you is there is a process to be followed in addition to just
9 standing up in Court and saying that is what it is. If that was
17:18:15 10 the case, you should have sought the authority to amend your
11 list, to inform everybody, including the Chamber, and make a
12 motion at that time. You're asking that yesterday, right in the
13 middle of the examination-in-chief of a very important witness,
14 the first accused, your client in this case, and now we have to
17:18:33 15 see how to make this accommodation.

16 Let me tell you one thing that is to be understood clearly:
17 The evidence of this witness will be fully completed before we
18 hear any other witness. So if there is any doubt in your mind,

19 that should be clearly understood. So, the witness who is in the
17:18:55 20 witness box now will complete his evidence, that is
21 cross-examination. Only after that we will see what it is. But
22 now you are telling us that this witness is likely to be heard
23 for at least two days on behalf of the -- on your behalf, on the
24 behalf of the first accused.

17:19:10 25 MR SESAY: Possibly less than that, My Lord.

26 JUDGE THOMPSON: That's the difficulty, we are speculating.
27 We cannot really make any firm determination on the basis of
28 that.

29 MR SESAY: My Lord, I want to assure the Court that we may

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1 have to revisit that issue, My Lord, depending on the
2 cross-examination of the Prosecution. But for now, My Lord, I
3 would want to rest my application on that note, My Lord. We will
4 see what happens on Monday.

17:19:41 5 PRESIDING JUDGE: We will not answer your application for
6 the time being. We'll take it that -- [Overlapping speakers]

7 JUDGE THOMPSON: I think you should withdraw it.

8 PRESIDING JUDGE: And we'll see how it proceeds. Obviously
9 if the cross-examination is completely finished by Monday, it may

17:19:53 10 change the structure.

11 JUDGE ITOE: And the re-examination, too.

12 PRESIDING JUDGE: Yes.

13 JUDGE ITOE: And the re-examination, too.

14 MR MARGAI: My Lords, if I could be of some assistance. If

17:20:02 15 the witness has not already left to come to Sierra Leone, perhaps
16 he could be stopped.

17 PRESIDING JUDGE: I don't know.

18 JUDGE ITOE: That's not our business.

19 JUDGE THOMPSON: And that's the difficulty.

17:20:11 20 JUDGE ITOE: Because he was not announced, you know, for

21 this session. That is why it is not the business of the Court.

22 MR MARGAI: In the procedure of justice.

23 JUDGE ITOE: He is not listed as a witness for this

24 session. That is what I mean by saying it is not the business of

17:20:26 25 the Court.

26 MR SESAY: I appreciate that, yes.

27 PRESIDING JUDGE: Yes, Dr Jabbi.

28 MR JABBI: My Lord, I just want to give some information on

29 that aspect. I appreciate all that Your Lordships said.

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1 Certainly the situation is not unduly and extremely inflexible,
2 but we also were informed only recently that the witness in
3 question could afford to come to Sierra Leone.

4 JUDGE ITOE: Informed by who?

17:21:03 5 MR JABBI: By the witness.

6 JUDGE ITOE: By that witness himself?

7 MR JABBI: Yes, My Lord. That he is able to come to Sierra
8 Leone in the next few months, only around now, and that if he
9 wasn't able to testify around now, he might not be available for
17:21:24 10 several months. As Their Lordships have indicated, however, we
11 do intend to make the relevant application and we would not want
12 to give the impression that we are so inflexible that the Court
13 has to drop, for example, the evidence of the first accused,
14 whatever we do --

17:21:48 15 PRESIDING JUDGE: He will not be interrupted. This is
16 clearly the case.

17 MR JABBI: Clearly, My Lord. That is what I'm saying. I
18 will not be seeking that at you will. But we will make the

19 necessary application and I'm sure Your Lordships will find it
17:22:04 20 feasible to accommodate --
21 PRESIDING JUDGE: If feasible, we'll see. We're not saying
22 no to that.
23 MR JABBI: Thank you very much, My Lord.
24 PRESIDING JUDGE: Very well. On that note, the Court is
17:22:14 25 adjourned until 9.30 on Monday morning.
26 [Whereupon the hearing adjourned at 5.23 p.m.,
27 to be reconvened on Monday, the 6th day
28 of February 2006, at 9.30 a.m.]
29

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EXHIBITS:

Exhibit No. 124 23

WITNESSES FOR THE DEFENCE:

WITNESS: SAMUEL HINGA NORMAN 2

EXAMINED BY MR JABBI 2

CROSS-EXAMINED BY MR BOCKARIE 32

CROSS-EXAMINED BY MR MARGAI 32