

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

THURSDAY, 10 FEBRUARY 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Chiara Galletti
Ms Sharelle Aitchison

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Raimund Sauter
Mr Kevin Tavener
Ms Bianca Suciu
Mr Mohamed Stevens (intern)

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Mr John Wesley Hall
Ms Claire Da Silva

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana
Mr Neerav Kingsland (intern)

1 [HN100205 - EKD]
2 Thursday, 10 February 2005
3 [Open session]
4 [The accused not present]
09:29:11 5 [Upon commencing at 9.45 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel, we are
7 resuming our session. The Prosecution may call its next
8 witness.
9 MR KAMARA: Let the witness be sworn on the Bible.
09:41:45 10 PRESIDING JUDGE: Can you announce the number of that
11 witness -- the pseudonym of that witness for us please?
12 MR KAMARA: TF2-190.
13 PRESIDING JUDGE: And he is your 40th, is he?
14 MR KAMARA: Yes, 40th witness.
09:42:03 15 PRESIDING JUDGE: TF?
16 MR KAMARA: TF2-190, Your Honour.
17 WITNESS: TF2-190 [Sworn]
18 [Witness answered through interpreter]
19 MR KAMARA: Thank you, Your Honours.
09:42:51 20 EXAMINED BY MR KAMARA:
21 MR KAMARA:
22 Q. Good morning, Mr Witness.
23 A. Morning sir.
24 Q. I shall be asking you a few questions and please take
09:43:05 25 your time to answer as their Lordships are taking down
26 whatever you say. Try to speak audibly, loud enough so
27 my friends on the other side, as well as the judges and
28 the stenographers, could get what you are saying. Okay?
29 A. Yes, sir.

1 Q. Mr Witness, will you state your full names for this
2 Court?
3 A. Yes, sir.
4 Q. Yes, go ahead?
09:43:55 5 A. My name is Bobor Tucker.
6 Q. Are you known by any other name?
7 A. Yes, sir.
8 Q. What is that name?
9 A. Jengbema.
09:44:25 10 Q. Can you spell that for the Court?
11 A. Yes, sir.
12 Q. Yes, go ahead?
13 A. J-E-N-G-B-E-M-A.
14 Q. Jengbema?
09:44:49 15 A. Jengbema.
16 PRESIDING JUDGE: That's?
17 THE WITNESS: J-E-N-G-B-E-M-A.
18 PRESIDING JUDGE: It is the pronunciation that intrigues me;
19 you're calling it Jengbema, maybe it is a local
09:45:17 20 pronunciation. Normally it would be Jengbema.
21 MR KAMARA: No, Jengbema. There is a Y-A-M-A.
22 PRESIDING JUDGE: Y-A?
23 MR KAMARA: Yes, you're right, Your Honours, Y-A-M-A. I'm
24 sorry, yes.
09:45:38 25 PRESIDING JUDGE: You say he is Jengbema what again?
26 MR KAMARA: He's Bob Tucker. He's known also as Jengbema.
27 PRESIDING JUDGE: Jengbema.
28 MR KAMARA: Yes.
29 PRESIDING JUDGE: Okay.

1 MR KAMARA:
2 Q. Now, Mr Tucker, how old are you?
3 A. I am 37 years this year.
4 Q. Where were you born?
09:46:18 5 A. I was born in Gambia Village, Jong Chiefdom, Bonthe
6 District.
7 Q. Gambia Village, Jong J-O-N-G, Bonthe District?
8 Mr Tucker, are you married?
9 A. Yes sir, I'm married.
09:46:59 10 Q. And do you have children?
11 A. Yes, I have three girls.
12 Q. Mr Tucker, what do you do for a living? What's your job?
13 A. I was mining, I was mining diamonds.
14 Q. You're a miner and you mine diamonds?
09:47:40 15 A. Yes, sir.
16 Q. And where were you doing this mining?
17 A. At Sumbya, Lugbu Chiefdom.
18 Q. L-U-G-B-U. S-U-M-B-Y-A, L-U-G-B-U Chiefdom. Mr Tucker,
19 what languages do you speak?
09:48:25 20 A. I speak Mende and Krio.
21 Q. Mr Tucker, let me take your mind back to the days of the
22 conflict in Sierra Leone. Were you involved with any of
23 the fighting forces during that conflict?
24 A. Yes, sir.
09:49:02 25 Q. And which group were you involved with?
26 A. I joined the Kamajors.
27 Q. Mr Tucker, will you tell this Court the time you joined
28 the Kamajors?
29 A. Yes, sir.

1 Q. When?

2 A. I joined the Kamajors some time in 1995, in June.

3 Q. June 1995. Were you initiated?

4 A. Yes, sir.

09:50:12 5 Q. By whom?

6 A. It was Mr Allieu Kondewa that initiated me.

7 Q. So what happened once you completed your initiation?

8 A. I went to the warfront.

9 Q. On whose instructions did you go to the warfront, do you

09:51:09 10 know?

11 A. Yes, sir.

12 Q. Please tell the Court.

13 A. Mr Moinina Fofana, Musa Kortuwai.

14 MR KAMARA: The spelling, Your Honours, is K-O-R-T-U-W-A-I.

09:51:29 15 Musa Kortuwai.

16 THE WITNESS: And Mr Joe Tamidey.

17 PRESIDING JUDGE: K-O?

18 MR KAMARA: K-O-R-T-U-W-A-I. Kortuwai, K-O-R-T-U-W-A-I. And

19 Joe Tamidey.

09:52:03 20 PRESIDING JUDGE: What was the next name?

21 MR KAMARA: Joe Tamidey, Your Honour.

22 Q. Who was the leader of that group that went to this

23 warfront, do you know?

24 A. It was late Mustafa Ngobea.

09:52:32 25 Q. Did that group engage in any combat?

26 A. Yes, sir.

27 Q. And where was that engagement?

28 A. It was at Baomokbengeh.

29 MR KAMARA: Your Honours, the spelling for that is

1 B-A-O-M-A-K-B-E-N-G-E-H.

2 Q. What chiefdom is that?

3 A. It was Gbap Chiefdom.

4 Q. Will you tell this Court what was the result of that
09:53:37 5 engagement?

6 A. Yes, sir.

7 Q. Tell the Court?

8 A. After that took place, we defeated the rebels. We killed
9 some of them and the balance were driven out of the town
09:54:04 10 finally.

11 Q. Mr Tucker, was that battle significant to you as a
12 fighter?

13 A. Yes, sir.

14 Q. Why?

09:54:35 15 A. Because at the time when I joined the Kamajors I was
16 under observation. So when we went to that fight, that
17 made me to be recognised as a hero and a good fighter.

18 Q. Mr Tucker, were any appointments made following the
19 success of that attack?

09:55:31 20 A. Yes, sir.

21 Q. Go ahead and tell the Court.

22 A. After that battle the leaders who have been controlling
23 the Kamajors, Mr Kortuwai, Mr Moinina Fofana, Mr Joe
24 Tamidey, they summoned a meeting. Out of that meeting I
09:56:33 25 was appointed to lead the group that was going to capture
26 Singihun.

27 Q. Mr Witness, do you know who made that specific
28 appointment?

29 PRESIDING JUDGE: Capture what?

1 MR KAMARA: Singihun. I think it is S-I-N-G-U --
2 PRESIDING JUDGE: S-I-N?
3 MR KAMARA: G-I-H-U-N. Singihun. S-I-N-G-I-H-U-N.
4 Q. Who made that specific appointment, do you know?
09:57:38 5 A. It was Mr Moinina Fofana.
6 Q. And when was that meeting held?
7 A. It was in [translation interrupted]
8 Q. When was the meeting held, do you remember?
9 A. Yes, sir.
09:58:05 10 Q. When was it held?
11 A. It was in 1995.
12 Q. It was in 1995?
13 Do you know who led the attack on Singihun?
14 A. Yes, sir.
09:58:36 15 Q. Who led that attack?
16 A. It was I that am sitting here.
17 Q. So how long did that attack last, do you know?
18 MR MARGAI: My Lords, I'm sorry, I do not wish to interrupt
19 the smooth flow of my learned friend's attempt to adduce
09:59:13 20 evidence but I would have thought that the evidence
21 should be confined to the period under review vis-a-vis
22 the charges, November 1996 upwards. There is no harm in
23 making reference to something that happened prior to
24 that, but to delve into it, that is my concern.
09:59:41 25 JUDGE BOUTET: Mr Prosecutor?
26 MR KAMARA: Yes, Your Honour, I do appreciate my learned
27 friend's comment but this is a witness that we have to
28 show a pattern and the pattern, and I think the
29 Prosecution has not gone far beyond the prescribed time

1 limits of the charges, and the evidence that has been led
2 is in '95 and we have to lay a pattern to show how things
3 developed '95 up to '96 rather than just bring in the
4 matters before the Court.

10:00:32 5 JUDGE THOMPSON: Learned counsel, it seems to me that there is
6 an elementary principle here involved, which is that in
7 framing an indictment one does observe the time span
8 scale, and also when one is leading evidence in purported
9 support of the charges it would seem also that it is a
10:01:03 10 principle of legality that one should in fact keep within
11 the time frame. There could be some latitude in terms of
12 context, but learned counsel on the other side seems to
13 be complaining that what we have here is an elaboration
14 of the background virtually going into another period
10:01:31 15 that is not charged in the indictment.

16 I feel that it is a legitimate complaint and how far
17 you intend to proceed one doesn't know. I mean, remember
18 that the Rules governing the framing of indictment are
19 very technical and that usually when one is leading
10:01:54 20 evidence one has to confine oneself to the nature and
21 scope of the charges as laid in the indictment. I'm not
22 sure myself whether you have exceeded the permissible
23 limit but I think it is a word of caution that I would
24 myself associate with.

10:02:22 25 MR KAMARA: Thank you, Your Honour. I am almost there into
26 '96.

27 JUDGE BOUTET: But the objection was not that you could not
28 lead evidence. The objection is that you should not go
29 into the details of that evidence, that it leads to is

1 scenario in 96/97, they're not objecting to that. What
2 they are objecting to is that you seem to be expanding
3 unnecessarily on '95 when '95 is not the time frame
4 spelled out in the indictment. So that is the essence of
10:02:51 5 the objection.

6 So in this respect we have to sustain the objection
7 in the sense that you have not convinced us that you need
8 to go into these kinds of details to be able to lead
9 evidence in the specific area spelled out in the
10:03:04 10 indictment. So it is just that you have to move
11 carefully. We need not to go into details except to lead
12 to wherever you want to lead the witness to.

13 MR KAMARA: Certainly. Your Honour, the issue of '95 is his
14 initiation into the Kamajor and if we are leading
10:03:20 15 evidence about his being a member of the Kamajor it is
16 necessary to show when he became a member.

17 JUDGE BOUTET: No, the objection is not that. The objection
18 had to do more with the fact now that you are asking the
19 witness if he led the battle and how did the battle go
10:03:30 20 and so on in '95. That is not part of the charges.

21 MR KAMARA: As Your Lordship pleases.

22 JUDGE THOMPSON: Perhaps we need to note also that when you
23 say you were leading evidence as to part that as a
24 general rule one confines oneself to the charges that are
10:03:45 25 laid in the indictment. And unless you have in fact
26 spelt out in your indictment that you will be charging
27 similar fact, you want to avoid that because as a general
28 rule, as a matter of law, similar fact evidence is not
29 admissible unless you can bring it within the recognised

1 exceptions in law.

2 MR KAMARA: I take the cue, Your Honour, but in the indictment

3 you do have widespread and systematic attacks.

4 JUDGE THOMPSON: Well, that is specifically charged.

10:04:20 5 JUDGE BOUTET: But for what period of time?

6 MR KAMARA: For what period of time, in the indictment that is

7 '96 to '99 and if we as a prosecution are leading

8 evidence immediately prior to '96 I thought we were

9 within the right frame. But I will still proceed

10:04:35 10 cautiously and I take the caution from the Bench and will

11 not dilate further on those issues and will accelerate

12 forward.

13 JUDGE BOUTET: Again we are not precluding you from leading

14 evidence but we are cautioning you that there is no need

10:04:49 15 to go into details of that. This is a lead into where

16 you want to go, so please move in that direction.

17 MR KAMARA: Certainly, Your Honour.

18 Q. Now, Mr Witness, let me take your mind back as far as to

19 '96 and where were you in 1996? Take your time to think

10:05:24 20 about it.

21 A. Early 1996 I was at Grima Sogbini.

22 Q. Can you spell that for the Court?

23 A. Yes, sir.

24 Q. Go ahead.

10:05:44 25 A. G-R-I-M-A S-O-G-B-I-N-I.

26 Q. Grima Sogbini. What were you doing at Grima Sogbini?

27 A. I had orders from Mr Joe Tamidey to take the Sogbini

28 Chieftdom people to Grima Sogbini.

29 Q. Could you come again, please? What were the orders you

1 received from Joe Tamidey?

2 A. I had orders from Mr Joe Tamidey that I was a commander
3 who was to take the Grima people to Grima Chiefdom,
4 because the rebels had taken them all from the chiefdom
10:07:08 5 and they had all gone to Talia Yawbeko.

6 Q. Did you comply with those instructions?

7 A. Yes, sir.

8 Q. So tell this Court what happened when you took those
9 people back to Grima Sogbini Chiefdom?

10:07:53 10 A. When I took the people to Grima, I organised my followers
11 so as to launch an offensive on the rebels who had been
12 disturbing the people at the Sogbini Chiefdom.

13 PRESIDING JUDGE: When you say your people, you mean the
14 Kamajors?

10:08:32 15 THE WITNESS: The Sogbini Chiefdom people, yes sir.

16 PRESIDING JUDGE: [Overlapping speakers]

17 THE WITNESS: Yes, sir.

18 Q. So were you successful on that mission?

19 PRESIDING JUDGE: To launch an attack on --

10:08:59 20 THE WITNESS: Yes, sir.

21 MR KAMARA:

22 Q. Where was this attack launched? You said you organised
23 your people and your men to launch an attack against the
24 rebels. Did you launch an attack?

10:09:12 25 A. Yes, sir.

26 Q. Where was this attack launched?

27 A. At Gbongeh Hill, Kpanda Kemoh Chiefdom.

28 Q. Can you spell that for us?

29 A. G-B-O-N-G-E-H.

1 Q. What was the name of the chiefdom?
2 A. Kpanda Kemoh Chiefdom.
3 Q. How do you spell that?
4 A. K-P-A-N-D-A K-E-M-O-H Chiefdom.
10:10:29 5 Q. Mr Witness, do you recall the date of May 25th, 1997?
6 A. Yes, sir.
7 Q. Where were you on that date?
8 A. I was in my village, Gambia.
9 PRESIDING JUDGE: Please spell that village again? Is it
10:11:03 10 Kambia or Gambia?
11 MR KAMARA: Gambia, Your Honour.
12 THE WITNESS: G-A-M-B-I-A. G-A-M-B-I-A.
13 MR KAMARA:
14 Q. Did anything happen on that date that is of note to you?
10:11:35 15 A. Yes, sir.
16 Q. Tell the Court.
17 A. On that day we heard an announcement on the radio saying
18 that they had overthrown Kabbah's government.
19 Q. What was your response to that information?
10:12:22 20 A. I took some of my colleagues, all of which were Kamajors,
21 so as to go to Blama Mbedema.
22 MR KAMARA: The spelling for that Your Honours is B-L-A-M-A
23 M-B-E-D-E-M-A.
24 PRESIDING JUDGE: Spell it again.
10:12:46 25 MR KAMARA: B-L-A-M-A and the other name is M-B-E-D-E-M-A.
26 Q. And why did you have to go to this place?
27 A. I went to Blama Mbedema because at that time I knew that
28 Kamoh Lahai Bangura was staying there.
29 Q. Who is this Kamoh Lahai Bangura?

1 A. Kamoh Lahai Bangura was an individual who was initiating
2 people into the Kamajor society.
3 Q. So did anything happen at Blama Mbedema?
4 A. Yes, sir.
10:13:57 5 Q. Would you tell this Court?
6 A. Yes, sir.
7 Q. Yes, go ahead.
8 A. We met Kamoh Lahai Bangura at Blama Mbedema and we told
9 him that, "Kamoh, this is the news that we've heard."
10:14:33 10 Q. What news?
11 A. That they had overthrown Pa Kabbah's government and those
12 that overthrew are going to hunt us, the Kamajors.
13 According to the news that we heard on the radio they
14 said that we the Kamajors, we should hand over all our
10:14:57 15 weapons to them.
16 Q. Did Kamoh Lahai Bangura say anything to you in return?
17 A. Yes, sir.
18 Q. What did he say?
19 A. He told us that he himself had heard the announcement,
10:15:52 20 but he would have to call a meeting at Talia Yawbeko.
21 Q. Mr Tucker, was that meeting summoned?
22 A. Yes, sir.
23 Q. And did you yourself attend that meeting?
24 A. Yes, sir.
10:16:35 25 Q. Where was that meeting held?
26 A. It was held at Talia Yawbeko court barri.
27 Q. Would you tell this Court those that attended this
28 meeting?
29 A. Yes, sir.

1 Q. Go ahead.

2 A. I Bobor Tucker was there. Kamoh Lahai Bangura was there.

3 Mr Moinina Fofana was there. Kamoh Gboni was there.

4 Mr MT Collier was there. Pa Rufus Collier was there and

10:18:01 5 many other authorities were there.

6 Q. Thank you, Mr Tucker. Do you happen to know the person

7 that chaired the meeting?

8 A. Yes, sir.

9 Q. Who chaired that meeting?

10:18:26 10 A. Well, that particular meeting was chaired by Mr MT

11 Collier.

12 Q. What did the chairman say in that meeting?

13 A. Chairman said we should resist the junta's rule; we

14 should not encourage them at all, we should not accept

10:19:04 15 them.

16 Q. Were you given an opportunity to speak at that meeting?

17 A. Yes, sir.

18 Q. What did you have to say?

19 A. Well, I stood up and called my colleagues who are all

10:19:49 20 initiates in the Kamajor society and fighters. I call on

21 them and ask them, told them that if we want the freedom

22 don't go under the junta but you must take your time. I

23 called upon them, I told them that if you don't want to

24 go under the junta rule you should be prepared to fight

10:20:20 25 the juntas and if you're ready to fight them, give me

26 your name so that I'll take it down.

27 Q. Was there any response to that call?

28 A. Yes, sir.

29 Q. What was the response?

1 A. Well, I had 20 men who volunteered during that day and
2 plus myself totalling up to 21.

3 Q. So what were the conclusions from that meeting, do you
4 know?

10:21:41 5 A. Yes, sir.

6 Q. What is it?

7 A. We agreed that the authorities should call another
8 meeting where Mr Allieu Kondewa is coming there to meet
9 two weeks later after the very same meeting. That is in
10:22:20 10 Tihun Sogbini. Tihun Sogbini, that is where the next
11 meeting should take place.

12 Q. [Overlapping speakers]

13 A. Tihun Sogbini.

14 Q. Sogbini is S-O-G-B-I-N-I. You mentioned the name Allieu
10:22:42 15 Kondewa. Who is that Allieu Kondewa?

16 PRESIDING JUDGE: Take that spelling again.

17 MR KAMARA: Tihun, T-I-H-U-N. Sogbini is the name of the
18 chiefdom, S-O-G-B-I-N-I.

19 Q. You mentioned the name Allieu Kondewa. Who is this
10:23:11 20 Allieu Kondewa that has to be present in the second
21 meeting?

22 A. Well, during that time Mr Allieu Kondewa was the chief
23 initiator.

24 Q. Did that meeting take place?

10:23:57 25 A. Yes, sir.

26 Q. Were you present for that meeting?

27 A. Yes, sir.

28 Q. Was there a chairman for that meeting?

29 A. Yes, sir.

1 Q. Who chaired that meeting?

2 A. Well, Kamoh Lahai Bangura spoke, Dr Jigbao also spoke,
3 but finally Dr Allieu Kondewa chaired the meeting,
4 because his presence was there also.

10:24:56 5 Q. Mr Tucker, will you tell this Court what was discussed at
6 that meeting?

7 A. Yes, sir.

8 Q. Briefly tell us what was discussed in that meeting?

9 A. We discussed at the meeting about how we should resist
10:25:37 10 against the junta rule. Secondly, the strategies that we
11 shall use to attack the juntas.

12 Q. At that meeting were any instructions given to anyone?

13 A. Yes, sir.

14 Q. Go on and tell this Court.

10:26:32 15 A. Well, from that meeting I was given order by Mr Allieu
16 Kondewa to mount up checkpoints.

17 Q. Where were you to mount these checkpoints?

18 A. I was to mount the first checkpoint at Bauya Junction
19 because that's the entrance to Tihun on the way from Bo.

10:27:32 20 Q. Did you receive -- sorry?

21 JUDGE BOUTET: Can you have the witness to repeat these places
22 and spell them out, please?

23 MR KAMARA: Yes, Your Honour.

24 Q. Mr Witness, will you tell this Court the places where you
10:27:49 25 mounted these checkpoints. His Lordship is wanting to
26 know. What you said firstly at Bauya Junction?

27 A. Yes, sir.

28 Q. Would you spell that?

29 A. Yes, sir. B-A-O-Y-A. It's B-A-U-Y-A, Bauya Junction.

1 Q. And where again?

2 A. Tobanda Junction. That is the junction entrance to

3 Sogbini from the main road.

4 Q. How do you spell [inaudible]?

10:28:38 5 A. T-O-B-A-N-D-A. And the last checkpoint I mounted was

6 inside Bumpah Town.

7 MR KAMARA: B-U-M-P-E-H.

8 Q. Mr Tucker, did you receive anything to help you carry out

9 these instructions?

10:29:31 10 A. Yes, sir.

11 Q. What is it that you received?

12 A. I received two packets shotgun cartridges from Mr Allieu

13 Kondewa with some AK special ammos contained in a plastic

14 bag.

10:30:26 15 PRESIDING JUDGE: What do you call them, special what?

16 THE WITNESS: AK special.

17 PRESIDING JUDGE: AK special what?

18 MR KAMARA: Ammo. He said AK special ammo.

19 PRESIDING JUDGE: Ammo?

10:30:46 20 MR KAMARA: Yes, Your Honour.

21 THE WITNESS: Yes.

22 MR KAMARA:

23 Q. Where did you receive these items from Allieu Kondewa?

24 A. It was in Tihun, Sogbini in Mr Allieu Kondewa's house.

10:31:10 25 Q. Mr Tucker, after mounting these checkpoints was your

26 group engaged in any other activity other than this

27 checkpoint mounting? You said you had 20 men with you

28 that volunteered after that meeting in Tihun and then you

29 mounted these checkpoints. Other than mounting these

1 checkpoints was this group of yours engaged in any other
2 activity?
3 A. Yes, sir.
4 Q. Yes, tell this Court.
10:32:29 5 A. I and my 20 men organised ourselves to launch an attack
6 on the Mokanji soldiers.
7 MR KAMARA: Mokanji is spelt M-O-K-A-N-J-I, Your Honours.
8 Q. So was the attack launched?
9 A. Yes, sir.
10:33:13 10 Q. What was the outcome of that attack?
11 A. It was successful. We had plenty weapons from the
12 soldiers.
13 Q. So what did you do with the captured weapons you said you
14 had?
10:33:54 15 A. I handed them over to Mr Allieu Kondewa.
16 Q. Where did you hand these weapons over?
17 A. In Mr Allieu Kondewa's house in Tihun.
18 Q. [Overlapping speakers]
19 A. Yes, sir.
10:34:42 20 Q. What was Mr Kondewa's reaction to the receipt of those
21 items?
22 A. He was very pleased.
23 Q. Mr Tucker, did your group receive any further
24 instructions for attack on any location after that
10:35:29 25 Mokanji onslaught?
26 MR MARGAI: Objection, My Lord. There is no evidence here so
27 far of instructions to the witness and his group to
28 attack. The evidence that has been borne out here was
29 for him to mount checkpoints simplicita.

1 JUDGE BOUTET: So your objection is this is a leading
2 question.
3 MR MARGAI: It is not only leading, My Lord, it is suggesting
4 that which is not in evidence, any further instructions.
10:36:03 5 Further instructions presupposes an earlier instruction.
6 As My Lords please.
7 JUDGE BOUTET: So you're essentially saying it's leading.
8 That's my observation. Leading in a sense there has been
9 no prior evidence of instructions --
10:36:18 10 MR MARGAI: It is not only leading, it is a presupposition
11 presupposing there had been an earlier instruction when
12 there was none as per the evidence.
13 JUDGE BOUTET: Mr Prosecutor?
14 MR KAMARA: I will rephrase the question. I concede to that.
10:36:33 15 Q. Did you group receive any instructions for any attack?
16 A. Yes, sir.
17 Q. From whom did you get those instructions?
18 A. From Mr Allieu Kondewa.
19 Q. What were those instructions?
10:37:08 20 A. I was instructed to lead the battle to attack and capture
21 Bo from the soldiers.
22 Q. Was there any compliance with those instructions from
23 your men?
24 A. Yes, they accepted. We went as far as Bumpeh.
10:38:05 25 Q. Were there any other groups involved in this venture?
26 A. Yes.
27 Q. Do you know the commanders involved in this venture?
28 A. Yes, sir.
29 Q. Will you take your time and tell this Court?

1 A. Yes, sir. Commander Mustafa Ngobea was there, Commander
2 Lahai George was there, and Commander Lamina Gbokambama
3 was also there -- Lamina Gbokambama.
4 MR KAMARA: G-B-O-K-A-M-B-A-M-A, Lamina Gbokambama.

10:39:47 5 Q. Now, Mr Tucker, where did you get logistics, if at all,
6 for this operation?
7 A. Please repeat the question.
8 Q. Where did you get logistics?
9 PRESIDING JUDGE: Remove the word "logistics". Can you change
10:40:27 10 the word "logistics", please?
11 MR KAMARA: Yes, Your Honours.

12 Q. Where did you get support for this mission? I'm
13 referring to arms, ammunitions, stuff like that.
14 A. From Mr Allieu Kondewa.

10:41:12 15 Q. How did you get the support from Allieu Kondewa?
16 A. I got the support from him from his house, because I was
17 one of the commanders that he trusted.

18 Q. Now, Mr Tucker, you told this Court that the group moved
19 as far as Bumpeh. I'm referring to the instructions that
10:42:15 20 you had from Allieu Kondewa to attack Bo. The group, you
21 said, moved as far as Bumpeh. Is that what you said?
22 A. Yes, sir.

23 Q. Tell this Court what happened at Bumpeh?
24 A. At the time we went to Bumpeh we didn't accomplish the
10:43:03 25 attack because there was no food to keep the fighters to
26 continue. So we dispersed. We returned and I presented
27 the report to Mr Allieu Kondewa that it was because of
28 food that we couldn't accomplish our mission.

29 Q. After the abortive Bo mission were any orders issued by

1 anyone for further attacks?

2 A. Yes, sir.

3 Q. Who issued the orders?

4 A. During that time I only received orders from Mr Allieu

10:44:57 5 Kondewa, because he took me as his liaison officer.

6 Q. Will you tell this Court what those orders were?

7 A. Yes, sir.

8 Q. What were the orders?

9 A. Well, from the unsuccessful Bo attack Allieu Kondewa gave

10:46:02 10 me orders to go with him to the Executive Outcomes who

11 were based at Mombimbi Sierra Rutile.

12 Q. Will you spell Mombimbi for the Court -- do you know?

13 A. No, sir.

14 MR KAMARA: Your Honours I will attempt it as M-O-M-B-I-M-B-I.

10:46:43 15 M-O-M-B-I-M-B-I.

16 Q. You said the Executive Outcomes were based at Mombimbi

17 Sierra Rutile?

18 A. Yes, sir.

19 Q. So you went to these Executive Outcomes at Mombimbi.

10:47:19 20 What happened there?

21 A. When we went to Mombimbi, Mr Allieu Kondewa requested the

22 commander who was the overall commander of the Executive

23 Outcome in Mombimbi to help us to get ammunitions.

24 Q. Did you receive such help?

10:48:13 25 A. Yes, sir.

26 Q. What was this help that was given to him?

27 A. I saw -- they gave us 10 boxes of AK special ammo.

28 Q. You received 10 boxes of AK special ammo. Is that all?

29 A. Yes, sir.

1 Q. Did you or your group receive anything from that
2 consignment?
3 A. Yes, sir.
4 Q. What was it?
10:49:37 5 A. From those 10 boxes my group received two boxes.
6 Q. Now, Mr Tucker, you received this ammo and I want to take
7 your mind back to the instructions for the attack. Where
8 was your group supposed to attack?
9 A. I was ordered to attack Taiama.
10:50:36 10 Q. Who gave that order?
11 A. Mr Allieu Kondewa.
12 Q. Did you and your group carry out those orders?
13 A. Yes, sir.
14 Q. Could you briefly describe the Taiama attack for this
10:51:43 15 Court -- how Taiama was attacked by your group?
16 A. Yes, sir.
17 Q. Please tell the Court.
18 A. Well, the Taiama attack was successful. We moved the
19 rebels from the town. We killed some rebels, but the
10:52:17 20 ammunitions reach -- some of our colleagues took the
21 information to Mr Allieu Kondewa that they brought some
22 ammunitions for the rebels, we didn't find them at all,
23 but we captured the town.
24 Q. Could you make something clear for the Court and for us
10:52:44 25 on both sides here. You said your colleagues came with
26 information to Kondewa about receipt of arms and
27 ammunitions for soldiers. Could you make that clear so
28 we can understand. I see his Lordship is --
29 JUDGE BOUTET: I understood his evidence to be that they did

1 not capture any ammo.

2 MR KAMARA: Yes.

3 JUDGE BOUTET: But they captured the town.

4 MR KAMARA: Yes, that's it.

10:53:06 5 JUDGE BOUTET: It is not clear what he means by that.

6 MR KAMARA: He said they had information that ammo was being

7 brought for the soldiers at Taiama, but when they

8 captured the town they couldn't find any ammo, but the

9 town was captured. That is my understanding of things.

10:53:22 10 THE WITNESS: That was what I said exactly.

11 JUDGE BOUTET: Thank you.

12 THE WITNESS: Thank you too.

13 MR KAMARA:

14 Q. Was any situation report made to anybody in particular?

10:53:42 15 A. Yes, sir.

16 Q. To whom was this situation report made?

17 A. To Mr Allieu Kondewa. I reported to him that we have

18 captured the village but we didn't find any ammunition at

19 all.

10:54:14 20 Q. Now, Mr Witness just one more question on that Taiama

21 attack. Were there civilian casualties?

22 MR BOCKARIE: Objection, Your Honour. Objection, Your Honour.

23 That is most leading.

24 JUDGE BOUTET: Objection sustained.

10:54:55 25 MR KAMARA: Thank you, Your Honours.

26 Q. Now, Mr Witness, you've described the Taiama attack for

27 the Court, that you captured Taiama. Were there losses

28 during the attack?

29 A. Please break it down so that I will get it clearer. What

1 do you mean by "losses"?

2 Q. Did you lose men, did the other side lose men or did the
3 people in the town lose their lives?

4 A. On my side I lost one man. His name was Asmeru. On the
10:55:54 5 civilian casualty side I wouldn't deny it because it was
6 a cross firing.

7 JUDGE BOUTET: Would you ask your witness to expand on that a
8 bit?

9 MR KAMARA: Certainly, Your Honours.

10:56:19 10 JUDGE BOUTET: Cross firing is not obvious to anybody.

11 MR KAMARA: Thank you.

12 Q. His Lordship would like to know could you expand further
13 what you mean by "cross firing". You said there was
14 cross firing. You did not deny that civilians lost their
10:56:36 15 lives but you went on to talk about cross firing. Could
16 you explain to this Court so we could all understand the
17 circumstances of that?

18 A. I mean we didn't just capture the town from the hands of
19 the soldiers easily. They also resisted us. They were
10:56:57 20 firing at us and we are also firing at them, and some
21 civilians will not cope with the firing and as they are
22 about to escape some of them are caught by the bullet.
23 Later we learned that civilians have died. I couldn't
24 make out what the number is really.

10:57:29 25 MR MARGAI: What have Your Lordships down in response to that
26 by way of an answer, because it is still unclear to me?

27 JUDGE THOMPSON: I seem to think that what he is trying to say
28 or has said is that civilian casualties resulted from
29 cross fire.

1 MR MARGAI: I would have thought, but he wasn't certain. I
2 mean, he was saying that there might have been civilian
3 casualties albeit as a result of the cross fire.
4 JUDGE THOMPSON: Well, perhaps you can -- it is for him to
10:58:00 5 give us the factual representation.
6 MR MARGAI: I sympathise with Your Lordships.
7 PRESIDING JUDGE: This witness said that as for civilian
8 casualties he cannot deny it.
9 MR MARGAI: Precisely.
10:58:13 10 PRESIDING JUDGE: And that the casualties resulted -- the
11 soldiers resisted; they didn't just have a walkover of
12 the town. The soldiers resisted. As they were shooting,
13 they too were shooting. And that the civilians were
14 running, trying to escape. In the course of running they
10:58:32 15 were caught by the cross fire. That is what I have on my
16 notes here.
17 MR MARGAI: As My Lords please.
18 JUDGE BOUTET: And his last statement was "we later learned
19 that civilians had died in the cross fire".
10:58:45 20 MR MARGAI: As My Lords please. I merely wanted to be at par;
21 that's all.
22 JUDGE THOMPSON: Yes.
23 MR MARGAI: Thank you.
24 MR KAMARA:
10:59:02 25 Q. Mr Witness, I would like to move to another episode in
26 your evidence, if I can borrow the word from learned
27 Justice Thompson. My question to you now, Mr Witness:
28 After the Taiama attack what was the next move of the
29 Kamajor leadership?

1 A. The leaders came together so as to call up a leadership
2 meeting, so as to be able to contact Pa Norman. Because
3 at that time we have been hearing that Pa Norman
4 announcing from [inaudible] --

11:00:20 5 THE INTERPRETER: Your Honours, would the witness please take
6 it again.

7 MR KAMARA: Take it slowly. Their Lordships are writing down
8 what you're saying and at the same time both sides have
9 to appreciate what you are saying. So take your time.

11:00:30 10 JUDGE THOMPSON: There is a specific request from the
11 interpreters that they would like this part repeated.

12 MR KAMARA: Yes.

13 Q. Mr Witness, don't forget that there are translators.
14 They are the first people to get what you said. So take
11:00:44 15 your time in saying what you want this Court to know.
16 Could you go over that again slowly?

17 A. Okay, sir. I said the leaders tried and called up --
18 summoned up a meeting at Talia Yawbeko.

19 Q. What was the purpose of that meeting?

11:01:19 20 A. The purpose of that meeting was to be able to contact Pa
21 Norman when he was at Gendema.

22 Q. Do you know why they needed to contact Pa Norman?

23 A. Yes, sir.

24 Q. Yes, tell the Court.

11:02:04 25 A. The reason for deciding to contact Pa Norman was that the
26 warfront in which we, the CDF, were had only one strong
27 warfront.

28 Q. Yes, carry on.

29 A. That was the warfront that was at Gendema.

1 Q. Mr Witness, who were these Kamajor leaders that were
2 present in that meeting, do you know?
3 A. Yes, sir.
4 Q. Please tell the Court.
11:03:23 5 A. Mr Allieu Kondewa was there, Mr Moinina Fofana was there,
6 Kamoh Lahai Bangura was there.
7 Q. Thank you, Mr Tucker. Were you yourself present in that
8 meeting?
9 A. Yes, sir.
11:04:05 10 Q. Take your time and tell this Court what was the outcome
11 of that meeting, what was decided in that meeting?
12 A. The leaders decided that so as to send people to Pa
13 Norman at Gendema. So they decided to -- Mr Allieu
14 Kondewa decided to write a letter and sent a cassette in
11:05:36 15 which he spoke so that Pa Norman would come so as to put
16 things together so as to be able to confuse those guys
17 and be able to conquer them.
18 Q. When you say "those guys" who are you referring to?
19 A. The junta.
11:06:37 20 Q. Mr Witness, just a point of clarification here. You
21 mentioned that Allieu Kondewa wrote a letter and he spoke
22 in a cassette - right - that was recorded?
23 A. Yes, sir.
24 Q. Were you there?
11:07:03 25 A. Yes, I was there.
26 Q. Did you see Allieu Kondewa himself write a letter?
27 MR MARGAI: It seems to be, My Lords, that my learned friend
28 is now doing our job, cross-examining his own witness.
29 JUDGE BOUTET: Objection sustained.

1 MR MARGAI: Which is a departure from --
2 MR KAMARA: Thank you, Your Honour, I was just trying to be
3 very specific.
4 JUDGE BOUTET: I know, but you were still leading.
11:07:38 5 MR KAMARA: Certainly, Your Honour.
6 MR MARGAI: I do appreciate his difficulty.
7 MR KAMARA: There is no difficulty, Mr Margai, we are fine.
8 Thank you very much. We're trying to be helpful, but I
9 guess you don't need that.
11:07:47 10 PRESIDING JUDGE: [Overlapping speakers] Prosecutor. They
11 want to be thorough. Did you see Allieu Kondewa writing
12 the letter.
13 MR MARGAI: No, he is trying to be helpful for all because he
14 knows Kondewa is not literate. I appreciate that.
11:07:56 15 PRESIDING JUDGE: We know. Maybe he was leading to something
16 else.
17 MR MARGAI: As My Lord pleases.
18 MR KAMARA: Thank you, Your Honour.
19 Q. Now, Mr Witness, you've mentioned this letter and the
11:08:17 20 message that was recorded on a cassette. Now, how was Pa
21 Norman -- how was he going to be contacted? What was the
22 plan of contact for Pa Norman, do you know?
23 A. The plan was that those who were to take this letter and
24 the cassette should walk through the Atlantic Ocean, by
11:09:02 25 the beach.
26 Q. I see. Do you know the persons that were dispatched to
27 contact Hinga Norman?
28 A. Yes, sir.
29 Q. Who were these persons?

1 A. Mr Moinina Fofana, Kamoh Lahai Bangura and Malimu Collier
2 with some Kamajor fighters that escorted them.
3 Q. Moinina Fofana, Kamoh Lahai Bangura and what's the third
4 name?
11:10:18 5 A. Malimu Collier.
6 Q. M-A-L-I-M-U C-O-L-L-I-E-R.
7 [HN100205B - JM - 11.10 a.m.]
8 Now, Mr Witness, lest we forget, you mentioned this
9 Pa Norman. Who is this Pa Norman? Would you please tell
11:10:47 10 the Court.
11 A. Pa Norman, out of us that joined the CDF, he was our
12 national coordinator.
13 Q. Now, this team of three that you mentioned, did they
14 leave for Jendema?
11:11:36 15 A. Yes, sir.
16 Q. And Mr Tucker, do you know what was the result of that
17 mission?
18 A. Yes, sir.
19 Q. Kindly tell the Court.
11:12:07 20 A. Yes. The results of that journey was that when they
21 went, we were expecting them between one and two weeks.
22 But when they went, they stayed up to three weeks.
23 Within these three weeks, one evening, we were in Talia.
24 We saw a helicopter that landed at the school field.
11:13:20 25 From that, some of us run to the helicopter. When we
26 went there, I saw Mr Moinina Fofana alighting. I saw
27 Malimu Collier alighting. I saw Pa Norman alighting.
28 Then I saw Kamoh Lahai Bangura himself alighting, with
29 other dignitaries whose names I cannot remember now.

1 Q. Thank you, Mr Tucker. Apart from these people, was
2 anything else aboard this helicopter?

3 A. Yes, sir.

4 Q. What is it?

11:15:05 5 A. I saw -- I saw them bringing down rice, gari,
6 fuel -- fuel. Then I saw them unloading guns with some
7 ammunition boxes.

8 Q. Do you know where these items were taken to?

9 A. Yes, sir.

11:16:02 10 Q. Please tell the Court.

11 A. They took them to the Talia Yawbeko court barri.

12 Q. Now, Mr Tucker, after the arrival of Hinga Norman at
13 Talia in Yawbeko, did anything happen?

14 A. Yes, sir.

11:16:47 15 Q. Take your time and tell the Court what happened after
16 Hinga Norman's arrival.

17 A. Pa Norman arrived at Talia during the day of his first
18 visit. He arrived very late. So the helicopter that he
19 went with, while they unloaded all those things that I
11:17:23 20 talked about, so we slept through the day. When it's
21 done, I saw the authorities that were in Talia Yawbeko, I
22 saw them summon a meeting in which only the elders were
23 there. We, the fighters were not allowed to be there.

24 Q. Mr Witness, you referred to the elders. What are the
11:18:09 25 elders you have been referring to in this instance?

26 A. The elders that I'm talking about include Mr Allieu
27 Kondewa, Mr M. T. Collier, Mr Moinina Fofana, Kamoh Lahai
28 Bangura. With all these other dignitaries that I talked
29 about that came with Pa Norman.

1 Q. Mr Tucker, you did say that you were not allowed to
2 participate in this meeting, you, the fighters. Did you
3 get --
4 PRESIDING JUDGE: He did not say that, they were not allowed
11:19:20 5 to participate. He said they held a meeting which
6 included just the elders. There was no suggestion of
7 exclusion.
8 MR MARGAI: With respect, My Lord, he did say that we the
9 fighters were not present.
11:19:34 10 PRESIDING JUDGE: Were not present.
11 MR MARGAI: At the meeting.
12 PRESIDING JUDGE: Were not present. It doesn't mean that they
13 were expressly excluded.
14 MR MARGAI: Yes, I appreciate the subtlety. As My Lord
11:19:45 15 pleases.
16 MR KAMARA:
17 Q. You were not present in that meeting. Did you the
18 fighters get a report of what transpired in that meeting?
19 A. Yes, sir. Those who came and informed us, most of us
11:20:14 20 heard what transpired, amongst us, the fighters.
21 Q. What were you told about that meeting?
22 A. Well, out of that meeting, they told us that Mr Moinina
23 Fofana was now the director of war. Mr Allieu Kondewa
24 was the high priest. The other dignitaries were members
11:21:15 25 of the war council.
26 Q. You have been informed of members of war council and
27 Moinina Fofana being the director of war, and Allieu
28 Kondewa being the high priest. Did anything happen
29 subsequent to that meeting that relates to your group

1 specifically?

2 A. Yes, sir.

3 Q. What is it?

4 A. Out of that meeting, after the end of the meeting,

11:22:33 5 Mr Allieu Kondewa called me where Mr Pa Norman and other

6 dignitaries were sitting. He introduced me to them,

7 saying that I was one of their fighters whom they

8 themselves that were seated there guaranteed, who had

9 been protecting them until the time they arrived. So

11:23:30 10 that of my group, that's they themselves that were

11 sitting there was the one that they guaranteed. So from

12 that, Pa Norman, he himself praised me because of the

13 good introduction that was given about me. So he drew me

14 near, and he received me.

11:23:51 15 Q. Mr Tucker, you've mentioned several times about this,

16 your group. And at this point in time, had this group

17 developed a name by which it is known?

18 A. Yes, sir.

19 Q. What is that name? Please tell the Court.

11:24:36 20 A. The group was called "Death Squad."

21 PRESIDING JUDGE: It was a group called Death Squad? A group

22 of 20?

23 THE WITNESS: Yes, sir.

24 MR KAMARA:

11:25:04 25 Q. The group, was that the group of 20, or has it expanded?

26 A. The group had expanded, up to a number of 42.

27 Q. So it is that group that has been referred to now as the

28 "Death Squad"?

29 A. Yes, sir.

1 PRESIDING JUDGE: He said 40 or... ?
2 MR KAMARA: 42.
3 And who was the leader of the Death Squad?
4 A. It is I. It is I, myself.
11:25:52 5 Q. Yourself, Jengbema?
6 Mr Tucker, will you tell this Court what were the
7 functions of the Death Squad, or what was the role of the
8 Death Squad?
9 A. Yes, sir.
11:26:39 10 Q. Yes. Tell this Court.
11 A. The Death Squad is the group that is responsible for the
12 security in and around -- in and around the surroundings
13 of Talia Yawbeko, which later they called Base Zero.
14 Q. Did I get you right, you said responsible for security?
11:27:14 15 Is that what you said?
16 A. Yes, responsible for the security and to combat any enemy
17 group that wanted to penetrate Base Zero.
18 Q. Now, Mr Tucker, will you help this Court by explaining
19 how the Death Squad maintained security at Talia and its
11:27:58 20 surroundings?
21 PRESIDING JUDGE: Learned counsel, we would break here, and
22 then you can take -- you can continue with the
23 examination-in-chief from the question that is not quite
24 finished from your lips.
11:28:15 25 MR KAMARA: Yes, sir.
26 PRESIDING JUDGE: We would rise, please.
27 MR KAMARA: Thank you.
28 [Recess taken at 11.28 a.m.]
29 [On resuming at 11.57 a.m.]

1 PRESIDING JUDGE: We're resuming the session. Mr Kamara, you
2 may proceed.

3 MR KAMARA: Thank you.

4 Q. Mr Tucker, my question to you before --

11:58:11 5 PRESIDING JUDGE: Mr Kamara, what's your other name? Joseph?

6 MR KAMARA: Yes.

7 PRESIDING JUDGE: Joseph Kamara. Okay.

8 MR KAMARA:

9 Q. My question to you, Mr Tucker, before the break, was you
11:58:30 10 did mention that the role of the Death Squad was to
11 maintain security in and around Talia. And then the
12 question put to you was: How did the Death Squad
13 maintain security around Talia?

14 THE INTERPRETER: Your Honour, the witness's mic is off.

11:59:13 15 PRESIDING JUDGE: Mic.

16 JUDGE BOUTET: Okay.

17 THE WITNESS: We maintained security -- we used to maintain
18 security because we had been preventing any type of enemy
19 to enter into Base Zero.

11:59:44 20 MR KAMARA:

21 Q. How did you prevent enemies coming to Base Zero?

22 A. We were responsible for going round and seeing to it that
23 any group that wanted to come and launch an attack on
24 Base Zero, as it was prepared by our combatants, we would
12:00:16 25 fight them.

26 Q. Now, Mr Tucker apart from maintaining security in and
27 around Base Zero, was the Death Squad involved in any
28 other --

29 MR BOCKARIE: Objection, Your Honour. I'm objecting on the

1 grounds that is a presupposition, was the Death Squad
2 involved in any other activity? Let him show what the
3 Death Squad were involved in, if any, Your Honour, but he
4 shouldn't suggest, Your Honour.

12:00:48 5 PRESIDING JUDGE: Sustained. Sustained. Ask him, what were
6 the other activities, you know, of the -- you know,
7 whether the Death Squad had other activities or did they
8 perform other duties, or were they involved in any other
9 activities?

12:01:02 10 MR KAMARA: Very well.

11 Q. Was the Death Squad involved in any other activity other
12 than maintaining security?

13 A. Yes, sir.

14 Q. What type of activities?

12:01:24 15 A. We used to partake in the attacks that the CDF had been
16 launching on the junta.

17 Q. Did you receive instructions to partake in those attacks?

18 A. Yes, sir.

19 Q. What was the source of those instructions?

12:02:22 20 A. Well, from the day when I was introduced, after the
21 leaders had summoned that meeting at Base Zero, when I
22 was introduced to the leaders that I was the commander
23 that they relied upon to maintain security, when
24 Pa Norman received me as one of his strong men in the
12:02:46 25 force, I used to receive orders from Pa Norman and not
26 any other person else.

27 Q. Could you help this Court, Mr Tucker, by giving us an
28 example of one such engagement of the Death Squad in a
29 combat.

1 A. Yes, sir.

2 Q. Yes, tell the Court.

3 A. I received order from Pa Norman to go and reinforce the
4 Kamajors who were based in Moyamba, whose commander was
12:04:17 5 Commander Mustafa Ngobea. Mustafa.

6 JUDGE THOMPSON: How is the last name spelled?

7 MR KAMARA: G-O-B-E-A. N-G-O-B-E-A.

8 JUDGE THOMPSON: That's what I thought. But it's not
9 pronounced Ng, it's pronounced without the N.

12:04:56 10 MR KAMARA: Yes, Your Honour.

11 Q. Do you remember the year you received those instructions
12 from Hinga Norman?

13 A. Yes, sir.

14 Q. What year was that?

12:05:15 15 A. It was in 1997.

16 Q. Did your group receive any supply of arms or ammunition
17 from any source?

18 MR MARGAI: Objection, My Lord.

19 JUDGE BOUTET: What's your objection?

12:05:45 20 MR MARGAI: My objection is that the question is leading,
21 My Lord, suggesting a desired answer.

22 JUDGE BOUTET: Mr Kamara.

23 MR KAMARA: Your Honour, this question is open-ended, whether
24 they received supply of arms from any source, anywhere,
12:06:02 25 any source. It does not lead to any particular answer.

26 JUDGE BOUTET: The objection is sustained. Frame your
27 question differently, please.

28 MR KAMARA: As My Lord pleases.

29 Q. Mr Tucker, where did your group receive supply of

1 ammunitions?

2 MR MARGAI: Again, this is presupposing that supply of

3 ammunition was received. I mean, the President of the

4 Court had given directives as to how such questions

12:06:31 5 should be approached.

6 JUDGE BOUTET: Objection sustained.

7 MR MARGAI: As My Lords please.

8 MR KAMARA: Thank you, Your Honours.

9 Q. Now, Mr Witness, you did mention that you received

12:06:45 10 instructions from Hinga Norman to attack Moyamba, to

11 reinforce the group that was led by Mustafa Ngobea at

12 Moyamba. Right?

13 A. Yes, sir.

14 Q. Did your group leave for that mission?

12:07:10 15 A. Yes, sir.

16 Q. Who led that group?

17 A. My own group?

18 Q. Were there other groups?

19 A. Mr Mustafa Ngobea's group was already on the ground.

12:07:31 20 Q. I'm referring now to your group. Who led that group to

21 Moyamba?

22 A. It was I, that I'm sitting here.

23 Q. And when your group left for the Moyamba mission, did you

24 carry anything along with you?

12:07:56 25 A. Yes, sir.

26 Q. Would you tell this Court what you carried with you for

27 that mission.

28 A. Yes, sir. I took motor car.

29 Q. Yes.

1 MR MARGAI: [Microphone not activated]
2 I mean, the answer is, I'm sure, not clear, My Lord.
3 Literally, "I carried a vehicle with me."
4 JUDGE THOMPSON: Why not wait for him to complete.
12:08:38 5 PRESIDING JUDGE: Could he put it on his head?
6 MR MARGAI: Maybe.
7 PRESIDING JUDGE: Anyway, you can let him explain how he
8 carried a motor car to the place.
9 MR KAMARA: If only Mr Margai could be patient a while so the
12:08:55 10 witness could finish his answer. Thank you.
11 Q. Mr Tucker, you're telling this Court in response to my
12 answer what you carried with you to Moyamba, and you did
13 mention a vehicle. Could you expand on that. Their
14 Lordships wants to understand what you meant by carrying
12:09:15 15 this vehicle.
16 A. By that, I meant we use a motor car in order to go to
17 Moyamba.
18 Q. Did you carry anything else with you on that mission?
19 A. We did not buy anything. Everything was supplied to us.
12:09:44 20 Q. What were you supplied with?
21 A. I was supplied with fuel.
22 Q. Who supplied you fuel?
23 A. It was the Chief Norman asked the logistics officer,
24 Mr Lome, to give me fuel with arms.
12:10:36 25 Q. Now you say arms. What do you mean by "arms"? What type
26 of arms did you receive?
27 A. I was given ten AK-47. They were in a box, and the box
28 carried ten. Two RPG tubes with one LMG.
29 Q. Do you know what LMG stands for?

1 A. Yes, sir.

2 Q. Would you tell this Court.

3 A. Yes, sir. Lightweight machine-gun.

4 Q. Lightweight machine-gun.

12:11:57 5 A. With one 60-millimetre mortar tube. Then I was given

6 ammunition, ammo, to take to the commander that was in

7 the front, Mr Ngobea. That was his own supply, with the

8 ammo that was given to me, he said these were to be given

9 to him.

12:12:37 10 Q. In other words, you received supply for Mustafa Ngobea?

11 A. Yes, sir.

12 Q. Now, tell this Court how the Moyamba attack was carried

13 out. You received these weapons and the stock that you

14 had for Ngobea and you went to Moyamba. What happened at

12:13:17 15 Moyamba?

16 A. When we went, we did not meet fighters who were

17 combatting with the rebels and the soldiers. We did not

18 meet them settled in Moyamba Town. We found out that

19 they had advanced to the war front which was towards

12:13:40 20 Moyamba Junction in a village that was called Waterloo

21 Fakunya.

22 Q. Waterloo Fakunya. Waterloo Fakunya.

23 A. We went there, and we met Mr Mustafa Ngobea, and I handed

24 over his own ammo to him with a letter that was given to

12:14:35 25 me to give to him. I handed everything to him.

26 Q. Now, you mentioned a letter. Who gave you that letter to

27 give to Mr Ngobea?

28 A. It was Pa Norman who give me the letter.

29 Q. Now, could you describe briefly the incidents of that

1 attack.

2 A. Yes, sir. When we arrived at the town, after handing
3 over these things that were given to me, as strangers, we
4 met people preparing food for us that had gone over to
12:15:40 5 reinforce. They were trying to prepare food for us.

6 Q. [Previous translation continues]...

7 A. Yes, sir. They had been trying to prepare food for us.
8 They were preparing when we heard some firing which was
9 released by the Kamajors that were around the town. When
12:16:31 10 the firing took place, it was not up to 30 minutes some
11 boys came running and told us that the soldiers had come
12 and that there were so many. So we ourselves dispersed
13 from where we were sitting down. We rushed to the
14 checkpoint. But by then, the firing was heavy, the
12:17:15 15 firing was heavy that came from the direction of the men
16 that were coming. So we, ourselves, so we engaged them
17 in a battle. We fought them. We killed a lot. We
18 killed a lot of soldiers. And a lot of soldiers had to
19 die because they used them as human shields to come and
12:17:50 20 approach us.

21 Q. [Previous translation continues]... civilians.

22 JUDGE BOUTET: That was my understanding, too.

23 MR KAMARA: He said civilians were used as human shields.

24 PRESIDING JUDGE: [Microphone not activated] by the soldiers.

12:18:11 25 JUDGE BOUTET: The translation came as soldiers were killed,
26 which was not what the witness had said.

27 MR KAMARA: Yes, I'm just cautioning the interpreter to
28 listen.

29 PRESIDING JUDGE: Let him take that again. Let's be very sure

1 what we have on the record, please.

2 MR KAMARA: Yes, Your Honour.

3 JUDGE BOUTET: He was describing that they engaged in battle,
4 and from there on, ask him to repeat, please.

12:18:37 5 MR KAMARA:

6 Q. Mr Tucker, could you please repeat what you're trying to
7 say when you say that the soldiers, you engaged the
8 soldiers. Take it from there.

9 A. We engaged the soldiers in fighting. That was, we
12:18:56 10 exchanged fire with them. We killed some among them.
11 But because they used human shield to come and approach
12 us, they used civilians to come and meet us, so a lot of
13 civilians were hit by my bullets. We engaged them in
14 battle up to Moyamba Junction. So we, ourselves, because
12:19:43 15 I the commander knew that, I would have to bring a
16 situation report to Pa Norman, I decided -- I decided to
17 take off all the military fatigue that the enemies wore,
18 I took all of them from them, I put them in a vehicle and
19 took them to Base Zero.

12:20:15 20 Some wore soldier caps that had a crown. I collected all
21 of these caps, the uniform, the crowns. I took them all
22 and put them in a plastic bag.

23 Q. Now, Mr Tucker, you said you went back to Base Zero. Was
24 any situation report made to anyone?

12:20:53 25 A. Yes, sir.

26 Q. To whom was a situation report made?

27 A. I made the situation report to Pa Norman. I handed over
28 the uniform to him. He called the logistics officer,
29 Mr Lome, and he handed them over to him so that they

1 could be put into the store. The crowns that were in the
2 plastic bag, I gave them to Pa Norman, he himself. I did
3 not give them to any other person. He called one of his
4 bodyguards, Ali, whose surname I do not know now. I saw
12:22:27 5 him give him the plastic bag to take it inside. So, so
6 those were one of -- those were one of the orders that I
7 received from Pa Norman.

8 Q. Thank you, Mr Tucker.
9 Now, I'm moving you away from the attack scene. I
12:22:56 10 want us to go back to Talia, that is, in Base Zero. I'm
11 going to take you to normal life at Base Zero. While you
12 were at Talia, as head of the Death Squad, did you
13 yourself undergo any military training?

14 A. No, sir.
12:23:27 15 Q. Was any form of training being conducted at Talia while
16 you were there?

17 A. Yes, sir.
18 Q. Do you know who were the trainers?

19 A. Yes, sir.
12:24:18 20 Q. And who were they?

21 A. It was ex-servicemen.
22 Q. Do you happen to know them by name?

23 A. Yes, sir.
24 Q. Could you help this Court with their names.

12:24:37 25 A. Yes, sir.
26 Q. Yes.

27 A. The first person that started the training at Base Zero
28 was Mr Mbogba.

29 MR KAMARA: Your Lordships, the spelling is M-B-O-G-B-A.

1 Q. Was there anyone else?

2 A. Yes, sir.

3 Q. What was the name?

4 A. It was Mr S. S. Dumbuya.

12:25:33 5 MR KAMARA: S. S. D-U-M-B-U-Y-A.

6 THE WITNESS: We saw him together with Pa Norman.

7 MR KAMARA:

8 Q. Now, Mr Tucker, do you know the strength of the trainees

9 at any point in time, like how many people were

12:25:56 10 undergoing training? At any point in time while you were

11 there, would you give an estimate of a number?

12 A. The number is big. It was around 5.000 manpower.

13 Q. And where was this training being conducted?

14 A. They used to do this training at Talia school field.

12:26:55 15 Q. Mr Tucker, do you know what happened after these trainees

16 have graduated from their training? Do you know?

17 A. Yes, sir. They were issued with certificates.

18 Q. Now, Mr Tucker, you did mention an open field at the

19 school grounds.

12:28:27 20 A. Yes.

21 Q. Did you yourself go to that open field at the school

22 grounds for any purpose?

23 A. Yes, sir.

24 Q. Do you remember why you had to do that?

12:29:12 25 A. Yes, sir.

26 Q. Please tell Court.

27 A. At one time, the war council held a meeting for me, so I

28 was called to the field behind the training field because

29 there were oil palm plantation at the back of the field.

1 Q. Are you saying that you were summoned by the war council
2 to that area of the field?

3 A. Yes, sir.

4 Q. And will you tell this Court why you were summoned to
12:30:19 5 appear before the war council at that particular place.

6 A. Yes, sir.

7 Q. Please, tell the Court.

8 A. The war council called me at that place
9 because -- because of an order that I had to divert a
12:30:54 10 particular road, but I refused to do it according to the
11 instruction given to me. So that was the reason why I
12 was called, because I refused to bar the road, and I give
13 a report that I have done it.

14 Q. What was the decision of the war council with regard to
12:31:33 15 that?

16 A. The war council pushed the decision to my colleague
17 commanders, saying for the fact that I've started lying
18 in giving a situation report, on the account of that, the
19 war -- so if I had done that, let them decide the type of
12:32:16 20 punishment that they should give to me for the behaviour
21 that I've done. But the commanders hungered. They came
22 down with an apology to the war council and Pa Norman
23 that they should just advise me and that I should not be
24 punished at that particular time because if they started
12:33:06 25 with me, that should be maintained to all other
26 commanders. So the war council and Pa Norman accepted
27 the advice from the commanders and let me go free.

28 Q. Thank you, Mr Tucker. Now, I want to move you forward to
29 the year 1998. Did you have cause to attend a meeting in

1 that field in 1998?

2 A. Yes, sir.

3 Q. For what purpose?

4 A. They called us so that we could arrange strategies to

12:34:13 5 launch an all-out offensive on the juntas in all the

6 areas that were occupied by the juntas.

7 Q. Do you know the persons that spoke in that meeting?

8 A. Yes, sir.

9 Q. And who were these speakers?

12:34:57 10 A. The meeting was chaired by Pa Norman. Mr Moinina Fofana

11 spoke.

12 Q. What did Moinina Fofana say?

13 A. Mr Moinina Fofana said "the advice that Pa Norman had

14 given to us, that the training that we underwent for a

12:35:32 15 long time, the time has come for us to implement what

16 we've learned. Now that we have received the order that

17 we shall attack the various areas where the juntas are

18 located, they have done a lot for the trainees. They've

19 spent a lot on them. So any commander, if you are given

12:36:16 20 an area to launch an attack and you fail to accomplish

21 that mission, do not return to Base Zero." That was

22 Mr Moinina Fofana's statement at that base.

23 Q. Who else spoke at that meeting?

24 A. Pa Norman also spoke to us.

12:36:50 25 Q. What did he have to say?

26 A. Pa Norman said "the training that the trainees undertook,

27 about three to four months, they've done a lot of things

28 for them, and this is their own turn so that they will

29 put all their skills into action. So whoever knows that

1 he is used to fighting with the cutlass, it is time for
2 him to take up the cutlass. Whoever knows that he's used
3 to fighting with a gun, it is time for him to take up the
4 gun. Whoever knows that he's used to fight with a stick,
12:37:55 5 it is time to him to take up his stick. So this is the
6 time to launch an attack on the towns where the juntas
7 have forced us out. So now we should capture these towns
8 from them once and for all, and at the same time."

9 Q. Did any other person speak at that meeting?

12:38:32 10 A. Yes, sir.

11 Q. Who was it?

12 A. Mr Allieu Kondewa.

13 Q. Do you remember what he said?

14 A. Yes, sir.

12:38:47 15 Q. Please tell this Court.

16 A. Mr Allieu Kondewa told us that all these powers that he
17 has in him has been transferred to us so that nothing
18 will be wrong with us, no cutlass will strike us. He's
19 now satisfied. So all of us will go to the war front and
12:39:22 20 come back with happiness, and let no one be afraid.

21 Q. Now, Mr Tucker, you've narrated what Hinga Norman said,
22 Moinina Fofana, and Allieu Kondewa. Were any
23 instructions given to any particular person or group?

24 A. Yes, sir. I myself sitting here, Pa Norman give me order
12:40:31 25 for my group.

26 Q. And what was that order?

27 A. I was ordered to -- when he came to Base Zero, he was
28 informed about the various attacks launched at Koribundu,
29 that we were not successful, because the soldiers that

1 were in Bo, at any time an attack was launched at
2 Koribundu, the Bo soldiers will come and reinforce the
3 Koribundu soldiers. That is why the Kamajors were not
4 successful in capturing Koribundu. And for that
12:41:22 5 particular attack, myself and my group are responsible to
6 hold up the Bo-Koribundu Highway so that we'll prevent
7 any reinforcement to come from Bo to assist at Koribundu
8 for that particular attack.
9 Q. So your specific assignment was to hold on to the
12:41:46 10 Bo-Koribundu Highway to prevent reinforcements coming
11 from Bo?
12 A. Yes, sir.
13 Q. Do you know of any other instructions assigned to any
14 other person?
12:42:19 15 A. Yes, sir.
16 Q. Yes, tell the Court.
17 A. For our own area, that is the Koribundu area, they gave
18 Mr Joe Tamidey the order to be a commander, to lead the
19 battle to capture Koribundu. It was in my presence.
12:42:41 20 Q. Who gave Joe Tamidey those orders? Do you know?
21 A. Yes, it was Pa Norman who gave Joe Tamidey the orders.
22 Q. Having received those instructions, Mr Tucker, did you do
23 anything to execute them?
24 A. Yes, sir.
12:43:31 25 Q. What did you do?
26 A. Well, from where I received my orders, I pass on Mr Joe
27 Tamidey's orders. We put things together, myself and
28 Mr Joe Tamidey, so that we could move our men at
29 Kpetewoma.

1 MR KAMARA: Your Honours, Kpetewoma is spelled as
2 K-P-E-T-E-W-O-M-A.
3 Q. You said you and Tamidey agreed to move your men to
4 Kpetewoma.
12:44:40 5 A. Yes, sir.
6 Q. Did you move your men actually to Kpetewoma?
7 A. Yes, sir.
8 Q. So once you get to Kpetewoma, did anything happen there?
9 A. Yes, sir.
12:45:08 10 Q. Please tell the Court what happened at Kpetewoma?
11 A. In Kpetewoma, we the commanders who were supposed to lead
12 that particular battle, we organised our men.
13 Q. You said "we, the commanders." Who were these
14 commanders?
12:45:43 15 A. Me, myself, Mr Joe Tamidey and Commander Lahai Judge
16 [phon].
17 Q. Yes, continue.
18 A. So it was at Kpetewoma that we organised our men, and it
19 was there that we distributed the ammunitions to the
12:46:09 20 various fighters. It was there that we decided to --
21 Q. You said that was where you distributed ammunition
22 amongst the fighters. Where did you get those
23 ammunitions from?
24 A. The ammunitions that I shared among my group, I had them
12:46:40 25 before. They were not fresh ammunitions for that
26 particular mission. As for Joe Tamidey, I saw they
27 handed ammunition to him at Base Zero while for myself it
28 was the reserve ammunition that I had that I distributed
29 amongst my men.

1 Q. Who handed over these ammunitions to Joe Tamidey that you
2 said you saw?

3 A. It was Mr Lome who gave the ammunitions to Mr Joe Tamidey
4 by the orders of Pa Norman.

12:47:43 5 Q. Thank you, Mr Tucker. Now, you were explaining how at
6 Kpetewoma, you organised your men. You've distributed
7 these weapons. What happened next?

8 A. I don't get it clear.

9 Q. You were trying to explain to the Court what happened at
12:48:09 10 Kpetewoma, right? And that you got to Kpetewoma, you
11 organised your men, and it was at Kpetewoma that the
12 ammunitions were distributed.

13 A. From Kpetewoma, we did the arrangement at the Kpetewoma
14 Health Centre.

12:48:41 15 Q. What do you mean by "arrangement"?

16 A. That is sharing the areas that each commander will launch
17 an attack to enter Koribundu. That is myself who was
18 responsible to handle the Bo-Koribundu Highway. It was I
19 who was first to leave them because my own area was -- my
12:49:15 20 road was not very good. But let me just bring it to the
21 Court's attention, that it was not the only 42-manpower
22 that I had that I took to handle the highway. Mr Joe
23 Tamidey also organised to hand over his manpower to me,
24 so the number rose up to 80. So it was the 80 manpower
12:49:51 25 that we took to the highway. We came to the conclusion
26 that Mr Lahai Judge should launch an attack from
27 Sumbuya-Koribundu Highway to enter Koribundu whilst
28 Mr Joe Tamidey should go around, pass through the
29 highway, enter through Jiama Bongor Chiefdom, to enter

1 inside Koribundu through Blama.

2 Q. Now, Mr. Tucker, you've shown us the plan for that

3 attack. Did you yourself make it to Koribundu with your

4 men?

12:50:40 5 A. Yes. After when Mr Joe Tamidey and the other people have

6 captured the town on Saturday.

7 Q. Do you remember the date of that attack, the Koribundu

8 attack?

9 A. Yes, sir.

12:51:15 10 Q. What was the date?

11 A. The first day was on Friday the 13th, February 1998. And

12 we came to the conclusion that those who are responsible

13 for the attack from Sumbuya-Koribundu Highway should

14 launch the attack at 2.00 p.m. on Friday, Friday the

12:51:45 15 13th. And exactly at 2.00, I heard firing from that

16 direction.

17 Q. What month is it?

18 A. February 13th.

19 Q. 1998.

12:52:06 20 A. 1998.

21 Q. Now, you were trying to tell the Court that you went to

22 Koribundu on Saturday. Is that what you're saying?

23 A. We launched the attack on Friday from 2.00 p.m. until

24 night. Our men were not successful in entering the town

12:52:37 25 until the following day, Saturday, when they finally

26 entered.

27 Q. When did your group enter Koribundu?

28 A. My own group entered Koribundu on Saturday.

29 Q. Did you observe anything happening in Koribundu?

1 A. Yes, sir.

2 Q. What were your observations?

3 A. We met. Kamajors have entered the town. I saw houses on

4 fire. Then I saw looting taking place seriously in the

12:53:55 5 town.

6 Q. Let's start with looting. You're saying that you saw

7 serious looting going on in the town. Who was doing this

8 looting?

9 A. The Kamajors were looting.

12:54:24 10 Q. What were they looting? Do you know?

11 A. Yes. They were looting property from houses. Like

12 myself sitting here, I gathered up to 56 bundles of

13 8-feet zinc, which I gathered in the store where

14 Joe Tamidey launched.

12:55:29 15 Q. Do you happen to know the owner of those 56 bundles of

16 zinc?

17 PRESIDING JUDGE: He said 56 or 86?

18 MR KAMARA: 56.

19 THE WITNESS: 56.

12:55:43 20 JUDGE THOMPSON: Eight-feet long.

21 MR KAMARA: Yes, 56 bundles, 8-feet long zinc.

22 Q. My question to you, Mr Tucker, then is do you know the

23 owner of those 56 bundles of zinc you took away?

24 A. I didn't know the owner, but we took them out from

12:56:12 25 different houses. We took some from here, there. We

26 gathered them into one place. When I checked all of

27 them, there were 56, because a bundle contains 20 leaves.

28 Q. So in other words, this 56 bundles never came from one

29 particular source?

1 A. No, sir.

2 Q. Now, let me take your mind to the second issue which
3 you've just mentioned when you entered Koribundu. You
4 said you saw houses burning and serious looting. I have
12:57:04 5 examined the looting issue. Now, let's go to the
6 burning --

7 PRESIDING JUDGE: Mr Kamara, we are at 1.00. We have a
8 meeting scheduled. So can you just wrap up, please, at
9 least this portion of your examination-in-chief so that
12:57:25 10 we continue in the afternoon.

11 MR KAMARA: Sure.

12 Q. Did you yourself see any person burn any house?

13 A. Yes, sir.

14 Q. Explain to this Court.

12:57:45 15 A. I saw Kamajors setting houses ablaze.

16 Q. And how were they doing this?

17 A. They took dry grass and put it in the houses and lit the
18 grass. They said they've taken a long time trying to
19 capture Koribundu. That was the only thing. If you stop
12:58:30 20 them in this direction, you see smoke at the other
21 direction. If you stop them at that direction, they move
22 to the other point.

23 Q. Was there any situation report made to anyone back in
24 Talia?

12:58:52 25 A. Well, on that side, it was Mr Joe Tamidey's
26 responsibility because he was the senior commander. And
27 the Koribundu mission was -- he was mainly responsible
28 for that, and he was supposed to give the situation
29 report.

1 Q. Do you know if it was given?

2 A. Well, I don't know whether he gave the situation report.

3 MR KAMARA: I want to believe I can stop here, Your Honours,
4 and wrap it up in the afternoon.

12:59:40 5 PRESIDING JUDGE: Learned counsel, I think everybody's
6 entitled to his lunch. We'll rise and resume at 2.30.
7 Court rises, please.
8 [Luncheon recess taken at 1.04 p.m.]
[HN100205C - SGH]

14:31:11 10 [Upon commencing at 2.40 p.m.]
11 PRESIDING JUDGE: Good afternoon, learned counsel, we are
12 resuming the session.
13 JUDGE BOUTET: Please proceed.
14 MR KAMARA:

14:36:22 15 Q. Mr witness, before recess you told this Court about an
16 all-out offensive when you received instructions from
17 Hinga Norman to attack all positions which you held
18 formerly before you were removed by the junta at the same
19 time. And you told this Court how you attack Koribundu
14:36:48 20 do and what transpired in Koribundu. My question to you
21 now, Mr Tucker, for how long were you in Koribundu?
22 A. From the day I entered Koribundu, I was there for two
23 days.
24 Q. Did you have cause to leave Koribundu for anywhere else
14:37:39 25 after those two days?
26 A. Yes, sir.
27 Q. And where did you go?
28 A. I went to Bo.
29 Q. What was your reason for going to Bo?

1 A. I went to Bo because I heard that my colleagues, the
2 Kamajors, have captured Bo and that Bo was under their
3 control.
4 Q. Will you please tell this Court how you got to Bo?
14:38:52 5 A. Yes, sir.
6 Q. Yes, go on.
7 A. When we captured Koribundu, when Koribundu was under the
8 control of the Kamajors, on Sunday evening we were there
9 when the soldiers came from Pujehun. As they were
14:39:25 10 coming, they came with two motor cars.
11 JUDGE THOMPSON: Learned counsel.
12 MR KAMARA: Yes, Your Honour.
13 JUDGE THOMPSON: Please let the witness proceed at a moderate
14 pace.
14:39:43 15 MR KAMARA, yes thank you.
16 JUDGE THOMPSON: Your question was: How did you get to Bo?
17 And let us then go step by step if he is giving some
18 lengthy answer leading up to that.
19 MR KAMARA: Yes, Your Honour.
14:40:02 20 JUDGE THOMPSON: Which is my assumption.
21 MR KAMARA: Yes, you are very right.
22 JUDGE THOMPSON: When we captured Koribundu and it was under
23 the control of the Kamajors, after that.
24 MR KAMARA:
14:40:14 25 Q. Mr Tucker, take your time and take one piece at a time.
26 After you captured Koribundu, you said soldiers came from
27 Pujehun; is that so?
28 A. Yes, sir.
29 PRESIDING JUDGE: From?

1 JUDGE THOMPSON: From Pujehun?

2 MR KAMARA: Pujehun, yes.

3 JUDGE THOMPSON: Okay.

4 MR KAMARA:

14:40:36 5 Q. So what happened at that point?

6 A. The cars that they came with, we took it from them.

7 Q. So you engaged the soldiers?

8 A. They didn't confront us to fight.

9 JUDGE THOMPSON: Counsel, he did not say engaged. He said

14:41:07 10 that they took the cars that they came with from there.

11 MR KAMARA: Yes, Your Honour. I am only trying to understand

12 the circumstances how they got the cars.

13 JUDGE THOMPSON: No, but you were interjecting that you

14 engaged them. He said he did not.

14:41:21 15 MR KAMARA: Yes, sir.

16 JUDGE THOMPSON: They did not. That's what I was trying to

17 say; that is not the evidence.

18 MR KAMARA: Correct, Your Honour.

19 Q. So you were telling this Court about having

14:41:31 20 taken those vehicles from the soldiers. Could

21 you explain that for us, please?

22 A. Yes, sir. When the soldiers came with the cars, when

23 they reached near Koribundu, they found out that their

24 colleagues, the soldiers, were not in Koribundu any

14:42:03 25 longer. They abandoned the cars closer to Koribundu by

26 Pujehun -- by the road leading to Pujehun, and they

27 entered into the bush. We saw the cars. It was our

28 intention that they were at the place where the cars

29 were, the soldiers. We used heavy firing to reach the

1 place where the cars were. But they were not where the
2 cars were.

3 Q. Did you eventually get these cars?

4 A. We got the cars. There were ammunitions in them, in the
14:43:08 5 cars.

6 JUDGE THOMPSON: Learned counsel, isn't this a very long way
7 of getting to how did you get to Bo?

8 MR KAMARA: That is it, we are almost there, Your Honour.

9 JUDGE THOMPSON: It it looks like a very long way to get
14:43:23 10 there.

11 MR KAMARA: Indeed it is long, but we are almost there. We
12 have got the vehicles now and we are on our way to Bo.

13 PRESIDING JUDGE: The vehicles and the ammunition.

14 MR KAMARA: The ammunition and the vehicle, Your Honour.

14:43:37 15 JUDGE BOUTET: But we are not in the vehicles yet.

16 PRESIDING JUDGE: If you want us to get into the vehicle, we
17 can, we don't mind.

18 JUDGE THOMPSON: All right, thank you.

19 PRESIDING JUDGE: Maybe we would drive it after than we
14:43:45 20 normally would.

21 MR KAMARA: Yes, Your Honour. Thanks.

22 PRESIDING JUDGE: Please proceed.

23 MR KAMARA:

24 Q. So you eventually got these vehicles. What did you do
14:43:51 25 with these vehicles?

26 A. When we got the cars, the cars were with us for the night
27 and on Monday in the morning I organised up to 25 men
28 that had travelled to Bo.

29 MR KAMARA: Finally, Your Honours, we are on our way to Bo.

1 JUDGE THOMPSON: I am there myself.

2 MR KAMARA: Thanks for you patience.

3 Q. So, Mr Tucker, you used these vehicles to go to
4 Bo?

14:44:37 5 A. Yes, sir.

6 Q. Thank you. Now, what was your reception in Bo? How were
7 you received when you went to Bo?

8 A. When we entered Bo, when the civilians saw military Land
9 Rover it had AA in it and some of my men were wearing
14:45:21 10 military fatigue. The civilians were jubilating that.

11 Q. That what?

12 A. The civilians were jubilating that ECOMOG had entered.
13 ECOMOG has come. ECOMOG has entered. That was the time
14 when a journalist announced over BBC radio, I myself
14:45:49 15 heard it that ECOMOG had entered Bo, but it was not
16 ECOMOG, it was my group.

17 Q. Now, Mr Tucker, how would you describe your situation
18 when you entered Bo?

19 A. When we entered Bo, Kamajors were all over the town.
14:46:45 20 They had opened a Kamajor base at the old Bo police
21 station. I saw some people who had been burnt with
22 tyres, but I can't tell how they were burnt or who burnt
23 them. At the same time I saw Kamajors looting in some
24 shops. There were some petrol stations which I was
14:47:34 25 directed to by my colleagues, the Kamajors, to take some
26 fuel from that petrol station. And I didn't pay any
27 money for it at all.

28 Q. Are you saying that you yourself looted the fuel?

29 A. Yes, sir. Yes, sir.

1 Q. So, for how long were you in Bo during this period?

2 A. I was in Bo from that Monday that we entered Bo, and I

3 left there the next day.

4 Q. Any particular reason why you left Bo the next day?

14:48:48 5 A. Yes, sir.

6 Q. Tell the Court.

7 A. The juntas came and re-attacked Bo on Tuesday morning.

8 Q. So what did you do when the juntas re-attacked?

9 A. I and some of my men when we heard the firing we

14:49:45 10 confronted the men because they were very close to them,

11 to the place where they entered from. During the course

12 of that period they killed one of my men by the name of

13 Ibrahim Collier. That discouraged me and caused me not

14 to stay around and I withdrew to Koribundu.

14:50:35 15 Q. Once you withdrew to Koribundu, did you stay there or you

16 went further?

17 A. The day I returned to Koribundu I slept there and

18 travelled to Talia the next day.

19 Q. Did you make a report of the Bo mission to anyone in

14:51:13 20 particular?

21 A. Yes, sir.

22 Q. Tell this Court to whom did you make the report?

23 A. Well, at that point in time I at first reported to

24 Pa Collier because his own very son was killed.

14:51:38 25 Q. Ibrahim Collier?

26 A. Yes, sir.

27 Q. Is this Pa Collier the same M. T. Collier you referred to

28 earlier on in your testimony?

29 A. Yes, sir.

1 Q. You said the first person you reported to was Pa Collier.
2 Did you make any subsequent reports to any other person?
3 A. I didn't make any other report to any other person
4 because I was discouraged at losing that man.
14:53:13 5 Q. Now, Mr Tucker, you have spoken about your group, the
6 death squad, a couple of times. Would you help this
7 Court by telling us what is the make-up of that squad.
8 You said there were 42 of you in number, will you help
9 this Court by telling us what was the make-up of this
14:53:43 10 group. First of all, were there women or boys. What was
11 the general make-up of the death squad?
12 A. We were all men.
13 Q. Any children?
14 JUDGE THOMPSON: Come on, he said all men.
14:54:10 15 PRESIDING JUDGE: No, no, no. Mr Kamara, no.
16 MR KAMARA: I will withdraw that, Your Honour.
17 Q. Now, you have told us that the death squad was
18 all men and we have had the evidence from you
19 that you were responsible for the maintenance
14:54:25 20 of peace -- and for security around Talia.
21 Now, my question to you is: Having retreated
22 as far back as Talia, after the Bo attack, did
23 you have cause to leave Talia for any other
24 places?
14:54:44 25 A. Yes, sir.
26 Q. And where was that?
27 A. Myself and my group came to Freetown.
28 Q. Will you tell this Court the purpose of your trip to
29 Freetown?

1 A. Yes, sir.

2 PRESIDING JUDGE: Mr witness, are you all right? You look
3 distressed and worried, are you all right?

4 THE WITNESS: I'm all right, sir. Sir, I'm all right.

14:55:52 5 PRESIDING JUDGE: You see, I see some signs of stress. Since
6 you say you are all right, that is fine, we can continue.
7 Can we?

8 THE WITNESS: Yes, sir.

9 MR MARGAI: Maybe he needs a more relaxing chair, an armchair
14:56:09 10 where he can relax and speak the truth and nothing but
11 the truth.

12 PRESIDING JUDGE: I saw him very disturbed and was talking of
13 killing of the alleged -- the alleged killing of the
14 gentleman whose departure troubled him a lot. That is
14:56:34 15 when I started noticing some change in his countenance.
16 You see, I see them very clearly and I observe them, you
17 know, very well. Anyway, since you are -- Mr Kamara,
18 you may proceed, please.

19 MR KAMARA: Thank you, Your Honour. And if I may notify the
14:56:56 20 Court, he is actually seeking some ailment which we have
21 not bothered to disclose because he had volunteered to
22 continue the trial.

23 Q. So, Mr Tucker, if you really feel particular --

24 A. I am all right.

14:57:10 25 Q. Thank you.

26 PRESIDING JUDGE: Well, my colleague here called me Dr Itoe
27 for picking that up. So I got back to him and said are
28 you announcing that I am a very qualified doctor? Okay.
29 Well, you are fine, I hope that we can continue. Can

1 we?

2 THE WITNESS: Yes, sir.

3 PRESIDING JUDGE: Okay. Mr Kamara, please.

4 MR KAMARA: Yes, Your Honour.

14:57:49 5 Q. Mr Tucker, my question to you was the purpose of trip to

6 Freetown.

7 PRESIDING JUDGE: Freetown, yes.

8 THE WITNESS: The reason why I came to Freetown was to receive

9 President Kabbah from exile.

14:58:16 10 Q. Was that at anyone's invitation?

11 A. Yes, sir.

12 Q. So who invited you and your group to Freetown?

13 A. It was Pa Norman.

14 Q. So how did you and your group come to Freetown? How did

14:58:41 15 you come to Freetown?

16 A. We came by helicopter.

17 Q. Mr Tucker, whilst in Freetown did you receive any

18 instructions from anyone with regards the SSD

19 headquarters?

14:59:14 20 MR BOCKARIE: Objection, Your Honour, if my colleague can

21 confine himself.

22 PRESIDING JUDGE: Sustained, sustained.

23 MR KAMARA: Thank you, Your Honour.

24 Q. Mr Tucker, whilst in Freetown, did you have

14:59:29 25 cause to visit the SSD headquarters?

26 A. Yes, sir.

27 Q. Why did you have to go there?

28 A. I had instructions from Pa Norman.

29 Q. Will you tell this Court what those instructions were?

1 A. Yes, sir.

2 Q. Tell the Court?

3 A. I had an instruction from Pa Norman that the SSDs had

4 looted cars during the time of the junta and that the

15:00:35 5 cars were at the SSD headquarters. So he -- and that he

6 wants those cars back. So I entered the place with some

7 of my men --

8 Q. Take you time, take your time, take your time.

9 A. -- with a very serious threat.

15:00:56 10 PRESIDING JUDGE: And the cars were at the SSD headquarters?

11 MR KAMARA: Yes, Your Honour.

12 Q. You say you went with serious threats to the

13 SSD headquarters?

14 A. Yes, sir.

15:01:39 15 Q. What happened there?

16 PRESIDING JUDGE: He went alone or with his boys. With your

17 men?

18 MR KAMARA:

19 Q. You went with your men?

15:01:52 20 A. Yes, I went with my men there. Among the cars

21 which were parked out there, there were three

22 good ones. So we drove the cars out of the

23 compound. We took them down to Spur Road where

24 Pa Norman had lodged us.

15:03:16 25 Q. So, Mr Tucker, what became of those vehicles; do you

26 know?

27 A. Yes, sir.

28 Q. Kindly tell the Court?

29 A. I handed over the three cars to Pa Norman.

1 Q. Yes?

2 A. Of those three he gave one to Mr Allieu Kondewa. He gave
3 one to Mr Moinina Fofana. And he gave one to the late
4 journalist Mr Prince Brima.

15:04:41 5 Q. For how long were you in Freetown with your men when you
6 came to receive the President?

7 A. We were here for about a month.

8 Q. And thereafter did you go any place else?

9 A. We returned to Base Zero.

15:05:55 10 MR KAMARA: That is all for this witness, Your Honours.

11 JUDGE BOUTET: Thank you. Cross-examination, first accused.

12 CROSS-EXAMINED BY MR HALL:

13 Q. Mr witness, when the Kamajor part of the war started,
14 Pa Norman wasn't even involved; was he?

15:06:45 15 A. Yes, where I was I did not see him there.

16 Q. In fact, Mr Norman was sent for so the war could be
17 fought on separate fronts?

18 JUDGE BOUTET: Are you asking a question?

19 MR HALL: Yes.

15:07:05 20 JUDGE BOUTET: Or are you giving evidence?

21 MR HALL: It has a question mark at the end of it.

22 JUDGE BOUTET: It is not obvious this is a question, it
23 appears to be a statement so you had better be more
24 direct with the witness, otherwise you may not get the
15:07:19 25 answers you may wish to get.

26 MR HALL: Very good.

27 Q. Mr witness, Mr Norman was sent for so he could
28 operate another flank in the war; isn't that
29 correct?

1 A. I cannot get you clear. I didn't understand the
2 question.
3 Q. Let me read to you from a statement that you gave the
4 Prosecutor and ask you if it is true?
15:08:02 5 JUDGE BOUTET: Maybe you should ask him if he has given a
6 statement before you read from the statement you say he
7 gave.
8 MR HALL:
9 Q. You gave at least five statements to the Prosecutor; did
15:08:08 10 you not?
11 A. Yes, sir.
12 Q. And the last one where anything was written down was 25th
13 October 2004. Was that date approximately correct?
14 A. I cannot remember the date, but it was sometime in
15:08:25 15 October.
16 Q. You related in that statement a meeting between Kamajor
17 elders and --
18 PRESIDING JUDGE: Are you not getting -- are you not getting
19 to that point too early? Do you think you have laid
15:09:05 20 enough of a foundation and for what purpose really? Why
21 this sudden recourse to this statement? Your
22 cross-examination -- No, no, no, you don't need to.
23 You know, put the question to him. The witness said
24 that he did not understand the question you put to him.
15:09:26 25 Instead of going to that statement at this point in
26 time, why don't you put the question to him again
27 because we shall run into procedural problems with that
28 statement and not be able to move.
29 JUDGE BOUTET: If I may add, you are trying to move in the

1 direction of trying to refresh the memory of the witness
2 rather than opposing him to something he may have said,
3 because you seem to be directing his attention to
4 something he may have said. If this is what you intend
15:10:00 5 to do, I would suggest to you that you give the statement
6 to the witness so the witness may familiarise himself
7 with that statement. Give him the time to read it and
8 then you ask question: What do you mean by this, or
9 something like that. So it is not clear to us sitting
15:10:17 10 here what you intend to do. If you intend to [inaudible]
11 the witness, well that's a different approach. And this
12 is to complete what my learned Presiding Judge was saying
13 to you. But if you think it is appropriate for you to
14 use the statement because, but, as I am mentioning to
15:10:36 15 you, there are two views and they are completely
16 different.
17 MR HALL: I don't expect him to disagree with the statement,
18 but he does not understand my question.
19 JUDGE BOUTET: Then if you ask him questions about that
15:10:46 20 statement, I suggest to you you must show it to him, give
21 him time to read it and then you ask the question.
22 JUDGE THOMPSON: Let me reinforce what my two learned brothers
23 have said. Now the procedure for us is to have a proper
24 foundation for whatever you intend to do in
15:11:05 25 cross-examination. We have indicated that two legal
26 options are possible. One, refreshing the witness's
27 memory. Or, if you are going that far, trying to
28 establish prior inconsistent statement. Whichever option
29 you choose it would seem to us tidy legal procedure to

1 establish sufficient legal nexus and factual nexus
2 between that statement and the witness. Did he have an
3 opportunity of having it read over to him and all that?
4 That is all we are insisting on, just the legal
15:11:45 5 foundation. It has now become a ritual, learned counsel.
6 Once you go through that the Bench is satisfied that
7 there is a nexus between the statement and the witness.
8 That is all.

9 MR HALL:

15:11:59 10 Q. Mr witness, do you read English and understand
11 English?

12 A. Yes, sir.

13 Q. Did you or did you not tell the Prosecutor that Mr Norman
14 was sent for by the elders so he could join in the war?

15:12:27 15 JUDGE BOUTET: I don't think you have understood what we have
16 just mentioned to you. If you are trying to use the
17 statement as such, we have just indicated to you what is
18 the best approach to do it.

19 MR HALL: I am not trying to impeach him though, I am just
15:12:37 20 trying to get him to answer the questions.

21 JUDGE BOUTET: Well we clearly -- at least I thought I had
22 clearly told you there are two approaches: One is to try
23 to impeach the witness, which you are not trying to do,
24 and the other one is to try to refresh the memory of the
15:12:55 25 witness which is [inaudible] and I presume this is the
26 avenue you are pursuing at this time. If this is what
27 you do, there is a procedure to be followed. And you
28 have not followed the procedure yet.

29 MR HALL: But the question I put to him, if the answer is, I

1 don't recall, then I can refresh his memory. But he
2 could very well answer this question did you or did you
3 not.

4 JUDGE BOUTET: Well then why did you ask him if he speaks
15:13:22 5 English if he has read the statement, if you are not
6 using the statement. I mean, we are confused as well,
7 so I would certainly appreciate that the witness could
8 be confused in these kind of questions. But carry on
9 with that question, we will see where you go.

15:13:35 10 JUDGE THOMPSON: No, I am not satisfied. I do not think, with
11 all due respect to the learned counsel - and I do not
12 know what the procedure is how these matters are
13 approached in the United States - before you can actually
14 go to the content of that statement, it is my
15:13:52 15 understanding of the law that you need to establish some
16 kind of legal foundation as to the nexus between that
17 document and this witness. Did he make it to the
18 prosecutors? When did he make it? What was the process
19 of making it? Did he give it in English? Did he write
15:14:15 20 it himself? Or was it recorded? These are the rituals,
21 so to speak, which we expect you to go through to
22 establish some legal foundation so that we are satisfied
23 that this witness did make that statement - or if he did
24 not make it, we have it on record that he did not -
15:14:33 25 before you can go to the actual content and say, "oh, did
26 you tell the Prosecutor so and so and so?" That is how
27 we think we should approach the matter. But if you have
28 an abbreviated procedure which you can convince us
29 achieves the same objective of establishing the legal

1 foundation, showing a nexus between that statement and
2 this witness, we are prepared to listen.
3 PRESIDING JUDGE: I have had the opportunity of attending
4 trials, certain trials as a visitor, you know, in the
15:15:16 5 United States and I know that these foundational basics,
6 you know, to confronting a witness with his statement are
7 the same as my colleague has enunciated here. I mean, a
8 witness must at least recognise that he made a signature
9 or rather a statement and the circumstances under which
15:15:45 10 the statement was made are important because this leads
11 to very many things. And I didn't think that -- I think
12 you are getting into this statement, this statement is a
13 bit too early. Unless you are going to base your
14 cross-examination only on facts that feature in the
15:16:06 15 statement.

16 I mean, it is you who know what your strategy is.
17 But I would have imagined that there are other fields
18 which you can explore, then you come to your statement,
19 this statement later on. If it becomes necessary. Like
15:16:25 20 my learned brother, Mr Justice Boutet, mentioned the
21 purpose of referring to that portion was to refresh his
22 memory. Refreshing his memory. I mean, is it what you
23 want to do? If you want to do this, couldn't you do that
24 by adopting some other procedure or visiting other
15:16:41 25 grounds before coming into this? The options are yours
26 Mr Hall.

27 MR HALL: I will give the Court background as -- and I'm not a
28 neophyte at this; I have had at least 250 jury trials. I
29 can put to him from his statement something that has been

1 given to me and he can say yes or no.

2 PRESIDING JUDGE: But not before he confirms that he made the

3 statement. Not before he confirms. I want to go on

4 record: Not before he confirms, not before he tells you

15:17:09 5 that he made such a statement.

6 MR HALL: He agrees that he made a statement to the Prosecutor

7 on that day, and I just asked him, "did you or did you

8 not say such and such?" If he says, "I don't remember,"

9 then I can refresh. If he contradicts his statement then

15:17:22 10 I can impeach.

11 PRESIDING JUDGE: What about the circumstances of his having

12 made -- of his making, that surrounded making the

13 statement. This is a community, you know, we have many

14 languages here in the arena. In what language did this

15:17:43 15 witness speak? In what language was he interrogated or

16 so? There are many things you see which you need to

17 clarify so that the statement can really be imputed on

18 him. You see this is it.

19 JUDGE THOMPSON: We are not disagreeing with you that you

15:17:58 20 don't have a right to impeach the credibility of this

21 witness. We are not disagreeing with you that you have a

22 right to refresh his memory. All we are saying that by

23 way of a preliminary step towards achieving that

24 objective, we want you to establish some legal foundation

15:18:18 25 providing a nexus between that statement and this

26 witness. That is all we are asking you to do. Did he

27 make it? When did he make it? Under what circumstances?

28 Did he write it himself or was it recorded? Was he given

29 the opportunity after it had been recorded to say that

1 everything that you have there is true and correct?
2 That`s the way we say we have always done it and really
3 as I say, unless you can persuade me that there is some
4 alternative, viable abbreviated process, which achieves
15:18:59 5 the same objective, I think we should stick by home.
6 MR HALL: With all due respect, that`s what I am trying to do.
7 I put the question and if he can answer it, we just keep
8 going.
9 JUDGE THOMPSON: Well, let us hear you. All right.
15:19:11 10 MR HALL: Then we have to get into the problem.
11 JUDGE THOMPSON: Let us concede for the sake of argument that
12 we are missing or being pre-emptive. We allow you to
13 proceed and put your questions again.
14 MR HALL: I expect he'll answer the question in accordance
15:19:22 15 with the statement, and we'll just keep on going.
16 JUDGE THOMPSON: Well, but we need to let you know. I mean it
17 is our duty to explain our own approach from the Bench,
18 as we allow you to canvas exhaustively your own position.
19 It is part of our stock in trade and we don't need to get
15:19:42 20 a little angry about that. Proceed and let us hear you.
21 MR HALL: Thank you, Your Honour.
22 Q. Mr witness, it has been a while since I asked
23 you a question. Let me put to it you again.
24 Mr Norman was not there at first; correct,
15:19:57 25 fighting the Kamajor war?
26 A. No, sir, he was a chief.
27 Q. He was sent for by others?
28 A. Yes sir.
29 Q. How much later did he join in?

1 PRESIDING JUDGE: You are going too fast, Mr Hall, you are
2 going very fast.
3 MR HALL: Sorry, Your Honour.
4 PRESIDING JUDGE: You say he was called later on.
15:20:48 5 MR HALL: Yes.
6 PRESIDING JUDGE: By?
7 MR HALL:
8 Q. Do a recall how much later on and by whom; if
9 you know?
15:21:01 10 A. I can remember, sir.
11 Q. Who was it?
12 A. The leaders with whom we were at Base Zero.
13 Q. Is that the war council?
14 A. No, sir. During that time there was no war council yet.
15:21:52 15 Q. You were present at this meeting when Norman was sent
16 for?
17 A. Yes, sir.
18 Q. And what was the reason for bringing him in at that
19 meeting?
15:22:39 20 A. So that he could give us logistical support.
21 Q. Was there another reason besides logistical support?
22 A. Yes, sir.
23 Q. What was that?
24 A. One reason that I understood was that he was that he was
15:23:27 25 a member of the government that they overthrow. And
26 number two, secondly we heard over the radio when he used
27 to announce about the attacks and where the Kamajors took
28 from the juntas.
29 Q. Was there also a reason given to fight the war on a

1 second front?

2 A. I didn't get you clear. Ask your question again.

3 Q. At the meeting was it decided that one reason that

4 Mr Norman was needed so that the war could be fought on

15:24:46 5 two fronts instead of one?

6 A. Yes, that was our overall plan we had.

7 Q. At the time Mr Norman showed up, how long had you been a

8 Kamajor?

9 A. I have been a Kamajor since 1995.

15:25:46 10 Q. You were fighting as a Kamajor since 1995, or did it

11 start before?

12 A. I started fighting since 1995.

13 Q. How did the Death Squad get its name?

14 A. During the time when the Kamajor population grew high,

15:26:47 15 many other groups which -- there were many other groups

16 which had different names. So we sat together and

17 decided that our groups should not remain without a name

18 so we suggested names and among the names we chose that

19 particular name. We chose the Death Squad as the name

15:27:08 20 that all of us agreed upon.

21 Q. And how long after 1995 was that name agreed upon?

22 A. We took that name during the time when the juntas took

23 over, so we confronted them in the battle.

24 Q. Mr Norman had nothing to do with naming the Death Squad;

15:28:03 25 did he?

26 A. Well, I cannot really tell because when they came -- when

27 we were introduced to him he did ask us to condemn that

28 name.

29 Q. He did not ask you to change the name?

1 A. Yes, sir.

2 Q. But you told him that you were the Death Squad?

3 A. Yes, we told him that. And even Mr Allieu Kondewa, he

4 introduced us to him, he told him that that was the name

15:29:19 5 of the group.

6 Q. Did Mr Kondewa have anything to do with naming the group?

7 A. Yes, sir. He too told people that he too was a member of

8 Death Squad.

9 Q. That he was not a member of the Death Squad?

15:30:41 10 A. Who do you mean?

11 Q. The last person you spoke of, Mr Kondewa?

12 A. Mr Kondewa was a member of the Death Squad.

13 Q. But you had problems with people saying they were members

14 of the Death Squad when they were not; isn't that

15:31:18 15 correct?

16 A. I didn't get you clear. Please ask your question again.

17 Q. People who were Kamajors claimed to be members of the

18 Death Squad when they weren't; isn't that correct?

19 A. Yes.

15:32:15 20 Q. May I have the last question, please?

21 MR HALL: People said they were members of the Death Squad

22 when they weren't. Holding themselves out.

23 PRESIDING JUDGE: Yes, and what was his reply.

24 MR HALL: Yes.

15:33:08 25 Q. Mr witness, those people were causing trouble

26 using the name the Death Squad and that

27 concerned you?

28 A. Yes, sir.

29 Q. And the war council?

1 JUDGE THOMPSON: Counsel, we need that. He said he is
2 confirming that.

3 PRESIDING JUDGE: These people used the name Death Squad you
4 know as members to cause trouble.

15:33:48 5 JUDGE THOMPSON: Yes, and he confirms that.

6 MR HALL: Yes.

7 PRESIDING JUDGE: He confirms that.

8 JUDGE THOMPSON: Yes.

9 MR HALL:

15:34:16 10 Q. And an order came from the war council for you
11 to go check it out; and you did?

12 A. Yes, sir.

13 Q. Did you pick the name Death Squad to strike fear in
14 people's hearts?

15:35:14 15 A. That was not the reason why we selected that name.

16 Q. That was the reason or was not the reason?

17 A. We didn't choose that name to strike fear in the people's
18 hearts.

19 Q. But a took pleasure in using that name for the name of
15:35:58 20 your squad?

21 A. Yes. Because my men and myself agreed all to that.

22 Q. You had pride in that name?

23 A. Yes, because my other companions have groups with
24 different names.

15:36:57 25 Q. When you became a Kamajor, were you trained in Kamajor
26 law?

27 A. They told us the laws.

28 Q. One of those was to protect civilians?

29 A. Yes.

1 Q. One of them was to not loot from civilians.
2 JUDGE THOMPSON: Shall we have it step by step. I agree that
3 one of those laws was to protect civilians.
4 MR HALL: Yes sir.
15:37:50 5 Q. Do you agree that one was to protect property
6 of civilians?
7 PRESIDING JUDGE: (Inaudible) Mr Hall, you said one of it was
8 not to loot.
9 MR HALL:
15:38:05 10 Q. Not to loot. I rephrased it, I guess.
11 PRESIDING JUDGE: That is the enumeration: Not to loot.
12 Protect civilians, not to loot.
13 JUDGE BOUTET: Protect property and loot is not quite the
14 same.
15:38:18 15 MR HALL: True. Let me rephrase the question for the witness.
16 I am sorry, Mr Tucker.
17 Q. One was not to loot; is that correct?
18 A. I was not told about the looting. With reference to
19 looting, I was not told about that law.
15:39:08 20 Q. Were you told about protecting the property of civilians?
21 A. No, I did not get that clear from the authorities.
22 Q. Were you also told about not hurting captured soldiers?
23 A. Go over your question again.
24 Q. Were you also told that Kamajors would not hurt captured
15:40:12 25 soldiers?
26 A. There was no law of that nature. Because it was to
27 destroy the soldiers that were organised.
28 Q. Did not Mr Norman tell you that soldiers that were
29 captured should be brought back from the front?

1 A. He did that, but it was during the time when one soldier
2 surrendered himself at Base Zero he interrogated him, but
3 it was in the night. So he gave him, handed him over to
4 the securities to keep himself. When he was kept by the
15:42:02 5 securities in the morning, before morning, the soldier
6 was killed. That gave cause for Pa Norman to get
7 annoyed. In fact that day he said that he will move from
8 Base Zero for that havoc which the people did. So the
9 elders around him talked to him and so from that day so
15:42:35 10 they made that a law. But that havoc was on before that
11 law was made, and so that was the time they passed the
12 law. But before that time it was going on rapidly.

13 Q. Mr Norman, though, was mad because a soldier was not kept
14 to be interrogated; he was just killed. And he
15:43:08 15 reprimanded people for that?

16 A. Yes, sir. In fact, he was about to leave Base Zero. I
17 saw him pack his bag to leave, but people talked to him.

18 Q. The war council gave direction to the Death Squad; isn't
19 that correct?

15:44:50 20 A. No, sir, I received instructions from Pa Norman directly
21 himself. That is why he had a private place where he
22 talked to me. They called the place Walehun II.

23 Q. Do you remember giving a statement on the 9th of
24 May 2003?

15:45:25 25 PRESIDING JUDGE: Let me get the private place where you used
26 to meet. You say it was?

27 THE WITNESS: Walehun II. Walehun II. W-A-L-I-H-U.N.

28 PRESIDING JUDGE: Okay.

29 MR HALL:

1 Q. The first time you were interviewed was
2 May 9th, 2003?

3 A. I was interviewed but I can not remember the months, nor
4 the dates.

15:46:27 5 Q. It was in Bo at the Madam Wokie hotel W-O-K-I-E?

6 A. Yes, sir. I was interviewed at Madam Wokie's hotel in
7 Bo.

8 Q. There were four people from the office of the Prosecutor
9 interviewing you?

15:47:03 10 A. I cannot remember the number of people. They were about
11 that number. But I can't say there were four or they
12 were not up to four.

13 Q. Was that meeting tape recorded or written down by hand or
14 typed into a computer? If you recall?

15:47:32 15 A. I can remember it was written on a computer and the other
16 one was written on a paper.

17 Q. But the first one was written on a computer?

18 A. They were writing it on the computer and others were
19 writing it on paper.

15:48:35 20 Q. Did you have chance to go over the statement before it
21 was completed. That is, did they read it to you?

22 A. Yes, sir.

23 Q. Was it printed out and signed in your presence? Or was
24 it printed out in your presence and you signed it?

15:49:01 25 A. Yes. The one that was printed was given over to me to be
26 signed and I signed it.

27 Q. Your Honour, all I have is an unsigned copy of it that
28 was provided by the Prosecutor.

29 JUDGE BOUTET: Maybe your colleague from the Prosecution has

1 the signed copy. I don't know or may be there is no
2 signed copy.

3 MR KAMARA: Your Honour, this witness made several statements;
4 some he signed, others he did not sign. This particular
15:49:32 5 one he did not sign.

6 MR HALL: The page I'm referring to is page 10152.

7 MR KAMARA: You are talking of the 9th of May 2003?

8 MR HALL: Yes, sir.

9 MR KAMARA: So it was not signed. Even the one the
15:49:44 10 Prosecution has is not signed. So you might have been
11 confusing the different statements.

12 JUDGE BOUTET: Mr Hall, could you ask the witness what
13 language was being spoken during these interviews and
14 what's the language --

15:50:02 15 MR HALL:

16 Q. Did you speak in English or some other language
17 at this meeting? The statement doesn't say.

18 A. I spoke in Krio to them.

19 Q. But you can read English?

15:50:31 20 A. Yes, sir.

21 JUDGE BOUTET: Mr Hall, we have enough background now. It
22 depends what you want to do.

23 MR HALL: I would like to have Mr Walker show him this
24 paragraph that's marked with a pen and marked in yellow.

15:50:44 25 There is handwriting on here and apparently that was
26 provided to us.

27 JUDGE BOUTET: That is part of statement. It was like that.

28 MR HALL: This paragraph was marked in yellow in the middle.

29 JUDGE BOUTET: So the handwriting in the margin is not yours

1 it was on the statement.

2 MR HALL: It could have been notes that the investigators

3 wrote.

4 JUDGE BOUTET: But that is how it was provided to you.

15:51:06 5 MR HALL: Yes, sir.

6 JUDGE BOUTET: And you want to show to it him for what

7 purpose? That is my question to you: What's the purpose

8 you are seeking to get this shown to the witness?

9 MR HALL: This is contrary to what he just said before I

15:51:19 10 started on establishing foundation.

11 JUDGE BOUTET: Well, you may wish to show it to him, but

12 there's no need to show it to him. If you read it and

13 say this is portion and that's what it says. Presumably

14 you asked this document to be marked as an exhibit for

15:51:35 15 that purpose.

16 PRESIDING JUDGE: Mr Hall, are you trying to establish a prior

17 inconsistency.

18 MR HALL: Yes, sir. Could I just read him the paragraph

19 because he may have said it.

15:51:46 20 JUDGE BOUTET: Yes, yes, yes. You have to read to it him.

21 You must.

22 MR HALL:

23 Q. Let me read you three sentences. And then you

24 can tell me whether or not you told them that

15:51:56 25 day. Okay?

26 A. Yes. Yes, sir.

27 Q. This this page 10152. "We got our orders directly from

28 the war council. Mr Lome would bring the orders to us.

29 They know what their organisation was; I don't know. The

1 orders we would get were always from Lome."
2 JUDGE BOUTET: You are pushing your sheet of paper into the
3 mic.
4 MR HALL: Sorry. I will turn.

15:52:57 5 Q. "Whatever the war council would say we would
6 do." It's actually four sentences, not three.
7 Did you say this to the investigators back in
8 May 2003?

9 A. I used to say those words to the investigators. But
15:53:24 10 during the time that I made those statements I was in
11 deep fear because, because I knew that I myself was
12 somebody who took part in the war. Then the Special
13 Court has come played over the fighters. I was not
14 really free with them until recently when I made the last
15:54:01 15 statement, the one which I saw for myself which I gave to
16 them. All the other statements I made were under fear.
17 I was really afraid.

18 Q. So you admit to lying to the investigators then to
19 protect yourself?

15:54:38 20 A. I was not telling lies. I was really afraid and when you
21 are scared you do not know how to position yourself.

22 MR HALL: Pass the witness, Your Honour.

23 JUDGE BOUTET: So what do you want to do?

24 MR HALL: He admitted making a mistake and qualified it. I
15:55:01 25 could make it an exhibit if the court would allow it.

26 JUDGE THOMPSON: You can tender it.

27 MR HALL: Just this middle paragraph. The other markings are
28 mine.

29 JUDGE BOUTET: As you know this is essentially for -- to

1 assess credibility. It's for that purpose.

2 JUDGE THOMPSON: Yes.

3 JUDGE BOUTET: Indeed, given the circumstances, it may be of

4 assistance and we will mark it.

15:55:24 5 JUDGE THOMPSON: I am satisfied that this foundation has been

6 laid and there is perceived inconsistency and it could be

7 received in evidence.

8 MR HALL: I will leave the red tab on here so you can see

9 which paragraph it was.

15:55:36 10 JUDGE BOUTET: So, just for the record what page is this

11 again, the top number?

12 MR HALL: 10152. It is the middle of the page.

13 JUDGE BOUTET: And we are at exhibit 56, Mr Walker?

14 MR WALKER: Exhibit 56, Your Honour.

15:56:05 15 PRESIDING JUDGE: Let us get it clear on the record.

16 Mr Kamara, you say this statement was not signed.

17 MR KAMARA: Yes, Your Honour.

18 PRESIDING JUDGE: Was not signed. And what is the date of it.

19 MR KAMARA: May 9th 2003.

15:56:27 20 PRESIDING JUDGE: May 19, 2003?

21 MR KAMARA: No, the 9th of May, 2003.

22 JUDGE BOUTET: Mr Kamara, I should have asked you if you have

23 any comment before we make it an exhibit.

24 MR KAMARA: I was waiting for that question, Your Honour.

15:56:40 25 JUDGE BOUTET: Given your silence can I read it that you had

26 no objection?

27 MR KAMARA: Yes.

28 JUDGE BOUTET: For the limited purpose as I have said.

29 MR KAMARA: For that limited purpose but I would like to get a

1 clarification from the panel, Your Honour. My
2 understanding of inconsistency here is that wherein the
3 witness has said something that is different and then
4 wherein he owns up to something that he said and proffers
15:57:02 5 a reason for saying that, are we still considering that
6 as inconsistent per se and admit the document?
7 PRESIDING JUDGE: Oh yes. Yes. Yes.
8 MR KAMARA: Accepted, Your Honours. Thank you.
9 JUDGE THOMPSON: Yes. Prima facie, there is inconsistency but
15:57:21 10 unless the Court has the document in evidence how would
11 it determine what probative value to attach in the light
12 of his explanation.
13 MR KAMARA: Yes, Your Honour. The only thing that, as long as
14 the explanation goes and ties with that portion, we are
15:57:31 15 comfortable.
16 PRESIDING JUDGE: That is for us to determine.
17 JUDGE THOMPSON: That's for the Court to determine.
18 PRESIDING JUDGE: That is for us to determine .
19 JUDGE BOUTET: Well, the explanation is in evidence.
15:57:39 20 JUDGE THOMPSON: Yes.
21 JUDGE BOUTET: We consider the totality of it, not just one
22 part.
23 JUDGE THOMPSON: Precisely.
24 JUDGE BOUTET: When we assess the credibility it's not just
15:57:48 25 one sentence; it's the sentence in context.
26 MR KAMARA: In that case, no objection. Thanks.
27 JUDGE BOUTET: Mr Hall, will you --
28 MR HALL: Sorry, Your Honour.
29 JUDGE BOUTET: Are you still cross-examining.

1 MR HALL: No, I pass the witness, Your Honour. Thank you.

2 PRESIDING JUDGE: That is exhibit what?

3 JUDGE BOUTET: Fifty-six.

4 PRESIDING JUDGE: Fifty-six.

15:58:13 5 [Exhibit No. 56 was admitted]

6 JUDGE BOUTET: So, counsel for the second accused, are you

7 ready to proceed?

8 MR KOPPE: Yes, Your Honour, I am. Thank you.

9 Q. Mr Tucker, I only have a few questions. Do you

15:58:33 10 recall giving evidence this morning that

11 Moinina Fofana spoke at a meeting in 1998 at

12 Base Zero?

13 A. Yes, sir.

14 Q. You recall giving evidence.

15:58:56 15 PRESIDING JUDGE: Mr Koppe.

16 MR KOPPE: Yes.

17 PRESIDING JUDGE: Please don't go at jet speed. I know you

18 arrived here by jet.

19 MR KOPPE: I'm sorry, Your Honour.

16:00:11 20 PRESIDING JUDGE: Right.

21 [HN100205D 4.02 p.m. EKD]

22 PRESIDING JUDGE: The witness recalls saying that Mr Fofana

23 spoke at the meeting in Base Zero.

24 MR KOPPE: In 1998.

16:00:11 25 Q. Mr Tucker, do you recall saying that Mr Fofana had said

26 during this meeting that, "The time has come to implement

27 what we have learned"?

28 A. Yes, sir.

29 Q. And finally, Mr Tucker, that Fofana said at this speech

1 to attack the villages where the juntas are located?

2 A. He told us that, yes, sir.

3 Q. Mr Tucker, my questions are these: Did Mr Fofana tell

4 the men at Base Zero during this speech to loot property?

16:01:24 5 A. No, sir.

6 Q. Did Mr Fofana during this speech tell the men at Base

7 Zero to burn down houses?

8 A. No, sir.

9 Q. Did Mr Fofana during this speech tell the men at Base

16:02:20 10 Zero to kill civilians?

11 A. No, sir.

12 Q. And finally, Mr Tucker, did Mr Fofana say during this

13 speech to kill soldiers who have been captured?

14 A. No, sir. But he told us to destroy the soldiers from

16:03:03 15 where they were sitting --

16 MR KOPPE: Thank you.

17 PRESIDING JUDGE: That he told you to do what?

18 JUDGE BOUTET: I know, but we need to have a complete answer.

19 PRESIDING JUDGE: Yes, I need to have the answer, my notes are

16:03:18 20 in the air. He told you to do what?

21 THE WITNESS: He told us to destroy the soldiers finally from

22 where they were settled.

23 JUDGE BOUTET: He told you not to kill captured soldiers but

24 to kill soldiers where they were settled, meaning in the

16:03:42 25 fight? I'm trying to understand what you mean by "where

26 they were settled".

27 THE WITNESS: He didn't differentiate between whether it was

28 the captured ones, but he didn't tell us to capture

29 soldiers. He told us to launch an attack on soldiers and

1 destroy them finally from where they were settled. He
2 didn't differentiate between capturing them and any other
3 thing.
4 JUDGE BOUTET: Thank you. That concludes the
16:04:21 5 cross-examination?
6 MR KOPPE: Thank you.
7 JUDGE BOUTET: Thank you. Counsel for third accused,
8 Mr Margai?
9 CROSS-EXAMINED BY MR MARGAI:
16:05:11 10 MR MARGAI:
11 Q. Now, Mr Tucker, there is a difference between the Kamajor
12 organisation and the Kamajor society; isn't there?
13 A. I just regarded the entire organisation as one.
14 Q. If I may be of assistance to you, the major difference
16:06:05 15 between the Kamajor organisation and the Kamajor society
16 is that prior to the establishment --
17 PRESIDING JUDGE: But he says he took it as one. Do you want
18 to -- are you giving him --
19 MR MARGAI: Yes, I'm assisting him, My Lord. Perhaps he might
16:06:31 20 better understand.
21 PRESIDING JUDGE: Let's not fall into the trap of wanting to
22 give evidence in the place of -- in lieu of
23 cross-examination.
24 MR MARGAI: No, that is not my intention, My Lord, but I think
16:06:42 25 it is a very important distinction, which he probably
26 would understand if aided.
27 JUDGE BOUTET: His answer to you is quite clear. He said he
28 regarded the whole as one organisation. So that is his
29 evidence.

1 MR MARGAI: If I may go a stage further Your Lordships would
2 appreciate the necessity.

3 JUDGE BOUTET: I share the concerns of the Presiding Judge on
4 this. You are at best borderline between giving evidence
16:07:12 5 to the witness or instead of the witness, but we'll see.
6 Go ahead and --

7 JUDGE THOMPSON: Perhaps you can -- if you put what from your
8 perspective is the difference to him and invite him to --

9 MR MARGAI: That is what I am about to do.

16:07:28 10 JUDGE THOMPSON: Right. Well, try.

11 MR MARGAI: Thank you.

12 Q. Now, the difference between the Kamajor organisation and
13 the Kamajor society is that in the case of the
14 organisation there was no initiation; isn't that correct?

16:07:46 15 A. As far as I know anybody who was not initiated into the
16 society he was not recognised as a Kamajor, your
17 arrangement was not taken serious because you are not a
18 member of the society.

19 Q. Isn't it true that initiation only started in 1996?

16:08:21 20 A. No, sir. Since 1995 in Kale. I am sure we are the first
21 set of initiates whom Allieu Kondewa initiated into the
22 Kamajor society. We numbered 37.

23 PRESIDING JUDGE: 37?

24 MR MARGAI: 37.

16:08:58 25 THE WITNESS: We were 37 in number.

26 MR MARGAI:

27 Q. I am putting it to you that it was in 1996 that
28 initiation started in the Kamajor society?

29 A. That's not so.

1 Q. Thank you. Now --

2 PRESIDING JUDGE: What's the reply, please?

3 THE WITNESS: That's not true.

4 JUDGE THOMPSON: He disagrees that it started in 1996.

16:09:37 5 MR MARGAI:

6 Q. Would you agree with me that the first initiator in the

7 Kamajor society was Allieu Kondewa?

8 A. Yes, sir.

9 Q. And would you also agree that he had subordinates?

16:10:24 10 A. Yes, sir.

11 Q. Thank you. And would you also agree with me that the

12 sole task of Allieu Kondewa and his co-initiators was to

13 prepare you people, the fighters, for the battlefield?

14 A. Yes, sir.

16:11:12 15 Q. And to be more precise --

16 PRESIDING JUDGE: No, no, please.

17 MR MARGAI: I'm sorry, My Lord.

18 Q. And to be more precise, their task was meaning the

19 initiators to immunise you, the fighters, against

16:12:10 20 bullets?

21 A. Yes, sir.

22 Q. You talked of an attack launched by the Kamajors at

23 Moyamba; is that correct?

24 A. Yes, sir.

16:13:17 25 Q. Could you assist this Court as to the time of the attack,

26 meaning the date, month, year, if you can recall?

27 A. I can only remember the year, which was 1997, but I

28 cannot remember the day or the month.

29 Q. Thank you. Was it before the overthrow of the Kabbah

1 regime in 1997?

2 A. During that time he had been overthrown, he was in exile.

3 Q. He was in exile. Do you know whether Allieu Kondewa was

4 in Talia when the Kabbah regime was overthrown?

16:15:10 5 A. He was not in Talia, sir. He was in Freetown.

6 Q. Thank you. And do you know when he returned to Talia?

7 Was it a month, two months, three months after the

8 overthrow?

9 A. Kondewa returned to Talia two months after the overthrow.

16:16:30 10 Q. Thank you. Now, you have told this Court that before

11 Norman went to Talia you were taking instructions from

12 Allieu Kondewa; is that correct?

13 A. Yes, sir.

14 Q. Can you recall when Norman went to Talia -- when he first

16:17:59 15 went to Talia -- which month, which year?

16 A. I can't remember the month, but I can remember the year.

17 Q. Thank you. Which year?

18 A. 1997.

19 Q. Was it the early part of 1997, mid-1997 or late 1997?

16:18:44 20 A. It was late in 1997.

21 Q. Thank you. Were you at Talia before Allieu Kondewa got

22 to Talia two months after the overthrow of the Kabbah

23 regime?

24 A. I was not in Talia when Allieu Kondewa came from

16:19:47 25 Freetown --

26 MR MARGAI: [Overlapping speakers] if I want you to go beyond

27 that I will ask.

28 JUDGE BOUTET: Let the witness answer fully to the question.

29 You asked the question, let the witness answer.

1 MR MARGAI: My Lord, with respect the question was --
2 JUDGE BOUTET: Mr Margai.
3 MR MARGAI: Sorry.
4 JUDGE BOUTET: I'm telling you, you asked the question, let
16:20:08 5 the witness answer the question.
6 MR MARGAI: My Lord, the question posed was, "Were you at
7 Talia before Allieu Kondewa got there?"
8 JUDGE BOUTET: And he's saying to you why he was or he wasn't.
9 MR MARGAI: No, no, no, his answer was he was not at Talia.
16:20:23 10 JUDGE BOUTET: But it may be he was explaining where he was.
11 MR MARGAI: But My Lord, I am cross-examining. If I want him
12 to explain I would have asked him to explain.
13 JUDGE BOUTET: We are telling you we want to know what the
14 circumstances are. The witness is giving evidence --
16:20:40 15 MR MARGAI: As My Lord pleases. If Your Lordship wants to
16 know I cannot stop Your Lordship, but he has answered my
17 question. Thank you.
18 Q. Carry on. Yes, go on.
19 A. When he came from Freetown we are all altogether at
16:20:53 20 Tihun. From Tihun, after the Taiama attack, he went down
21 to Talia to settle there, because the leaders had called
22 him and told him that it was at Talia that all
23 arrangements regarding the war had been taking place and
24 had been bringing successes, so he should come back to
16:21:27 25 Talia. That was where he were when he sent for Pa
26 Norman.
27 Q. Would you now please answer my question. Were you at
28 Talia when Allieu Kondewa got there; yes or no?
29 MR KAMARA: Your Honour, that question has been put and

1 answered.

2 JUDGE BOUTET: It has been answered and I -- you may not like
3 the answer, but he has answered the question.

4 MR MARGAI: No, I have no problems with the answer, I am quite
16:22:14 5 satisfied with the answer, My Lord.

6 JUDGE BOUTET: His answer is he went to Talia with Kondewa, so
7 he was not there before he just answered. That's what he
8 answered.

9 MR MARGAI: My Lord, may I then ask for an adjournment to
16:22:30 10 continue tomorrow.

11 PRESIDING JUDGE: On what grounds?

12 MR MARGAI: My Lord, on the grounds that I find it rather
13 difficult to honestly and ably put across the case of my
14 client at this juncture and I think I am duty bound to
16:23:03 15 defend my client to the best of my ability. I mean, my
16 client is facing a very, very serious charge, as has been
17 said here time and time again. And I believe it beholds
18 me not only to put in my competent best but even in my
19 incompetent best. But I find it difficult to so do at
16:23:24 20 this juncture.

21 PRESIDING JUDGE: Mr Margai.

22 MR MARGAI: Yes, My Lord.

23 PRESIDING JUDGE: The Chamber thinks that you need some time,
24 but not so many hours. Maybe if we can rise for some
16:24:25 25 time you may be able to recompose yourself and continue
26 with your cross-examination.

27 MR MARGAI: Well, if that is the thinking of Your Lordship who
28 am I to contradict your thinking?

29 PRESIDING JUDGE: Mr Margai, we shall adjourn for 15 minutes.

1 MR MARGAI: As My Lords, please.

2 PRESIDING JUDGE: The Court will rise for 15 minutes, please.

3 [Break taken at 4.28 p.m.]

4 [Upon resuming at 4.58 p.m.]

16:54:45 5 PRESIDING JUDGE: Learned counsel, we are resuming our
6 proceedings. Mr Margai, I hope --

7 MR MARGAI: Very well, My Lord.

8 PRESIDING JUDGE: -- that you rediscovered your better
9 yourself, your nice mood.

16:55:02 10 MR MARGAI: Yes, as My Lord pleases.

11 PRESIDING JUDGE: And we may proceed with the usual smile on
12 your lips.

13 MR MARGAI: Thank you, My Lord, I'll try.

14 PRESIDING JUDGE: Right.

16:55:12 15 MR MARGAI:

16 Q. Now, Mr Tucker, you told this Court that it was because
17 of your gallantry that you were introduced to
18 Hinga Norman and he accepted you as such?

19 A. Yes, sir.

16:55:25 20 Q. And no doubt it was because of the same gallantry that
21 you earned yourself the position of a commander; is that
22 correct?

23 A. Yes.

24 Q. Thank you. And you would agree with me, would you not,
16:56:47 25 that being a commander carries with it a very great
26 responsibility?

27 A. Yes, sir.

28 Q. Thank you. And as a commander you were expected to
29 exercise discretion as you thought it fit on the

1 battlefield; would you agree with me?

2 A. Yes, sir.

3 Q. Thank you. And you'd also agree with me that the rebel
4 war the Kamajors fought was a very serious war. It was
16:58:33 5 no child's place, it was a very serious war; would you
6 agree?

7 A. Yes, sir.

8 Q. Thank you. And as Kamajors you fought that war to
9 restore the legitimate government to power; would you
16:59:15 10 agree?

11 A. Yes, sir, that's what our leaders told us.

12 Q. And you'd also agree with me that the Kamajors did not
13 fight that war to enrich themselves?

14 A. That was not the plan.

17:00:04 15 Q. That was not the plan, thank you. And even though it was
16 a very serious and fierce war, you the Kamajors had rules
17 of engagement. In other words, you had a code of conduct
18 to go by?

19 A. Yes, there were laws,

17:01:07 20 Q. Yes, thank you, yes. And please listen to me very
21 carefully. If you don't understand say so, okay?

22 A. Yes, sir.

23 Q. One of the rules was that you must avoid harming
24 civilians; you'd agree me?

17:01:33 25 A. Yes, the law said that.

26 Q. Thank you. And as commanders you were to ensure that
27 your men did not bring the Kamajor society into
28 disrepute -- anything that would bring, as they say in
29 colloquial terms, bad [inaudible] to the Kamajor society?

1 A. Yes, sir.

2 Q. And even though the rebels were merciless, yet you as
3 Kamajor commanders were instructed to bring back captured
4 soldiers to your base for interrogation, so as to assist
17:03:08 5 you know their strategies?

6 MR KAMARA: Objection, Your Honour. That question is very
7 loaded.

8 MR MARGAI: Sorry.

9 MR KAMARA: [Overlapping speakers] break it up.

17:03:20 10 JUDGE THOMPSON: Yes

11 MR MARGAI: All right.

12 Q. You were instructed as commanders to bring captured
13 soldiers to your base; not so?

14 A. I did not get that order from any authority.

17:03:43 15 Q. Thank you. Were you ordered as a commander to kill
16 captured soldiers -- specifically so ordered?

17 A. No specific order was given to me that I should kill them
18 or there was a specific order given to me to be bringing
19 them to the base.

17:04:30 20 Q. Thank you. So as far as you were concerned, where there
21 was no specific order as a commander you were to use your
22 discretion as you thought fit on the ground; is that
23 correct?

24 A. Yes, in some cases you, the commander, should use your
17:05:19 25 discretion.

26 Q. Thank you very much. These checkpoints, which according
27 to you Kondewa asked you to mount, were to protect the
28 people of Talia - isn't that correct - so that rebels
29 will not infiltrate?

1 A. Yes, sir.

2 Q. And before Norman came to Talia you were charged with
3 protecting the lives of the inhabitants of Talia, which
4 you did exceedingly well.

17:06:50 5 A. Yes, sir.

6 MR MARGAI: Thank you. That will be all for this witness, My
7 Lords.

8 JUDGE BOUTET: Thank you, Mr Margai.

9 MR MARGAI: May I, before I sit down, apologise for the
17:07:03 10 impasse.

11 JUDGE BOUTET: That's fine.

12 MR MARGAI: It was not intended to be discourteous, but human
13 nature being what it is, in such circumstances sometimes
14 outbursts do occur uncontrollably. I apologise.

17:07:17 15 JUDGE BOUTET: We did not perceive that to be such.

16 MR MARGAI: Thank you.

17 JUDGE BOUTET: Thank you very much.

18 PRESIDING JUDGE: Even in very intimate families you have
19 points of discord at times. Our strength lies in getting
17:07:31 20 over all this.

21 MR MARGAI: Yes, My Lord, I appreciate that. But we want to
22 ensure that we act as a family and continue on the smooth
23 path as we have always done.

24 PRESIDING JUDGE: That is our hope, that is our wish as well.

17:07:45 25 MR MARGAI: Thank you.

26 JUDGE BOUTET: Thank you, Mr Margai. Mr Kamara, do you have
27 any re-examination of this witness?

28 MR KAMARA: None, Your Honour. We do accept the apologies of
29 Mr Margai.

1 PRESIDING JUDGE: I see there is a lot of movement packing.
2 We still have -- I'm sure there is a stand by witness,
3 unless there is a special request from the Defence.
4 JUDGE BOUTET: It is because they change prosecutors and that
17:09:14 5 is why they are packing their books.
6 MR MARGAI: I believe we have done exceedingly well
7 comparatively. We have taken 40 witnesses. Our
8 counterparts I believe have not done even one-fifth of
9 that. At the same time, much as Your Lordships are so
17:09:27 10 willing to work, but I think we want to see
11 Your Lordships here for many more years; not at this
12 particular trial but meaning around.
13 PRESIDING JUDGE: We will come here with our pleasure.
14 MR MARGAI: Thank you.
17:09:40 15 PRESIDING JUDGE: And much more at ease when this burden is
16 over, because we are not at ease now with the burden over
17 our heads. I take it that we should not take the next
18 witness and that we can -- Mr Tavener, you are very --
19 JUDGE BOUTET: Very low profile.
17:09:59 20 PRESIDING JUDGE: You're very low profile today, yes. I think
21 we would adjourn.
22 JUDGE BOUTET: Can we, before we do, ask who the next witness
23 is that you intend to call.
24 MR KAMARA: Yes, Your Honour, we intend to call TF2-015.
17:10:18 25 JUDGE BOUTET: 015?
26 MR KAMARA: Yes.
27 MR MARGAI: We have been so informed and the reasons for the
28 change.
29 PRESIDING JUDGE: Right. Mr Kamara, did you --

1 MR KAMARA: No, I was standing up thinking you were addressing
2 the Prosecution.

3 PRESIDING JUDGE: No, I was teasing Mr Tavener who is taking
4 cover behind you today. Mr Tucker, the Tribunal wants to
17:10:53 5 thank you for accepting to come and give evidence before
6 it. We would like to appreciate, you know, your gesture
7 of coming to assist in making us arrive at what the truth
8 is in this matter. Your evidence will certainly
9 contribute to this and we'd like to thank you. We have
17:11:27 10 come to the end of your testimony, but, Mr Tucker, we
11 would want to let you know that although we are asking
12 you to go where you are living for now, necessity may
13 arise for the Tribunal -- you know, for you to be called
14 back here to still assist us with your testimony in one
17:11:54 15 way or the other. I hope that and I'm sure that if and
16 when we do call you -- we are not saying we will call you
17 back here. What I'm saying is if and when we do call you
18 back here you will certainly respond to come and give us
19 your assistance. So we thank you very much and we wish
17:12:16 20 you all the best.

21 THE WITNESS: Thank you, sir.

22 PRESIDING JUDGE: Good. Well, learned counsel, we will rise
23 and resume the session tomorrow at 9.30. The Court
24 rises, please.

17:12:44 25 [Whereupon the hearing adjourned at 5.15 p.m., to be
26 reconvened on Friday, the 11th day of February 2005, at
27 9.30 a.m.]
28
29

EXHIBITS:

Exhibit No. 56 was admitted	82
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-190	1
EXAMINED BY MR KAMARA	1
CROSS-EXAMINED BY MR HALL	62
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