

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

MONDAY, 06 FEBRUARY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

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

For Chambers: Ms Roza Salibekova
Ms Anna Matas

For the Registry: Mr Geoff Walker
Ms Maureen Edmonds

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

For the Principal Defender: Mr Lansana Dumbuya

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

For the accused Moinina Fofana: Mr Arrow Bockarie

For the accused Allieu Kondewa: Mr Charles Margai
Mr Ansu Lansana
Mr Martin Michael (legal assistant)

1 [CDF06FEB06A - SGH]

2 Monday 6th February 2006

3 [Open Session]

4 [The accused present]

09:32:22 5 [Upon commencing at 9.45 a.m.]

6 PRESIDING JUDGE: Good morning. Good morning, Mr Witness.

7 THE WITNESS: Thanks, My Lord.

8 PRESIDING JUDGE: Good morning, Mr Prosecutor.

9 Mr Prosecutor, when we adjourned on Friday you had asked for some

09:47:01 10 time until this morning to be ready to proceed with your

11 cross-examination. Are you ready to proceed now?

12 MR TAVENER: Yes, I am. I understand Mr Jabbi wants to

13 make a submission to you, Your Honour.

14 MR JABBI: Good morning, My Lords.

09:47:11 15 PRESIDING JUDGE: Good morning.

16 MR JABBI: My Lords, this morning I wish to give formal

17 information that circumstances beyond our control have

18 necessitated our having to seek leave to interpose a witness

19 before the second witness we had proposed to call. Which will be
09:47:53 20 obviously after the full cross-examination of the present
21 witness, the first accused.

22 My Lords, the program of one of our witnesses, Mr Peter
23 Penfold, former High Commissioner here, his own agenda and
24 program of activities have necessitated his having to travel to
09:48:22 25 Sierra Leone at this particular time, and indication has been
26 made that his availability thereafter to have to come to
27 Sierra Leone again specifically to give evidence before this
28 Court might well be problematic and at least is indefinite.

29 So, My Lords, we thought it was necessary to let him give

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1 evidence whilst he is already here, so that we are sure that we
2 have his evidence.

3 My Lord, he is already on the witness list, the
4 comprehensive witness list that we had filed on behalf of the
09:49:03 5 first accused.

6 PRESIDING JUDGE: But he was not on the list of 16
7 witnesses intended to call.

8 MR JABBI: Yes, My Lord. By that time we were expecting
9 that he would be available later in February or early in the
09:49:19 10 second session. But we were later on informed, by his own
11 circumstances and his program, that he will in any case be in
12 Sierra Leone at this time and after that visit he is not very
13 sure when he might be here again. And we thought we might take
14 that opportunity to take him.

09:49:37 15 My Lord, we are sorry that --

16 PRESIDING JUDGE: Why would it be impossible that he be
17 heard in the next session, which will be after Easter? We are
18 not talking in two weeks' time, we are talking here after Easter.

19 MR JABBI: My Lord, I am not saying it is impossible, but
09:50:00 20 it is indefinite. We are unsure whether it would take place.
21 Because we don't have control over his own movement and his
22 general program of activities, and we thought it was better to go
23 for certainty and not resort to uncertainties outside our
24 control. That is the only reason, My Lord. We can have him
09:50:35 25 later on, but we are not sure we can have him when we need him
26 later on.
27 JUDGE THOMPSON: Shall I ask that question?
28 MR JABBI: Yes, My Lord.
29 JUDGE THOMPSON: What is his perception of the importance

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1 of giving evidence before international criminal tribunals or
2 even national tribunals? What is his nationality?

3 MR JABBI: He is British, My Lord.

4 JUDGE THOMPSON: And he comes from the great tradition of
09:51:03 5 the common law?

6 MR JABBI: Indeed, My Lord.

7 JUDGE THOMPSON: With all the nuances. And this is the
8 country that has passed on the legacy of the common law, with all
9 the high traditions of what the common law implies and the
09:51:17 10 administration of justice in a municipal setting, and I

11 understand they also passed on to us the idea of testifying
12 before a court.

13 MR JABBI: Yes, indeed.

14 JUDGE THOMPSON: In matters of such grave importance a
09:51:34 15 manifestation of high degree of public spiritedness.

16 MR JABBI: Indeed, My Lord.

17 JUDGE THOMPSON: And therefore matters of that nature are
18 in fact also under the control of the Court as to when you come

19 to testify.

09:51:43 20 MR JABBI: Certainly, My Lord.

21 JUDGE THOMPSON: So how does he see his role? I mean, if

22 he considers his role in this particular trial very important, is

23 he himself not prepared to make accommodations subject to the

24 overriding control of the Court, or is he saying that it is

09:52:04 25 either his own agenda or nothing else?

26 MR JABBI: No, My Lord, he is certainly not saying that,

27 and he is very sensitive to the importance, first of all, of

28 these proceedings and the need for him by all means to give

29 evidence before the Court. However, My Lord, without any

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1 indication of some disregard or disrespect for the overriding
2 authority of the Court to determine the program of the Court, we
3 are trying to take advantage of his presence in Sierra Leone for
4 other reasons so that if we cannot be dead sure that we are going
09:52:55 5 to have him later on or when, whilst he is here we thought it
6 would be a good idea to seek the leave of the court to use him
7 and once and for all we will have had his evidence, and he is
8 very keen to give his evidence --

9 JUDGE THOMPSON: I can assure you of my persuasion of your
09:53:13 10 own faith, your utmost good faith in this matter.

11 MR JABBI: Indeed, My Lord.

12 JUDGE THOMPSON: It is just sometimes it disturbs me to see
13 that countries that have actually taught some of the fine
14 traditions of the jurisprudence and the legal system tend to
09:53:31 15 adopt sometimes, perhaps through leading members of their
16 society, some kind of conduct which amounts to a culture of
17 ambivalence. That is my own fear, you know. I am not sure how
18 an application like this before the House of Lords in England

19 would have come down very well with the judges. I speak for
09:53:54 20 myself any way.

21 JUDGE ITOE: Let me ask you this question, Dr Jabbi. If
22 there is a conflict of interest in the calendar of the Court and
23 that of your witness, and there is nothing that can be done in
24 the circumstances, whose authority in this respect, you know,
09:54:17 25 should prevail?

26 MR JABBI: My Lord, it is always the authority of the
27 Court.

28 JUDGE ITOE: Because my worry is -- I am not dismissing the
29 reasons you have given. You have not given any. You have just

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1 said "his calendar", "his calendar" and so on and so forth. We
2 too have a calendar. We also have a calendar.

3 MR JABBI: Yes, My Lord.

4 JUDGE ITOE: We are not saying that Mr Penfold will not be
09:54:53 5 allowed to give evidence here. It is a question of the timing.

6 The Court also has preoccupations on its timing. I am not saying
7 it is you. It is Mr Penfold wanting to impose his calendar on
8 the Court. Or is he prepared to accommodate the Court in
9 determining its own calendar and working by the schedule that it

09:55:10 10 has before it?

11 MR JABBI: My Lord, he is not at all trying to impose his
12 personal calendar on that of the Court.

13 JUDGE THOMPSON: If we do it for Mr Penfold, why shouldn't
14 we do it for somebody else? In other words, we open a Pandora's
09:55:33 15 box, a flood gate.

16 MR JABBI: My Lord, if it were done on this occasion, I am
17 sure a hard and fast rule of doing it is not thereby being
18 established. It is always the discretion of the Court to

19 consider the particular circumstances of each situation and take
09:55:51 20 each decision appropriately. My Lord, this is the first time we
21 are making this application and we do not think it is going to be
22 replicated. But in circumstances we thought it was better to
23 seek certainty and assurance of having the witness, than perhaps
24 leave it to chance for the future.

09:56:11 25 JUDGE THOMPSON: Let me assure you that I have no doubt --

26 MR JABBI: He is going to be a short witness.

27 JUDGE THOMPSON: Well, I have no doubt about your good
28 faith on this matter and I don't question it at all, counsel. It
29 is just that I think the opportunity should not slip by for us to

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1 express our -- at least my own concern about this kind of request
2 when I consider it coming from someone whose country virtually
3 led the way in legal propriety and procedural strictness and
4 scrupulousness. That is all I want to say.

09:56:46 5 MR JABBI: My Lord, we appreciate that entirely.

6 PRESIDING JUDGE: Mr Jabbi, we are satisfied with the
7 explanation you have given. We do understand, as well, that this
8 is -- from what you have seem to be implying that this is an
9 important witness for the accused and we certainly don't want to
09:57:03 10 be interfering with his own case in his own defence. So as I
11 told you last week, we'll try to make whatever accommodation we
12 can. The problem here is that there was clearly a perception
13 that some dates were being forced upon the Court, as such, when
14 we were not prepared to do that. As you know, we have clearly
09:57:18 15 stated that we want to finish with the evidence of Mr Norman
16 before we make any other possible arrangements.

17 MR JABBI: Yes, indeed, My Lord.

18 PRESIDING JUDGE: It is, from what you are saying, a clear

19 understanding that we are going to be finishing with Mr Norman.

09:57:27 20 MR JABBI: Indeed, My Lord.

21 PRESIDING JUDGE: I will confer with my two colleagues if

22 it is possible to accommodate, but I would like to hear from the

23 Prosecution as well. Because this is for them, as well, a new

24 witness on the witness list that you intended to call at this

09:57:47 25 particular session. So we will see if they have no objection to

26 it first and then we will take it from there.

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

28 PRESIDING JUDGE: Thank you.

29 MR TAVENER: The Prosecution accepts that this matter is

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1 one entirely for the determination of the Court. However, the
2 Prosecution has no objection to this witness being called after
3 the cross-examination of Mr Norman.

4 PRESIDING JUDGE: So the fact that that witness was not on
09:58:12 5 the list that was filed with the Court would not be a problem for
6 the Prosecution at this stage?

7 MR TAVENER: This particular is not a problem.

8 PRESIDING JUDGE: This witness, yes.

9 MR TAVENER: Thank you.

09:58:17 10 PRESIDING JUDGE: Thank you.

11 [Trial Chamber conferred]

12 [Ruling]

13 PRESIDING JUDGE: Dr Jabbi, we will acquiesce to your
14 request and grant the authority to call this witness out of
09:59:15 15 sequence, even though no proper notification has been given in
16 accordance with the stated procedure. But given the special
17 circumstances, and given your explanation this morning, we accept
18 to hear this witness when the evidence of Mr Norman is completed.

19 MR JABBI: Thank you very much.

09:59:26 20 PRESIDING JUDGE: Whenever this is completed we are going

21 to move and hear that witness.

22 MR JABBI: Thank you very much, My Lord. And thanks to my

23 colleague on the Prosecution side.

24 PRESIDING JUDGE: You have heard the concern of the Court,

09:59:46 25 not only mine but those of my two brothers and colleagues, so you

26 know what the concerns are we have on this particular matter, as

27 such. It is regardless of the individual as the way things may

28 be brought to the attention of the Court and we certainly don't

29 want to be seen to be imposed a schedule by any witness, whoever

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1 he may be.

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

3 MR MARGAI: Just word of clarification, My Lords. Will the
4 interposition precede the oral argument fixed for Wednesday?

10:00:10 5 PRESIDING JUDGE: We will. We will finish with Mr Norman
6 and after that we'll hear this witness. The motion is
7 more flexible in the sense that it is not bound by any fixed
8 limitation, save the one that we are going to fix.

9 MR MARGAI: As My Lords please. Thank you.

10:00:32 10 PRESIDING JUDGE: For the time being, the date set for the
11 oral hearing of the motion is in abeyance and we'll give you
12 further notice as we move along.

13 MR MARGAI: Thank you, My Lords.

14 PRESIDING JUDGE: Thank you very much to remind me of that,

10:00:40 15 Mr Margai. Thank you.

16 So we are now back to you, Mr Prosecutor.

17 MR TAVENER: Thank you, Your Honour.

18 WITNESS: SAMUEL HINGA NORMAN [Continued]

19 CROSS-EXAMINED BY MR TAVENER:

10:00:54 20 Q. Chief Norman, I want to go over a number of areas about

21 which you testified over the last eight or so days.

22 A. Yes, My Lord.

23 Q. At the time of the coup on 25th May you were the deputy

24 defence minister?

10:01:14 25 A. Yes, My Lord.

26 JUDGE ITOE: Mr Tavener, thank you. Your evidence is being

27 recorded, so please.

28 MR TAVENER: I shall speak slower.

29 JUDGE ITOE: To quote Dr Jabbi, watch the pens.

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1 MR TAVENER: I doubt I will be saying that, Your Honour,
2 but thank you.

3 JUDGE ITOE: Right.

4 MR TAVENER:

10:01:40 5 Q. Prior to the coup you say that you advised President Kabbah

6 at least on two occasions that a coup was imminent; is that

7 correct?

8 A. Yes, My Lords.

9 Q. On neither occasion did President Kabbah do anything to

10:02:13 10 prevent the coup?

11 A. Yes, My Lords.

12 Q. Subsequently when you went to Guinea you could not gain

13 entrance to the compound where President Kabbah was living?

14 A. Yes, My Lords.

10:03:06 15 Q. Do you still maintain that you wanted to restore that

16 president, that is, President Kabbah, to government?

17 A. Yes, My Lord.

18 Q. Despite the fact that he failed to respond to your warnings

19 about the coup?

10:03:29 20 A. Yes, My Lords.

21 Q. Can you just explain what was in the bag that you gave

22 President Kabbah? I think you described them as gun parts, I am

23 not quite clear. What was actually in the bag?

24 A. My Lords, that bag contained some of the most important

10:04:14 25 working parts of some weapons without which the action of an army

26 to do a coup, or a sector of an army to do a coup, would be

27 extremely difficult, My Lords.

28 Q. By that do you mean firing pins? What exactly are you

29 speaking about?

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1 A. Firing pins is not necessarily just one of those. You have
2 some machine guns with some rods in them which can be removed
3 without somebody looking at the gun knowing that this particular
4 part has been removed until it is about to be operated, My Lords.

10:06:24 5 Q. At the time of the coup, as you have said, you had a good
6 intelligence network within the army?

7 A. I would not refer to it as good intelligence network,
8 My Lords.

9 Q. Perhaps if I can ask you this: You understood at that time
10:06:46 10 the importance of gathering information about an enemy of
11 whatever type; is that correct?

12 A. Yes, My Lord.

13 Q. As you have described, you went from Guinea to Liberia?

14 A. Yes, My Lord.

10:07:16 15 Q. And you say at the request, the order, of President Kabbah
16 you then moved back to Sierra Leone?

17 A. Yes, My Lords.

18 Q. Ultimately to Base Zero or Talia?

19 A. Yes, My Lords.

10:07:39 20 Q. From your evidence over the last few days are you saying,

21 is it your sworn testimony, that between the time you went to

22 Talia until 10th March 1998, the restoration, that ECOMOG was in

23 charge of the Kamajors? Is that your evidence?

24 A. Yes, My Lord.

10:08:03 25 PRESIDING JUDGE: Mr Tavener, can you repeat the dates,

26 from the moment the witness was at Base Zero?

27 MR TAVENER: Talia, until the restoration on 10th March.

28 PRESIDING JUDGE: Thank you.

29 MR TAVENER:

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1 Q. Is it also your evidence that from 10th March 1998 the
2 government was then in charge of the Kamajors along with ECOMOG
3 and UNAMSIL perhaps?

4 A. Even before that, My Lord, the government was in charge.

10:09:04 5 Q. According to you, are you saying that the CDF did not exist
6 until the return of the government in exile?

7 A. Not as an official organisation.

8 Q. Is it your evidence that you were never in control of the
9 Kamajors?

10:09:28 10 A. That is my evidence, My Lord.

11 Q. Is it also your evidence that when the Kamajors operated in
12 Sierra Leone - and that is from '97 when you returned until
13 10th March -- when the Kamajors operated in Sierra Leone in the
14 field, that ECOMOG was in charge of the Kamajors?

10:10:12 15 JUDGE ITOE: Mr Tavener, can you take that question again,
16 please.

17 MR TAVENER:

18 Q. I will put it this way: Is it your testimony that from the

19 period of Talia, if can put it that way -- at the time you were
10:10:35 20 at Talia that ECOMOG was in charge of the Kamajors when they
21 operated in the field, that is within Sierra Leone?
22 A. Yes, My Lords.
23 JUDGE ITOE: That's from Talia.
24 MR TAVENER: That's right.
10:10:53 25 JUDGE ITOE: Talia and beyond.
26 MR TAVENER: When I speak about Talia, we are speaking
27 about September through to 10th March.
28 PRESIDING JUDGE: And when you say, "When they operated in
29 the field," you mean when the Kamajors were operating, not

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1 ECOMOG.

2 MR TAVENER: That's right, the Kamajors and the Kamajors
3 operated --

4 PRESIDING JUDGE: In the field.

10:11:09 5 MR TAVENER: The witness's evidence is that they were under
6 the control of ECOMOG.

7 PRESIDING JUDGE: That's right.

8 MR TAVENER:

9 Q. What date do you say ECOMOG entered Sierra Leone to take
10:11:33 10 control of the Kamajors?

11 A. I cannot tell you the date, My Lord. The ECOMOG was in
12 charge of Kamajors even before they entered Sierra Leone. That
13 is my testimony, when I arrived in Liberia, My Lords.

14 Q. And how did ECOMOG, when they were in Liberia, exercise
10:12:23 15 control of the Kamajors in Sierra Leone? How did they actually
16 exercise control?

17 A. My Lords, myself, when I arrived in Liberia, the Kamajors
18 were on Liberian soil. It was from there the arrangement for

19 their co-ordinated operation was put in place, My Lords.

10:13:15 20 Q. Excluding those Kamajors that were in Liberia, how did

21 ECOMOG exercise control over Kamajors in Sierra Leone before

22 ECOMOG went to Sierra Leone?

23 A. I cannot tell that, My Lord.

24 Q. Then, to put it another way, were there any ECOMOG troops

10:14:06 25 present when the Kamajors attacked Koribundu?

26 A. Among them -- among the ECOMOG, among the Kamajors there

27 was none.

28 Q. When the Kamajors attacked Tongo Field, and we spoke about

29 this --

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1 JUDGE ITOE: Excuse me. What is the answer to that
2 question? That there were no ECOMOG troops when the Kamajors
3 attacked Koribundu?

4 THE WITNESS: Yes, My Lord.

10:14:49 5 PRESIDING JUDGE: No ECOMOG troops with the Kamajors when
6 the Kamajors attacked Koribundu.

7 THE WITNESS: Yes, My Lords.

8 MR TAVENER:

9 Q. Were there any ECOMOG troops, to your knowledge, with the
10:15:17 10 Kamajors when Tongo Field was attacked?

11 A. I could not tell My Lord they had moved together into
12 Sierra Leone.

13 Q. Do you know whether, when the Kamajors attacked Kenema,
14 there were any ECOMOG troops with them at that time?

10:15:48 15 A. Yes, My Lord. They arrived together in Kenema, from across
16 the bridge, the Mano River Bridge.

17 Q. How do you know that?

18 A. I know that because they arrived together. I heard it on

19 the BBC and they arrived together in Kenema and they are taking
10:16:35 20 Kenema.

21 Q. Did the ECOMOG troops wear a uniform?

22 A. Indeed, yes, My Lords.

23 Q. Was it a normal army uniform?

24 A. I will call it their own various unit military uniforms,

10:17:16 25 My Lords.

26 Q. A large number of the ECOMOG troops were from Nigeria; is

27 that correct?

28 A. I cannot be precise about that, My Lords.

29 Q. It is your evidence that ECOMOG in Liberia had direct

1 contact to the Kamajors in the field; is that what you have said?

2 A. No, My Lord, I am saying that the Kamajors were working
3 under the direction of ECOMOG troop in the field, My Lord.

4 Q. Do you know whether or not ECOMOG in Liberia communicated
10:18:49 5 directly to the Kamajors in the field in Sierra Leone?

6 A. No, I don't, My Lord.

7 Q. From your evidence, are you saying you knew nothing about
8 the activities of the Death Squad that operated at Talia or from
9 Talia?

10:19:35 10 A. Yes, My Lord. Before, during and even after the events.

11 Q. All you know about the Death Squad was that you had heard
12 the name at some stage?

13 A. It was just my interest in one young man, whose name I
14 cannot call now because of restriction, My Lords.

10:20:11 15 Q. He was the leader of the Death Squad?

16 A. I wouldn't know. It was just that he was connected.

17 Q. When you were at Talia, did you appoint the commanders of
18 the Kamajors? Did you appoint the senior commanders of the

19 Kamajors?

10:20:52 20 A. No, My Lords.

21 Q. Did you ever give speeches at Talia to the Kamajors about

22 how they should conduct themselves at the war front?

23 A. I did, My Lord.

24 Q. We will come back to that.

10:21:44 25 A. Thank you.

26 Q. At Talia, did you see child soldiers, child combatants -

27 CDF combatants - walking round carrying guns?

28 A. I never saw them, My Lord. I never saw child soldiers at

29 Talia.

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1 JUDGE ITOE: I would prefer that, instead of child
2 soldiers, we refer to them as the indictment has, you know, as
3 children under the age of 15.

4 MR TAVENER: Thank you, Your Honour.

10:22:32 5 JUDGE ITOE: Yes, please.

6 MR TAVENER:

7 Q. As to children under the age of 15, was it your evidence
8 you were aware of such children being actively involved in the
9 war on behalf of the Kamajors or CDF?

10:23:13 10 A. My Lord, I was aware that parents and guardians who were
11 Kamajors had the services of their children. Whether they were
12 below age or not, I don't know.

13 Q. How did you become aware of that situation?

14 A. I am a Sierra Leonean, and I lived in this country. I saw
10:23:52 15 things with my own eyes, even before I became a minister,
16 My Lords.

17 Q. But you were saying that at Talia you never saw with your
18 own eyes children under the age of 15 bearing weapons?

19 A. That is what I am saying, My Lord.

10:24:44 20 Q. You spoke about the War Council at Talia?

21 A. I did, My Lords.

22 Q. Is it your evidence that War Council only ever gave you

23 advice?

24 A. Repeat please.

10:24:57 25 Q. Is it your evidence that the War Council at Talia only ever

26 gave you advice?

27 A. Only gave me advice.

28 Q. That's right.

29 A. Yes, My Lord.

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1 Q. You see, your evidence, as I understand it, but tell me if
2 I am wrong -- is it your evidence that when you were at Talia you
3 were just some form of civilian administrator?

4 A. I was a minister of government, not anything otherwise. I
10:25:58 5 was not a policeman nor a soldier, My Lords.

6 Q. What I am asking you is what did you actually do at Talia
7 to assist in the war? What did you do?

8 A. I co-ordinated, My Lords.

9 Q. What does that mean?

10:26:39 10 A. That means that Kamajors who had arrived at Talia were
11 organised to join ECOMOG in the field to assist them in the
12 restoration of democracy and the reinstatement of His Excellency
13 and government, My Lords.

14 Q. What did do you in order to achieve that? What did you
10:27:50 15 actually do?

16 A. My Lords, I said this was the base where chiefs who had
17 learnt that I was had sent their Kamajors so that they can be
18 organised for the activities I have just told Your Lordships,

19 My Lords.

10:28:07 20 Q. The Kamajors were sent by the chiefs; is that what you were

21 saying?

22 A. That had been the arrangement in this country, My Lord.

23 Q. Later, that changed over time and, is it correct to say,

24 people would -- men would simply turn up at Talia without having

10:29:02 25 been sent by their chiefs?

26 A. I would not know. Some of them came; others were sent.

27 Q. Men arrived at Base Zero to assist the return of the

28 government; is that what you are saying?

29 A. Repeat the question, My Lord.

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1 Q. Men arrived at Base Zero to assist in one way or another
2 the return of the government?

3 A. Yes, My Lord.

4 Q. What did you do at Talia to promote the return of the
10:30:10 5 government? What did you actually do?

6 A. My Lords, I was the co-ordinator. What I did was to have
7 men organise the Kamajors that came, give them rudimentary
8 training and then return them to ECOMOG troops wherever they were
9 in Sierra Leone for their services to be rendered, My Lords.

10:31:38 10 Q. It is your evidence, from what you have just said, that you
11 arranged for the men who arrived at Talia to be trained?

12 A. Yes.

13 Q. Rudimentary training?

14 A. Pardon?

10:32:00 15 Q. Rudimentary training, you said?

16 A. Yes, My Lord.

17 Q. Rudimentary military training?

18 A. I would not rudimentary military training; any training

19 that would make them of service to ECOMOG, My Lords.

10:32:15 20 Q. Then you organised, according to you, those men after

21 training to be sent to ECOMOG?

22 A. To return to the land and join ECOMOG, My Lords.

23 Q. Are you saying then that you never told these men - if I

24 can call them Kamajors - you never told the Kamajors where to go

10:32:52 25 and fight?

26 A. This was -- when you asked me if I addressed the men, I

27 said I did. When they the overall training was over, then I

28 would give them an address and this address, I would tell them,

29 "Go into the land. Operate under the advice and direction of

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1 ECOMOG troops. They are the ones that will give you the needfuls
2 for your services." My Lords.

3 Q. When you gave those speeches, was it on the big field
4 across a small bridge at Talia?

10:33:58 5 A. Yes.

6 Q. Near the primary school?

7 A. Near?

8 Q. The primary school, the school building.

9 A. Yes, the school building was there, but later it was

10:34:18 10 knocked down by helicopter accident.

11 Q. Are you saying that when you gave those speeches before a
12 large assembly of Kamajors, you never told them to attack a
13 specific target?

14 A. That is what I am saying. I never told them go and attack

10:34:52 15 there and so on.

16 Q. So you, according to you, were a civilian administrator or
17 co-ordinator?

18 A. Yes, My Lords.

19 Q. That is all you did?

10:35:24 20 A. I wasn't uniformed. I was a civilian co-ordinator,

21 My Lord.

22 Q. Did you also arrange for the allocation of rice at Talia?

23 A. No, My Lords, there was no rice allocation at Talia.

24 Q. Did you arrange for the distribution of arms and ammunition

10:36:02 25 at Talia?

26 A. No, My Lords.

27 Q. So far as I understand your evidence, you merely arranged

28 Kamajors to undergo some rudimentary training?

29 MR JABBI: My Lords, my learned friend really must take

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1 stock of the rule of finality. I mean this question has been
2 answered several times already.

3 PRESIDING JUDGE: We are in cross-examination.

4 MR JABBI: Indeed, My Lord, but it has happened so many
10:36:55 5 times already, the same question being posed.

6 PRESIDING JUDGE: You are overruled.

7 MR JABBI: Thank you, My Lord.

8 MR TAVENER:

9 Q. Your evidence is that, and this will enable you to answer
10:37:10 10 further, your evidence is that all you did was arrange
11 rudimentary training of Kamajors. Before we move on, did you do
12 anything else?

13 A. I was a co-ordinator, My Lords, and my business was to get
14 these men, arrange them and co-ordinate for them to join the
10:37:38 15 superior forces to be assigned.

16 JUDGE THOMPSON: Is that an additional --

17 THE WITNESS: No, My Lord, it is just an explanation.

18 JUDGE THOMPSON: Quite, because I thought the probe here

19 seems to be whether this co-ordinating has certain sub-categories
10:37:56 20 to which we have not yet been -- in respect of which we have not
21 yet been informed. I thought that was the purpose of the
22 objection, but counsel quite rightly asked: Did you do anything
23 else?

24 THE WITNESS: This is what I am saying, My Lord, there were
10:38:18 25 no specifics.

26 JUDGE THOMPSON: Quite. That is what I wanted to be
27 satisfied about.

28 THE WITNESS: Thank you, My Lord.

29 MR TAVENER:

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1 Q. How did the Kamajors at Talia obtain their food? Where did
2 that come from? Where did their food come from?

3 A. Thank you, My Lords. This was a very difficult period for
4 them; a huge concentration of men without proper arrangement for
10:39:14 5 food. The chiefdom people made arrangements to supply cassava,
6 gari, fish, salt and palm oil. Occasionally bags of rice, not
7 more than ten, were flown from Liberia -- initially from
8 Liberia -- to assist in the feeding and then eventually rice was
9 also flown from General Khobe in Lungi to assist in the feeding,
10:40:23 10 My Lords.

11 Q. When you say you were the co-ordinator, does that mean you
12 co-ordinated with ECOMOG?

13 A. Initially, My Lord, yes, ECOMOG Liberia and, eventually,
14 ECOMOG Freetown, My Lords.

10:41:46 15 Q. When you were in Talia, how did you communicate with
16 ECOMOG? When you were in Talia, you had to communicate with
17 ECOMOG Liberia.

18 A. Yes.

19 Q. How did you do that?

10:42:06 20 A. My Lords, sometimes once a week by a helicopter that linked

21 us. Sometimes, once every two weeks, and when ECOMOG was

22 crossing and had crossed into Sierra Leone, sometimes twice a

23 week, My Lord.

24 Q. At times you would leave Talia?

10:42:57 25 A. Yes, My Lords.

26 Q. For extended periods of time?

27 A. There was only one occasion when I left for three days.

28 But for that, no extended time beyond that, My Lord, to ECOMOG

29 Liberia.

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1 Q. Besides ECOMOG Liberia, you would go to other places such
2 as Lungi?

3 A. That is ECOMOG Sierra Leone, Freetown to General Khobe,
4 My Lords.

10:43:45 5 Q. Sometimes you would go to Guinea as well?

6 A. Not from Talia, My Lords.

7 Q. You may have used this description, but tell me if you did
8 not. Talia was the headquarters of a fighting force; is that
9 right?

10:44:15 10 A. No, My Lord, I only said it was the place where I stayed
11 and it became referred to as a base, My Lords.

12 Q. It was from Talia, for example, the Kamajors left to attack
13 Koribundu?

14 A. Yes, My Lord, they had received their fighting logistics
10:45:01 15 from ECOMOG Waterside and they moved from various points into
16 Koribundu, My Lords, not a huge force from Koribundu itself.

17 Only the commander moved from Talia to lead the men in the field.

18 JUDGE ITOE: I am not very clear on this.

19 MR TAVENER: I can ask another question.

10:45:31 20 JUDGE ITOE: No, no, no, this same question.

21 MR TAVENER:

22 Q. As an example, the Kamajors that attacked Talia -- sorry,

23 can I withdraw that. The Kamajors that attacked Koribundu came

24 from Talia, did they not?

10:45:54 25 A. No, My Lord, they came from various places. I am saying

26 the commander that was in charge of that operation came from

27 Talia, My Lords.

28 Q. And where do you say the Kamajors that attacked Koribundu

29 came from?

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1 A. My Lords, I am saying various places in the field.

2 Q. And had those Kamajors previously been at Talia?

3 A. They may have, but not in a concentrated form with orders
4 from Talia direct.

10:47:15 5 Q. It is your evidence then, so I understand, that the only
6 person sent from Talia to attack Koribundu was the commander?

7 A. The commander was the one that had the responsibility.
8 Whether he took other people, I don't know.

9 Q. The Kamajors that attacked Koribundu came from other
10:47:43 10 places?

11 A. Various places. Various.

12 Q. And they may have had some time -- had been in Talia?

13 A. It is possible.

14 Q. It is possible?

10:47:56 15 A. It is possible, I am not saying it is not.

16 Q. Who was in charge of the military organisation in Talia?

17 A. There was nobody in charge of military organisation in

18 Talia. There was no military organisation in Talia.

19 Q. Talia, would you agree, there were men training for war?

10:48:35 20 A. Go on, I am listening, My Lords.

21 Q. You agree so far?

22 A. Men were being trained to be used by ECOMOG, whether for

23 war or for defence or for anything, but it was for the purposes

24 of the conflict that was in Sierra Leone to restore democracy.

10:47:10 25 [CDF06FEB06B-RK]

26 Q. Men at Talia were being trained to fight?

27 A. Yes.

28 Q. They were given orders as to where they should fight?

29 A. By the commanders in the field, My Lords. That is ECOMOG

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1 and their commanders.

2 Q. It is your evidence then, that all that happened in Talia
3 was some rudimentary military training?

4 A. That is what I'm saying, My Lord.

10:48:26 5 Q. Nothing else happened there?

6 A. I didn't say nothing else. I said training went on

7 rudimentary, organisation and so on and then we were to go into

8 the field. Those were the activities, My Lords.

9 JUDGE THOMPSON: What did you add to the training component

10:49:04 10 just now? Did you add anything to the training component?

11 THE WITNESS: No, My Lord, I didn't.

12 MR TAVENER:

13 Q. I will move on, but I will obviously come back to this

14 area. At Talia all that took place was some rudimentary training

10:49:25 15 and orders given for people to go back to where they came to

16 assist ECOMOG?

17 A. To go into the field to ECOMOG, wherever they were and

18 assist them.

19 Q. Thank you. I will leave that for the time being.

10:49:46 20 A. Thank you, My Lords.

21 Q. I will just ask you some more questioning about

22 President Kabbah.

23 A. Thank you.

24 Q. You had described President Kabbah a number of times as

10:50:06 25 your boss. Is that the correct terminology? Is that how you saw

26 him?

27 A. He was my boss as the Minister of Defence. He was my

28 president as the President of Sierra Leone, My Lords.

29 Q. Now, if I could ask you, when the government was in exile

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1 when you were in Monrovia and when you were in Talia, did you
2 report regularly to President Kabbah?

3 A. There was no regular report system, My Lords.

4 MR MARGAI: My Lords, I wonder if the question could be
10:51:12 5 broken down because it seems that if an answer were to be given
6 Your Lordships and ourselves would not know whether it relates to
7 Talia or Liberia.

8 PRESIDING JUDGE: Mr Prosecutor.

9 MR TAVENER: I just want to give the witness an opportunity
10:51:37 10 to explain. But I will do something along those lines.

11 JUDGE ITOE: Take Talia first.

12 MR TAVENER: Thank you, Your Honour.

13 Q. In Talia did you communicate with the President by way of
14 the satellite phone?

10:51:54 15 A. Yes, My Lord, when the phone had been provided.

16 Q. Had you had that phone within a few weeks of arriving at
17 Talia?

18 A. I arrived in Talia in September and the phone arrived

19 around November, My Lords.

10:52:32 20 Q. Still in Talia, before the phone arrived, were you able to

21 communicate with the President?

22 A. It was difficult excepting by helicopter from Liberia to

23 the base, and then back to Liberia and then by flight, a plane,

24 from Monrovia to Conakry and then back.

10:52:56 25 Q. Thank you. When you were in Liberia, you may -- I think

26 you testified that ECOMOG allowed you to use their communication

27 systems to speak to the president?

28 A. Occasionally, when there was need.

29 Q. Did you ever advise President Kabbah that the Kamajors were

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1 committing any of the acts outlined on the indictment?

2 A. No, My Lords.

3 JUDGE ITOE: The Kamajors were committing any?

4 MR TAVENER: Any of the offences outlined on the
10:54:40 5 indictment.

6 PRESIDING JUDGE: You used the word "acts".

7 MR TAVENER: Acts. Thank you, so there is no confusion.

8 Thank you.

9 JUDGE ITOE: What word is that?

10:54:55 10 PRESIDING JUDGE: Acts.

11 JUDGE ITOE: Acts.

12 MR TAVENER: Acts, as outlined on the indictment.

13 Q. Just for clarification, you have now seen the indictment?

14 A. No, My Lords.

10:55:25 15 Q. I'm sure your counsel will show you at some stage, but did

16 President Kabbah ever give you order to kill civilians?

17 A. No, he didn't.

18 Q. To kill captured combatants?

19 A. He didn't, My Lords.

10:55:48 20 Q. Without going through the --

21 PRESIDING JUDGE: Slowly, slowly, please.

22 MR TAVENER:

23 Q. Did President Kabbah ever give you orders to commit any of

24 the acts as outlined on the indictment?

10:56:30 25 A. Meaning that I owned up those acts? No.

26 Q. Did President Kabbah ever give you any military directions,

27 that is, any orders about how the war should be conducted?

28 A. The President Kabbah did not give me orders how to conduct

29 a war. My appointment by him was to co-ordinate, not to go and

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1 command or control war.

2 Q. During the period at Talia, who was - and that is the time
3 period - who was in charge of the Kamajors? Who was the person
4 at the top of the pyramid?

10:58:31 5 A. Battalion commander at Talia.

6 Q. Who was in charge of all the Kamajors?

7 A. This is what I'm saying, My Lord. The battalion Commander
8 that was at Talia, we were in his territory as a battalion
9 commander.

10:59:04 10 Q. At Talia, at the time of Talia, you say the civilian
11 defence force, as an organisation, did not exist?

12 A. Civil Defence Force, that the name, the word CDF became
13 prominent when we had a visit from NGOs soon after my arrival in
14 Talia.

10:59:38 15 Q. Sorry, I don't understand. What are you saying?

16 A. I'm saying that CDF became words that had been known at
17 Talia after the visit of non-governmental organisations after my
18 arrival in Talia, My Lords.

19 Q. Are you saying that NGOs gave the name CDF to the
11:00:25 20 organisation?

21 A. No, My Lords. Sorry. No, My Lords. That is not what I'm
22 saying.

23 Q. What are you saying?

24 A. I'm saying the word "CDF" came about when the NGOs visited
11:00:51 25 me in the area, not at Talia and that is when we came across a
26 book in which CDF was shown to me myself, My Lords.

27 JUDGE THOMPSON: Mr Tavener, what is the question? Is it
28 the concept?

29 MR TAVENER: When was the organisation --

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1 JUDGE THOMPSON: I thought here was a distinction between
2 the concept and the entity.

3 MR TAVENER: I'm asking when it came into existence.

4 JUDGE THOMPSON: That is the entity.

11:01:32 5 MR TAVENER: [Overlapping speakers] the confusion.

6 JUDGE THOMPSON: The entity, not the concept.

7 MR TAVENER: I'm trying to establish the difference.

8 JUDGE THOMPSON: Yes, I am trying to understand myself.

9 MR TAVENER: Perhaps if I start again.

11:01:44 10 Q. In your evidence, the CDF did not officially start until
11 sometime in 1999?

12 A. That's correct, My Lords.

13 Q. Because you say the CDF were established by the National --

14 A. Co-ordinating Committee.

11:02:14 15 Q. Co-ordinating Committee. That's right.

16 A. Yes, My Lord.

17 Q. That is what you say. At the same time, you are saying at

18 Talia the words CDF were used?

19 A. For the first time I came across and they became used at
11:02:43 20 Talia, My Lords.

21 Q. So to understand your evidence, what you are saying is that
22 until the national co-ordination committee acknowledges the
23 existence of CDF, it did not exist in law? Is that what you're
24 saying?

11:03:06 25 A. Those are not my words, My Lords.

26 Q. What are you saying?

27 A. I'm saying that the National Co-ordinating Committee put
28 out a program and referred to as CDF, My Lords.

29 Q. Leaving aside the national co-ordination committee in 1999,

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1 in late 1997, the CDF, the civilian defence force, existed in
2 practice, did it not?

3 A. No, it was only a reference, not in practice.

4 Q. The CDF, in 1997, consisted of the Kamajors and other
11:04:33 5 hunting groups from other tribes; is that correct?

6 A. No, that is not correct. These were hunters, various
7 hunters by their various ethnical names as Kamajors, Kapras,
8 Donsos, Tamaboros, Gbethis, and OBHSes. It was on the orders of
9 the National Co-Ordinator - co-ordination - after that letter of

11:05:04 10 1999 that CDF became now the umbrella word for all those hunting
11 groups officially, My Lords.

12 Q. Unofficially, in 1997, the Talia period, those groups
13 operated together as the CDF, did they not?

14 A. I said the reference to CDF occasioned in Talia after a
11:05:56 15 visit by NGOs. They showed me a book and in that book I saw CDF.

16 Q. The President had previously appointed you a co-ordinator
17 of the civilian defence; is that right?

18 A. Co-ordinator of the hunter forces in Conakry. I was to

- 19 co-ordinate with ECOMOG for the various hunters at the disposal
11:06:50 20 of ECOMOG to assist them.
- 21 Q. You are now saying that the President appointed you
22 co-ordinator of the hunters?
- 23 A. I'm not now saying. I've said ever before, My Lords.
- 24 Q. That is the terminology of the President, that you were
11:07:18 25 appointed co-ordinator of the hunters?
- 26 A. That was what he came out with on the air, My Lords.
- 27 Q. At Talia, Moinina Fofana was present, was he not; he lived
28 there?
- 29 A. Yes, he was there, My Lords.

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1 Q. You were asked this question, but just to confirm,

2 Mr Fofana was not your deputy?

3 A. No, My Lord, he was not.

4 Q. You say that you did not have a deputy?

11:08:31 5 A. The President did not appoint me a deputy, My Lords.

6 JUDGE ITOE: Let me get that clear. The President did not

7 appoint you a deputy?

8 MR TAVENER: A deputy.

9 JUDGE ITOE: Did not appoint a deputy?

11:08:48 10 THE WITNESS: A deputy to me, My Lord.

11 JUDGE ITOE: I see.

12 MR TAVENER:

13 Q. Did you appoint a Director of War to assist you?

14 A. No, My Lord.

11:09:17 15 Q. What did Mr Fofana do at Talia? What was his role there?

16 A. Mr Fofana's role at Talia, he was one of the elders at

17 Talia.

18 Q. Did he have a particular role besides being an elder?

19 A. No. I never assigned him a role and I did not know of an
11:09:48 20 assignment of a role by either the War Council or anybody.

21 Q. So your sworn testimony for this Court is that, as far as
22 you know, Mr Fofana was simply an elder who was living at Talia?

23 A. He was one of those elders and all elders around that place
24 assisted in various ways. That is my testimony, My Lord.

11:10:30 25 Q. You don't know how he assisted?

26 A. I don't know how he assisted? I cannot be very specific.

27 Q. Allieu Kondewa, what was his role at Base Zero?

28 A. He was an initiator at Base Zero, My Lords.

29 Q. Was he the chief?

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1 A. Later on he was called the High Priest by the initiators
2 who were at Talia.

3 Q. As part of your co-ordination efforts, did Mr Kondewa have
4 any role in assisting you?

11:11:37 5 A. No, he did not assist me in the way of co-ordination,
6 My Lords.

7 Q. If I could take you to Talia in late 1997, you were living
8 there?

9 A. Yes, from September.

11:12:09 10 Q. It's a very small village, or at least it was before the
11 Kamajors went there in large numbers.

12 A. It was a small -- I wouldn't say small village. It was the
13 second chiefdom headquarters, but not a large place.

14 Q. So you have Talia, as we've spoken about, there was large
11:12:31 15 field across a small creek?

16 A. Yes.

17 Q. There is another village a short distance away?

18 A. Yes.

19 Q. When you lived in Talia, did you live near the court barri?

11:12:53 20 A. The court barri was about one or two houses from where I

21 was.

22 Q. So you lived in a house near the court barri?

23 A. I would call that near, but not very near.

24 Q. When you walked outside in the morning - we're talking

11:13:09 25 about this September/October 1997 - when you walked outside in

26 the mornings, you could see the court barri?

27 A. Of course.

28 Q. How far away from you did Mr Fofana live?

29 A. Mr Fofana initially was living a house away from me.

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1 Eventually we lived almost in the same house, but in different
2 rooms.

3 Q. You shared a house with him later on?

4 A. Yes.

11:13:41 5 Q. Mr Kondewa, where did he live in relation to your house?

6 A. He lived two houses from where I was living.

7 Q. So the three of you - yourself, Mr Fofana, Mr Kondewa -
8 lived very close together?

9 A. Not only the three of us. There were many elders, some of
11:14:10 10 whom shared the house with me like Mr Fofana, and other chiefs,
11 who were just a house away from me, and some other elders, who
12 were just a house away from me. So we all lived in that
13 community.

14 Q. Where was the satellite phone kept?

11:14:27 15 A. It was kept in a thatch that was built, a little palm
16 thatch was built away from where I was and it was being attended
17 to by someone I called an administrative assistant to me.

18 Q. Who was allowed to use the satellite phone?

19 A. There was no strict order as to who was and who was not,
11:15:16 20 only that it was strictly to be used for the purposes of pursuing
21 the eventual activities of the hunters in the field and my
22 communication with His Excellency.
23 Q. Are you saying, as you've just said, you could communicate
24 with the hunters in the field using the satellite phone?

11:15:55 25 A. No. I'm saying that if I was absent and there had arrived
26 a message from the field, and that message was necessary to be
27 communicated to His Excellency, it would have been, without my
28 presence or my personal authority.

29 Q. During the course of a normal day at Talia, there would be

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1 runners bringing reports from the war front coming in?

2 A. Occasionally yes, it happened.

3 Q. There was also radio communication at Base Zero?

4 A. I don't quite remember that there was a radio communication
11:16:48 5 to men in the field. I remember that there was a radio at Base
6 Zero that was listening in to various communications by the RUF
7 and the AFRC, called the People's Army. My Lords.

8 Q. And that radio could also transmit?

9 A. No. There was no other transmitter in the field for the
11:17:40 10 CDF. We didn't have radios for that. This was a set that was
11 captured, sent to General Mohamed, and which he sent to the base
12 just for listening purposes.

13 Q. When you walked outside your hut at Talia in the morning,
14 you would see children under the age of 15?

11:18:28 15 A. No. I would see children, yes, but not -- I wouldn't know
16 whether they're under the age of 15 or they're above the age of
17 15. Sometimes the height of our people is very deceptive to
18 their age.

19 Q. You were unable to tell whether a person was above or below
11:19:04 20 the age of 15; is that what you are saying?

21 A. Yes, here in this country. If you want to, I could bring
22 you one and you would not tell me his age.

23 Q. Did you ever ask anyone to help you about the age of a
24 person in Talia?

11:19:22 25 A. No, I didn't, My Lords.

26 Q. During the course of a normal day at Talia would you make
27 appointments to positions -- would you appoint people to
28 positions within whatever organisation you say existed at that
29 time?

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1 A. No. Whenever the appointments are made, the documents are
2 extended to me by the council. I don't make appointments.

3 Appointments are made and then endorsement for confirmation.

4 Q. On a normal day at Talia when you were there, there would
11:20:27 5 be training going on around the village, military training?

6 A. In the field the men were being trained with poles and
7 staves. That is what I saw the training director did.

8 Q. Who was the director of training?

9 A. Mr MS Dumbuya.

11:21:00 10 Q. Were there any ECOMOG soldiers living in Talia?

11 A. No. They were there occasionally with General Khobe.

12 Q. Did any ECOMOG soldiers provide training at Talia?

13 A. No. They did at Waterside at Mano River Bridge; not at
14 Talia, My Lords.

11:21:39 15 Q. And you were unaware of the Death Squad at Talia?

16 A. Yes, My Lords.

17 Q. So if they walked past you you wouldn't know who they were?

18 A. I wouldn't tell.

19 Q. Were any prisoners ever brought to Talia in the time that
11:22:09 20 you were there?

21 A. No. No, My Lords.

22 Q. Not one?

23 A. No, there was one who was an old soldier and he became an
24 assistant to the training director, My Lords.

11:22:37 25 Q. So other than this one old soldier, there were no other
26 prisoners you saw in Talia?

27 A. Well, there could have been, but no, they were not being
28 brought to me.

29 Q. Was there provision at Talia to keep prisoners?

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1 A. No, there was no need. That was not a fighting regiment.

2 They were only trainers sent into the field.

3 Q. To your knowledge, did the Kamajors ever have provision to
4 keep prisoners?

11:23:30 5 A. No. They were operating with superior forces, so I
6 wouldn't be very specific about where they collected prisoners or
7 so. ECOMOG would know that.

8 Q. I don't understand your answer so I will ask it again. Did
9 the Kamajors have an ability - I said "provision" - but did they

11:24:01 10 have an ability or capacity to keep prisoners of Kamajors --

11 A. No.

12 Q. -- or the CDF, whichever you would prefer?

13 A. They didn't. They were not a military force. They
14 operated under superior force.

11:24:30 15 Q. If the Kamajors captured a prisoner, what were they
16 supposed to do with him?

17 MR MARGAI: Objection, My Lords; that is hypothetical.

18 PRESIDING JUDGE: Mr Tavener.

19 MR TAVENER: I can put it in a less offensive way,
11:24:48 20 Your Honour.

21 Q. Are you aware of Kamajors capturing prisoners?

22 A. After Talia, when His Excellency returned, yes.

23 Q. Prior to the return of the President, are you aware of the
24 Kamajors ever capturing a prisoner?

11:25:16 25 A. I wouldn't know. They may have.

26 Q. Did you ever give any instructions --

27 JUDGE ITOE: Mr Tavener, please watch your pace.

28 MR TAVENER: Sorry, Your Honour.

29 JUDGE ITOE: The first question, please. Prior to.

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1 MR TAVENER:

2 Q. Prior to the return of the President, is the witness aware
3 of the Kamajors or the CDF capturing any prisoners?

4 A. If there was I didn't know.

11:26:08 5 Q. And do you know whether the Kamajors had any instructions
6 as to what to do with prisoners?

7 A. No, My Lord, I don't know.

8 Q. Are you aware whether or not the CDF or the Kamajors had a
9 place to keep prisoners?

11:26:43 10 A. I'm not aware, My Lord.

11 MR TAVENER: Your Honour, at this stage I'm moving on to
12 the War Council. This may take some time. I'm in Your Honour's
13 hands as to whether you wish to take a break now.

14 PRESIDING JUDGE: We will, thank you. Court is adjourned
11:27:08 15 for 15 minutes.

16 [Break taken at 11.27 a.m.]

17 [Upon resuming at 11.58 a.m.]

18 PRESIDING JUDGE: Yes, Mr Tavener. You were to move into a

19 different area.

11:58:49 20 MR TAVENER: That's correct, the area of the War Council.

21 PRESIDING JUDGE: Thank you.

22 MR TAVENER:

23 Q. Chief Norman?

24 A. Yes, My Lord.

11:59:04 25 Q. You have spoken about, in your evidence, the existence of a

26 War Council at Talia?

27 A. Yes, My Lords.

28 Q. And there was also a War Council in Conakry?

29 A. Yes, My Lords.

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1 Q. I just want to ask you some questions about what each of
2 those respective War Councils did.

3 A. Yes, My Lord.

4 Q. Firstly, the one in Conakry. Is it correct to say that the
11:59:31 5 President was, as far as you knew, the chairman of that War
6 Council?

7 A. Yes, My Lords.

8 Q. You have nominated the people who were in that War Council
9 at Conakry. I won't go over that again. Did that War Council in
11:59:49 10 Conakry ever give you advice on how to conduct yourself as a
11 co-ordinator?

12 A. No, My Lord.

13 Q. On occasions you went to Conakry --

14 JUDGE ITOE: Please.

12:00:08 15 MR TAVENER: Sorry, Your Honour.

16 JUDGE ITOE: The witness has just said that the War Council
17 in Conakry never gave him --

18 MR TAVENER: Any instructions as to how to conduct the war.

19 PRESIDING JUDGE: You had used the word "advice".

12:00:33 20 MR TAVENER: That's right. Advise himself as to how to

21 perform his role as a co-ordinator.

22 Q. From that answer, is it correct to say that whatever the

23 War Council was doing in Conakry, it had no impact upon you in

24 your capacity as the co-ordinator?

12:01:04 25 A. Their business was to advise the head of state in Conakry.

26 JUDGE THOMPSON: Why not answer the question in the -- it

27 is put in a very simple, uncomplicated way; had no impact on you.

28 You have told us that the President was at the helm of that War

29 Council.

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1 THE WITNESS: Yes, My Lord.

2 JUDGE THOMPSON: This is a precise and such a clear
3 question. Counsel, put it again, because I have been following.
4 "Had no impact" is the word.

12:01:40 5 MR TAVENER: That's right.

6 Q. Chief Norman, did the War Council in Conakry have any
7 impact on you in doing your work --

8 A. No, My Lord.

9 Q. -- as a co-ordinator?

12:01:54 10 JUDGE THOMPSON: Thank you.

11 MR TAVENER:

12 Q. Now if we can go to the War Council in Talia.

13 JUDGE ITOE: Can we take note of his reply or his answer,
14 please.

12:02:08 15 MR TAVENER: Sorry, Your Honour. Thank you.

16 Q. In regards to the War Council at Talia, they were there to
17 advise you?

18 A. Yes, My Lord.

19 Q. What advice did you seek from the War Council?

12:02:37 20 A. The advice as to how disciplinary committee recommendation,

21 if any, could be handled by me and also how appointments were to

22 be treated by me, My Lords.

23 Q. So, the War Council - and when I use the word "War Council"

24 I am just speaking about Talia now. The War Council would advise

12:04:04 25 you as to matters of discipline?

26 A. Matters of discipline and matters of appointment, My Lord.

27 Q. So you were responsible for the discipline of Kamajors?

28 A. No, My Lords.

29 Q. Why did you need advice from the War Council about

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1 disciplining Kamajors if you were not responsible for the
2 disciplining Kamajors?

3 A. My Lord, there was a committee, a disciplinary committee,
4 to whichever matter of discipline was directed. When it became a
12:04:58 5 matter for punishment, they, the committee did not inflict the
6 punishment, they referred to the co-ordinator. In most severe
7 cases, the co-ordinator will refer the matter for War Council
8 advice, My Lords.

9 Q. The War Council may have given you advice, but you made the
12:06:02 10 decisions as to whether or not Kamajors were disciplined?

11 A. That was the responsibility of their commanders, My Lord.

12 JUDGE THOMPSON: Do you mean the discipline was --

13 THE WITNESS: Yes, My Lord.

14 JUDGE THOMPSON: Right, because that I wanted clear.

12:06:35 15 MR TAVENER:

16 Q. So that it is clear as to the process of disciplining
17 Kamajors, what you were saying - and tell me if I'm wrong - what
18 you were saying is that the War Council, if you asked them, will

19 give you advice about the disciplining of Kamajors?

12:07:06 20 A. No, My Lords.

21 PRESIDING JUDGE: But you just stated that in most
22 important cases you would refer to the War Council for advice.

23 THE WITNESS: Yes, My Lord, but that does not mean that
24 they were responsible for the disciplining of Kamajors.

12:07:35 25 PRESIDING JUDGE: No, but this is not the question. The
26 question was the War Council would give you advice and you said
27 no. So I am trying to --

28 THE WITNESS: No, My Lord, his question was --

29 JUDGE THOMPSON: I thought there was a difference here

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1 being made between discipline and punishment.

2 THE WITNESS: Yes, My Lord.

3 JUDGE THOMPSON: I thought that seems to be the thrust of
4 the answers.

12:07:54 5 THE WITNESS: That's where I said --

6 JUDGE THOMPSON: That when there is severe cases --

7 THE WITNESS: Yes, the recommendation --

8 JUDGE THOMPSON: You go to the Council for punishment, but
9 the discipline --

12:08:02 10 THE WITNESS: Was the responsibility of --

11 JUDGE THOMPSON: That is the thrust of the answer I'm
12 getting. I may be wrong, but you can clarify.

13 THE WITNESS: Oh, My Lord, they are not --

14 PRESIDING JUDGE: Please clarify because it is very

12:08:15 15 confusing.

16 THE WITNESS: No, My Lord.

17 MR TAVENER: I will go over the questions again so maybe
18 this time there will be no confusion.

19 Q. You said there were two areas that the War Council gave you
12:08:30 20 advice on. One was discipline and one was appointments.

21 A. Yes, My Lord.

22 Q. We are now speaking about discipline.

23 A. Yes.

24 Q. On occasions the War Council would advise you as to the
12:08:45 25 discipline of Kamajors.

26 A. No. What I meant was that when it occasioned any

27 disciplinary measure and the recommendation for punishment

28 resulting from that disciplinary measure was forwarded to me, I

29 will not order the punishment until I have sought the advice of

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1 the War Council.

2 Q. So, on occasions there were times when you would seek the
3 War Council's advice about disciplinary matters, other times you
4 did not seek their advice. It was up to you whether you sought

12:09:50 5 their advice or not?

6 A. It was the difference between the gravity.

7 Q. Yes, but the decision was yours to seek advice or not?

8 A. The decision was mine to seek advice and I was bound to
9 seek the advice in severe cases.

12:10:37 10 Q. Now, having sought the advice or not sought advice as the
11 occasion may have been, you were the ultimate person who decided
12 on whether punishment should be inflicted on a Kamajor?

13 A. In specific cases, yes.

14 Q. In terms of discipline at Talia, there was no one above
12:11:31 15 you. You were the final decision-maker?

16 A. In severe cases, yes, I was.

17 Q. In regards to appointments, the other area you spoke about
18 in which you sought advice from the War Council, was that the

19 same position that ultimately you decided whether an appointment
12:12:10 20 was approved or not?

21 A. No, My Lords.

22 Q. How was the position different in regards to appointments?

23 A. Relative to your question, My Lord, any appointment or an

24 appointment would mean every appointment, but that was not the
12:12:53 25 case. Specific appointments were very responsible, not all

26 appointments, My Lords.

27 Q. Is that to say, in regards to senior appointments, you

28 decided who was appointed?

29 A. No, My Lord.

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1 Q. Then what do you mean by -- is it responsible appointments
2 you said? What do you mean by that?

3 A. My Lords, I do not decide. It is the appointment committee
4 that interviews the people, takes a decision on the promotion of
12:13:58 5 an individual. The recommendation of that individual is
6 forwarded to me and the War Council's advice is normally sought
7 and then the appointment thereafter is either approved or
8 rejected, according to the advice, My Lords. And this does not
9 happen below the battalion commander level, My Lords.

12:15:10 10 Q. You were the one who finally made the -- you were the one
11 who finally gave the approval of the appointment of battalion
12 commanders and above?

13 A. Yes, My Lord. Up to the setting up of the National
14 Co-ordinating Committee.

12:15:38 15 PRESIDING JUDGE: You mean from 1999 on when the
16 national --

17 THE WITNESS: Right up to now, no. From 1997 right up to
18 1999, yes.

19 PRESIDING JUDGE: 1999, we are talking of January 1999.
12:15:56 20 29 January, if I'm not mistaken.
21 THE WITNESS: After that it was the NCC, My Lord.
22 PRESIDING JUDGE: Who would give the final approval on
23 appointment or promotions?
24 THE WITNESS: The chairman of the NCC after January 29,
12:16:10 25 1999.
26 PRESIDING JUDGE: Okay.
27 MR TAVENER:
28 Q. But before that time, it was you?
29 A. It was me upon the advice of the War Council.

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1 Q. No one on the War Council, Talia War Council, was trained
2 in the military arts, were they?

3 A. Pardon?

4 Q. Was there anyone on the War Council at Talia who had
12:16:54 5 military training?

6 A. No, I wouldn't know. I did not enquire about their
7 military background.

8 Q. Now, you have said that the Civilian Defence Force, or the
9 CDF, did not officially come into existence until January 1999
12:17:36 10 with the NCC?

11 A. Thereafter.

12 MR TAVENER: If the witness might be shown Exhibit 27,
13 please. That was a document referred to on Friday. I'm sure
14 everyone still has their copies. It is a letter dated 30

12:18:00 15 December 1997.

16 PRESIDING JUDGE: This is the letter of appointment?

17 MR TAVENER: That's correct.

18 THE WITNESS: Yes, My Lords.

19 MR TAVENER:

12:18:25 20 Q. Now, you have before the letter dated 30 December 1997,

21 standard letter entitled: "Civil Defence Force of Sierra Leone

22 (CDF S/L) headquarters". You said the other day, on Friday, I

23 believe it was, that is your signature above the typed words

24 "National Co-Ordinator"?

12:18:53 25 A. At the bottom, yes.

26 Q. Okay, thank you. Now, on that particular letter there is a

27 stamp which appears to have crossed muskets or crossed rifles of

28 some sort.

29 A. That is the Civil Defence ensign.

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1 Q. Within that stamp boundary are the words "Co-Ordinator
2 CDF - SL". Who arranged for that stamp to be made?

3 A. This was at Base Zero after the visit of the NGOs when the
4 CDF had been displayed and so the administrative assistant to me
12:19:54 5 then got a stamp like this. It was not National Co-Ordinator.

6 He just put on it "co-ordinator," My Lords.

7 Q. So on 30 December 1997, you signed the letter as the
8 National Co-Ordinator under the heading of Civil Defence Forces
9 of Sierra Leone?

12:20:18 10 A. Yes. We had known at that time that the hunter forces were
11 then could be used under the same Civil Defence that had been
12 shown to me in that book, My Lords.

13 Q. So do you still maintain that the Civil Defence Force as an
14 entity or an organisation did not exist in 1997?

12:20:42 15 A. We were using it at Base Zero, but that was not in
16 acceptance to when the NCC was formed, My Lord. It was just for
17 our convenience at Base Zero.

18 [CDF06FEB06C -- EKD]

19 Q. So the name Civilian Defence Force was the name that you
12:21:09 20 gave to the group that was at Talia?

21 A. We're at Talia, we had been shown by the NGO that had
22 authority and he showed it to me and I saw it.

23 Q. What I'm suggesting to you -- in fact, what I'm saying to
24 you is that the Civilian Defence Force existed at least in late
12:21:31 25 1997 as an entity?

26 A. The Civilian Defence Force existed as of June 8, 1977 by
27 that book that I saw, My Lords.

28 JUDGE THOMPSON: 19?

29 THE WITNESS: 1977, My Lords. Not 1997, 1977. 8 June -- 8

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1 July 1977. Wrong, 8 June 1977.

2 JUDGE THOMPSON: Thank you.

3 JUDGE ITOE: From the book that was given to you by the
4 NGOs?

12:22:13 5 THE WITNESS: Yes, My Lord, I still have the book.

6 JUDGE ITOE: These NGOs, who were they really?

7 THE WITNESS: Among them was the ICRC. Specifically, the
8 ICRC gave me that book.

9 PRESIDING JUDGE: You are saying the NGO had the authority
12:22:42 10 to tell you you were the Civilian Defence Force. Is that what
11 you are saying?

12 THE WITNESS: Not that he had the authority. He was
13 showing to me -- he said, "These hunters operate under this
14 identity."

12:22:55 15 PRESIDING JUDGE: They told you that?

16 THE WITNESS: Yes, My Lord.

17 MR TAVENER:

18 Q. So when the NGO told you that you were the CDF, you then

19 decided to call yourself the CDF?

12:23:25 20 A. He did not say we were. He said the hunters in their group
21 will operate under this. That was different from "You are CDF".
22 But when we saw it, it was convincing. So then we used the word
23 CDF. And eventually when the NCC came, they continued to adopt.
24 So I felt thereafter that that may have been correct.

12:24:24 25 Q. So you as National Co-ordinator then decided to call the
26 group at Talia -- the umbrella group at Talia, a Civil Defence
27 Force?

28 A. I, as National Co-ordinator, did not singly take that
29 decision. Members of the War Council had all attended that

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1 meeting with the NGOs, My Lords.

2 Q. So you're not responsible for the name Civilian Defence
3 Forces?

4 A. I am not. It has been in existence long.

12:25:17 5 Q. Exhibit 27 is dated 30th December 1997; the letter.

6 A. 30th?

7 Q. Of December 1997.

8 A. Yes, My Lord, this one?

9 Q. Yes. What is your earliest recollection of that title

12:26:01 10 "Civil Defence Force of Sierra Leone" being used? How much

11 earlier than December 1997 was that terminology used?

12 A. To my own knowledge?

13 Q. Yes.

14 A. No, not until I was shown it by the NGO.

12:26:18 15 Q. You may have misunderstood me.

16 A. Yes.

17 Q. You were using that name on 30th December 1997; the name

18 Civil Defence Force. How much earlier than that were you using

19 that name?

12:26:34 20 A. I don't remember how much earlier.

21 Q. I have finished with that exhibit.

22 A. Thank you.

23 Q. Coming back now to the War Council --

24 A. Yes, My Lords.

12:27:01 25 Q. You said they gave you advice on discipline and

26 appointments.

27 A. Yes, My Lords.

28 Q. Was there any other area they gave you advice on?

29 A. Yes, My Lords.

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1 Q. What area is that?

2 A. The area of distribution of the scarce logistical supplies
3 that we were getting at Base Zero, My Lords.

4 Q. Did you appoint anyone to control the distribution of food
12:27:54 5 at Talia?

6 A. No, My Lord.

7 MR TAVENER: If I might now go to exhibit -- there may be
8 some numbering difficulty now here. What I want to go to is the
9 CDF calendar, 2001. I see an original copy over there on the
12:28:27 10 defence side, so that may be useful to show -- it may not be in
11 evidence yet, but might I have it, please, as it is in court. I
12 am seeking the original calendar which is in the possession of
13 the Defence.

14 It has been -- the position of this calendar is that it was
12:28:55 15 produced to the Court under the 98 bis, and it was given a number
16 at that time. We know it as 68, Exhibit 68. So there may be
17 some confusion in the numbering as a result of the 98 bis
18 application. It may have been allocated a different number.

19 What I propose to do is tender the original once my friends are
12:29:20 20 so kind as to give it to me. Tender the original and then supply
21 copies to the Court. It could then be given a court exhibit
22 number, so there is no confusion.

23 PRESIDING JUDGE: Do we have that calendar as an exhibit?

24 MR TAVENER: As part of the 98 bis. It went in as part of
12:29:41 25 98 bis.

26 PRESIDING JUDGE: I do remember.

27 MR TAVENER: To avoid the numbering confusion, that's why I
28 want to give it a court exhibit number as opposed to -- I
29 understood it went in -- we filed it as 68 but that is not now

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1 the correct number.

2 JUDGE THOMPSON: So, in other words, the number twice. One
3 for the purpose of 98 bis and one for the purpose of --

4 MR TAVENER: Yes, yes.

12:30:07 5 JUDGE THOMPSON: Gentlemen, are you obliging your
6 colleague?

7 MR TAVENER: They seem to be reluctant.

8 JUDGE THOMPSON: Are you making it available?

9 JUDGE ITOE: Let me be very clear. Is this the exhibit
12:30:19 10 where you had some photographs?

11 MR TAVENER: That's correct. It's the calendar. The CDF
12 calendar 2001.

13 MR WALKER: Your Honour, it's Exhibit 112.

14 MR TAVENER: We filed it as 68, but I'm happy so there's no
12:30:34 15 confusion.

16 JUDGE THOMPSON: But he alleges you have the original or
17 something.

18 MR MARGAI: My Lord, I believe there is an exhibit here as

19 now perhaps clarified it's Exhibit 112. Why don't we deal with
12:30:51 20 112? I would have thought that --

21 JUDGE THOMPSON: In other words, you treasure your own copy
22 there. You don't want to --

23 MR MARGAI: Of course, My Lord. I mean, we are not here to
24 do the job of the Prosecutor.

12:31:02 25 JUDGE THOMPSON: It is not doing the job, it is a question
26 of reciprocity, that's all.

27 JUDGE ITOE: But if the Prosecutor was not supposed to be
28 in possession of the original of that document, you would concede
29 to that?

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1 MR MARGAI: Yes, My Lord, but where did they get Exhibit
2 112 from? They must have got it from somewhere.

3 JUDGE THOMPSON: What I think they are asking for is some
4 demonstration of forensic charity, that's all.

12:31:26 5 MR MARGAI: My Lord, we have always co-operated and we
6 intend to co-operate, but not to the disadvantage of our clients.

7 PRESIDING JUDGE: I would like to hear you on this. What
8 is the disadvantage here of providing this original copy?

9 MR MARGAI: I am not saying that there is disadvantage. In
12:31:44 10 fact, the copy is not mine. I don't know where it originated
11 from. My attention was drawn to it when my learned friend was
12 curiously looking in this direction. I thought something wrong
13 had happened.

14 MR TAVENER: As I saw it, I thought I would have the
12:31:58 15 opportunity to look at it. As it is in court, it can be called
16 for. I am happy to replace it with a copy.

17 PRESIDING JUDGE: What is it you file? Is it a copy?

18 MR TAVENER: What is over there, as I understand from

19 looking at it, is an original of the calendar. I want to use
12:32:15 20 that to show it to the witness, rather than show him a copy.
21 PRESIDING JUDGE: There seems to be some reluctance and
22 therefore let's proceed.
23 JUDGE THOMPSON: A lack of charity somehow.
24 MR TAVENER: It appears to be so.
12:32:27 25 MR MARGAI: No, My Lord. As I said, I don't have
26 control -- I don't have control about this document. I don't
27 even know who brought it here. I mean, with me I would have had
28 no problem, we are after the truth, but it is not in my custody.
29 JUDGE THOMPSON: I will take back the words so that I don't

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1 generate a debate.

2 PRESIDING JUDGE: It may not be you, Mr Margai. But

3 obviously this document is in court at this particular moment.

4 It may not be you but it appears to be coming from that part.

12:32:50 5 That is, it's either you, your neighbour, or your neighbour to

6 your left. So it is either Mr Bockarie or Mr Lansana or whoever

7 is behind there.

8 MR MARGAI: It is not from our team anyway. I can assure

9 the Bench of that.

12:33:04 10 PRESIDING JUDGE: That's fine, I accept that. But it comes

11 from the Defence team.

12 MR MARGAI: I can only speak for my team.

13 PRESIDING JUDGE: I'm not speaking to you any more. I am

14 not speaking to you specifically. Yes, Mr Bockarie, you seem to

12:33:17 15 be the one having the custody of that.

16 MR BOCKARIE: I am just a mere custodian, but really the

17 document is in the possession of Mr Belle, Kingsley Belle. I am

18 not adverse to it being shown to the Court.

19 JUDGE THOMPSON: It sounds like a game here. But we
12:33:34 20 will --

21 PRESIDING JUDGE: I see the nodding, so are you consenting
22 that it be produced to the Prosecution? Could you speak in the
23 mic so that we can hear you and identify you for the record,
24 please.

12:33:59 25 MR BELLE: We can give a copy to the Court.

26 PRESIDING JUDGE: Just for the record, we see you, but can
27 we know your identity, please?

28 MR BELLE: My name is Kingsley, legal assistant to the
29 Norman defence team.

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1 JUDGE ITOE: Kingsley who?

2 MR BELLE: Belle.

3 PRESIDING JUDGE: Thank you. So, Mr Tavener, it is made
4 available to you if you want to use it.

12:34:20 5 MR TAVENER: Thank you, Your Honour. It is to assist
6 Chief Norman, but it's preferable that the witness has the
7 original document. Thank you. I have copies for Your Honours
8 and also for defence counsel and one for Mr Kingsley.

9 PRESIDING JUDGE: But if you are using this so-called
12:34:43 10 original document, we should mark it as an exhibit to avoid any
11 confusion at all.

12 MR TAVENER: Thank you, yes. I am happy to have that
13 tendered when it suits the Court. Perhaps at the end of
14 speaking, perhaps.

12:35:13 15 MR JABBI: My Lords.

16 PRESIDING JUDGE: Mr Prosecutor, I am informed by the Court
17 officer that the document that is on file as Exhibit 112 is
18 indeed an original of the same nature or quality that you have

19 now that is in the possession of the witness. So if you want to
12:35:41 20 use 112, which, apparently, is absolutely no different than the
21 one you have there. You may as well use the one that has been
22 filed as an exhibit. Again, it may just take one minute to
23 retrieve it.

24 MR TAVENER: That is what I was trying to avoid. I have
12:35:59 25 been told it is one minute. I didn't want to inconvenience the
26 Court while one was here. Perhaps if I could start, it may save
27 some time.

28 Q. Chief Norman, have you had an opportunity to look through
29 the calendar?

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1 A. Sorry, My Lord. Yes, My Lords.

2 PRESIDING JUDGE: The calendar, so we are clear on the
3 record, we are talking here of Exhibit 112.

4 MR TAVENER: That's right. Entitled "CDF Calendar 2001".

12:39:03 5 PRESIDING JUDGE: Very well. Mr Court Officer, you have
6 the original? It is not immediately available here, so we will
7 proceed with a copy and, if need be, after the lunch break, we
8 can have the original retrieved from the Court Management office.

9 MR TAVENER: Yes.

12:39:29 10 MR JABBI: My Lords, we would want to have a look at the
11 document that has been given to the witness so that we compare
12 it --

13 PRESIDING JUDGE: Make sure that is a copy of what has been
14 produced as an exhibit?

12:39:40 15 MR JABBI: That's right, My Lord.

16 PRESIDING JUDGE: That's fine.

17 MR JABBI: We have not had a look.

18 PRESIDING JUDGE: So Mr Margai and Mr Bockarie, you need

19 not to look at the document? I take it you have seen it?

12:40:00 20 MR BOCKARIE: Yes, Your Honour.

21 MR MARGAI: Yes, My Lord. It is the same, no difference.

22 PRESIDING JUDGE: That's fine. Dr Jabbi?

23 MR JABBI: Yes, My Lord.

24 PRESIDING JUDGE: Are you still comparing the document?

12:40:47 25 MR JABBI: Yes, My Lord. There is a series of pages. I am

26 just turning them up.

27 PRESIDING JUDGE: Okay. Yes, Dr Jabbi, no objection?

28 MR JABBI: [Microphone not activated].

29 PRESIDING JUDGE: Open your microphone.

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1 MR JABBI: We have looked at it. Sequence is not repeated,
2 but we see the copies of the same pictures and pages.

3 PRESIDING JUDGE: Thank you.

4 MR TAVENER:

12:42:31 5 Q. Chief Norman, you have before you a calendar entitled CDF
6 2001; is that correct?

7 A. Yes, My Lord.

8 Q. On the first page of that calendar there are two
9 photographs, one of the President and one of the vice-president.

12:42:53 10 JUDGE ITOE: Why don't you refer to it as -- we already
11 have it as an exhibit somewhere, the calendar. You are going
12 with it as an exhibit, aren't you?

13 MR TAVENER: Yes.

14 JUDGE ITOE: Which is already exhibited before this Court.

12:43:10 15 MR TAVENER: Exhibit 112.

16 JUDGE ITOE: Right. Can you then refer to it as an exhibit
17 as you are referring to the respective pages?

18 MR TAVENER:

19 Q. At the time this calendar was produced, were you still the
12:43:29 20 National Co-ordinator of the Civilian Defence Force?

21 A. Yes, My Lords.

22 Q. Did you have any contribution to the development of this
23 calendar?

24 A. Yes, My Lords.

12:43:46 25 Q. What contribution did you --

26 JUDGE THOMPSON: Can we take it slowly?

27 JUDGE ITOE: Can you take it slowly, please.

28 MR TAVENER:

29 Q. What was your contribution?

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1 A. This, My Lords, was as a result of some request I made to
2 the Tegroma organisation in the United States for future
3 historical purposes. So it was produced and distributed, but not
4 sold, My Lords.

12:45:14 5 Q. When you say it was for future historical purposes, was one
6 of the purposes of this calendar to record the contribution of
7 the people referred to in the calendar, that is, their
8 contribution to the war?

9 A. Contribution to the Civil Defence Forces for their
12:45:40 10 assistance in restoring democracy to Sierra Leone and reinstating
11 the President and the Government of Sierra Leone, My Lords.

12 Q. If we go past the first page --

13 A. Yes, My Lords.

14 Q. -- your picture appears next. Turn over the page, please.

12:46:24 15 A. Yes, My Lords.

16 Q. There is information associated with your photograph?

17 A. Yes, My Lords.

18 Q. Did you provide that information to the people producing

19 the calendar?

12:46:42 20 A. I did, My Lord.

21 Q. And is the information listed there correct?

22 A. To the best of my knowledge, My Lords, it is correct.

23 Q. If you might turn over a few pages till we come to the

24 photograph of Moinina Fofana.

12:47:11 25 A. Before I go to that, My Lords, the information I gave at

26 that time was not the founder as it is recorded here, but there

27 was no way to correct.

28 PRESIDING JUDGE: What information are you making reference

29 to, Mr Norman, here?

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1 THE WITNESS: The details about --

2 PRESIDING JUDGE: Below your own photograph?

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: Okay. So the paragraph below, you're
12:47:46 5 saying there is a portion therein that is not accurate?

6 THE WITNESS: "...is the founder of Kamajors", that is

7 not --

8 PRESIDING JUDGE: Yes, the third line, "He is the founder
9 of the Kamajors."

12:47:55 10 THE WITNESS: That is not correct.

11 JUDGE THOMPSON: So what are you saying?

12 THE WITNESS: That was an implant outside of the
13 information I gave, which is not available now. But at the time
14 when the calendar had been prepared and shipped to Sierra Leone,

12:48:11 15 there was no way I could correct "founder".

16 JUDGE THOMPSON: So the word "founder" should not be there?

17 THE WITNESS: Yes, My Lord.

18 JUDGE ITOE: Because, according to you, the Kamajor

19 movement had existed before you were born?

12:48:27 20 THE WITNESS: Yes, My Lords.

21 JUDGE ITOE: All right. Thank you.

22 PRESIDING JUDGE: Mr Tavener, just for the better clarity

23 of the record, because you do have a copy -- that is a photocopy

24 you have with you.

12:48:39 25 MR TAVENER: Yes.

26 PRESIDING JUDGE: You have the Court Management numbers on

27 each of these pages in the margin somehow.

28 MR TAVENER: Yes.

29 PRESIDING JUDGE: To make sure there is no confusion of the

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1 record, you may ask the witness to look at the original he has,
2 but I would appreciate it if you would refer to that number so
3 there is a clear linkage between.

4 MR TAVENER: Yes.

12:49:00 5 PRESIDING JUDGE: Thank you.

6 MR TAVENER: I am now looking at page 0838, which has a
7 photograph of Chief Norman on it.

8 Q. When you made the comments or provided the information
9 about the calendar, it was correct at the time that you were the

12:49:16 10 Deputy Minister of Defence?

11 A. I was the Deputy Minister of Defence.

12 Q. It is also correct that you were the regent chief of

13 Jiam Bongor?

14 A. It was correct.

12:49:29 15 Q. It was also correct that you were the

16 national co-ordinator --

17 A. That is correct.

18 Q. -- of the Sierra Leone civil defence?

19 A. Yes.

12:49:41 20 Q. I might now turn to the page which has a photograph of

21 Moinina Fofana.

22 A. Yes, My Lords.

23 Q. And the late professor Alpha Lavalie?

24 A. Yes, My Lords.

12:49:54 25 Q. It is not clear on my document, but I believe it to be page

26 840.

27 PRESIDING JUDGE: It is.

28 MR TAVENER: Thank you.

29 Q. Underneath the photograph of Moinina Fofana --

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1 A. Yes, My Lord.

2 Q. -- the description is given "National Director of War"?

3 A. That was at 2001, My Lords, that's correct.

4 Q. When did Moinina Fofana become the National

12:50:22 5 Director of War?

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

7 Committee, My Lords.

8 Q. Prior to that time what position did he hold?

9 A. I have told you at Base Zero he was one of the elders

12:50:53 10 assisting, My Lords.

11 Q. Are you saying that Moinina Fofana went from being an elder

12 at Base Zero, Talia to the national director of war without

13 holding a previous position in the Civil Defence Force?

14 A. That was what the NCC did, not Hinga Norman, My Lord.

12:51:37 15 JUDGE ITOE: I think you should restate that question,

16 please.

17 MR TAVENER:

18 Q. I am asking in the light of your knowledge and your

19 position as the co-ordinator of the Civil Defence Force, are you
12:51:52 20 saying that Moinina Fofana went from being just an elder at Talia
21 to the national director of war without holding any other
22 position in the Civil Defence Force?
23 A. Yes, My Lords.
24 Q. Underneath the name "Moinina Fofana, National
12:52:31 25 Director of War", there is a further explanation about him. Did
26 you provide that information?
27 A. The information on every individual in this calendar,
28 My Lord, was that of collation of information from individuals by
29 the director of personnel, My Lords.

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1 Q. In your position as National Co-ordinator did you approve
2 the publication of this document?

3 A. My Lords, the compilation of this had been made. Everyone
4 gave his own, like myself and the others, and so they were
12:53:50 5 forwarded for publication as it is. It was not a matter of
6 Hinga Norman giving authority before it was finally produced.

7 PRESIDING JUDGE: So you are saying that you did not
8 approve the publication?

9 THE WITNESS: No, not to the point that every person's
12:54:09 10 detail was checked and approved by me, My Lord.

11 JUDGE ITOE: I think the question put to you is did you
12 approve, at your own level, the publication of this document?

13 THE WITNESS: My Lord, I have made the request for it and
14 the informations were supplied.

12:54:32 15 JUDGE ITOE: Yes, you made the request and information was
16 supplied.

17 THE WITNESS: Yes.

18 JUDGE ITOE: At the level of publication, did you approve

19 its publication? I think that is the thrust of the question that
12:54:41 20 is put to you by counsel.

21 THE WITNESS: Yes, My Lord.

22 MR TAVENER:

23 Q. And are you saying that each person, such as
24 Moinina Fofana, provided the information contained about
12:55:05 25 themselves?

26 MR BOCKARIE: Your Honour, I would like to take an
27 objection at this stage. I don't think Chief is a proper person
28 to ascertain whether this information was supplied in respect of
29 Moinina Fofana by him or not. Already he has said the

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1 information was supplied by the director of personnel.

2 PRESIDING JUDGE: Yes. So what is your objection?

3 MR BOCKARIE: Well, the objection is I think the proper
4 person to ascertain who supplied information is the director of
12:55:33 5 personnel and not Chief, in respect of the second accused,
6 Your Honour.

7 PRESIDING JUDGE: Mr Tavener?

8 MR TAVENER: It is my understanding that this witness's
9 evidence was that people provided their own information. I am
12:55:45 10 just clarifying whether that --

11 JUDGE THOMPSON: Quite right. I think that is the state of
12 the evidence.

13 MR MARGAI: My Lords, as a follow-up to the question posed
14 by Justice Itoe, relative to approval, I wish to be guided as to
12:56:02 15 whether we are talking of prior approval before publication and
16 approval after publication. Because in the light of an answer
17 given by the witness relating to the word "founder" --

18 JUDGE ITOE: Mr Margai, I think you have ample time to

19 re-examine this witness when it comes to it. I have asked a
12:56:30 20 question and I think for my records I am satisfied so far. If
21 you intend to have any further clarifications I think you can
22 revisit that issue --
23 PRESIDING JUDGE: His counsel can in due course.
24 MR MARGAI: He is not my witness.
12:56:48 25 JUDGE ITOE: No, he -- well, he is, he is of course. You
26 have always said it's the JCE.
27 MR MARGAI: If I now have the assurance of the Bench --
28 PRESIDING JUDGE: No, no, no.
29 MR MARGAI: -- that --

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1 JUDGE ITOE: I'm not saying that.

2 MR MARGAI: No. If I have the reassurance of the Bench
3 that I would or I could re-examine --

4 PRESIDING JUDGE: No, you cannot. You were
12:57:04 5 cross-examining, this is not your witness. He is the witness of
6 the team for the first accused. They may re-examine. They may
7 re-examine the witness on that issue if they want to. That is a
8 matter that is possible. Not you.

9 MR MARGAI: I must have got Your Lordship wrong when
12:57:19 10 Your Lordship said I could clarify the issue under
11 re-examination. I am sure it was a lapse of the moment.

12 PRESIDING JUDGE: That is why you asked for greater
13 clarification on that issue. He is not your accused, he is not
14 your client. You have cross-examined that witness, if I am not
12:57:35 15 mistaken, Mr Margai; you will agree with me. So when you
16 cross-examine normally you don't re-examine.

17 MR MARGAI: I know that. I was just thinking that you were
18 trying to be magnanimous by extending re-examination to me. Be

19 that as it may, thank you, My Lords.

12:57:53 20 PRESIDING JUDGE: Thank you.

21 MR JABBI: In respect of the question of who supplied

22 information, I believe the state of the record is that the

23 witness did both say that the director of personnel collated the

24 information and also that individuals supplied information about

12:58:12 25 themselves.

26 PRESIDING JUDGE: Yes.

27 JUDGE THOMPSON: That's precisely what he said.

28 MR JABBI: Two pieces of information are on the record,

29 My Lord.

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1 JUDGE THOMPSON: Quite right. And actually it is difficult
2 to see what was necessary to be clarified here at this stage.

3 MR JABBI: Well, my learned friend for the second accused
4 did raise the issue of the director of personnel being the proper
12:58:35 5 person to answer certain questions, and comments following that
6 did imply that the state of the record was that every person
7 supplied information about himself. I am just trying to amplify
8 that by saying that the state of the record is, indeed, both that
9 the director of personnel collated the information --

12:59:02 10 JUDGE THOMPSON: Yes, quite.

11 MR JABBI: -- and that also individuals supplied
12 information.

13 JUDGE THOMPSON: I am not taking issue with that at all.

14 PRESIDING JUDGE: There is no dispute as to that, Mr Jabbi.

12:59:13 15 MR JABBI: But there was reference only to one aspect of
16 that statement.

17 PRESIDING JUDGE: That's fine. Mr Tavener, it is almost
18 1 o'clock. You want to carry on or move for an adjournment at

19 this time.

12:59:26 20 MR TAVENER: I am happy to adjourn at this stage.

21 PRESIDING JUDGE: Very well. Court will adjourn to 2.30.

22 Thank you. Court is adjourned.

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

24 [CDF06JAN06C - CR.]

14:45:40 25 [Upon resuming at 2.45 p.m.]

26 PRESIDING JUDGE: Good afternoon, Mr Tavener. Are you

27 ready to resume your cross-examination?

28 MR TAVENER: Thank you.

29 PRESIDING JUDGE: Please proceed.

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1 MR TAVENER:

2 Q. Chief Norman, we're looking at the Exhibit 112, the
3 calendar, which you have before you. In particular I'm looking
4 at page 840 which is that page of the calendar that has Moinina

14:46:56 5 Fofana, national director of war.

6 A. Yes.

7 Q. Prior to the break, we were speaking about how that
8 information came to be presented on the calendar, how that came
9 to be. The calendar, it states in respect of Moinina Fofana in

14:47:13 10 the box underneath his name: "As far as the Sierra Leone Civil
11 Defence Forces are concerned, they don't say war unless he say
12 they say war." You can you see that?

13 A. I can see it, My Lord.

14 Q. Is that correct?

14:47:29 15 A. As I see it here, yes, it's correct.

16 Q. And is that statement correct?

17 A. I don't know.

18 Q. As the co-ordinator of the Civil Defence Force, did you not

19 know the duties of the national director of war?

14:47:56 20 A. My Lord, I had not made this appointment. I've said

21 several times.

22 Q. Are you maintaining that Moinina Fofana only had that

23 appointment upon the National Co-ordination Committee coming into

24 existence?

14:48:22 25 A. Repeat the question, please.

26 Q. Are you saying that Moinina Fofana only had the appointment

27 as national director of war upon the National Co-ordination

28 Committee coming into existence?

29 A. That's when it came under the organigram.

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1 Q. And you don't know what is meant by the words, "They don't
2 say war unless he say they say war."

3 A. I did not tell you I don't know the meaning. I said I did
4 not use it and I don't know the context in which the user meant.

14:49:16 5 Q. As the national director of war what were Moinina Fofana's
6 duties?

7 A. Under the organigram, he was to make sure that supplies
8 from government, through the National Co-ordinating Committee to
9 him, gets into the field, to the men, My Lords.

14:49:59 10 JUDGE THOMPSON: What is that? In other words, was he
11 serving as a conduit or something? Conduit for national
12 supplies; is that what you're saying?

13 THE WITNESS: I would not want to use the word "conduit",
14 My Lord.

14:50:18 15 JUDGE THOMPSON: Well, what's the evidence?

16 THE WITNESS: This was the assignment given to him by the
17 National Co-ordinating Committee.

18 JUDGE THOMPSON: To do what?

19 THE WITNESS: To make sure that supplies meant for the men
14:50:30 20 in the field gets there.

21 JUDGE THOMPSON: Yes.

22 THE WITNESS: And he, through the logistics, would make
23 sure -- if you look at the organigram, you will see the logistics
24 officer -- make sure that these supplies were sent to the various
14:50:45 25 parts of the country, My Lord.

26 JUDGE THOMPSON: Yes. Thank you.

27 PRESIDING JUDGE: So what's the difference then between him
28 and the director of logistics? Because I look at the organigram,
29 that's what you've just said.

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1 THE WITNESS: I will tell you the difference, My Lord.
2 Logistics is the one that gives account to the Ministry of
3 Defence and then to government. The director of war would be the
4 one who confirms from commanders in the field that, indeed, these
14:51:27 5 supplies had been received and confirmed, supplied, My Lords.

6 MR TAVENER:

7 Q. You mentioned the organigram, which is Exhibit 128. Do you
8 have a copy of that with you?

9 PRESIDING JUDGE: 123.

14:52:07 10 MR TAVENER: Sorry, that's my writing, thank you. 123.

11 THE WITNESS: Yes, My Lords.

12 MR TAVENER:

13 Q. Now, according to you, when you look at that organigram
14 there is the national co-ordinator, yourself, and the director
14:52:26 15 reports to you; is that correct?

16 A. Yes, My Lord.

17 Q. The director is, at this time, Moinina Fofana; is that
18 correct?

- 19 A. Yes, My Lords.
- 14:52:44 20 Q. And by "director", it means national director of war?
- 21 A. Yes, My Lords.
- 22 Q. Underneath Moinina Fofana are a number of responsibilities.
- 23 A. Yes, My Lords.
- 24 Q. And they include war, operation, logistics and so on, as
- 14:53:04 25 you read across that line.
- 26 A. They are not under his office, My Lords. It is the
- 27 battalion commanders as you can see right down in the organigram,
- 28 beginning from training under "Personnel".
- 29 Q. This organigram, was it actually put into practice?

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1 A. This was what the NCC was using, My Lords.

2 Q. Was it actually put into practice? Did it work?

3 A. I don't quite understand whether it was put into practice.

4 Q. The committee is established. The NCC is established in

14:53:48 5 January around that time, January 1999?

6 A. Yes, My Lords.

7 Q. At some stage after that this organigram is drawn up by the

8 committee?

9 A. This is all the responsibility of the National

14:54:05 10 Co-ordinating Committee, not the co-ordinator.

11 Q. Once it was drawn up, was it put into place? Did it become

12 operational?

13 A. As far as I'm concerned, yes.

14 Q. Then, according to this organigram, the director of war had

14:54:31 15 underneath him offices relating to war, operations, logistics,

16 personnel, and so on, directly underneath him?

17 A. No, My Lord. If you look at the organigram, they are not

18 directly underneath him. They are all in line. They were

19 directors, My Lords.

14:54:54 20 Q. He is above them?

21 A. I wouldn't say so. It is the NCC that would say so.

22 PRESIDING JUDGE: So, Mr Witness, so I understand your

23 explanation of the organigram under the box "director", there's a

24 direct line, and then there's eight different boxes. You're

14:55:22 25 saying that these boxes that is war, operation, logistics,

26 personnel and so on, they are all on the same level?

27 THE WITNESS: These are all directors, My Lords.

28 PRESIDING JUDGE: All directors.

29 THE WITNESS: Yes.

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1 PRESIDING JUDGE: In other words, the director of logistics
2 doesn't report to the director of war, but, following this, they
3 would report to you as national co-ordinator?

4 THE WITNESS: Yes, My Lords.

14:55:46 5 PRESIDING JUDGE: So director of war reports to you,
6 director of operations reports to you --

7 THE WITNESS: All of them.

8 PRESIDING JUDGE: -- And so on and so on. So that's the
9 way --

14:55:53 10 THE WITNESS: That's the way, then I report to the NCC.

11 PRESIDING JUDGE: Okay. Thank you.

12 MR TAVENER: Thank you for that, Your Honour.

13 JUDGE ITOE: Let me get it clearly. It means that eight,
14 these were all directors.

14:56:06 15 THE WITNESS: From operations, My Lord, to health and
16 training, they were all directors.

17 JUDGE ITOE: I'm looking at war, operations. War is
18 already -- [overlapping speakers]

19 THE WITNESS: From war to the extent health and then
14:56:21 20 training underneath were all directors. Underneath training you
21 get battalion commanders. District administrators, then
22 battalion commanders, and so on.
23 MR TAVENER: Thank you.
24 Q. And Moinina Fofana then, if you look at your organigram, he
14:56:45 25 is the director of war, the one on the far left?
26 A. Yes.
27 Q. And he's responsible then for the conduct of the war; is
28 that correct? The fighting forces?
29 A. No, My Lord.

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1 Q. If I might read from the calendar, it says, the last line,

2 "When his men are not engaged in combat" --

3 MR BOCKARIE: I'm objecting, My Lord. My Lord, the witness

4 has persistently denied authorship of the statement that is--

14:57:21 5 PRESIDING JUDGE: We are in cross-examination, Mr Bockarie.

6 With due respect, unless you tell me it's not relevant, then I

7 will listen to you.

8 MR BOCKARIE: Yes. Your Honours, this witness is being

9 asked to testify to a statement in a document of which he has

14:57:40 10 persistently denied authorship in respect of.

11 PRESIDING JUDGE: Denied what?

12 MR BOCKARIE: Denied being the author of what is contained

13 in the statement.

14 PRESIDING JUDGE: That's true.

14:57:50 15 MR BOCKARIE: Yes.

16 PRESIDING JUDGE: But he has also testified that he has

17 approved the request and the publication of that calendar.

18 MR BOCKARIE: But not as to the content, Your Honours. Not

19 as to the content, this is my bone of contention.

14:58:03 20 PRESIDING JUDGE: Well, the witness is quite capable of

21 explaining if that is not what he approved. He's right there and

22 that's why these questions are being asked, presumably.

23 MR BOCKARIE: As Your Honour pleases.

24 MR TAVENER: Thank you, Your Honour. That's what I'm

14:58:20 25 seeking for him to comment on.

26 Q. Mr Witness, you may have had now time to read that

27 sentence: "When his men are not engaged in combat against the

28 rebels, Fofanah refers to himself as director of peace." Now, do

29 you agree, firstly, that as director of war, he directed men to

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1 engage in combat against the rebels? That was his role?

2 A. The meaning is derived from what is written. I don't have
3 to give it another meaning, My Lords.

4 Q. Do you agree with it or disagree?

14:58:59 5 A. I will not disagree, I didn't write it.

6 Q. Do you agree with what is written there or not?

7 JUDGE ITOE: He said he would not disagree. Please, don't
8 press him.

9 MR TAVENER: But I'm not sure what that means.

14:59:11 10 JUDGE ITOE: He has no comment to make about that.

11 MR TAVENER:

12 Q. And are you saying that Moinina Fofana was made director of
13 war, having no experience at directing the war?

14 A. That is what I am saying, My Lords. In the traditional
14:59:39 15 area of appointment, consideration is not by western education
16 standard. It is taken from the Bible, if you would bear, My
17 Lords, with me. Exodus 18 verse 21 will give you the quality of
18 appointment in the civil defence, as it was. Men who were

19 god-fearing, they were true and they were not covetous. These
15:00:19 20 were only qualities that were taken into consideration as
21 criteria. So Moinina Fofana does not have formal education. I
22 would not reject him whether he is educated or not, to lead in
23 the area of traditional fighting.

24 Q. I'm not asking whether he's educated. What I'm suggesting
15:00:45 25 to you is that the Civilian Defence Force had been fighting the
26 war for a number of years. There were many experienced people in
27 fighting wars. Are you saying that Moinina Fofana was appointed
28 director of war because of his personality?

29 A. That's what the committee of appointment did. I didn't do,

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1 My Lords.

2 JUDGE THOMPSON: The emphasis is that you didn't apply
3 western standards?

4 THE WITNESS: That is true, sir.

15:01:25 5 JUDGE THOMPSON: Traditional standards more congruent with
6 your own traditional culture.

7 THE WITNESS: That is true, My Lord.

8 MR TAVENER:

9 Q. I will come on to your evidence shortly, but the issue has
15:01:44 10 been raised of traditional Kamajor culture. I want to ask you
11 some questions about that.

12 A. Please.

13 Q. You said in your evidence - and correct me if I am wrong -
14 that you became a Kamajor when you were five years of age. Is
15:02:03 15 that correct?

16 A. I said I considered myself, My Lords.

17 Q. That's fine. As you've said, the Kamajor, or the hunter
18 system was a traditional system that had been a part of the

19 culture for many --

15:02:17 20 A. Age-old.

21 Q. Age-old culture. In any chiefdom, is it correct to say

22 there were a limited number of hunters; not everyone was a

23 hunter?

24 A. It was not strictly limited. Whoever wanted, they will

15:02:40 25 become.

26 Q. In order to become a hunter, there was some -- I'll start

27 again. Were there any rituals at the time I'm talking about

28 before 1990? Before any war started, or that particular war

29 started, were there any particular rituals to become a hunter?

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1 A. There were, which I did not know. These belonged to
2 hunters of the wild.

3 Q. Under that traditional system, the hunter owed his
4 allegiance to the chief or to the chiefdom; is that correct?

15:03:29 5 A. The hunters' head in the chiefdom is always the chief, My
6 Lords.

7 Q. So each group of hunters from each chiefdom, their first
8 loyalty was to their chief and their chiefdom?

9 A. Yes, My Lords.

15:03:45 10 Q. We've heard evidence how in the initial part of the war,
11 the hunters would assist the soldiers in terms of topography and
12 guiding them through their particular chiefdoms.

13 A. Yes, My Lords.

14 Q. Prior to the coup, are you aware of how many hunters there
15:04:16 15 were in Sierra Leone?

16 A. No, My Lords.

17 Q. Is it possible to make an estimate? Were there thousands,
18 tens of thousands?

19 A. Safely, I would not want to.

15:04:33 20 Q. In your chiefdom, how many hunters were there?

21 A. Before the war?

22 Q. Before the coup, the time of the coup?

23 A. Before the coup. These were not strictly registered with

24 their number in the office of the chief. But one would expect

15:04:54 25 that every village had a hunter, and the hunter is the general

26 language for those who hunt wilds, whether in the air, in the sea

27 or rivers, or land. So these are numerous people are you talking

28 about. Plenty, their number is plenty. Maybe incalculable.

29 Q. As a regent chief, surely you would know how many hunters

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1 are in your chiefdom?

2 A. Not exactly. We are talking in terms of these hunters as
3 those who carried guns and who hunted with shotguns. But
4 everyone in our traditional set-up, that use this trap of any
15:05:46 5 description to catch anything that is not human, that is prey, is
6 considered a hunter. So one would not know the numbers of them
7 in the chiefdom, however accurate one would want to.

8 Q. In your evidence the other day - and I'll be coming on to
9 this - after the coup, there was the need to increase the number
15:06:12 10 of hunters or Kamajors.

11 A. I didn't use that one. It was a letter from His Excellency
12 that expressed that need and requested increase.

13 Q. Okay. For whatever reason, there was a need to increase
14 the number of Kamajors.

15:06:40 15 A. That's what His Excellency considered.

16 Q. Did that happen?

17 A. Indeed. It's happened, My Lords.

18 Q. Now, just going briefly back to Exhibit 123, the

19 organigram, it suggests there in the bottom square that there
15:07:13 20 were 250,000 men in the Civil Defence Force.

21 A. Using five men to a gun or a weapon, at the close of
22 disarmament, that was the figure that eventually came up.

23 Q. Not all the people in the Civil Defence Force were
24 Kamajors, as you've told us. There were other types of hunters.

15:07:41 25 A. Well, it is not every soldier that is an infantry soldier.

26 You have the drivers, the medicals, and so on. So it was in the
27 Civil Defence, My Lords.

28 PRESIDING JUDGE: But the question was not that, Mr Norman.

29 The question was: Not every member of the Civil Defence Force

1 was a Kamajor. They were hunters, then Kamajors. In the CDF.

2 THE WITNESS: Yes, correctly, using CDF.

3 PRESIDING JUDGE: In the CDF, there were hunters other than
4 Kamajors.

15:08:14 5 THE WITNESS: Yes, My Lords.

6 PRESIDING JUDGE: The Kamajors were one of those groups.

7 THE WITNESS: Part of the CDF.

8 MR TAVENER:

9 Q. Would you agree the Kamajors were the majority of the CDF?

15:08:25 10 A. I was surprised to find that that was the estimate given.

11 Q. You were surprised to find they were the majority.

12 A. The Kamajors were in the majority, and so they became the

13 only ones that they held responsible.

14 Q. You said it was the President that requested an increase in

15:08:51 15 the number of hunters - Kamajors.

16 A. I didn't say so, My Lord. I said a document.

17 JUDGE ITOE: But you said it was the President?

18 THE WITNESS: The document from the President requested an

19 increase, My Lord. That document is before Your Lordships. It
15:09:09 20 was not my invention.

21 JUDGE THOMPSON: Unless the document is being doubted as to
22 its authenticity, which means we are not going to apply the
23 presumption of regularity, why do you make this distinction?

24 THE WITNESS: It is because --

15:09:29 25 JUDGE THOMPSON: You think the document may speculatively
26 be a forgery?

27 THE WITNESS: No, My Lord, it is definitely not a forgery.
28 But if it is an evidence given by me instead of the document
29 itself being produced, then probably it would have been

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1 different.

2 JUDGE THOMPSON: The distinction sounds like one without a

3 difference. But anyway, you say it is the document, not the --

4 just that I find it difficult to comprehend, but that's all

15:09:55 5 right.

6 MR TAVENER:

7 Q. With the increase in numbers of Kamajors, was it your

8 intention to shift the loyalty of the Kamajors from their

9 chiefdoms to you?

15:10:13 10 A. I didn't initiate the document. I would not be held

11 responsible for whatever it was.

12 Q. I'm not asking about the document.

13 A. It did not come from me, My Lord.

14 Q. I'll ask again. Was it your intention, as the numbers of

15:10:31 15 Kamajors increased -- and I'll go into more detail shortly. As

16 the number of Kamajors increased, was it your intention to shift

17 the loyalty of the Kamajors, the traditional hunter, away from

18 their chiefdom to you?

19 A. My intention does not come into this, My Lord. The
15:10:47 20 document was not my product. How can I intend on a document that
21 is not my product?
22 JUDGE ITOE: Your reply is you did not intend, by seeking
23 that increase, through that increase to bring them --
24 THE WITNESS: That is the difficulty, My Lord; I didn't
15:11:10 25 seek the increase. So it could not be my intention.
26 JUDGE ITOE: It is a presidential --
27 THE WITNESS: Decision.
28 JUDGE ITOE: -- request.
29 THE WITNESS: And request, yes, My Lord.

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1 JUDGE ITOE: Yes, Mr Tavener.

2 MR TAVENER:

3 Q. Perhaps I may have confused you. There was an increase in
4 the number of Kamajors.

15:11:33 5 A. Yes, My Lord, upon request.

6 Q. Fine.

7 A. Yes, upon request.

8 Q. Upon request, there was an increase in the number of
9 Kamajors.

15:11:39 10 A. Yes.

11 Q. Was it not your intention to shift the loyalty of the new
12 Kamajors from the chiefs to you?

13 A. It is difficult to say yes or no. The document did not
14 proceed from me. I could not have any or my intention cannot be

15:12:11 15 related to that document. It is the author of the document.

16 PRESIDING JUDGE: This is not a document, Mr Norman. This
17 is accepted. The document was issued. As a result of that,
18 there was an increase in the number of Kamajors. The question

19 is: Once that increase had been approved, ordered, or requested,
15:12:29 20 whatever it is, there's an increase now.

21 THE WITNESS: Yes, I know.

22 PRESIDING JUDGE: The question is: Once they have been
23 increased, was it your intent to use that increase to bring their
24 loyalty away from the chiefdom to you?

15:12:44 25 THE WITNESS: No, My Lord. The way it has been explained,
26 the definite answer is no.

27 MR TAVENER:

28 Q. You have explained the traditional system of Kamajors or
29 hunters. When the additional numbers, the increase in numbers of

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1 men came to Talia, either recommended by their chiefs or
2 directly, there was a new system to create Kamajors put in place
3 in Talia.

4 A. No, My Lord. The letter for the increase had come after
15:13:27 5 Talia had ceased to exist. After.

6 Q. Mr Norman, what I'm saying to you is after the coup - we
7 know where you went to - but when you went to Talia, there was a
8 need to increase the number of Kamajors and CDF to fight the
9 rebels.

15:13:52 10 A. I didn't say so, My Lord.

11 Q. Was there a need to increase the number of Kamajors to
12 fight the rebels?

13 A. The chiefs sent their Kamajors. Whether there was a need
14 or not, I did not express it.

15:14:10 15 Q. In order to fight the rebels, you needed --

16 A. To co-ordinate Kamajors.

17 Q. And you needed fighting men, did you not?

18 A. I needed to co-ordinate the Kamajors, which I did, to

19 assist the ECOMOG, My Lords.

15:14:27 20 Q. In order to do that, did you need to increase the number of

21 fighting men, Kamajors?

22 A. The fighting men were in the field already, they were

23 coming. I never expressed that there should be a need for

24 increase, My Lords.

15:14:57 25 Q. Your role then, as you are now telling the Court, is simply

26 to co-ordinate?

27 A. That is not what I'm now telling the Court. I've

28 incessantly told the Court that that was my appointment by His

29 Excellency, My Lords.

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1 Q. The men came to Talia for training. You have at least said
2 they trained fighting men at Talia.

3 A. Some of them did. Others did not.

4 Q. Wasn't that what you were doing at Talia; training men?

15:15:45 5 A. I said some of them came to Talia and they were assisted.

6 Others did not. Some of them went to the Mano River, to the

7 ECOMOG. Others joined ECOMOG in the field, My Lords.

8 Q. If you might turn to the next page of the calendar, the one

9 I'm referring to is 842. That relates to the honourable Allieu

15:16:16 10 Kondewa.

11 A. Yes, My Lords.

12 Q. The chief initiator of the Kamajors and allied military --

13 allied militia forces.

14 A. Yes, My Lords.

15:16:25 15 Q. The honourable Allieu Kondewa was at Talia. He was there

16 when you were there.

17 A. He was. I met him there.

18 Q. And he was conducting immunisation procedures there?

19 A. Yes, My Lords.

15:16:50 20 Q. He was not involved in the initiation, as you have

21 described it?

22 A. I didn't say so. I said he was an initiator and he was --

23 and immunisation was being conducted.

24 Q. The procedures Allieu Kondewa was using for immunisation,

15:17:12 25 were they the same procedures that had been used by the

26 traditional hunters?

27 A. I don't know. I cannot tell, My Lords.

28 Q. Is that because you don't know what the procedures --

29 A. It is because I don't know, that is why I cannot tell, My

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1 Lords.

2 JUDGE ITOE: Let's be fair. Let's be fair in this.

3 I think the witness is not an initiator. The initiator, from

4 what he has said, is -- and the immuniser is Kondewa.

15:17:53 5 MR TAVENER: But --

6 JUDGE ITOE: Would you reasonably expect him to assume, the

7 man, to give evidence as an initiator to know what Kondewa was

8 doing? In any event, I just wanted to draw your attention to

9 this.

15:18:08 10 MR TAVENER: If I could respond. This witness has

11 testified that he was a Kamajor. He was immunised. He has also

12 testified --

13 JUDGE ITOE: Yes, but he was not immunised by Kondewa.

14 MR TAVENER: No. I will come on to that. He has also

15:18:20 15 testified he comes from a long line of hunters. I thought he

16 might know something about the procedures of hunters.

17 JUDGE ITOE: You can proceed. I just wanted to draw your

18 attention to that nuance.

19 THE WITNESS: If you thought that, you thought wrongly.

15:18:35 20 MR TAVENER: Obviously.

21 Q. Did you ever tell Allieu Kondewa how to conduct his
22 ceremonies?

23 A. Please ask the question again.

24 Q. Did you ever tell or provide any advice to Allieu Kondewa
15:18:57 25 as a how to conduct the immunisation ceremonies?

26 A. No, My Lords.

27 Q. You spoke about one of the advantages of being immunised
28 was that you became bullet-proof.

29 A. I said I was proud of the immunisation powers that were

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1 transferred in me. And I went further to say if there could be
2 proof, perhaps it would be tested here.

3 JUDGE THOMPSON: You repudiated that --

4 THE WITNESS: Thank you, My Lord. I'm sorry.

15:19:35 5 JUDGE THOMPSON: Declined that invitation.

6 JUDGE ITOE: All of us up here did.

7 THE WITNESS: You will be safe, My Lord.

8 MR TAVENER: The Prosecution --

9 Q. That's what I'm saying, Chief Norman. You have testified

15:19:56 10 that one of the advantages given to people who are immunised, is

11 that they became bullet-proof if they followed the rules?

12 A. Yes, My Lords.

13 Q. If they didn't follow the rules, they lost that

14 immunisation benefit.

15:20:12 15 A. That is true. They give you bullet-proof vest, and you

16 don't wear it, then you are shot.

17 JUDGE THOMPSON: But do you confirm that piece of evidence,

18 that you gave? Do you confirm that?

19 THE WITNESS: That if the immunised went against the
15:20:29 20 immunisation rules given to him, then he becomes less immunised
21 and he becomes vulnerable.

22 JUDGE THOMPSON: In other words, you are confirming to
23 counsel that you did say that.

24 THE WITNESS: Yes.

15:20:42 25 MR TAVENER:

26 Q. Because what I'm suggesting to you is that under the
27 traditional system of hunters, there was no concept of being
28 bullet-proof. Do you agree with that?

29 A. I wouldn't -- that's your own. I know that there was

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1 bullet-proof. Not bullet-proof vest, but immunisation as proof
2 against missiles and bullets. I've said it here.

3 Q. Under the traditional hunter system, are you saying that,
4 the traditional Kamajor?

15:21:13 5 A. It came from the traditional hunters' method to the
6 conventional use of the shotgun for human war.

7 Q. The correct position, is it not, Chief Norman, is that
8 Allieu Kondewa introduced the concept of being bullet-proof?

9 A. Perhaps you ask Allieu Kondewa, but that is not my
15:21:46 10 knowledge, My Lords.

11 Q. You're saying that the traditional hunters were
12 bullet-proof by using whatever method?

13 A. They equipped themselves by this means, against the wilds
14 of the wild.

15:22:15 15 Q. Did the traditional hunters need to be made bullet-proof
16 against the ducks they were hunting?

17 A. That is not with them. When you go to hunt, you may not go
18 for ducks alone, or you may not come across ducks alone. You may

19 come across leopards and others and these are wild animals.

15:22:41 20 Q. And for that you needed to be bullet-proof.

21 A. You needed to be proof against missile or other injuries.

22 Q. At Talia, there were men coming to be trained who were not

23 recommended by their chiefs.

24 A. I wouldn't know.

15:23:02 25 Q. It wasn't a requirement to join the Kamajors after the coup

26 that you were recommended by your chiefs.

27 A. No, it were the chief's role for the protection of their

28 chiefdom, towns and villages and people.

29 Q. The traditional role of the Kamajors was to protect their

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1 chiefdom and their village; is that correct? They fought within
2 their chiefdom and their village?

3 A. During the war, the Kamajors were organised by their
4 chiefs, initially for the protection of their chiefdom, that is
15:23:47 5 homeland and property and individuals. When the government
6 became overthrown, it became the request of government to the
7 chiefs to assist in the restoration of democracy.

8 PRESIDING JUDGE: The question was traditionally were
9 hunters essentially defending chiefdoms by tradition. Not after
15:24:13 10 the coup - traditionally.

11 THE WITNESS: In Sierra Leone, My Lord, before the war,
12 that was the role of hunters were mainly to fetch food especially
13 for chiefs and chiefdom people and their own people.

14 PRESIDING JUDGE: So they were not involved in the --

15:24:42 15 THE WITNESS: In wars.

16 PRESIDING JUDGE: -- in wars or protection of defence of
17 chiefdoms. I am talking before the war.

18 THE WITNESS: Before the war, there was no need. It did

19 not exist, My Lords.

15:24:50 20 MR TAVENER:

21 Q. Therefore, there was no need to be bullet-proofed prior to

22 the war.

23 A. Pardon?

24 Q. There was no need to be bullet-proofed prior to the war?

15:25:05 25 A. There was no need?

26 Q. To be bullet-proofed prior to the war?

27 A. There was no need.

28 Q. What I am suggesting to you, Mr Witness, was that after the

29 coup, when you became the co-ordinator, a new system of Kamajors,

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1 of hunters was developed. The authority moved from the chiefs to
2 you?

3 A. No, My Lords.

4 Q. Part of that process involved --

15:25:33 5 JUDGE THOMPSON: Learned counsel. I just want to write it
6 down. It's convenient to have a dialogue with the witness, but
7 let's get it clear.

8 MR TAVENER: I understand that, Your Honour.

9 JUDGE THOMPSON: That question, can you put it again so
15:25:46 10 that we have the answer?

11 MR TAVENER:

12 Q. After the coup, I suggested to the witness, a new system of
13 Kamajor was developed, their loyalty was to him, not to the
14 chiefs.

15:26:18 15 A. My answer was no, My Lord.

16 JUDGE THOMPSON: You deny that?

17 MR TAVENER:

18 Q. Just to put forward my position for the Prosecution,

19 included in that process was Allieu Kondewa developing
15:26:40 20 procedures, practices, that bound the Kamajors to you?
21 A. No, My Lords.
22 Q. Thank you, I've finished with the calendar, Exhibit 112.
23 A. Thank you, My Lords.
24 JUDGE ITOE: I thought Mr Tavener was going to say that was
15:27:36 25 the end of his cross-examination.
26 MR TAVENER: Not yet, Your Honour.
27 JUDGE ITOE: Not yet, okay.
28 MR TAVENER:
29 Q. Chief Norman, I am now going to go over some of your

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1 evidence that you testified about through your counsel.

2 A. Yes, My Lord.

3 Q. The first question comes from page 14 on 25th January. At

4 the time of the coup, you were - I think we've been through this,

15:28:14 5 but I just want to clarify - you were the Deputy Minister of

6 Defence and the acting Minister for internal affairs?

7 A. Yes, My Lords.

8 Q. That remained the position until after the war?

9 A. Until His Excellency was reinstated and so for thereafter.

15:28:41 10 Q. So, because of those two positions you held, you said, if I

11 can quote, I'm looking at lines 21 and 23.

12 PRESIDING JUDGE: What's the page?

13 MR TAVENER: Page 14 on 25th January.

14 Q. As a consequence of holding those two ministries, you had

15:29:00 15 both the police security and soldier defence.

16 A. Yes, My Lord.

17 Q. Other than the President, who else was responsible for the

18 defence of Sierra Leone?

19 A. It was the President.

15:29:25 20 Q. After the President, there was you?

21 A. I was only assisting.

22 Q. Go to page 30 on 25 January. You spoke about the

23 announcement the President made on the air to the people of

24 Sierra Leone. That is when he used the words "national

15:30:00 25 co-ordinator"; is that correct?

26 A. Yes, My Lord.

27 PRESIDING JUDGE: I have a copy of the transcript,

28 Mr Tavener, but I can just not follow the same page that you

29 have, so I'm not sure who has what.

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1 MR TAVENER: Perhaps the first reference -- mine is
2 continuous. At page 13, perhaps, Your Honour, I was looking at
3 the wrong page. On 30 January, I have it as lines 20 to 23.
4 These are not contentious matters at this stage, Your Honour.

15:30:47 5 PRESIDING JUDGE: And line 18. "You are also saying for
6 that period since there has been no reshuffling"; is that what
7 you have?

8 MR TAVENER: That's correct, yes, in that area.

9 Q. Is it correct to say that the President said on the air
15:30:57 10 that you were the National Co-ordinator for civil defence?

11 A. No, he said I was the National Co-ordinator.

12 Q. Did he not use the words "civil defence"?

13 A. I don't remember he used. If I did, then that would have
14 been his statement.

15:31:23 15 Q. In that capacity, your role was to assist ECOMOG; is that
16 right?

17 A. To co-ordinate with ECOMOG. For the hunters to assist
18 ECOMOG, My Lord.

19 Q. Was it your role to initiate attacks on towns or villages
15:31:45 20 in Sierra Leone?

21 A. No.

22 Q. You were never asked to do that by the President?

23 A. The President made that as a general request, that every
24 Sierra Leonean should do everything to restore democracy and
15:32:04 25 reinstate him to power, and that even if he came and met fowls,
26 he would rule.

27 Q. Did the President ever ask you or direct you to --

28 JUDGE ITOE: Please, please, wait.

29 MR TAVENER: Sorry.

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1 JUDGE ITOE: Even if he came and met fowls?

2 THE WITNESS: He would rule, My Lords.

3 JUDGE ITOE: Thank you.

4 MR TAVENER: Sorry, by "fowls", do you mean poultry?

15:32:59 5 A. Chicken, rooster, hens and so on.

6 Q. That's something you say the President said in January?

7 A. Yes.

8 Q. Did he ever tell you or direct you to initiate attacks on

9 towns and villages in Sierra Leone?

15:33:22 10 A. This is what I'm saying, My Lord; no, he didn't. He

11 requested the hunters and every Sierra Leonean, and the Sierra

12 Leoneans are inclusive in the hunters, hunters are inclusive in

13 Sierra Leoneans.

14 JUDGE THOMPSON: Requested them to do what?

15:33:38 15 THE WITNESS: To do everything possible to restore the

16 constitution, democratically elected government and reinstate him

17 to power, My Lords.

18 JUDGE THOMPSON: We want the complete context of that.

19 THE WITNESS: Yes. To restore the democratically elected
15:34:01 20 government and to reinstate him and that even if he came and met
21 fowls, he would rule.

22 MR TAVENER:

23 Q. Just to clarify that, are you saying by that statement by
24 the President, he was telling you to initiate assaults, attacks
15:34:47 25 on villages and towns?

26 A. I didn't. He was telling his fighters, soldiers,
27 policemen, civilians, hunters - all Sierra Leoneans, not me. I
28 was only included because I am a Sierra Leonean.

29 Q. It's not the case, or you're not saying that you initiated,

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1 you directed that villages and towns in Sierra Leone be attacked
2 by Kamajors?

3 A. I did not raise an army, I did not raise Kamajor. It was
4 the request from their President had sent them to attacking those
15:35:36 5 who had overthrown him and his government, My Lords.

6 Q. But did you give any orders that any village or town be
7 attacked in Sierra Leone?

8 MR MARGAI: May it please, My Lords, it seems that learned
9 counsel is going in a circuitous manner, round and round and
15:36:14 10 round the same questions.

11 PRESIDING JUDGE: But he asked the question and he has not
12 answered. I would like to have the answer. Three times the
13 question has been asked, but we didn't get the answer.

14 MR MARGAI: As My Lord pleases.

15:36:23 15 MR TAVENER:

16 Q. Did you give orders that towns and villages in Sierra Leone
17 be attacked?

18 A. Did I give orders that towns and villages -- what period?

19 Q. We'll start with Talia, the time you were in Talia.

15:36:43 20 A. That is when the army had overthrown the government and

21 they were based at where? I need to be safe from your questions.

22 I don't just get up and wage war on people or town and villages.

23 If the army that had overthrown the government were in any

24 village, they were attacked. I didn't tell them to go and attack

15:37:06 25 because I wanted them to attack. The President had requested.

26 The government had been overthrown that was elected.

27 PRESIDING JUDGE: But the question, Mr Norman, is quite

28 precise. Did you, yourself, give orders at the time you were in

29 Talia that towns and villages be attacked?

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1 JUDGE THOMPSON: Let me reinforce that. The evidence is
2 that you said it was not your role. That was the question that
3 he asked: to initiate attacks of towns and villages in Freetown.
4 Then you followed up with this general request of the President
15:37:41 5 asking everybody to do everything possible to restore him. Now,
6 he's asked a specific question, which, I think was logical.

7 THE WITNESS: That it was my role?

8 JUDGE THOMPSON: No, no, no. You have given an answer that
9 it was not your role to do that.

15:37:59 10 THE WITNESS: Yes.

11 JUDGE THOMPSON: Now he's asking a specific question: did
12 you in fact give orders? Because people could exceed their roles
13 sometimes.

14 THE WITNESS: No, I did not.

15:38:17 15 MR TAVENER:

16 Q. So you're saying whilst in Talia, you gave no orders that
17 Kamajors attack towns or villages?
18 A. No, I did not.

19 Q. After the reinstatement of the government, did you give
15:38:29 20 such an order?

21 A. No.

22 JUDGE THOMPSON: Counsel, slowly if you want us to record
23 the evidence.

24 MR TAVENER: Sorry.

15:38:36 25 JUDGE THOMPSON: I'm sure you regard this as an important
26 segment of your cross-examination. Did not give orders to attack
27 towns and villages whilst at Talia.

28 THE WITNESS: No, My Lords.

29 JUDGE THOMPSON: Yes, counsel.

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1 MR TAVENER: Thank you, Your Honour.

2 Q. Just so there is no confusion, from the time of the coup

3 until the statement of no war or war over, you gave no order that

4 Kamajors or the CDF attack any village or town in Sierra Leone?

15:39:13 5 A. Where the enemy was not, or where the enemy was?

6 Q. Okay.

7 A. I want two distinction.

8 Q. I'll start again. Did you, at any time, give an order that

9 towns or villages, in which the enemy were, be attacked while you

15:39:38 10 were in Talia?

11 A. No. The hunters were to join ECOMOG and to retake towns

12 and villages that had been occupied by a coup sector of the army,

13 and also by the RUF, My Lords.

14 PRESIDING JUDGE: Are you saying this is what you were

15:40:08 15 supposed to do?

16 THE WITNESS: No, this is not what I was supposed to do.

17 My co-ordination was that these hunters who trained the ECOMOG to

18 retake towns and villages that had been occupied by RUF and junta

19 forces overthrowing the government, not only to go there and take
15:40:28 20 over or take villages -- towns and villages. We had towns and
21 villages in this country that had not been taken because there
22 was no overthrow and no rebel.

23 MR TAVENER:

24 Q. Chief Norman, I'm asking about what orders you gave. You
15:41:11 25 have now introduced this concept or this qualification of whether
26 or not the towns were held by the rebels or not held by the
27 rebels. Regardless of whether the towns were held by the rebels
28 or not held by the rebels, did you give any order from the time
29 of the coup until the statement of no war, or over, that the

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1 villages and towns be attacked?

2 MR SESAY: May it please My Lords. I believe that the
3 rules of evidence must be strictly adhered to in this regard. I
4 believe there has to be finality to cross-examination, unless the
15:41:52 5 answer given by the witness needs further clarification from Your
6 Lordships.

7 PRESIDING JUDGE: You're overruled. We still need to have
8 this answer. I've said the witness has not answered the
9 questions as they were asked. Now he has brought some new notion
15:42:06 10 in his reply, and we need to know what was happening.

11 MR SESAY: Yes, but My Lord --

12 PRESIDING JUDGE: I have overruled you.

13 MR MARGAI: My Lord, may I be heard?

14 PRESIDING JUDGE: On what? We are in cross-examination.
15:42:18 15 Mr Norman is not your client, as far as I know.

16 MR MARGAI: Yes, My Lord, but I am defending the third
17 accused.

18 PRESIDING JUDGE: Yes.

19 MR MARGAI: I have an interest in this matter because of
15:42:26 20 the joint criminal enterprise.

21 PRESIDING JUDGE: Yes, but how does that give you the
22 authority to intervene at this time in cross-examination?

23 MR MARGAI: I'm intervening on behalf of my client, whose
24 liberty is at stake because of the way the charges are
15:42:45 25 formulated.

26 PRESIDING JUDGE: Even though you have been cross-examining
27 this witness, now you're entitled to intervene and ask questions
28 in cross-examination by other parties?

29 MR MARGAI: No, I am not attempting to cross-examine or

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1 intervene. All I'm trying to say to this Court is that a
2 distinction has been made here between attacking villages that
3 were occupied by the junta forces and villages that were not
4 occupied by the junta forces. I think that distinction, My
15:43:19 5 Lords, is very important.

6 PRESIDING JUDGE: I do understand. That's why I say I need
7 to understand what it is the witness is saying. I do appreciate
8 what you're saying. In fact, this is something I want to
9 understand.

15:43:33 10 MR MARGAI: Thank you, My Lords. But the question put by
11 my friend is general, relating to village without any
12 distinction.

13 JUDGE THOMPSON: Let me intervene.

14 MR MARGAI: Thank you, My Lord.

15:43:44 15 JUDGE THOMPSON: I think it is unfair not to allow the
16 Prosecution the degree of latitude in cross-examination which we
17 afforded the Defence, and I don't think the point has been
18 reached where we could say the Prosecution's methodology of

19 cross-examination is in fact creating any complications. It is
15:44:11 20 precisely the distinction volunteered by the witness that the
21 Prosecution is trying to explore, and they have a right to do it.
22 We have had several occasions in the course of this trial where
23 the Defence have been given opportunities, times out of number,
24 to explore nuances emerging from their cross-examination.

15:44:35 25 MR MARGAI: My Lords, quite honestly, I'm not trying to
26 limit the latitude he has. I know it is something a
27 cross-examiner is entitled to do --

28 [CDF06FEB06E - SV]

29 JUDGE THOMPSON: And in the name of --

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1 MR MARGAI: But it is just for clarity's sake. You see,
2 because answering the question as it is put, it's going to be
3 difficult whether even an order that was presumably given was
4 directed at villages occupied by rebel forces or not.

15:45:02 5 JUDGE THOMPSON: Well, we will have to trust the goodwill
6 and the integrity of the Prosecution.

7 MR MARGAI: I take the cue, thank you.

8 JUDGE THOMPSON: The search is for the truth. You see,
9 some of these qualifications and nuances are brought in by the
15:45:16 10 witness, and quite rightly, to safeguard him from any kind of
11 possible verbal or legal entrapment.

12 MR MARGAI: That is regretted.

13 JUDGE THOMPSON: But at the same time we need to let the
14 Prosecution explore these issues for our own records.

15:45:29 15 MR MARGAI: As My Lords please.

16 JUDGE THOMPSON: Because I really am in a quandary as to
17 what the precise answer is. All I have is that he gave no
18 specific orders at some point in time. But whether those orders

19 related to villages that were under rebel occupation, I am still
15:45:52 20 unclear.

21 MR MARGAI: That is my predicament as well. Thank you, My
22 Lords.

23 PRESIDING JUDGE: Thank you, Mr Margai. We are all aiming
24 at the same thing. There was some ambiguity in the answer of the
15:46:02 25 witness. We're trying to understand what is the exact picture at
26 the time and that's why, if your observation and comments were in
27 this respect, they are most welcome.

28 MR MARGAI: Thank you, My Lords.

29 PRESIDING JUDGE: Thank you.

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1 MR TAVENER:

2 Q. Chief Norman, you understand I'm asking you about orders

3 that you gave or did not give. The time period I'm speaking

4 about is from the time of - just to make it as broad as

15:46:33 5 possible - the time of the coup until the announcement that the

6 war is over. During that time did you give any orders that towns

7 and villages in Sierra Leone should be attacked? The other issue

8 is -- yes, just answer that question.

9 A. My Lords, I'm not an ordinary witness. The initial

15:47:00 10 indictment which I read, which may not be the one before you, is

11 that there are allegations that I did order the attack of

12 civilians in towns and villages. So this question to me is

13 unsafe because it is ambiguous. I want clarity whether I did

14 order because of the enemy or I did order because of civilians

15:47:24 15 for whom I am charged. Towns and villages were at times occupied

16 by the enemy. And these were attacked.

17 JUDGE THOMPSON: Well, let us have --

18 JUDGE ITOE: Mr Norman --

19 JUDGE THOMPSON: Mr Norman, let's have an answer. You put
15:47:38 20 it the way you want to put it for us --

21 JUDGE ITOE: Why don't you say yes or no and then you give
22 an explanation --

23 JUDGE THOMPSON: You qualify it.

24 JUDGE ITOE: -- to either your yes or to your no.

15:47:47 25 JUDGE THOMPSON: Yes.

26 THE WITNESS: My Lord, he may not follow for me to give an
27 explanation, unless I get the guarantee from Your Lordships.

28 JUDGE THOMPSON: No, I think you need to realise that we're
29 recording as your answer as faithfully as we can.

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1 THE WITNESS: Yes, My Lords.

2 JUDGE THOMPSON: And as long as you go slowly, I'm sure the

3 records will faithfully reflect what you're saying. And as the

4 learned Justice Itoe has said, you can give your answer and give

15:48:11 5 us explanations.

6 THE WITNESS: Thank you, My Lords.

7 JUDGE THOMPSON: That's why we're here. We want to listen

8 to the explanations.

9 THE WITNESS: Thank you, My Lords. My Lords, when the

15:48:21 10 assignment of co-ordination was given to me, I told the ECOMOG

11 that hunters will join them to attack the enemy wherever they are

12 in Sierra Leone, so that democratic government could be

13 restored -- government and His Excellency could be reinstated,

14 My Lords.

15:49:30 15 MR TAVENER:

16 Q. Does that mean you did or did not give orders that villages

17 and towns in Sierra Leone be attacked?

18 A. Under the qualified answer I have given, My Lord, I did.

- 19 Q. Do you wish to say more?
- 15:50:25 20 A. No, I've given the answer, My Lords.
- 21 Q. Do you recall which villages and towns you gave the order
- 22 for Kamajors to attack?
- 23 A. No, My Lords.
- 24 Q. Where were you when you gave those orders?
- 15:50:51 25 A. Where was I when I gave what orders?
- 26 Q. The orders to attack the towns and villages.
- 27 A. I didn't give orders to attack towns and villages. I said
- 28 I gave qualified answer. This was the co-ordinational
- 29 responsibility to ECOMOG in Liberia, My Lords.

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1 Q. So what you're saying - and tell me if I'm wrong - you told
2 ECOMOG that hunters will assist them, but you gave no specific
3 orders to hunters or Kamajors to attack specific towns or
4 villages?

15:51:55 5 A. Yes, My Lord.

6 Q. Is it your evidence that the Kamajors, CDF, were there to
7 simply assist ECOMOG regaining control over Sierra Leone?

8 A. I did not use the word "simply", My Lord.

9 Q. I'll withdraw the word "simply". Is it your evidence that
15:53:08 10 the Kamajors were -- their role was to assist ECOMOG in
11 recovering Sierra Leone?

12 A. My Lord, I did not use the word "role". I said they were
13 to assist ECOMOG to restore democracy and reinstate government
14 and presidency, My Lords.

15:53:58 15 Q. When you were made National Co-ordinator by the President,
16 were you given instructions by him to launch independent military
17 action using the CDF or the Kamajors in Sierra Leone; that is,
18 independent from ECOMOG?

19 A. I was not given orders neither to independently or
15:54:40 20 generally use the hunters to attack, My Lords.

21 Q. So they were not to be used for attack, but to assist
22 ECOMOG?

23 A. I don't know what lies in the assistance to ECOMOG. They
24 know, My Lord. ECOMOG knows that.

15:55:42 25 MR TAVENER: If I might refer to page 52 of the transcript
26 of 25 January.

27 Q. If I could just put it in these terms. Your task, if I can
28 quote:
29 "Was to receive whatever was a support, whether in the form

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1 of arms, ammunition, food, medicine, transport, from ECOMOG
2 and then have it delivered to the men on the ground through
3 their commanders and this was done between myself and the
4 one appointment that had been made in the person of Mr MS

15:56:21 5 Kallon as administrator."

6 A. Yes.

7 Q. Does that summarise your role?

8 A. Yes.

9 Q. Okay, thank you. Whilst you were at Talia, co-ordinating,

15:56:49 10 did you receive written reports from the front line?

11 A. From commanders?

12 Q. Yes.

13 A. If you are specific.

14 Q. No. Did you receive written reports from commanders from

15:57:20 15 the front line?

16 A. That is 1997 to the --

17 Q. When you were at Talia, until March.

18 A. When I was at Talia. I may have. I don't know.

19 JUDGE ITOE: You say you may have received reports?

15:57:47 20 THE WITNESS: I don't quite recollect.

21 MR TAVENER: That's written reports, Your Honour.

22 JUDGE ITOE: Written?

23 MR TAVENER: Written.

24 Q. Because you certainly received oral reports, verbal reports

15:58:02 25 from runners?

26 A. Yes.

27 Q. You mentioned in your evidence that there were two

28 reporters at your base, at Base Zero, Talia?

29 A. Yes.

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1 Q. One is now deceased; is that correct?

2 A. Yes, My Lords.

3 Q. Did you use those reporters to communicate to the outside
4 world?

15:58:46 5 A. Well, not in the way of telling them what to do, but they
6 were around to report to the world, My Lords.

7 Q. At times you used the BBC to make announcements; is that
8 correct?

9 A. The reporter reported what I said. Sometimes the BBC
15:59:26 10 contacted me and I spoke to them, My Lords.

11 Q. How was that done?

12 A. On the telephone that was provided sometimes. That is
13 after my arrival in Talia?

14 Q. That's correct.

15:59:54 15 A. When I was in Monrovia, I did it by telephone. Whenever
16 they contacted me on the telephone in Monrovia, I did, I spoke to
17 BBC.

18 Q. Thank you. Just to make sure I understood, at Talia you

19 could use the satellite phone to speak to the BBC in order to
16:00:39 20 make announcements in Sierra Leone?

21 A. I think I did on one or two occasions, I don't know.

22 Q. Did you ever use the BBC to make announcements of intended
23 military actions of the CDF or Kamajors?

24 A. Yes, I did.

16:01:20 25 Q. Do you recall when that was?

26 A. That must have been in December 1997 after I had met with
27 the NGOs regarding the announcement of Black December.

28 Q. That's what the announcement was about?

29 A. Yes.

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1 Q. And, without going into the details of Black December, the
2 purpose of using the BBC was to inform civilians about what was
3 intended to be done by the Kamajors?

4 A. They were to be informed.

16:02:22 5 Q. Over a period of time at Talia did weapons come in from
6 various sources? Arms and ammunition, where did they come from?

7 A. No, no. I would say no.

8 Q. No?

9 A. Yes. Only one time General Khobe brought a consignment of
16:02:41 10 rifles, about a few dozens, because there was no weapon at the
11 base, even for my own protection, so he sent those ones.

12 Q. Are they the only weapons that came from, if I can put it
13 this way, an external source whilst you were at Talia?

14 A. I would say from General Khobe.

16:03:09 15 Q. Only the one lot of rifles?

16 A. By helicopter, yes.

17 Q. Where did the Kamajors get their weapons?

18 A. They got them from either ECOMOG or from General Khobe.

19 Q. General Khobe was ECOMOG as well?

16:03:35 20 A. He was ECOMOG Freetown. General Khobe had informed me that

21 a consignment of weapons had arrived at Lungi by the government

22 under the orders of government of Sierra Leone for the use of the

23 civil defence that were under ECOMOG, use of hunters that were

24 under ECOMOG and himself, he had a good number of hunters.

16:04:23 25 Q. Now, if I understand your evidence on this point, there was

26 guns and ammunition delivered to Lungi airport?

27 A. General Khobe told me.

28 Q. And you went then went to Lungi airport?

29 A. I went to Lungi, yes, and I saw the consignment. A huge

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1 one.

2 PRESIDING JUDGE: What's the timing again, Mr Norman, for
3 that, the Lungi?

4 THE WITNESS: Lungi, it was --

16:04:49 5 PRESIDING JUDGE: It's after December '97.

6 THE WITNESS: It was between November and December 1997, My
7 Lord. Between November and December 1997.

8 MR TAVENER:

9 Q. And in your evidence -- or is it your testimony, I should

16:05:12 10 say, that ECOMOG released those weapons to CDF, the Kamajors,
11 under a certain condition, as a conditional release?

12 A. I don't know. I think General Khobe did release weapons.

13 Q. Was it your evidence that the weapons could only be used or
14 distributed at the authority of the ECOMOG --

16:05:37 15 A. That was the one, yes, the consignment they sent to ECOMOG
16 Liberia for the use of the hunters under their control.

17 Q. So that's not the one at the Lungi airport?

18 A. No, I said part of the weapons at Lungi airport were sent,

19 you know, into areas like Kenema to the ECOMOG for the use of the
16:06:00 20 hunters.

21 Q. And are you saying that those weapons were only released to
22 the Kamajors on the condition that they came under the control of
23 ECOMOG?

24 A. They were dispatched to ECOMOG and ECOMOG redistributed to
16:06:22 25 the men under their control. That's what I'm saying.

26 Q. And did some of those weapons go to Talia?

27 A. No, not that one. Maybe those who travelled to Talia on
28 foot did so, came with that type of weapon. But they were not
29 consigned to Talia.

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1 Q. During the time you were in Talia, did you ever visit any
2 of these ECOMOG forces that were in Sierra Leone?

3 A. No, My Lord. Only the ones in Monrovia and Lungi. No
4 other parts.

16:07:29 5 Q. Again, whilst you're in Talia, how do you know that ECOMOG
6 was even in Sierra Leone, other than Lungi, at that time?

7 A. It was on the air, on the BBC. I told you.

8 Q. Other than the BBC, did you have any --

9 A. There was no radio link between us, so I only heard on the
16:07:52 10 BBC and sometimes the runners who came from Kenema, and from
11 places like Tongo, told us that ECOMOG were right up to Kono,
12 Kailahun and so on.

13 Q. So the only way you knew that ECOMOG was in Sierra Leone
14 whilst you were in Talia was either the BBC or perhaps some
16:08:31 15 runners, some people bringing information?

16 A. When they crossed, I didn't know, but I heard, My Lords.

17 Q. Did General Maxwell Khobe or any other ECOMOG general give
18 you any instructions about how the war should be conducted?

19 A. No, no.

16:09:23 20 Q. I take it then that any conversation you had with

21 General Khobe or any other ECOMOG commander was about how

22 Kamajors could assist ECOMOG?

23 A. How they were conducting the war, not how Kamajors.

24 MR TAVENER: Your Honour, I appreciate it's slightly early

16:10:00 25 for the break but I'm moving on to another topic which may take

26 some time. I don't know whether you would like me to continue or

27 have a small break now.

28 PRESIDING JUDGE: We'll break now for 15 minutes.

29 [Break taken at 4.10 p.m.]

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1 [Upon resuming at 4.36 p.m.]

2 PRESIDING JUDGE: So, Mr Tavener, you're moving into a new
3 area.

4 MR TAVENER: That's correct, Your Honour.

16:37:41 5 PRESIDING JUDGE: And what's this new area?

6 MR TAVENER: The structure of the CDF Kamajors in 1998,
7 January 1998, just prior to attack on Koribundu. Thank you.

8 Q. Chief Norman, I now want to ask you about the position in
9 Talia as regard to the structure of the CDF Kamajors just prior

16:38:23 10 to the attack on Koribundu. You're aware when Koribundu was
11 attack?

12 A. I was aware.

13 Q. And you were in Talia at the time?

14 A. I was, My Lord.

16:38:37 15 Q. At that time would you agree with the suggestion that there
16 were approximately 15,000 Kamajors in and around Talia?

17 A. No, My Lord, I wouldn't agree with that.

18 Q. Do you have a view as to how many Kamajors were there at

19 that time?

16:39:03 20 A. The feeling was difficult. They could have been anything

21 slightly around 5 ,000. Slightly around 5,000.

22 Q. And is that from your --

23 JUDGE ITOE: Mr Tavener, you put across what figure? Is it

24 50,000?

16:39:26 25 MR TAVENER: 15, sorry. One five.

26 JUDGE ITOE: 15, okay.

27 MR TAVENER:

28 Q. So you suggest the figure was more in the vicinity of 5,000

29 Kamajors?

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1 A. About that.

2 Q. And at the same time were there Kamajors coming and going?

3 A. You're correct, they were coming and going.

4 Q. With -- tell me if I'm wrong, an approximate level

16:40:03 5 maintained around that 5,000 mark?

6 A. Around that 5,000, My Lords.

7 Q. Now, you were saying as to the attack on Koribundu, which

8 I'll go into in detail tomorrow, all that happened was -- all

9 that happened from Talia was that a commander was sent up to

16:40:23 10 there to take control of the attack?

11 A. The commander was -- the commander left Talia to be in
12 charge.

13 Q. Who designated or who appointed that commander to take --
14 to be responsible for the attack on Koribundu?

16:40:41 15 A. The director of appointment and promotion, My Lords.

16 Q. Did you have anything to do with appointing that commander?

17 A. No, I did not have anything to do with his appointment. I
18 only approved the appointment, My Lord.

19 JUDGE ITOE: The director of appointments and what?

16:41:02 20 THE WITNESS: Promotions and appointments, My Lords.

21 MR TAVENER:

22 Q. You've spoken about this before but I want to ask you

23 now --

24 JUDGE THOMPSON: You said you did not have anything to do

16:41:24 25 with the appointment but you approved it.

26 THE WITNESS: Yes, My Lords, that's correct. I approved

27 the appointment.

28 JUDGE THOMPSON: We have it as that.

29 PRESIDING JUDGE: And it came to you from the director of

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1 promotion and appointment?

2 THE WITNESS: Whether?

3 PRESIDING JUDGE: It went to you for approval directly from
4 the director of promotion and appointments?

16:41:42 5 THE WITNESS: No, My Lord. When the director of promotion
6 or appointment makes his conclusion on a single person, then the
7 document is forwarded to the chairman of War Council. Then the
8 War Council will recommend and I approve, My Lords, from
9 battalion commanders and above.

16:42:14 10 MR TAVENER:

11 Q. So speaking of that time just before the attack on
12 Koribundu, the War Council have advised you as to the commander.
13 You're saying that?

14 A. He has advised me to accept the appointment and approve it.

16:42:30 15 Q. You do that?

16 A. I did.

17 Q. At Talia was there any higher authority than you?

18 A. Well, in terms of the chairmanship of the War Council and

19 the National Co-ordinator, yes, there was, and that was the
16:42:50 20 chairman of the War Council in the position of the Deputy
21 Minister of Defence which position I was still occupying even
22 though I was at Talia, I was.

23 JUDGE ITOE: I'm not very clear. I'm not clear with this
24 response.

16:43:10 25 PRESIDING JUDGE: Any authority above you was the question
26 so the answer is there was no authority above you. You were as
27 the Deputy Minister of Defence, is it?

28 THE WITNESS: Yes, My Lord, but when the War Council and
29 the national co-ordinator sit, then it is the chairman of the War

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1 Council at Talia. That was why I had to seek their advice to
2 allow me to sign an appointment approving an appointment, My
3 Lords.

4 JUDGE THOMPSON: So the answer really is -- the first
16:43:57 5 answer is -- the first question was: Was there any authority
6 above you? That could be answered in the affirmative or the
7 negative, couldn't it? And then explanations --

8 THE WITNESS: Yes, okay, My Lord. Okay, it is better to
9 say I was the highest. There was no one other higher than me.

16:44:23 10 JUDGE THOMPSON: Yes, quite. None.

11 MR TAVENER:

12 Q. Okay. There was no one higher than you. Where did

13 Allieu Kondewa fall in the scheme of the organisation?

14 A. The authority?

16:44:44 15 Q. The authority. Where did he fall in Talia at that time?

16 A. He was in a distinct class of initiators. He is an

17 initiator and there were other initiators there, My Lord. So for

18 human control and administration I was. When it comes to the

19 authority of initiators, they were in their class. Whatever they
16:45:10 20 said, that was a conclusion. That was in the herbal way. I
21 didn't have any herbal authority. They had.
22 Q. At that time Allieu Kondewa was known as the High Priest;
23 is that correct?
24 A. Yes, My Lord.
16:45:48 25 Q. By that designation, did that mean he had control over the
26 other --
27 A. Initiators.
28 Q. -- initiators?
29 A. Yes, My Lord.

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1 Q. If you wanted to deal with the initiators, did you -- were
2 you required to go through Allieu Kondewa?

3 A. I would not do anything with the initiators except through
4 him and with his authority.

16:46:42 5 Q. Now, as you've mentioned, in your estimation there was
6 approximately 5,000 Kamajors in and around Talia in that early
7 part of 1998. Being an ex-military man, did you set up some
8 staff to assist you in organising those men? Did you have some
9 sort of staff officers?

16:47:13 10 A. I had met the arrangement in place there. There was a
11 chiefdom commander who later became the battalion commander of
12 the base, My Lord.

13 Q. But did you appoint anyone to assist you in fulfilling your
14 functions? Did you have staff of your own?

16:47:39 15 A. To?

16 Q. To assist you.

17 A. I had an administrative assistant, My Lords.

18 Q. Did you have anyone else?

19 A. The battalion commander was under the commander.

16:48:13 20 Q. If I could go to 26th January, I have the page number as

21 90. 26th January.

22 A. Yes, My Lords.

23 Q. I just want to ask you about something you said in

24 evidence.

16:48:36 25 PRESIDING JUDGE: Did you say page 90, 9-0?

26 MR TAVENER: 9-0, yes. I have it -- I'm looking at the

27 line 16, "It was very difficult to distinguish."

28 PRESIDING JUDGE: Yes.

29 MR TAVENER: Okay. If I could start there.

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1 Q. Chief Norman, you said in evidence through your counsel:
2 "It was very difficult to distinguish the difference
3 between civilians and the forces, especially the RUF that
4 had no distinctive military uniform that was operating in
16:49:09 5 this country. If they were attacking they were RUF; if
6 they were attacked they became civilian. So the situation
7 became extremely muddy and difficult."

8 In describing that situation are you referring to, for
9 instance, RUF forces retreating and blending with civilians? Is
16:49:47 10 that what you are describing?

11 A. That was their methodology, My Lords.

12 Q. And the problem, if I can put it in these terms, was once
13 the RUF, or whoever, AFRC, blended with civilians they couldn't
14 be identified?

16:50:13 15 A. It was difficult. But they attacked me in my own chiefdom
16 and to some extent it was very, very difficult to know that this
17 particular person is coming to attack me until you are attacked.

18 Q. Now, did you develop a solution about that problem?

19 A. The initiators, I was informed, got together to find a
16:51:01 20 solution to this by this same immunisation. So if there was any
21 situation like this, then it was very difficult to know the
22 person by dress or by face unless if you know the person before.
23 Q. Right.
24 A. So, they decided that they were going to find a solution,
16:51:24 25 whether they did or did not, it remained in the battlefield.
26 Q. Right. So you don't know what the solution was?
27 A. I don't, My Lords.
28 Q. Did you ever use the expression - and I'm sure this is not
29 correctly said - "monkey nay monkey"? Is that an expression that

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1 you used?

2 A. No. Monkey what?

3 Q. "Monkey nay monkey". Is that an expression that you use?

4 A. I have never, until I heard it from you, used this thing.

16:51:59 5 JUDGE ITOE: Do you want to say, "monkey na monkey," or

6 what is it?

7 THE WITNESS: Well, of course I hear that often said in

8 Sierra Leone that they say, "dog na dog, monkey na monkey".

9 Something like that.

16:52:12 10 MR TAVENER:

11 Q. Yes, I am not familiar with the saying where I come from.

12 So you use that expression? Do you use that expression?

13 A. No, My Lords.

14 Q. Did you ever say that a rebel is always a rebel?

16:52:28 15 A. No, My Lord. It is difficult to say that this is always a

16 rebel. If he changes his clothes and he changes his ways, he

17 smiles to you, you will hardly know that he is a rebel.

18 Q. I will come back to that. By the time the Kamajors were

19 disarmed or disarmament took place in late 99/2000, somewhere
16:53:13 20 around then, is it correct to say there was about 250,000
21 Kamajors or CDF, I should say?
22 A. Yes, about that. Especially when the additional initiation
23 was ordered. So the number became swollen up and very
24 uncontrollably.
16:53:31 25 PRESIDING JUDGE: The number you mentioned, Mr Tavener, was
26 250,000.
27 MR TAVENER: 250,000 dollars.
28 PRESIDING JUDGE: Dollars, you meant Kamajors.
29 MR TAVENER: It's code for Kamajors, Your Honour.

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1 JUDGE ITOE: You can [overlapping speakers] Since dollars
2 in terms of Kamajors, you can hand them over to Mr Norman.

3 THE WITNESS: I will gladly take it, My Lord.

4 MR TAVENER:

16:54:10 5 Q. In order to reach that figure of 250,000 Kamajors, were
6 they recruited through that traditional method through the chiefs
7 or, again, did they come in through another method?

8 A. The word "recruitment" I would shy away from. In the
9 entire country, when people realised that government was

16:54:39 10 providing for Kamajors, there were more Kamajors than there had
11 been during the time when times were difficult. This was the
12 situation about that time.

13 Q. So does that mean men would simply join up to be a Kamajor?

14 A. Sporadically everywhere, somebody will just go to ECOMOG
16:55:09 15 and say, "I'm a Kamajor," and then the number is taken.

16 Q. The figure I am quoting, the number rather than the amount
17 of money, the figure of 250,000 men comes from the organigram?

18 A. It came from the disarmament quantification. There was

19 some argument at the DDR meeting, initially around 1998, when it
16:55:49 20 was argued that the soldiers were 14,000, the RUF could not be
21 anything more than 15,000, and so the suggestion of the CDF being
22 about 15 - 17 was made. I said no, that is impossible. I said
23 these were people who were fighting in their lots. Sometimes
24 when one man is in the battle front, five are resting and among
16:56:24 25 these five, not being the infantry. Maybe you have drivers,
26 maybe you have the logisticians, you have the medicals and you
27 have the intelligence. It was a whole thing like that.
28 Q. Did all these men, the 250,000 as reflected on the
29 organigram, did all those men, regardless of what they did, did

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1 they have all go through firstly the initiation, Kamajor

2 initiation?

3 A. I would be making a mistake if I say yes. No, My Lords.

4 Q. Were those men immunised?

16:57:00 5 A. No, My Lord. I wouldn't know.

6 Q. You spoke about the men being out in the field. For

7 instance, at Koribundu, when Koribundu was being attacked,

8 firstly, did you have any knowledge of what was happening at

9 Koribundu. It was attacked a number of times, when it was being

16:57:33 10 attacked?

11 A. On the ground?

12 Q. Yes.

13 A. Spontaneously?

14 Q. Yes.

16:57:38 15 A. No, My Lords.

16 Q. How long did it take for you to know what was going on?

17 A. For as long as it took somebody to walk. Anything between

18 five to seven days. If it was a runner, fastest it was not more

19 than four days. About four days at the outside.

16:57:56 20 Q. From Koribundu to Talia?

21 A. Yes. I don't know if you have estimated the distance as

22 the crow flies and impediment infested war jungle.

23 Q. Before the commander left to take over the battle or take

24 over the Kamajor forces there, I should say, did you give that

16:58:22 25 person any instructions?

26 A. No, My Lord. I was in court here, so it was very strange

27 hearing from anybody that I gave orders. I heard their evidence

28 and I did not.

29 Q. And you don't know whether ECOMOG -- or do you know whether

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1 ECOMOG was there at the time in Koribundu?

2 A. I know ECOMOG was not at Koribundu, but I know ECOMOG
3 assisted --

4 JUDGE ITOE: The witness has answered this question. He
16:58:56 5 has answered this question.

6 MR TAVENER: Sorry, My Lord.

7 Q. I'll come on to the evidence in respect of Koribundu
8 tomorrow.

9 A. Okay.

16:59:11 10 Q. In order to be appointed a commander and take over an area
11 or take over a group of Kamajors, that person had to come into
12 Talia or Base Zero; is that correct?

13 A. Before my arrival in Talia, that was not the method. After
14 I had arrived and the War Council had advised that it would be
16:59:36 15 better for commanders to be selected by some method, that was the
16 method introduced, My Lords.

17 Q. Just to clarify that point, the use of "commanders" is a
18 broad word. The commanders that had to come to Talia,

19 approximately how many men would they be in charge of, the ones
16:59:57 20 that had to be approved by the system of coming in to Talia?

21 A. There was no controlled number. It was only the available
22 number of men in various chiefdoms put together under a command,
23 My Lords.

24 Q. So the process or the system you introduced was that
17:00:21 25 commanders had to come into Base Zero or Talia to be assessed and
26 that is, I take it, you mean by the director of promotions?

27 [CDF06FEB06F - EKD]

28 A. My Lord, you meaning the war office and myself putting
29 together, yes.

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1 Q. And ultimately, as you have described, you had the final
2 approval as to whether or not someone became a commander?

3 A. Once the appointment had been recommended by war office --
4 by the War Council, there was nothing I could do about it.

17:01:02 5 Whether I liked it or not, I approved.

6 Q. You mentioned in your evidence that you chose not to be a
7 member of the War Council?

8 A. Yes, My Lord.

9 Q. You chose not to be a member of the War Council --

17:01:20 10 A. Yes, My Lord.

11 Q. -- because they were to advise you?

12 A. To give them a free hand to do the advice.

13 Q. You weren't required to accept their advice?

14 A. No, I wasn't.

17:01:41 15 Q. So when they recommended commanders to you, you could
16 either accept or reject their recommendation?

17 A. I could if I would, but I didn't.

18 Q. It was up to you?

19 A. Thank you.

17:01:55 20 Q. That means you had control over who became a commander?

21 A. No, My Lord.

22 MR TAVENER: If I might refer to page 23, as I have it, of

23 30th January 2006. Referring to line 20, it occurs at 11.07.

24 Q. Chief Norman, you said in answer to a question put by your

17:03:13 25 counsel:

26 "The CDF or the hunters were completely in opposition to

27 the supporters, sympathisers and well-wishers who would

28 want to obstruct the achievement of the objective of

29 reinstating that democratic government that had been

1 overthrown."

2 You further go on to say, next page:

3 "The CDF, co-jointly with the civilians and the superior

4 military force, proposed to apply any means within

17:03:41 5 acceptable conditions applicable to overcoming forces that

6 were heavily armed with all sorts of weapons."

7 A. I did, My Lords.

8 Q. When you were looking at, or when you were advising

9 Kamajors -- I will start again. Did your definition of rebels

17:04:10 10 include supporters, sympathisers and well-wishers of rebels?

11 A. No, My Lords.

12 Q. What did your definition of rebel mean?

13 A. Those who were really involved and engaged in the fighting.

14 Q. By that are you saying your definition of rebel was a rebel

17:04:33 15 actively involved in the fighting?

16 A. I wouldn't say "actively involved". I would say a rebel

17 involved in the fighting.

18 Q. If a person lived in a town controlled by rebels and did

19 not actively oppose the rebels, did you regard such a person as a
17:05:04 20 rebel?

21 A. No. It is only unfortunate that that person was in the
22 area where there had been, you know, fighting. Nothing of the
23 sort. Because you were around, so therefore you were.

24 Q. Did you ever go on the radio and tell people that they must
17:05:27 25 leave a certain area before an attack occurred?

26 A. During the Black December, yes, I did. I did, My Lords.

27 Q. And if a person didn't leave the area --

28 MR JABBI: My Lords, the Prosecutor is constantly trying to
29 urge into the area of the Black December situation and, from the

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1 ruling of Your Lordships, this situation is outside the
2 indictment. My Lord, I am objecting to the line of questions he
3 has just started relating to Black December.

4 PRESIDING JUDGE: Mr Tavener, do you wish to respond?

17:06:21 5 MR TAVENER: Yes, Your Honour. What I am asking about is

6 orders that Chief Norman gave -- not orders, directions
7 Chief Norman gave over the radio towards people. This may have
8 happened within the time frame of Black December but I am not
9 asking about Black December. I am asking about what he did, what

17:06:41 10 orders he gave, what were the consequences of people not

11 following those orders. This goes more towards modes of criminal
12 liability, not towards Black December per se.

13 JUDGE THOMPSON: Is there not an alternative

14 characterisation so that we can avoid the direct, specific

17:07:12 15 formula that is now being complained of? If there isn't -- I

16 mean, you can use your creativity. If there is something else,

17 some characterisation which can locate your question in the

18 context, that would probably satisfy the objection of the other

19 side.

17:07:29 20 But the direct reference can be perceived in two senses:

21 One, that you are impinging upon a road that we have actually

22 closed, or that perhaps this is just an innocent or inadvertent

23 reference. But counsel has objected. Let me leave it to your

24 creativity. I am not myself too persistent as to how we can get

17:08:01 25 through it, unless you can give us some help.

26 MR TAVENER: I am pleased -- it would not concern me on

27 this occasion if the witness did not mention the words

28 "Black December". I just want to talk about what he said over

29 the radio.

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1 PRESIDING JUDGE: Your question was whether he spoke on the
2 radio and gave some direction. You are not interested in about
3 what location or no location. Just during the war if he did
4 speak on the radio about.

17:08:26 5 MR TAVENER: Yes, and what he expected to flow from that.

6 PRESIDING JUDGE: Okay.

7 MR JABBI: But, My Lords, it may well be in the conception
8 of the witness that it was only -- I mean, the only radio
9 announcement he may have made was in connection with that

17:08:41 10 incident, and --

11 PRESIDING JUDGE: This is not his evidence up to now, I can
12 tell you that, because he has already testified that he spoke on
13 BBC on more than one occasion. This is his own evidence in both
14 examination-in-chief and in cross-examination that he has spoken

17:08:59 15 on BBC, I don't know how many occasions, but more than two, let's
16 put it this way.

17 MR JABBI: But, as he was saying in the answer he gave just
18 now, when the mention of talking on the radio was made his mind

19 went straight to --

17:09:17 20 PRESIDING JUDGE: Yes, but I cannot control the mind of the

21 witness. If he decided to speak about that, what can I say? He

22 was not asked a question about Black December.

23 JUDGE ITOE: He wasn't asked anything about Black December.

24 It was he, of his own initiative, who started talking of

17:09:32 25 Black December. It is not the fault of the Court.

26 MR JABBI: The question could also be posed in a way to

27 exclude the possibility of --

28 PRESIDING JUDGE: But then the question would have been

29 speak, but do not speak about Black December. You would have

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1 complained that already he is directing the attention about
2 Black December. I think the question was quite neutral. The
3 witness, in his response, decided to quote that as an example,
4 but this is not what the Prosecution was asking and that's what
17:10:05 5 they've said. I mean, they are quite content with the response
6 without any reference to Black December. So we are quite
7 satisfied with that.

8 MR JABBI: But, My Lord, even when the witness mentioned
9 Black December, a question -- a further question was posed about
17:10:13 10 it. That is when I got up to object, My Lord.

11 PRESIDING JUDGE: Your objection is noted, but we take the
12 comments of the Prosecution that they are not pursuing the
13 question of Black December. All they want to know is if the
14 witness has given directions overall.

17:10:32 15 Mr Witness, you know the ruling of the Court about
16 Black December, obviously, and if you can avoid Black December,
17 please do so. As I said, I cannot control your mind. I didn't
18 know what you were to answer.

19 THE WITNESS: Thank you, My Lord. But I want to assist the
17:10:50 20 Court in getting at the truth. I hate to refer to things that

21 you have warned me not to, but in these circumstances --

22 PRESIDING JUDGE: This is to your advantage. We have
23 decided that Black December for that purpose does not exist for
24 us.

17:11:04 25 THE WITNESS: Yes, My Lord. This thing happened between
26 the period 15th December to 25th December.

27 PRESIDING JUDGE: 1997?

28 THE WITNESS: 1997, My Lord. So these are periods during
29 which --

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1 JUDGE ITOE: Besides Black December, are there any other
2 instances where you had to warn the populations to evacuate
3 certain areas?

4 THE WITNESS: Those were the only time, My Lord, when I
17:11:31 5 went on the air and I gave reason why they had to leave, I gave
6 reason why they should not use the roads, I gave reasons why they
7 should not use NGO vehicles, NGO uniform and NGO ID cards. All
8 this one happened between 15th and 25th, My Lords.

9 MR JABBI: My Lords, I believe that the answer just given
17:11:57 10 to Your Lordships by the witness was intended merely to explain.

11 PRESIDING JUDGE: Indeed.

12 MR JABBI: But, My Lords, for the purpose of the records,
13 that answer, I suggest, be deleted from the records.

14 PRESIDING JUDGE: Why?

17:12:13 15 MR JABBI: The explanation he made just now, My Lord.

16 PRESIDING JUDGE: Yes, but why should it be expunged from
17 the record? I would like to hear from you on that. He just
18 answered the question posed by my learned brother Justice Itoe as

19 to what it is and just explained, "I didn't speak on any
17:12:31 20 occasion, all I did is give some directions at that time." I
21 mean, we're not trying to -- I don't think this evidence was ever
22 intended to establish that Black December has taken place and
23 that there is any liability of the witness in this respect about
24 Black December.

17:12:42 25 MR JABBI: Yes, but, My Lord, everything that the witness
26 said just now concerned only Black December notwithstanding that
27 His Lordship started by saying, "Apart from Black December." So,
28 My Lords, if indeed Black December is not within the
29 contemplation of the indictment as far as the Court is concerned,

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1 then that explanation he made just now, having clarified a few
2 matters to the Court, ought, I believe, to be deleted from the
3 records because its sole reference is only to Black December.

4 PRESIDING JUDGE: Mr Prosecutor, you want to respond to
17:13:26 5 that?

6 MR TAVENER: The Prosecution understands the decision of
7 the Court. We are not seeking to lead evidence of Black December
8 per se. What we are seeking to speak to the witness about goes
9 to the relevant modes of liability; his control, planning,
17:13:41 10 instigation, ordering and so forth. That is the purpose of the
11 questioning. The Black December issue is not one that we are
12 concerned with as a consequence of the ruling of the Court. We
13 would still ask that we can question Chief Norman concerning what
14 he did in terms of exercise and control, what information he --

17:14:05 15 JUDGE ITOE: Including Black December?

16 MR TAVENER: Not for the purposes for which Your Honours
17 have ruled are now not part of the indictment. That is the
18 unlawful killings, the particular counts that may flow from the

19 consequence of your ruling. However, the modes of liability is
17:14:26 20 still an open question and that is what we are seeking to -- what
21 is still in Court is Chief Norman's role at this time.
22 Black December we are not asking about. It is not going to that
23 point. So although we accept that we are not to refer to, for
24 instance, the killings during the Operation Black December --

17:14:49 25 JUDGE ITOE: But the point is issues relating to
26 Black December have come out in his evidence, in his testimony.
27 What is your position on this?

28 MR TAVENER: Our position is we can ask Chief Norman what
29 he did at certain times.

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1 JUDGE ITOE: Including Black December?

2 MR TAVENER: Not per se. We can ask him did he go on the
3 radio? Why did he go on the radio?

4 JUDGE ITOE: He has said that he went on the radio to warn
17:15:15 5 the population only in respect of Black December. What would be
6 your position on this.

7 MR TAVENER: The only answer we would say that is relevant
8 to the indictment outstanding is the fact that he went on the
9 radio and warned people. And then we would obviously be asking,
17:15:31 10 without saying too much --

11 JUDGE ITOE: Even on what is not covered by the indictment?

12 MR TAVENER: It is still covered by the indictment to the
13 effect that it falls under 6(1) and 6(3), and that is why we are
14 asking questions about it. It does not fall under the indictment
17:15:48 15 for the purposes -- under the categories that have now been
16 expunged, but 6(1) and 6(3) are still live issues. And from
17 memory, Your Honours' decision on the 98 bis still sit, that the
18 modes of liability are obviously on foot. They are still a live

19 issue. So we would say any evidence that goes to establish those
17:16:09 20 modes of liability must be admissible. Not, we understand, not
21 those matters that are now -- such as unlawful killings around
22 that time, are not. And we are not seeking to ask Chief Norman
23 about unlawful killings or related issues. But we are asking to
24 question him about 6(1) and 6(3).

17:16:57 25 [Trial Chamber conferred]

26 PRESIDING JUDGE: Before we give a decision on that we
27 would like to think about it. I don't know if you can move to
28 some other area in the meantime and we will come back with some
29 ruling on that tomorrow morning, or we can just adjourn to

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1 tomorrow morning and deal with that in the morning when we come
2 back.

3 MR TAVENER: Thank you, Your Honour. I prefer to adjourn
4 now just so that I can organise things.

17:17:30 5 PRESIDING JUDGE: Very well. The Court is adjourned until
6 9.30 tomorrow morning.

7 [Whereupon the hearing adjourned at 5.18 p.m.,
8 to be reconvened on Tuesday, the 7th day of
9 February 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: SAMUEL HINGA NORMAN 9

CROSS-EXAMINED BY MR TAVENER 9