

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

TUESDAY, 15 FEBRUARY 2005

9.47 a.m.

TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Kevin Tavener
Mr Mohamed Stevens (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
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 Yada Williams
Mr Ansu Lansana

1 Tuesday, 15 February 2005
2 [Open session]
3 [Accused Kondewa present]
4 [Accused Hinga Norman and Fofana not
5 present]
6 [Upon commencing at 9.47 a.m.]
7 PRESIDING JUDGE: Good morning learned counsel, we are
8 resuming the session.
9 JUDGE BOUTET: Mr Bockarie, you are the one doing the
10 cross-examination? Are you ready to proceed?
11 MR BOCKARIE: Yes, Your Honour.
12 JUDGE BOUTET: Please do so.
13 WITNESS: TF2-001 [Continued]
14 CROSS-EXAMINED BY MR BOCKARIE:
15 Q. Good morning, Mr Witness.
16 A. Good morning, sir.
17 Q. Mr Witness --
18 A. Yes, My Lord.
19 Q. -- when the junta fled from Bo, before the arrival of the
20 Kamajors, the youths were in control of the town; isn't
21 it?
22 A. I cannot understand your question.
23 Q. In your testimony you said the juntas fled; am I correct,
24 from Bo?
25 A. Yes, My Lord.
26 Q. Before the arrival of the Kamajors in Bo, were the youths
27 not in control of the town?
28 A. It was not the youths that were in control, but the
29 juntas and the soldiers were in control.

- 1 Q. Mr Witness, you didn't get my point. In your testimony
2 you said the juntas fled from Bo Town and Commissioner
3 Konneh asked you to make further inquiries and it was
4 confirmed; isn't it?
- 5 A. Yes, that morning.
- 6 Q. Later on the Kamajors arrived.
- 7 A. Yes.
- 8 Q. Now before the arrival of the Kamajors, weren't the
9 youths in control of Bo?
- 10 A. I don't know who was in control of Bo Town.
- 11 Q. Mr Witness --
- 12 A. Yes, My Lord.
- 13 Q. -- I am putting it to you that before the arrival of the
14 Kamajors, the youths were in control of Bo. Do you
15 agree?
- 16 A. I disagree with you.
- 17 Q. Mr Witness, do you know one Dr M B Sesay?
- 18 A. Yes, My Lord.
- 19 PRESIDING JUDGE: Is it M B?
- 20 MR BOCKARIE: M B, Moses.
- 21 PRESIDING JUDGE: M?
- 22 MR BOCKARIE: Yes, Moses.
- 23 PRESIDING JUDGE: M B Sesay.
- 24 MR BOCKARIE:
- 25 Q. You also know that he had a motel at Kawsu
26 Street, off Sarwa Road [phon].
- 27 A. Yes, My Lord.
- 28 PRESIDING JUDGE: In what street?
- 29 MR BOCKARIE: Kawsu Street, K-A-W-S-U, off Sarwa Road.

1 Q. Mr Witness, did you know that this motel was
2 burnt by youths before the arrival of the
3 Kamajors in Bo?

4 A. I didn't go there. So I don't know whether it was the
5 youths that were the ones who burnt it or not.

6 Q. Did you ever learn later --

7 JUDGE BOUTET: Mr Bockarie, would you be careful to speak in
8 your mic because --

9 THE INTERPRETER: My Lords, My Lords, the witness is not
10 waiting for the interpreter to do the interpretation and
11 so he is listening directly to the English -- to the
12 questions in English.

13 JUDGE BOUTET: Okay. Mr Witness, you have heard what the
14 interpreters have said?

15 THE WITNESS: Yes, My Lord.

16 JUDGE BOUTET: So please wait until you get a translation from
17 the question asked through the interpreters to you and
18 then back again.

19 THE WITNESS: Yes, My Lord.

20 JUDGE BOUTET: Thank you very much. So, Mr Bockarie, please
21 speak in the mic because I would like to hear what you
22 say.

23 MR BOCKARIE: I will, I will.

24 Q. Mr Witness --

25 A. Yes, My Lord.

26 Q. -- did you later learned that it was a youth who burnt
27 down the motel at Kawsu Street?

28 A. No, My Lord.

29 Q. You didn't. Mr Witness --

1 A. Yes, My Lord.

2 Q. -- during the take-over of Bo by the juntas, weren't the
3 juntas disguised as Kamajors?

4 A. Yes, My Lord.

5 Q. And in your take-over so many houses you have burnt,
6 isn't it, in Bo? Do you know?

7 A. I was not there. I ran away. I didn't know really who
8 did the burning of the houses.

9 Q. So since they were disguised as Kamajors it was difficult
10 to tell who did the burning, isn't it? Is that what you
11 were telling us?

12 JUDGE BOUTET: No, he just told you he was not there, so he
13 does not know.

14 MR BOCKARIE:

15 Q. Mr Witness --

16 A. Yes, My Lord.

17 Q. -- upon your return in Bo did you make enquiries as to
18 who did the burning?

19 A. Yes.

20 Q. Were you told that the burning -- most of the burnings
21 occurred during the take-over of Bo by the juntas from
22 the Kamajors?

23 A. No, My Lord.

24 PRESIDING JUDGE: I want your question again. I mean, I
25 thought that he agrees that on his return he made
26 enquiries as to who did the burning.

27 MR BOCKARIE: Yes.

28 PRESIDING JUDGE: Why don't you ask him, who know, what were
29 his enquiries.

1 MR BOCKARIE: Yes.

2 PRESIDING JUDGE: We want to get it directly.

3 MR BOCKARIE:

4 Q. What were your findings, Mr Witness?

5 A. I was told that the juntas -- before the juntas came,
6 they arrived -- the arrival with Kamajors it was then
7 that the houses were burned down.

8 Q. Can you speak louder?

9 A. I was told that before the juntas came, the day they left
10 when they were -- at the arrival of the Kamajors they
11 burned the houses.

12 Q. Who?

13 A. It was the Kamajors that burned the houses when they came
14 back. Before the juntas came they took over Bo again and
15 we all ran away and they put fire to the houses.

16 JUDGE BOUTET: That is confused.

17 PRESIDING JUDGE: Let's get it clear.

18 JUDGE BOUTET: Mr Witness, please take your time and try to
19 relate to the Court the sequence of events, because you
20 are talking of junta and Kamajors. I am not sure now who
21 is doing what. So, let us go back to the beginning. So
22 the junta is moving out of Bo, please.

23 THE WITNESS: The juntas moved out of Bo during that time. By
24 that time we did not see houses on fire.

25 PRESIDING JUDGE: Wait, wait, wait, wait, wait.

26 THE WITNESS: In the morning hours of the 15th, I went to the
27 main streets of Bo. I went to the station. I didn't see
28 any house being burnt.

29 MR BOCKARIE:

- 1 Q. Mr Witness --
- 2 A. Yes, My Lord.
- 3 Q. -- you made a statement to the investigators on 25th
4 November 2002; isn't it?
- 5 A. Yes, My Lord.
- 6 Q. Which language did you speak?
- 7 A. I spoke in Mende.
- 8 Q. And it was recorded in which language?
- 9 A. It was in English.
- 10 Q. And at the end of the day was it read over to you?
- 11 A. It was read to me.
- 12 JUDGE BOUTET: Is this the same statement as they introduced
13 as an exhibit or is that a different one?
- 14 MR BOCKARIE: I don't know whether it has been introduced as
15 an exhibit, it is statement of 25th November 2002. Yes.
- 16 Q. And at the end of the statement you signed,
17 didn't you?
- 18 A. Yes, I signed it.
- 19 Q. Now, Mr Witness, at page five of your statement I will
20 just read what you said: "Sometime in 1998, the Kamajors
21 attacked Bo to dislodge the AFRC soldiers. While the
22 soldier were fleeing ..."
- 23 THE INTERPRETER: My Lord, can he take it slowly, because he
24 is being interpreted to the witness.
- 25 MR BOCKARIE: I'm sorry, please.
- 26 Q. "Sometime in 1998 the Kamajors attacked Bo to
27 dislodge the AFRC/RUF soldiers. While the
28 soldiers were fleeing they burned down the
29 houses of Bockarie Steven on [inaudible].

1 Fenton Road, Abu Tawah of Ngeiya Road?"

2 JUDGE BOUTET: Slow, slow, please.

3 MR BOCKARIE:

4 Q. "Burnt down the houses of Bockarie Steven on
5 Fenton Road, Abu Tawah of Ngeiya Road and
6 Fenton Road [inaudible] Guest House belonging
7 to traders in Bo." Did you say that to the
8 investigators?

9 A. Yes, My Lord.

10 Q. And you still stand by it, Mr Witness?

11 A. Yes, I stand by it. It was sometime that day. Several
12 times Kamajors attacked Bo.

13 Q. Thank you. Mr Witness --

14 A. Yes, My Lord.

15 Q. -- is it a fact that there is an armed wing of the police
16 known as the SSD?

17 A. Yes, My Lord.

18 Q. Mr Witness, is it a fact that during the junta occupation
19 in Bo the SSD fought alongside the juntas against the
20 Kamajors?

21 A. No, My Lord.

22 Q. Mr Witness, so in effect you are telling this Court that
23 the SSDs did not collaborate with the juntas in their
24 fight against the Kamajors. Is that what you are saying?

25 A. I don't get you clear. I don't understand what you are
26 saying.

27 Q. In effect, you are telling this Court that the SSDs in Bo
28 didn't fight alongside the juntas against the Kamajors?

29 A. They did not fight against them at all.

- 1 PRESIDING JUDGE: That the juntas did not?
- 2 MR BOCKARIE: The SSDs.
- 3 PRESIDING JUDGE: SSDs. Yes.
- 4 MR BOCKARIE:
- 5 Q. Mr Witness --
- 6 A. Yes, My Lord.
- 7 Q. -- I am putting it to you that the SSDs of the police
- 8 fought alongside the juntas against the Kamajors in Bo.
- 9 A. No.
- 10 Q. Mr Witness --
- 11 A. Yes, My Lord.
- 12 Q. -- during the occupation of Bo by the juntas, are you
- 13 aware whether the Kamajors made any attempt to re-take Bo
- 14 from the juntas?
- 15 A. Yes, My Lord.
- 16 Q. Mr Witness, will I be correct to say that one such attack
- 17 was from the Gerihun axis towards the new police
- 18 barracks?
- 19 A. I was not there.
- 20 Q. Mr Witness, I am putting it to you -- Sorry. I am
- 21 putting it to you that one such attack was heavily
- 22 resisted at the new police barracks by the combined
- 23 forces of the People's Army and the SSD?
- 24 A. I was not there. By then I had left.
- 25 Q. Mr Witness, the incident I am referring to is before you
- 26 left. It is before you left.
- 27 A. Yes, that time it happened.
- 28 Q. Mr Witness, isn't it true that during this fight that
- 29 police personnel were caught in cross-fire and killed?

1 A. Yes, at that time they killed one policeman. Then they
2 killed one Kamajor.

3 Q. Mr Witness, isn't it a fact that at this time the SSD
4 actively took part in this battle?

5 A. Yes, My Lord, at that time --

6 Q. It's okay, Mr Witness, sorry.

7 MR KAMARA: Your Honours, I guess the witness should be
8 allowed to finish his answer by way of explanation.

9 JUDGE BOUTET: Indeed, we have said so in the past. Allow the
10 witness to complete his answer.

11 MR BOCKARIE: As My Lord pleases.

12 THE WITNESS: At that time the Kamajors came there. They hid
13 themselves in the police barracks. The junta came and
14 said there is an accused they have kept them there and
15 they were going to remove him by force. So the fight was
16 between the police and the juntas. So during that time
17 one policeman died and one Kamajor died. They were with
18 us in the barracks. That is what happened.

19 MR BOCKARIE: My Lord, can he please repeat it?

20 Q. Can you please repeat it?

21 A. Yes, My Lord. At that time we --

22 PRESIDING JUDGE: Slowly, slowly. Mr Witness, slowly. Yes.

23 THE WITNESS: At that time when this fight took place, the
24 Kamajors had come overnight. They had spent the night in
25 the police barracks in Bo, along the Bo-Kenema highway.
26 So in the morning they wanted to go to the brigade to
27 attack the brigade. Then the soldiers heard the
28 information, so they attacked the barracks. One Kamajor
29 was killed, one policeman was killed, and later the

1 Kamajors retreated. The soldiers arrested some police
2 officers and took them to the brigade.

3 Q. So, Mr Witness, in effect you are saying in one of the
4 Kamajors advances to Bo they were heavily resisted at the
5 new police barracks which resulted in police casualties;
6 am I correct?

7 A. Yes, My Lord.

8 JUDGE BOUTET: It depends how you qualify. I mean, the
9 evidence of the witness is the Kamajors were in the
10 police station, in the police barracks as such, they
11 were hiding there during the night. So they were not
12 attacking from what the witness is saying, and they have
13 been attacked by the soldiers, that is straight away the
14 witness is reciting this event. So your words,
15 "Kamajors attack" is not quite in accordance with the
16 evidence.

17 MR BOCKARIE: I will re-phrase it, My Lord.

18 Q. Mr Witness --

19 A. Yes, My Lord.

20 Q. -- I am putting it to you that it was an attack.

21 A. Yes, attack, it was the soldiers that attacked the
22 Kamajors. So the police fought alongside with the
23 Kamajors so that they could not burn the barracks.

24 Q. Mr Witness, let us come back to the 15th February.

25 A. I'm not yet finished. So after the fight by then the
26 soldiers had arrested some men amongst us and took them
27 along, they have joined the Kamajors to fight against
28 them. So that gave them the cause, after every two or
29 three days they would come and arrest the policemen and

- 1 take them along and say they were collaborators. The
2 soldiers did the arrests.
- 3 Q. Mr Witness --
- 4 A. Yes, My Lord.
- 5 Q. -- I put it to you that this is untrue.
- 6 A. No, My Lord.
- 7 Q. Mr Witness --
- 8 A. If they are there you know about it. No.
- 9 Q. It is the rebels.
- 10 A. What I am saying is the truth.
- 11 Q. It's the rebels, in that the police fought alongside the
12 juntas against the Kamajors.
- 13 MR KAMARA: Your Honour, if I may [inaudible] I am sorry to
14 interpose my learned friend. It seems that the learned
15 counsel is arguing with the witness as to matters of
16 fact.
- 17 JUDGE BOUTET: I agree. You can put your question to the
18 witness and if the witness does not agree with you
19 well --
- 20 MR BOCKARIE: That is exactly what I am doing, My Lord.
- 21 Q. I am putting it to you that it's the rebels. On the
22 other hand, it is the juntas who fought alongside the
23 police against the Kamajors at the police barracks.
- 24 A. No, My Lord.
- 25 Q. Thank you. Now, Mr Witness, in your testimony in chief
26 you said 17,000 Kamajors were registered in Bo; am I
27 correct?
- 28 A. Yes, My Lord.
- 29 Q. To be precise 2,000 registered at the new police barracks

1 and another 15,000 registered at --

2 JUDGE BOUTET: Slowly, slowly, please.

3 PRESIDING JUDGE: Mr Bockarie.

4 THE INTERPRETER: And besides the witness is taking it

5 directly from the lawyer.

6 PRESIDING JUDGE: [Microphone not activated] Take it very

7 easy.

8 MR BOCKARIE: I am sorry, sir.

9 PRESIDING JUDGE: When we go slower we are surer about what we

10 are doing and what notes we are taking. And the tempo

11 should be dictated by you, of course.

12 MR BOCKARIE: I will take the cue.

13 PRESIDING JUDGE: Right.

14 JUDGE BOUTET: And, Mr Witness, again please wait for the

15 translation so when a question is asked I know it is

16 tempting for you to answer directly, but we need to go

17 through the system. So the question will be asked in

18 English and will be translated to you and then back

19 again.

20 THE WITNESS: Yes.

21 PRESIDING JUDGE: Mr Bockarie, if you can take your question

22 again.

23 MR BOCKARIE: Yes.

24 Q. You said that when the Kamajors entered in Bo a total of

25 17,000 were registered; isn't it?

26 A. Yes, My Lord.

27 Q. Isn't it true that these 17,000 were divided into so many

28 groups within Bo?

29 A. What I know is 2,000 is -- we registered 2000 in the

- 1 eastern police.
- 2 Q. What I am saying, whilst you were in Bo they were divided
3 into so many groups?
- 4 A. I don't know about their divisions, but that is the
5 number who registered.
- 6 Q. But later on did you see them in segments? Like you see
7 a group of four or a group of ten?
- 8 A. They were in groups more than that.
- 9 Q. So you agree with me that were they all clustered
10 together in one place?
- 11 A. No. We registered them on their arrival and after that
12 they all went about their own business in the town.
- 13 Q. Thank you. So you agree with me they were all in so many
14 groups; isn't it, Mr Witness?
- 15 A. Yes.
- 16 Q. You will also agree with me that each group acted quite
17 independently of the other; isn't it?
- 18 A. No.
- 19 Q. All these groups were not getting orders from one central
20 body in Bo?
- 21 A. I don't know.
- 22 Q. So, Mr Witness, you cannot tell whether the activities
23 were centrally coordinated?
- 24 A. I said I don't know.
- 25 Q. Thank you.
- 26 Q. Thank you very much, Mr Witness.
- 27 A. Thank you.
- 28 JUDGE BOUTET: Thank you. Mr Margai or Mr Williams for the
29 third accused.

1 MR MARGAI: [Inaudible]

2 CROSS-EXAMINED BY MR MARGAI:

3 Q. Mr Witness --

4 A. Yes, My Lord.

5 Q. -- who was in control of security in Bo Town before the
6 overthrow of President Kabbah's government in 1997? Was
7 it the soldiers, the Kamajors or the police?

8 A. The police was in charge of security.

9 Q. Was the rebel war still on at that time?

10 A. Yes, the rebel war was still going in bits.

11 Q. What do you mean?

12 A. Some areas were still being attacked by rebels. But it
13 wasn't as serious as it used to be.

14 Q. Was it the police who were prosecuting the rebel war at
15 that time or was it the military?

16 A. It was the military.

17 Q. Was the military stationed at Bo to provide security
18 before the overthrow of President Kabbah.

19 A. Yes, the military was in Bo to prosecute the war. They
20 were there.

21 Q. Was the military supported by the SSD, as it was then
22 known?

23 A. Later they were removed.

24 Q. No, answer the question.

25 PRESIDING JUDGE: That is not the question.

26 MR MARGAI:

27 Q. The military was in Bo to provide security according to
28 you; not so?

29 A. For the prosecution of the war.

1 Q. For the prosecution of the war, yes. Were they supported
2 by the SSD, as the force was known at that time?

3 A. Yes.

4 Q. Thank you. Were there Kamajors in Bo at that time?

5 A. No, sir.

6 Q. Now up to the overthrow of President Kabbah, the military
7 was still in Bo providing security; isn't that correct?

8 A. Yes, My Lord, they were there.

9 Q. And the Kamajors had not entered Bo up to the time
10 President Kabbah's government was overthrown; isn't that
11 the case?

12 A. The Kamajors only left Bo when the government had been
13 overthrown.

14 Q. Please listen to the question. My question is: Had the
15 Kamajors entered Bo before the overthrow of President
16 Kabbah's government?

17 A. I do not understand what you are talking about.

18 Q. Up to the time President Kabbah's government was
19 overthrown, were there Kamajor fighters in Bo?

20 A. Yes, they were in Bo.

21 Q. As a group or as individuals?

22 A. They were there as individuals.

23 Q. Thank you. When did the Kamajors, as a group, first
24 enter Bo to your knowledge?

25 A. After the overthrow of the government.

26 Q. Thank you. And do you know why they entered Bo after the
27 overthrow of the Kabbah government?

28 A. Yes, My Lord.

29 Q. Would you tell this Court, please?

- 1 A. They entered Bo to remove the junta which was stationed
2 in Bo.
- 3 Q. In other words, to restore the democratically elected
4 government; isn't that right?
- 5 A. Yes, My Lord.
- 6 Q. Thank you. Now as police officers --
- 7 PRESIDING JUDGE: Mr Margai, please.
- 8 MR MARGAI: I'm sorry, My Lord.
- 9 Q. As police officers in Sierra Leone you are
10 duty-bound to support the government of the
11 day; would you agree with me?
- 12 A. Yes, My Lord.
- 13 Q. And you would agree with me that in pursuit of this the
14 police supported the junta duty wise; not so?
- 15 A. In the early stages.
- 16 Q. In the early stages. And the junta, of course, was a
17 combination of the soldiers and the RUF?
- 18 A. Yes, My Lord.
- 19 Q. And you would agree with me that the only time the police
20 stopped supporting the junta was when the junta was
21 overthrown in 1998, February?
- 22 A. No, My Lord.
- 23 Q. Thank you. When did you cease supporting the junta as a
24 force, if I might ask?
- 25 A. When the first Kamajor attack in Bo when the Kamajors
26 were driven out they turned against the police and they
27 accused them of having collaborated with them having kept
28 them in the barracks. So the police ceased to support
29 them.

- 1 Q. When you say the police, that is the police in Bo?
- 2 A. It was the police in Bo. Late 1997.
- 3 Q. Late 1997. Can you assist this Court with the month?
- 4 A. I couldn't remember the month.
- 5 Q. Was it a month before Christmas?
- 6 A. I wouldn't exactly know.
- 7 Q. Two months before Christmas?
- 8 A. I said I wouldn't know.
- 9 Q. Was it the latter part of 1997?
- 10 A. Yes, My Lord.
- 11 Q. When I say the latter part, the last three months of
12 1997; would that be correct?
- 13 A. It could be within the last two months.
- 14 Q. The last two months. Now, when the Kamajors first
15 entered Bo, the rebels pulled out the -- sorry, the junta
16 pulled out; is that correct?
- 17 A. What time is that? I do not understand.
- 18 Q. When the Kamajors first entered Bo to dislodge the
19 soldiers, was there a fight, in other words, between the
20 two forces?
- 21 A. Yes, a fight took place at the brigade headquarters. The
22 Kamajors attacked it.
- 23 Q. Mr Witness, are you sure there was a fight between the
24 Kamajors and the junta in the junta's -- sorry, in the
25 Kamajors attempt to dislodge the junta?
- 26 A. Yes, many times.
- 27 Q. No, no, I am talking of the first time, the very first
28 time.
- 29 A. Yes.

1 JUDGE BOUTET: You are talking here late 19 --

2 MR MARGAI: Sorry, My Lord.

3 JUDGE BOUTET: That is the time frame of late '97 that you are
4 talking about, is it?

5 MR MARGAI: No, My Lord, no, no, no. He said, according to
6 him, when the Kabbah regime was overthrown, which was in
7 May, it was the first time the Kamajors entered Bo to
8 dislodge the junta.

9 MR KAMARA: I disagree, Your Honour, that is not the evidence
10 as I have it or as I comprehend it, Your Honours. The
11 question was put to the witness as to when the Kamajors
12 came to Bo; was it before the overthrow of the Kabbah
13 government or after and then he said after. And the
14 counsel went on to ask about the relationship between the
15 police and the junta; And then they worked together until
16 late 1997. That is the time when they parted ways when
17 it was alleged that the police had kept the Kamajors in
18 the police quarters And that was in late 1997. And I
19 agree with Your Lordship that -- my understanding is that
20 the period late 1997.

21 MR MARGAI: I have not talked about the police attacking the
22 junta or the junta attacking the police. It was my
23 learned friend Bockarie when he was cross-examining that
24 that matter came up. I shall put the question again.

25 JUDGE BOUTET: It is only that if you have moved to another
26 time frame I didn't follow you, because you were asking
27 the witness before when he had said it was late '97 you
28 were trying to [inaudible] to precise which month, And we
29 were talking '97. Now you have moved to another time

1 frame.

2 MR MARGAI: No, when he talked about late 1997 he was talking
3 about the time when the police ceased supporting the
4 junta.

5 JUDGE BOUTET: The junta. That's right.

6 MR MARGAI: That's the period he was talking about. But I
7 shall ask him again.

8 Q. Now, Mr Witness, you said after the overthrow
9 of the Kabbah regime the Kamajors entered Bo to
10 dislodge the junta. Am I right?

11 A. Yes, My Lord.

12 Q. When was that? Which month, which year?

13 A. That same year, 1997.

14 Q. Which month?

15 A. I cannot remember the month. The first attack?

16 Q. Yes, we are talking of the first attack. Was it
17 immediately after the overthrow of the Kabbah regime that
18 this first attack took place?

19 A. After three months. Some times in July.

20 Q. No, it cannot be three months -- July, if it's three
21 months because Kabbah was overthrown in May, on 25th May.
22 June, July, August, so it is after three months.
23 September it must be. Late August, early September?

24 A. Late August.

25 Q. Late August. So if it was in late August that the
26 Kamajors launched their first attack to dislodge the
27 junta from Bo, and, according to you, the police ceased
28 supporting the junta in around October, November of 1997,
29 would I then be right in saying that in that attack the

- 1 police fought alongside the junta?
- 2 A. No.
- 3 Q. Logically it has to be yes, Mr Witness?
- 4 PRESIDING JUDGE: You think so.
- 5 THE WITNESS: No.
- 6 MR MARGAI: My Lord, for the simple reason.
- 7 JUDGE BOUTET: Well they could still be there without fighting
- 8 them.
- 9 MR MARGAI: No, no, no, no, no, My Lord --
- 10 JUDGE BOUTET: Your question is, therefore, the police fought
- 11 alongside the AFRC or the junta.
- 12 MR MARGAI: Now, on the premise that the police --
- 13 PRESIDING JUDGE: Mr Margai, we have in mind, you know, the
- 14 facts from Mr Bockarie's cross-examination.
- 15 MR MARGAI: Yes.
- 16 PRESIDING JUDGE: About this attack.
- 17 MR MARGAI: Mr Bockarie's attack was confined to the battle at
- 18 the new police barracks along the Bo-Kenema highway. I
- 19 am talking to that. Or perhaps I should assist the Bench
- 20 by asking.
- 21 Q. Now do you know, Mr Witness, from which
- 22 direction the Kamajors entered Bo during the
- 23 first attack?
- 24 A. Yes, My Lord.
- 25 Q. Yes?
- 26 A. They entered through New London.
- 27 Q. When you say New London, that would be from the Freetown
- 28 end, just for clarity's sake; not so?
- 29 A. No, Mattru End, New London by Mattru End.

- 1 Q. As opposed to the Kenema end, that is what I just want to
2 clarify?
- 3 A. The Kenema end was far away. From new London --
- 4 MR MARGAI: No, I just want to assist the Bench, you know,
5 because when you talk of New London it is far removed
6 from the Kenema end.
- 7 A. Yes, My Lord.
- 8 Q. In fact the opposite direction; not so?
- 9 A. Yes, My Lord.
- 10 Q. Thank you. Now did you personally witness this battle?
- 11 A. That was the time they killed Chief Babuno [phon].
- 12 Q. You are talking of Chief Lebbie of [inaudible] Komboya,
13 Labino [phon] Lebbie?
- 14 A. Yes.
- 15 Q. That was not the time. Anyway we are not concerned with
16 that here. Mr Witness --
- 17 JUDGE BOUTET: Did he answer your question?
- 18 PRESIDING JUDGE: Your question was did you witness?
- 19 JUDGE BOUTET: Did you witness that battle?
- 20 MR MARGAI: Yes.
- 21 Q. Did you witness that particular battle?
- 22 PRESIDING JUDGE: When the Kamajors came into the town in New
23 London by the Mattru end.
- 24 MR MARGAI: Mattru end.
- 25 Q. Did you personally witness that battle?
- 26 A. Yes, My Lord.
- 27 Q. Did you take part in that battle?
- 28 A. I didn't take part, but I witnessed it. I was not armed.
- 29 Q. How did you witness it, you just stood by and observed?

1 Mr Witness?

2 A. We went to the brigade. We were at the brigade. They
3 called us to take statements from some policemen. Whilst
4 they were there they attacked the brigade headquarters.
5 So I rushed And came down. That's how I witnessed it.
6 We met the Kamajors, we were rushing to go up and we
7 passed by the police.

8 Q. Okay. Thank you. Now, do you recall telling this Court,
9 Mr Witness, that CPO Konneh called you and told you that
10 he had gained information that the junta had mysteriously
11 vanished from the brigade and he did not know their
12 whereabouts? Did you tell this Court that?

13 A. Yes, My Lord.

14 Q. And did you further tell this Court that CPO Konneh told
15 you he had information that the Kamajors were advancing
16 on Bo?

17 A. Yes, My Lord.

18 Q. Now, I want you to harmonise this aspect of your evidence
19 with the Kamajors launching an attack on the junta,
20 because I seem not to be with you. Because, according to
21 you, the junta had fled. The Kamajors were only --

22 A. Yes, My Lord.

23 Q. Then when did the Kamajors launch this attack on the
24 junta in your presence, when there was no junta at the
25 brigade. When?

26 A. I didn't tell you that the Kamajor launched an attack on
27 the junta. I said they were coming. We got an
28 information that they were coming.

29 Q. Did you not tell this Court a few minutes ago that the

1 Kamajors attacked the junta? Not unless I got you wrong.

2 MR KAMARA: May I be of assistance, Your Honours? It seems
3 like we are at variance and cross-purposes; the witness
4 and my learned friend. When the witness was saying that
5 the Kamajors attacked, he was referring to a different
6 time frame of attack and now we seem to have moved to
7 that attack of the 15th.

8 JUDGE BOUTET: Yes, I hear you but I think the question is
9 quite clear. If it's a different attack the witness can
10 express himself in that respect. It is a fair question,
11 go ahead, Mr Margai.

12 MR MARGAI: My Lord, I am not talking about the 15th, the
13 witness has clearly told us of the first attack taking
14 place late August, I think, 1997.

15 JUDGE BOUTET: In New London.

16 MR KAMARA: When you are talking about Commissioner Konneh
17 it's about the 15th. The issue of Commission Konneh
18 calling them and saying that the junta --

19 JUDGE BOUTET: Yes, but Mr Prosecutor, the witness is capable
20 of explaining that. I mean, if it is a definite result
21 he can say so. I don't see why you need to come to his
22 rescue in this respect. I mean, if it's too definite a
23 result well the witness can say so.

24 MR KAMARA: It is not coming to the rescue, it's that counsel
25 is misstating the evidence here, because what we have
26 when Commissioner Konneh summoned the police officers
27 that information that we have heard information that the
28 junta retreated and that police -- the Kamajors are
29 advancing, we are now at the 15th of February 1998.

- 1 JUDGE BOUTET: I hear you, but your objection is denied.
- 2 Carry on.
- 3 MR MARGAI: As My Lord pleases.
- 4 Q. Now, do you know whether any police officer,
5 Mr Witness, died in this first attack by the
6 Kamajors?
- 7 A. No police officer died in the first attack.
- 8 Q. Thank you. Do you know whether civilians died in the
9 first attack, the first attack?
- 10 A. Yes. Civilians died.
- 11 JUDGE BOUTET: We are somewhere in August 1997.
- 12 MR MARGAI: 1997, August '97, My Lord.
- 13 Q. Was it as a result of the cross-fire?
- 14 A. I wasn't there. I returned, but civilians died.
- 15 Q. I take it that you were told that civilians died?
- 16 A. I saw them, I saw their corpses, but I didn't know how
17 they died.
- 18 Q. Thank you.
- 19 PRESIDING JUDGE: You saw their corpses. As an experienced
20 CID police officer you would not know how they died.
21 You didn't take any time?
- 22 MR MARGAI: [Inaudible]
- 23 PRESIDING JUDGE: Yes, okay, it's all right.
- 24 MR MARGAI: I was coming to that, thank you very much.
- 25 Q. Now you have been a police officer for 28
26 years?
- 27 A. Yes.
- 28 Q. Attached to the CID?
- 29 A. Yes, My Lord.

- 1 Q. How many corpses did you see on that day?
- 2 A. I saw more than 40.
- 3 Q. More than 40 corpses. Thank you. Was an investigation
4 carried out as to the deaths of these people?
- 5 A. Nobody was allowed to investigate it. They took them and
6 carried them to the mortuary. There was no
7 investigation.
- 8 Q. The police was still functioning in Bo, wasn't it?
- 9 A. Well, they were there.
- 10 Q. No, I mean was the police functioning as a police force
11 with a CPO on the ground?
- 12 A. Not properly.
- 13 Q. Whether properly or otherwise, was it functioning?
- 14 A. It was functioning. It was functioning.
- 15 Q. Thank you.
- 16 PRESIDING JUDGE: [Inaudible] but not properly.
- 17 MR MARGAI: But not properly. That could be said for even
18 today.
- 19 Q. Now, Mr Witness, apart from that first attack
20 was there any other attack in Bo to your
21 knowledge?
- 22 A. Yes, several attacks took place.
- 23 Q. How many in number, please assist us?
- 24 A. I couldn't count but it was many.
- 25 Q. Ten?
- 26 A. It was more than that.
- 27 Q. More than that. Okay. And did you witness all of these
28 attacks in person?
- 29 A. Almost all of them.

- 1 Q. And these attacks were in different places in Bo, not so?
- 2 A. Yes, My Lord.
- 3 Q. And of course Bo Town is the second capital city of
- 4 Sierra Leone?
- 5 A. Yes, My Lord.
- 6 Q. A very big area in size, you would agree?
- 7 A. Yes, My Lord.
- 8 Q. And you were at almost all of these attacks?
- 9 A. I was not there but I would go there when it happened.
- 10 Q. To investigate?
- 11 A. Not merely to investigate.
- 12 Q. Or to observe?
- 13 A. To observe.
- 14 JUDGE THOMPSON: I want to clarify something.
- 15 MR MARGAI: Yes, My Lord.
- 16 JUDGE THOMPSON: The records, to me, do not seem to be clear.
- 17 When he says I witnessed all of these attacks and then he
- 18 now says I observed, I went to observe.
- 19 MR MARGAI: Yes, I appreciate the distinction.
- 20 JUDGE THOMPSON: The distinction is very pertinent to me.
- 21 MR MARGAI: I shall clarify that.
- 22 JUDGE THOMPSON: I don't know what he means by witnessing them
- 23 and then he was not there and then he went to observe.
- 24 MR MARGAI: Very well, My Lord.
- 25 Q. Now, you have heard His Lordship. For the sake
- 26 of clarity, when you say you witnessed were you
- 27 physically present?
- 28 A. I was not physically present in some of the attacks.
- 29 Q. How many of these attacks were you physically present at?

- 1 A. Well, one -- the first attack -- the first attack that
2 they attacked the brigade we were there to take a
3 statement. When they attacked we withdrew, we pulled out
4 and went to the police station.
- 5 Q. Slowly, slowly, slowly, slowly. The second one, which
6 month, which year, for the records? The one at which you
7 were physically present?
- 8 A. I cannot remember the date.
- 9 Q. The month, not the date. Was it late 1997?
- 10 A. All these attacks took place within 1997.
- 11 Q. Yes. You were present physically at the second attack.
12 Where did that take place?
- 13 A. The second attack was at the new police barracks.
- 14 Q. That's along the Bo Kenema Highway?
- 15 A. Bo Kenema Highway.
- 16 Q. Yes.
- 17 A. The juntas dislodged the Kamajors.
- 18 Q. Please wait for me. Was this the attack you said before
19 the attack the Kamajors came and took cover at the police
20 barracks?
- 21 A. Yes, that's what I'm saying.
- 22 Q. Do you know what month it was?
- 23 A. That was sometime between October/November 1997.
- 24 Q. October/November 1997. This was the attack where the
25 junta came and accused the police of harbouring the
26 Kamajors, not so?
- 27 A. Yes, My Lord.
- 28 Q. And was there a shoot out?
- 29 A. Yes, My Lord.

- 1 Q. Between the forces?
- 2 A. Yes, My Lord.
- 3 Q. The junta were shooting?
- 4 A. They were shooting.
- 5 Q. The Kamajors were shooting?
- 6 A. They were shooting.
- 7 Q. [Inaudible] were shooting?
- 8 A. They were shooting.
- 9 Q. Where was Freeman at that time?
- 10 A. Freeman, he was at his house.
- 11 Q. In the barracks?
- 12 A. In the barracks.
- 13 Q. At New London --
- 14 A. Not New London.
- 15 Q. Sorry, new police barracks?
- 16 A. New police barracks. We were all there.
- 17 Q. And Bundu at that time was head of the SSD?
- 18 A. Yes, he was head of the SSD.
- 19 Q. Was he at the new police barracks on that day?
- 20 A. On that day he was not at the new police barracks, he
- 21 wasn't there.
- 22 Q. Did he come there later?
- 23 A. Yes sir, he came.
- 24 Q. When the shooting was on?
- 25 A. After the shooting.
- 26 Q. Where was James Vandi, SI James Vandi, when the shooting
- 27 was on? Was he at the new police barracks?
- 28 A. No, My Lord.
- 29 Q. Where was he?

- 1 A. Bo police station.
- 2 MR MARGAI: James Vandí, My Lords. SI James Vandí.
- 3 Q. Did he at any time come to the new police barracks during
4 the fighting?
- 5 A. I didn't see him. They were at the Bo police station, we
6 were at the barracks.
- 7 Q. Mr Witness, please. I am prepared to accept that you did
8 not see him but not seeing him does not necessarily mean
9 that he was at the police station. He may have been
10 there without you seeing him. Do you know whether he was
11 there or not?
- 12 A. They were on duty at the police station, that's why I
13 said he was at the police station and we were at the
14 barracks, the new police barracks.
- 15 Q. Thank you, Mr Witness. Now do you know whether this
16 shooting incident at the new police barracks got to the
17 headquarters, police headquarters -- whether the
18 information got to the police headquarters in Bo?
- 19 A. Yes, My Lord.
- 20 Q. And was reinforcement sent from the police headquarters?
- 21 A. No, My Lord. The reason --
- 22 Q. Sorry, you want to go on?
- 23 A. Yes.
- 24 Q. Yes, please?
- 25 A. The reason why we didn't get reinforcement were that the
26 police headquarters was in Bo Town, the soldiers had
27 crossed and attempted to attack the barracks. So there
28 was no way they could get to the barracks to reinforce
29 us. They were cut off.

- 1 Q. Come again. The soldiers had surrounded the new police
2 barracks; is that what you're talking of?
- 3 A. Yes, My Lord, and they came from brigade headquarters.
4 Reservation.
- 5 Q. Now coming from brigade headquarters do you know whether
6 they came by the Bo Kenema Highway to the new police
7 barracks?
- 8 A. Some of them were along the Bo Kenema Highway by
9 Shellmingo. Some of them came from Gerihun Road end by
10 Pastoral Centre.
- 11 Q. Slowly, slowly.
- 12 A. Some came by Mesima [phon]. So they attacked from that
13 front. So there was no way we could have gotten
14 reinforcement.
- 15 Q. Mr Witness, I am telling you, I am putting it to you,
16 that that is not true?
- 17 A. It's true.
- 18 Q. The reinforcement could reach the new police barracks
19 even from the angles you have just described, you know
20 that?
- 21 A. No, no way.
- 22 Q. All right, thank you. Now I am putting to it you, Mr
23 Witness, that Freeman died as a result of that shooting
24 incident?
- 25 A. No, My Lord. Freeman died in 1998. All this that we are
26 talking about was in 1997.
- 27 Q. And I am putting it to you that SI James Vandj was
28 present at that barracks on that day, that fateful day he
29 was present.

- 1 A. I didn't see him.
- 2 Q. And I further put it to you that he died in that shooting
3 incident and you know it?
- 4 A. No, My Lord.
- 5 Q. Your evidence before this Court is to the effect that the
6 strength of the Kamajors was 17,000 men, not so?
- 7 A. Yes, My Lord.
- 8 Q. 17,000. Not 1,700. 17,000. And you would agree with me
9 that 17,000 is a very huge number?
- 10 A. I know that.
- 11 Q. You know that. And you will also agree with me that
12 17,000 far outweighed the total number of soldiers in the
13 whole of Sierra Leone at that time which was slightly
14 below 10,000 men. You would agree with me?
- 15 A. Yes, My Lord.
- 16 Q. Thank you. You would further agree with me that the
17 total strength of the police force, total in the whole of
18 Sierra Leone at that time, was under 8,000?
- 19 A. Yes, My Lord.
- 20 Q. Thank you. Now these Kamajors whom you said came from
21 Kenema end were led by Commander Albert Nallo. Do you
22 know that? He was the overall commander.
- 23 A. I didn't tell you that.
- 24 Q. I am putting to it you.
- 25 A. No.
- 26 Q. Who was the overall commander of the Kamajors who came
27 from the Kenema end?
- 28 A. We didn't take any overall commander's name. We did not
29 know the overall commander from the Kenema end.

- 1 Q. Mr Witness, did you register these Kamajors who came from
2 the Kenema end?
- 3 A. Yes, My Lord.
- 4 Q. You did?
- 5 A. Yes.
- 6 Q. And were they part of this overall 17,000 men?
- 7 A. We registered them. There were 2,000 in number from
8 Kenema.
- 9 Q. The 15,000 was registered at the headquarters?
- 10 A. That was the information I got.
- 11 Q. All right. Let us confine ourselves to the ones you
12 registered, these 2,000 from Kenema?
- 13 A. Yes, My Lord.
- 14 Q. [Overlapping speakers] amongst them? Albert Nallo?
- 15 A. Albert Nallo was not among them. They came from
16 Koribundu end.
- 17 Q. Mr Witness, I am putting it to you that Albert Nallo led
18 the Kamajors from Kenema end. To be precise, they came
19 from Gerihun Town.
- 20 A. No, My Lord.
- 21 Q. You were, at that time, attached to the CID in Bo?
- 22 A. Yes, My Lord.
- 23 Q. What was your rank, if I might ask?
- 24 A. I was sergeant.
- 25 Q. You were a sergeant. And you knew these 2,000 men were
26 fighters, not so?
- 27 A. Yes, My Lord.
- 28 Q. And you did not see it fit to ask who was leading them?
- 29 A. I didn't ask. I was not in command.

- 1 Q. Who was your immediate boss, your superior boss? Who was
2 in control of this registration?
- 3 A. XXXX XXXX.
- 4 Q. Did XXXX XXXX inquire who was leading this group of 2,000
5 Kamajors?
- 6 A. He did that.
- 7 Q. And who was it?
- 8 A. He didn't tell me.
- 9 Q. Please try and assist us, Mr Witness, please?
- 10 A. I am assisting you.
- 11 Q. Were you there when XXXX XXXX inquired?
- 12 A. I wasn't there. We were doing the registration.
- 13 Q. Yes, but you were registering, presumably, in the
14 presence of your superior XXXX XXXX; isn't that correct?
- 15 A. In different groups we were sitting.
- 16 Q. How far away were you from XXXX XXXX?
- 17 A. He was overall. He was just overseeing where the
18 registration was being done.
- 19 Q. Anyway, I am putting it to you, Mr Witness, that that
20 force of 2,000 that entered Bo from Kenema was led by
21 Commander Albert Nallo, he's alive and well?
- 22 A. No, My Lord.
- 23 Q. Now, Mr Witness, you told this Court of an incident
24 wherein Kamajors paraded on your stomach?
- 25 A. Yes, My Lord.
- 26 Q. I'm putting it to you that that is not true?
- 27 A. It's true, sir. True, My Lord
- 28 Q. It's a made up story?
- 29 A. It's true, sir.

- 1 Q. And you also told this Court that they placed their
2 fingers in your anus to ascertain whether you had
3 excreted. That again is not true?
- 4 A. It's true, My Lord.
- 5 Q. Now, about your looted items which you ascribed to the
6 Avondo group of the Kamajors. Did you report these to
7 any superior Kamajor officer after the incident?
- 8 A. When my brothers came I told them.
- 9 Q. Not your brothers. I am talking of authorities within
10 the Kamajor movement. Did you report to them that their
11 fighters had behaved in that sort of manner?
- 12 A. Yes, I reported to him.
- 13 Q. Who precisely did you report to?
- 14 A. XXXX XXXX.
- 15 Q. XXXX XXXX?
- 16 A. XXXX XXXX, yes.
- 17 Q. You reported to XXXX XXXX?
- 18 A. Yes, I reported to him.
- 19 Q. XXXX XXXX whose house is just across the road from the new
20 XXXX XXXX, is that the same man?
- 21 A. Right sir.
- 22 Q. [Inaudible] father?
- 23 A. Yes, My Lord.
- 24 Q. Thank you. I'm putting it to you, Mr Witness, that
25 XXXX XXXX, if we are talking of this same individual --
26 XXXX XXXX was never a Kamajor, let alone a Kamajor leader.
27 He is alive and well?
- 28 A. [Translation interrupted]
- 29 Q. You're sure of that?

1 A. Yes.

2 Q. When you say he is a Kamajor was he initiated into the
3 Kamajor society, to your knowledge?

4 A. To my knowledge he was not initiated but he was part and
5 parcel of the Kamajor.

6 Q. Could you elaborate on that? What do mean by saying that
7 he was part and parcel of the Kamajor?

8 A. The first stage -- when the Kamajors came when the
9 registration was going on, whatever they wanted to do
10 they would consult him first and they would come and tell
11 us. Sometimes he would come and talk to the police. So
12 he was like an intermediary between the police and the
13 Kamajors.

14 Q. Thank you, Mr Witness. That does not make him a Kamajor.
15 I'm prepared to accept your explanation but that does
16 not, I put it to you, make him a Kamajor?

17 A. No Kamajor would go to you at that time who was not part
18 and parcel of the Kamajor.

19 JUDGE THOMPSON: Learned counsel, perhaps you should abandon
20 that line because it is argumentative.

21 MR MARGAI: I know, My Lord. I am abandoning it in the light
22 of his testimony that he was not an initiate.

23 JUDGE THOMPSON: It's argumentative.

24 MR MARGAI: As My Lord pleases.

25 JUDGE THOMPSON: We can all have different perspectives on it.

26 MR MARGAI: Much obliged. Much obliged, Your Honour. I shall
27 move on.

28 Q. Now, you said when you went to where your
29 family was you finally had to run into the bush

1 for your safety because you felt threatened?

2 A. Yes, My Lord.

3 Q. And you said you were chased by Kamajors, not so?

4 A. At that time when I ran they didn't chase me.

5 Q. Did you not tell this Court that the area was brushed
6 whilst they were searching for you? Did I get it wrong?

7 A. Let me put it clear to you. When I came from my house I
8 went to one Mr Massaquoi's house and he drove me away. I
9 walked across the swamp and went up, I went up to
10 Centenary and one man saw me and told me that I'm a
11 policeman. From then on the Kamajors who were lying down
12 there chased me but when I came from my house they didn't
13 know I was policeman, they didn't chase me.

14 Q. Okay, I accept that one.

15 PRESIDING JUDGE: That is what the records reflect.

16 MR MARGAI: As My Lord pleases. Thank you very much.

17 PRESIDING JUDGE: My own records.

18 MR MARGAI: As My Lord pleases. I accept that.

19 Q. Now, just on this Albert Nallo issue, this is
20 what you said, Mr Witness, in your
21 examination-in-chief -- with your leave, My
22 Lords. After you talked of the total of 17,000
23 Kamajors, "The Kamajor leaders asked us to
24 surrender our weapons to them. Albert Nallo,
25 one of Kamajors leaders, was with Agba Murray,
26 John Ngombeh", etc. You said so, not so?

27 A. Yes, My Lords.

28 Q. So are you now saying that in fact Albert Nallo was one
29 of those Kamajors leaders who entered Bo from the Kenema

1 end?

2 A. No.

3 JUDGE BOUTET: That is not what he was saying. He was
4 talking of the 2,000 and 15,000. Subsequent to that he
5 described many leaders as such.

6 MR MARGAI: I won't press that point, My Lords. I will not
7 press that.

8 JUDGE BOUTET: Because he talked about Albert Nallo when he
9 talked that the leaders of the Kamajors met them and
10 asked them to surrender their weapons.

11 MR MARGAI: I won't press that, My Lord. Maybe he was talking
12 of part of the -- of the global figure.

13 JUDGE BOUTET: That was my understanding.

14 MR MARGAI: As My Lord pleases. I won't press that.

15 Q. Now, Mr Witness, let us come to this: You know
16 Joe Nuni?

17 A. Yes, I know him.

18 JUDGE BOUTET: What is the name?

19 MR MARGAI: Joe Nuni, N-U-N-I.

20 Q. He is a very senior authority within the
21 Kamajor movement, is he not?

22 A. Yes, My Lord.

23 Q. In fact, one of the strong leaders within the Kamajor
24 movement?

25 A. Yes, My Lord.

26 Q. It was Joe Nuni who ordered your release, was it not?

27 A. Yes, My Lord.

28 Q. And his orders were carried out immediately?

29 A. Yes, My Lord.

- 1 [HN150205B - RK 11.15 a.m.]
- 2 Q. Now, Mr Witness?
- 3 A. Yes, My Lord.
- 4 Q. When the soldiers entered Bo, did the police take a
5 census of them? Did you register the number of soldiers
6 who entered Bo?
- 7 A. They were in Bo with us, so we were not able to register
8 them. We were all there together.
- 9 Q. No they came from Freetown and other areas to Bo; not so?
10 Before 1996, the soldiers were not in Bo, they were not
11 resident in Bo?
- 12 A. They were there. They were at the brigade.
- 13 Q. When did they first come to Bo, to your knowledge, which
14 year? Forget about the month.
- 15 A. 1992.
- 16 Q. That was soon after the war, not so?
- 17 A. Yes, sir.
- 18 Q. Did you register them?
- 19 A. I was not there.
- 20 Q. Do you know whether the police registered them?
- 21 A. I don't know.
- 22 Q. Now, why did you have to register the Kamajors; do you,
23 know, or were you just ordered to?
- 24 A. I don't know why we registered them.
- 25 Q. [Previous translation continues]
- 26 A. They just passed the order.
- 27 Q. [Previous translation continues] carried out the orders.
- 28 A. Yes, My Lord.
- 29 Q. Now, do you know who the overall commander of the 17,000

1 Kamajors in Bo at that time was? The overall boss?
2 A. I don't know the overall boss.
3 Q. But they had senior officers?
4 A. Yes. Those who came to my area, I had called their
5 names. Those who said they were COs they were
6 commanders. That was what they were telling us.
7 Q. Now, finally, Mr Witness, this registration of the total
8 number of 17,000 Kamajors do you know how long it took?
9 If you don't, it doesn't matter. Days, weeks?
10 A. One day.
11 Q. Registered 17,000 fighters in one day, thank you.
12 MR MARGAI: That will be all for this witness. Thank you very
13 much and my sympathy on the bereavement of your son.
14 THE WITNESS: Thank you, sir.
15 JUDGE BOUTET: Thank you, Mr Margai. Mr Prosecutor, any
16 re-examination.
17 MR KAMARA: None, Your Honour.
18 JUDGE BOUTET: Thank you very much.
19 PRESIDING JUDGE: Mr Witness.
20 THE WITNESS: Yes, My Lord.
21 PRESIDING JUDGE: We have come to the end of your testimony.
22 We want to thank you for finding time to come and assist
23 us with your testimony.
24 THE WITNESS: Yes, My Lord.
25 PRESIDING JUDGE: We have finished with you, as I said, but it
26 does not mean that we may not call you here again.
27 Necessity may arise, as you very well know yourself.
28 THE WITNESS: Yes, My Lord.
29 PRESIDING JUDGE: It is a practice that you're very familiar

1 with, that we may want to have you back here for one
2 reason or the other. We count on your coming to assist
3 us if we ever decide to bring you back here. This said,
4 we wish you a safe journey. You're still in service,
5 aren't you? We wish a safe journey to your station and
6 the best to your entire family.

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: Mr Kamara, the next witness is ready plus a
9 standby, I suppose.

10 MR KAMARA: Yes, Your Honour.

11 THE INTERPRETER: My Lords, what language will they be
12 testifying in.

13 PRESIDING JUDGE: Well, they will tell us what language. Yes,
14 Mr Bangura.

15 MR BANGURA: The witness is TF2-005.

16 PRESIDING JUDGE: TF2-005. He will be testifying in what
17 language, please?

18 MR BANGURA: In English.

19 THE INTERPRETER: Thank you, My Lords.

20 MR BANGURA: We intend to have this witness testify in closed
21 session. I have indicated that to the Defence yesterday.
22 I am -- we are in the process of -- well, I suggested
23 that if they are not objecting to the idea, then we may
24 indicate to this Court that we are agreeable to that
25 position. I'm awaiting word from them on that.

26 PRESIDING JUDGE: Well, Mr Bangura, we shall rise. You will
27 continue with your negotiations and this is to advise the
28 gallery, because the witness -- there will be an
29 application for this witness to be heard in closed

1 session and the application will be taken in closed
2 session. So when we do resume sitting, the gallery may
3 not be allowed in here. We do not know -- Mr Bangura, do
4 you think that -- I won't venture to turn to the Defence,
5 but you think your examination-in-chief will last how
6 long?

7 MR BANGURA: Your Honour, we reckon it will last for about two
8 hours.

9 PRESIDING JUDGE: About two hours. All right, any way, we
10 shall start soon and hopefully we should finish early in
11 the afternoon. But early in the afternoon, we shall
12 continue in closed session during the stage of
13 cross-examination. So, the gallery may be advised to
14 stay out for the rest of the day, I'm afraid. I'm afraid
15 it has to be so because it is very difficult to make an
16 estimation and I don't think it would be fair asking you
17 to go and come when we're not sure that you will have
18 access into the hall. So we would rise and resume when
19 the next witness is -- or when we resume for the
20 arguments for closed session.

21 [The witness withdrew]

22 [Recess taken at 11.27 a.m.]

23 [At this point in the proceedings, a portion of the
24 transcript, pages 43 to 65, was extracted and sealed
25 under separate cover, as the session was heard in
26 camera.]

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1 [Open session]

2 [Upon resuming at 3.15 p.m. - EKD]

3 PRESIDING JUDGE: Good afternoon, learned counsel. I would
4 imagine we are in an open session now for purposes of the
5 ruling. Are we? Maureen, are we?

6 MS EDMONDS: Yes, sir.

7 PRESIDING JUDGE: Good. The unanimous ruling of the Chamber
8 would be read by Honourable Justice Boutet.

9 JUDGE BOUTET: Thank you, Mr Presiding Judge. The Trial
10 Chamber delivers its unanimous ruling on the application
11 for the hearing of the testimony of Witness TF2-005 in
12 closed session. Having heard and given due consideration
13 to the arguments presented by the Prosecution and the
14 arguments submitted on behalf of the first accused, the
15 second accused and the third accused, the Trial Chamber
16 rules as follows:

17 Mindful of Article 72 of the Statute, which provides
18 that the accused shall be entitled to a fair and public
19 hearing subject to measures ordered by the Special Court
20 for the protection of victims and witnesses, and pursuant
21 to Rules 75 and 79 of the Rules of Procedure and Evidence
22 of the Special Court, the Trial Chamber rules that,
23 considering the information provided to the Court in
24 support of this application, the entire testimony of
25 Witness TF2-005 will be held in closed session.

26 This exceptional measure is required for this
27 witness because, as in other witnesses, the nature of his
28 evidence is such that if it is heard publicly it will
29 reveal his identity and could expose him and his family

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1 to threats and retaliation. Furthermore, he is
2 well-known on account of the positions he holds in his
3 community. The Trial Chamber therefore believes that if
4 any part of his evidence is heard publicly it would lead
5 to his identification and compromise his safety and
6 security and that of his family.

7 In making this determination the Trial Chamber is
8 cognizant of its previous reasoning and rulings on
9 applications for closed session and in particular its
10 decisions on 13th of September 2004, 23rd of September
11 2004 and 27th of October 2004 on this issue. The Trial
12 Chamber is also mindful of its ruling on the motion for
13 modification of protective measures for witnesses
14 delivered on 18th of November 2004 when the Trial Chamber
15 considered the submissions of Defence that there was a
16 change in circumstances concerning security threats
17 facing witnesses who testify.

18 The Trial Chamber stated that the protective
19 measures granted to witnesses in its decision of 8th of
20 June 2004 were made having conducted a balanced
21 evaluation of the rights of the accused to a fair and
22 public trial and to measures to safeguard the privacy and
23 security of the witnesses and victims. The Trial Chamber
24 stated that protective measures were granted based on
25 numerous factors, prominent among which was the unique
26 nature of this Court being located in the Sierra Leone,
27 the locus where offences were allegedly committed. The
28 Trial Chamber held that the location of the Court had a
29 substantial impact on security considerations for

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1 witnesses and victims. The Trial Chamber ruled that the
2 Defence had failed to adduce any evidence capable of
3 showing on the preponderance of probabilities the
4 dramatically changed circumstances justifying a radical
5 variation of protective measures.

6 In this decision on the 18th of November 2004 the
7 Trial Chamber addressed the argument that is now raised
8 again by the Defence in this instant application, namely
9 that no retaliation or retribution has occurred to any
10 witnesses whose identity has long been known to the
11 Defence and who have so far testified before this Court
12 and that this should be a factor when considering whether
13 or not to grant this application. The Trial Chamber
14 stated that this fact does not constitute a change of
15 circumstances and gives support to the Prosecution's
16 assertion that witnesses have been free from retaliation
17 due to the mechanism of protective measures.

18 Trial Chamber notes that the provision of closed
19 session for the testimony of witnesses is a protective
20 measure that does not jeopardise the right of the accused
21 to a fair and public trial. This protective measure is
22 designed to protect witness identity from the public.
23 This does not prevent the accused from exercising freely
24 his rights to a fair trial as set forth in Article 17(4)
25 of the Statute.

26 The measure of hearing witnesses in closed session
27 is granted to a certain category of witnesses, be they
28 for the Prosecution or for the Defence, and is based on
29 the principle of protection of victims and witnesses

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1 where the interests of justice so dictate.

2 As stated in the Trial Chamber's decision on 19th of
3 November 2004: "The Trial Chamber does not agree with
4 the Defence contention that permitting a witness's
5 testimony in closed session in the context of the
6 application of protective measures with all the necessary
7 judicial guarantees for the protection of the due process
8 rights of the accused persons necessarily detracts from
9 the fairness of the trial."

10 The Trial Chamber therefore grants the application
11 of the Prosecution to hear the testimony of Witness
12 TF2-005 in closed session.

13 PRESIDING JUDGE: Thank you, learned brother. We would rise
14 and the technicians would bring us back to a closed --
15 yes, Mr Koppe?

16 MR KOPPE: Your Honour, before you would rise I would like to
17 take the opportunity to give the Court one point into
18 consideration. During the break I had a brief
19 conversation with the Prosecutor about admitting our
20 investigator to the closed session and, as I understand
21 correctly, the Prosecutor is, in principle, willing to
22 allow our investigator to be present on the condition
23 that I vow that the investigator is bound by ethical
24 rules. So although you just ordered the closed session -
25 of course I have heard your decision - I am now applying
26 to have our investigative person, who of course knows
27 already the identity of the witness, in closed session.

28 PRESIDING JUDGE: There is a pending ruling on this matter.
29 Your investigator will have to wait for the ruling and

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1 your agreement with the Prosecution does not bind the
2 Court, Mr Koppe. That is what I would like to let you
3 know in advance; your agreement with the Prosecution on
4 issues which are subjudicial do not bind this Court. You
5 will wait for the ruling and your investigator will not
6 be allowed in until we deliver the ruling. We are sorry
7 about this but that is the position. The Court will
8 rise, please.

9 [Break taken at 3.20 p.m.]

10 [The witness entered court]

11 [At this point in the proceedings, a portion of the
12 transcript, pages 71 to 113, was extracted and sealed
13 under separate cover, as the session was heard in
14 camera.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-001	2
CROSS-EXAMINED BY MR BOCKARIE	2
CROSS-EXAMINED BY MR MARGAI	15
WITNESS: TF2-005	71
EXAMINED BY MR BANGURA	71