

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

THURSDAY, 23 February 2006
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Anna Matas
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Kevin Tavener Mr Joseph Kamara Ms Lynn Hintz (intern)
For the Principal Defender:	No appearance
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Ansu Lansana

1 [CDF23FEB06A-SGH]
2 Thursday, 23rd February 06
3 [Open Session]
4 [The Accused present]
09:38:17 5 [Witness entered court]
6 [Upon commencing at 9.47 a.m.]
7 WITNESS: ISHMAEL SENESIE KOROMA [Continued]
8 EXAMINED BY MR JABBI: [Continued]
9 PRESIDING JUDGE: Good morning all. Good morning,
10 Mr Witness.
11 THE WITNESS: Good morning, grandpa.
12 PRESIDING JUDGE: Good morning, Dr Jabbi.
13 MR JABBI: Good morning, My Lord.
14 THE WITNESS: Good morning.
09:49:29 15 PRESIDING JUDGE: Are you ready to proceed, Dr Jabbi?
16 MR JABBI: Yes, My Lord.
17 THE WITNESS: Yes.
18 PRESIDING JUDGE: Please do so and take your witness where
19 you were yesterday when we left off and let's proceed.
09:49:44 20 MR JABBI: Thank you.
21 Q. Good morning Mr Witness.
22 A. Good morning, grandpa.
23 Q. Yesterday you had taken your narrative to the time of the
24 AFRC coup and the few months following that?
09:50:27 25 PRESIDING JUDGE: More precisely, Dr Jabbi, yesterday when
26 we adjourned the witness was giving evidence that he heard on BBC
27 that the President was in Guinea.
28 MR JABBI: Yes, My Lord.
29 PRESIDING JUDGE: So take him there, if you don't mind, and

1 he heard that from that broadcast that the President had sent
2 Chief Hinga Norman to Liberia. So that is where we were.

3 MR JABBI: Yes, My Lord.

4 Q. Now, can you tell the Court the time of that announcement?
09:51:06 5 What month, what year?

6 A. It was in 1997. It had past May, but I cannot remember the
7 month now.

8 Q. And please remember what we said many times yesterday that
9 when you are giving your answer, you talk slowly and then you
09:51:46 10 also watch the pens of the judges, when they are steady, you can
11 go on talking.

12 JUDGE ITOE: I didn't quite get the translation. This was
13 in 1997, sometime in May or so?

14 PRESIDING JUDGE: Past May.

09:52:08 15 MR JABBI: No, he said it was past May but he cannot be
16 sure of the month.

17 Q. Can you guess or can you say roughly how many months after
18 May it could have been? Just as a rough indication?

19 A. If I don't forget, it was around the end of June.

09:52:47 20 Q. Towards the end of June. And where were you at the time?

21 A. At that time we heard the announcement by then the juntas
22 have removed us from Bo. I was in Sawula. They had removed us
23 from Blama and I was in Sawula.

24 MR JABBI: Sawula is S-A-W-U-L-A.

09:53:22 25 Q. In what chiefdom?

26 A. Baoma chiefdom.

27 Q. Baoma chiefdom, G-B-A-O-M-A. Baoma. And in terms of your
28 usual area of operation, where were the juntas soldiers at that
29 time? Where were they based?

1 A. Well, at that time the juntas were based in Gerihun, the
2 Baoma Chiefdom.
3 Q. Anywhere else?
4 A. Jembe in the Baoma Chiefdom.
09:54:34 5 Q. Where is Jembe in Baoma Chiefdom?
6 A. If you go across the Sewa River going towards Kenema, just
7 by the Bridge.
8 Q. Immediately on the [Microphone not activated] -- on the
9 main Kenema highroad [inaudible]?
10 A. Yes.
11 Q. And Gerihun is also on the Bo/Kenema highroad, is it?
12 A. Yes.
13 Q. And where else?
14 A. And Blama. In the Small-Bo Chiefdom.
09:55:56 15 Q. In itself Small-Bo Chiefdom. Now, you said in that
16 announcement by HE the President from Guinea you heard that he
17 had sent Chief Norman to Liberia?
18 A. I heard that. I heard that Chief Norman had gone to
19 Liberia. He had sent him to Liberia.
09:56:16 20 Q. Did you know for what purpose or in what capacity?
21 JUDGE ITOE: The witness had testified yesterday, but your
22 [indiscernible] so that it was here we can join ECOMOG to fight
23 the juntas.
24 PRESIDING JUDGE: That's right.
09:56:32 25 MR JABBI: As your Lordship pleases.
26 JUDGE ITOE: Is that not the state of the evidence?
27 MR JABBI: Yes, My Lord. As your Lordship pleases.
28 Q. Now, can you tell the Court what the Kamajors, at least in
29 the area where you were, did in response to that information that

1 the President had sent somebody to elicit assistance?

2 A. Well, some of the Kamajors went to Bo Waterside.

3 Q. Yes.

4 A. After that the Kamajors and the ECOMOGS used to attack

09:57:31 5 Zimmi.

6 MR JABBI: Zimmi, My Lords, is Z-I-M-M-I.

7 Q. Whereabouts is Zimmi?

8 A. It is in the Pujehun District.

9 Q. Is it served by any main road into the country, Zimmi?

09:58:16 10 A. Well, Zimmi is at the junction. After leaving Kenema, you
11 get there before you reach to Bo Waterside.

12 Q. Along which road?

13 A. Well, it is on the Bo Waterside Road, coming from the
14 Kenema end.

09:58:43 15 Q. Is it correct to say that that is the main road connecting
16 southern Sierra Leone to Liberia, the main motor road?

17 A. Yes. When we say Bo Waterside, when you leave there you
18 get into Liberia.

19 Q. Now, according to you, there were attacks on Kamajors by
09:59:27 20 the soldiers in that area. Apart from Zimmi, were there any
21 other areas of such attacks?

22 A. Well, apart from those attacks that used to happen --

23 JUDGE ITOE: Did he himself go to Bo Waterside with the
24 other Kamajors?

09:59:50 25 MR JABBI:

26 Q. Yes, did you yourself go to Bo Waterside with other
27 Kamajors?

28 JUDGE ITOE: Or is he just relating what he was told.

29 THE WITNESS: I am telling you myself. I told you that

1 Kamajors left and went to Bo Waterside, but I did not go myself.

2 MR JABBI: Thank you.

3 PRESIDING JUDGE: Yes, Dr Jabbi, please.

4 MR JABBI:

10:00:42 5 Q. Yes. So the attack in Zimmi, for instance, you were not
6 present there; not so?

7 A. I was not there at all.

8 PRESIDING JUDGE: He said he did not to Bo Waterside so how
9 can he be in Zimmi?

10:00:54 10 MR JABBI: My Lord, you can go to Zimmi, with respect,
11 without going to Bo Waterside.

12 PRESIDING JUDGE: Very well. Let's proceed, please.

13 MR JABBI:

14 Q. Now, did you yourself take part in any battles during that
10:01:08 15 time?

16 A. Well, at the time when I fought -- by the time when Prince
17 Brima made that announcement that ECOMOG -- that ECOMOG were
18 advancing to Kenema and Bo.

19 Q. From where?

10:01:29 20 A. They were coming from Liberia end, from Bo Waterside. They
21 were now going to Kenema and Bo.

22 Q. Now, again, can you say roughly what month that was and
23 year when, according to you, you were informed that the ECOMOG
24 were moving from Bo Waterside towards Kenema? What time was
10:02:17 25 that?

26 A. At that time when I heard that -- it was in February 1998
27 that I heard that they were now advancing to Kenema.

28 Q. Now, up until February 1998 where were you?

29 A. I was in Sawula in the Boama Chiefdom.

1 Q. Before February 1998 had Kamajors engaged in any battles
2 before the arrival of ECOMOG?

3 A. I used to hear that they were fighting and some were in
4 Sierra Leone and those others were coming from Bo Waterside
10:03:53 5 towards Kenema.

6 Q. Let us say around February itself, 1998, do you know of any
7 encounters by Kamajors that month; battle encounters?

8 A. At that time when I heard that they were coming to Kenema,
9 to capture Kenema.

10:05:04 10 Q. That who were going to Kenema?

11 PRESIDING JUDGE: He has told you --

12 THE WITNESS: ECOMOG and the Kamajors.

13 MR JABBI:

14 Q. Do you know when Kenema was captured by the Kamajors?

10:05:22 15 PRESIDING JUDGE: Was Kenema captured by the Kamajors?

16 MR JABBI: Well, My Lord, he said just now --

17 PRESIDING JUDGE: They were advancing from Bo Waterside to
18 Kenema.

19 MR JABBI: To capture Kenema. That was what he said, My

10:05:44 20 Lord.

21 PRESIDING JUDGE: He hasn't testified yet, to my knowledge,
22 that they had captured Kenema.

23 MR JABBI: As Your Lordship pleases.

24 Q. Was Kenema captured?

10:05:52 25 A. Yes.

26 Q. By what fighting group?

27 A. ECOMOG and the Kamajors.

28 Q. Do you know when that took place?

29 A. It was on February 18, 1998.

1 Q. Can you say the date again, please?
2 A. February. February 18, 1998.
3 Q. February 18?
4 A. Yes.
10:06:53 5 Q. Again, at that time, where were you?
6 A. By then Kenema was captured, the day Kenema was captured --
7 Q. Please talk slowly.
8 A. Okay. At that time I had left Sawula when I heard that the
9 the Kamajors and ECOMOG were then entering Kenema. I had left
10:07:13 10 Sawula and by then I met Kenema was captured. The ECOMOG -- some
11 of the ECOMOG troop passed us on the way and they came to Blama.
12 Q. Can you say that again, please?
13 A. When Kenema was captured, some passed -- some of the
14 troops, ECOMOG troops and the Kamajors --
10:07:44 15 Q. Yes?
16 A. They also went and captured Blama.
17 Q. And do you also know when that took place?
18 A. The very same day.
19 Q. And did ECOMOG and the Kamajors continue holding Kenema
10:08:43 20 after that battle?
21 A. Very well. They rested. They were settled there and
22 Blama -- when I went to Blama, I found them there.
23 Q. Do you know who the Kamajor leaders were on those attacks
24 that took Kenema and Blama?
10:09:40 25 A. Kenema itself, the Kamajors and the ECOMOG that entered
26 there, Arthur Koroma was there and Eddie Massallay together with
27 ECOMOG.
28 Q. Arthur Koroma and Eddie Massallay. Who was Arthur Koroma?
29 A. He was a Kamajor at the time.

1 Q. Do you know what status he had?

2 A. At that time he was an ordinary Kamajor.

3 Q. And Eddie Massallay?

4 A. Yes, he himself, I didn't know any position. He did not
10:10:51 5 hold any position, but he was Kamajor. They were leading the
6 Kamajors when they entered Kenema together with ECOMOG.

7 Q. Do you happen to know one Jusu Amara?

8 A. Yes, I used to know Jusu Amara Dodo.

9 MR JABBI: Jusu, My Lords, J-U-S-U. Amara as in Kamara
10:11:34 10 without the K.

11 Q. What, if anything, did Jusu Amara do?

12 A. Well, Jusu Amara, they came too from Dodo and they came
13 from Kandu Leppeama.

14 Q. To do what?

10:12:15 15 A. They came to Mr Ali who used to be called Ali Bockarie.

16 THE INTERPRETER: My Lords, can the witness repeat the
17 last -- can the witness repeat the last segment before coming
18 to --

19 MR JABBI:

10:12:35 20 Q. Can you repeat the last statement you made?

21 A. I said Jusu Amara and Alhaji Bockarie. Alhaji Bockarie
22 Mendama in the Kandu Leppeama Chiefdom.

23 MR JABBI: Mendama, My Lords, M-E-N-D-A-M-A. Kandu
24 Leppeama I believe has been spellt before. Kandu is K-A-N-D-U.
10:13:02 25 Leppeama, L-E-K-P-E-Y-A-M-A.

26 Q. Yes, Jusu Amara and Alhaji Bockarie you said. What were
27 you explaining about?

28 A. Yes. I said they were leading the Kamajors together with
29 ECOMOG when they captured Blama.

1 Q. Now, did you yourself play any direct role in the fighting
2 at that stage?

3 A. I came to Blama and found them there on that day. They
4 were the first people to enter there. I found them there. We
10:14:08 5 joined together.

6 Q. How long did you stay in Blama yourself on that occasion?

7 A. In the evening of 18th, on that evening. While they were
8 fighting together with juntas, we heard that the ECOMOG and the
9 Kamajors, that they were fighting in Blama.

10:14:58 10 Q. Against whom?

11 A. Against the juntas.

12 Q. Did you yourself do anything?

13 A. I also reached there and we all joined together. By then
14 the juntas had pulled out of the town and Blama was now in our
10:15:18 15 hands.

16 Q. So did anything happen after, immediately after the capture
17 of Kenema and Blama?

18 A. Yes.

19 Q. Yes. Can you tell the Court?

10:15:53 20 A. We went to Kenema, we the Kamajors.

21 Q. Yes.

22 A. So we held a meeting. The [indiscernible] said there was a
23 meeting on the 20th.

24 Q. On 20th of?

10:16:25 25 A. Of February there was a meeting there.

26 Q. What sort of meeting was it?

27 A. Well, ECOMOG invited us, we the Kamajors, those that they
28 came together so that we could meet together.

29 Q. Can you tell the Court what transpired at that meeting?

1 A. Well, at that meeting ECOMOG said that they were thanking
2 the Kamajors with whom they had been working until Kenema was
3 captured.

4 MR KAMARA: I am sorry, Your Honours, there seems to be a
10:17:55 5 huge disconnect here. I may be guided by the Bench. My
6 recollection of the events is that Kenema was attacked on
7 the 18 February 1998 and he seems to be referring now to 20th
8 January. I suppose that would need to be --

9 PRESIDING JUDGE: 20th of February.

10:18:04 10 MR JABBI: He said February, My Lord.

11 MR KAMARA: February. Oh, thank you. Sorry.

12 MR JABBI:

13 Q. Yes, you were explaining what transpired at the meeting.

14 A. They were thanking the Kamajors with whom they had been
10:18:28 15 working. And we the Kamajors they found on the ground.

16 PRESIDING JUDGE: Yes.

17 MR JABBI: Yes, carry on.

18 THE WITNESS: Therefore they were telling us --

19 JUDGE ITOE: [Microphone not activated] the Kamajors they
10:18:59 20 found on the ground, they thanked them too or what? They thanked
21 those who were fighting with them until they captured Kenema?
22 What did they do with the Kamajors or what did they say to the
23 Kamajors who were on the ground?

24 THE WITNESS: That the ones they had come with and those
10:19:19 25 they found, they were thanking both groups.

26 MR JABBI:

27 Q. Yes.

28 A. And they said again that they don't know the terrain and so
29 that we should support them just as those that have supported

1 them of old.

2 Q. Yes.

3 A. That whatever, whatever fighting implements that they
4 needed were to be given to them.

10:20:21 5 Q. Can you say that again, please?

6 A. That whatever fighting implements we needed, they will give
7 them to us so that we work together.

8 Q. Anything more said by the ECOMOG?

9 A. Yes. They also said that all the business people that they
10:20:49 10 should open and continue doing their business and let them open
11 their shops.

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

13 A. They spoke. They said the teachers should re-open the
14 schools.

10:21:40 15 Q. Were any police present at that meeting?

16 A. It was at the police field. It was in the police barracks
17 in the field. That's where we held the meeting.

18 Q. Were any police personnel present at the meeting?

19 A. Well, I did not see a policeman in the police uniform but
10:22:14 20 they said they too should start working.

21 Q. Was Alhaji Bockarie, whom you referred to earlier, was he
22 present at that meeting from Blama?

23 A. No. We left him in Blama and we went to the meeting
24 because he was head of the Kamasois there and so we left him
10:23:01 25 there and we went to the meeting.

26 Q. Now, at that meeting were any reports made of any looting
27 in Kenema?

28 A. Apart from when the juntas were pulling out and causing
29 destruction and did a lot of stealing, that's all I knew about.

1 They entered the shops completely and they took all the vehicles
2 towards Kailahun.

3 Q. Who did that?

4 A. The juntas. Mosquito, because at that time he was based in
10:23:58 5 Kenema.

6 Q. Who was Mosquito?

7 A. Well, at that time he was -- we heard that he was the RUF
8 commander, the field commander.

9 Q. How long did you stay in Kenema after that meeting?

10:24:39 10 A. After that meeting I return to Blama.

11 Q. The same day?

12 A. Yes. On the same evening, that's when we returned.

13 Q. Now, Mr Witness, as far as you personally were concerned,
14 what were your own circumstances after all this exercise?

15 A. Well --

16 PRESIDING JUDGE: [Microphone not activated] but maybe the
17 witness does, so we will see.

18 MR JABBI:

19 Q. Yes, carry on.

10:25:52 20 A. Well, this was my -- we went to Blama and the juntas
21 returned and attacked there after that meeting.

22 Q. Where did the juntas attack?

23 A. The juntas attacked Kenema. They came from the Kondewa ^
24 end.

10:26:17 25 Q. Do you know when that was?

26 A. It looks likes it was the 25th because it was after that
27 meeting that they launched the attack.

28 Q. Were you there?

29 A. Well, we came with reinforcement.

1 Q. From?

2 A. Blama.

3 Q. Who led your group from Blama?

4 A. When we left Blama, it was Vandi, Vandi whom we called

10:27:13 5 Vandi Somotoh. He led us when we went.

6 MR JABBI: Somotoh, My Lord, is S-O-M-O-T-O-H. Vandi

7 Somotoh.

8 Q. And how did the battle go?

9 A. Well, the juntas, most of juntas were wearing Kamasoi

10:27:40 10 attire when they came, Kamasoi clothing.

11 Q. Yes.

12 A. That is why the ECOMOG could withstand because --

13 THE INTERPRETER: Your Honours, the witness is going very
14 fast.

10:28:03 15 MR JABBI:

16 Q. Say that again, please, and say it slowly. From the
17 reference to ECOMOG.

18 A. I said the attack was a problem us to on that day --

19 Q. Yes.

10:28:26 20 A. -- because the juntas were wearing Kamajor attire; some of
21 them had the caps and some of them had the clothes. So it was
22 difficult for ECOMOG. They couldn't distinguish us from the
23 juntas who were wearing the Kamajor attires.

24 Q. Yes.

10:29:03 25 A. What assisted them was that the vehicle that they brought
26 was carrying an AA double barrel gun.

27 Q. The vehicle that who brought?

28 A. The juntas, they brought the vehicle. When we captured the
29 vehicle --

1 Q. Yes.

2 A. We were shouting until we reached the cotton tree when we
3 captured the vehicle. That is where the FM was located.

4 Q. Did you capture any persons with that vehicle?

10:30:11 5 A. Yes, the driver was a soldier but he ran away. He came out
6 of the vehicle and ran away.

7 Q. And in what attire was he?

8 A. He had the -- his trousers were combat and his shirt was
9 the Kamajor dress. When he was running, we saw him.

10:30:59 10 Q. Was there any other attack?

11 A. Well, at that time, when we dislodged them out of the
12 town --

13 Q. Yes.

14 A. Then ECOMOG said that all roads leading to Kenema we
10:31:26 15 should --

16 THE INTERPRETER: The witness has used an expression that
17 is not clear to us. Can he take it again?

18 MR JABBI:

19 Q. Can you repeat again, please?

10:32:01 20 A. All roads leading to Kenema. We should locate checkpoints
21 there. Kamajors and ECOMOG should be manning those checkpoints.

22 Q. And was that done?

23 A. We did all.

24 Q. So how long did your group stay in Kenema on that occasion?

10:32:38 25 A. We slept there and in the morning we returned to Blama.

26 Q. Now, did you yourself operate with any vehicles at all?

27 A. Oh, yes, I had a vehicle.

28 Q. What sort of vehicle?

29 A. It belonged to the ICRC; the Red Cross.

1 Q. Who gave it to you?

2 A. ECOMOG.

3 Q. Now, what about the ICRC, you said the vehicles was theirs?

4 A. Yes, it belonged to them.

10:34:13 5 Q. Where were they then?

6 A. Well, at that time we heard that they are playing double
7 standards, that they were supporting the rebels in the bush; the
8 juntas.

9 JUDGE ITOE: The ICRC was supporting the juntas in the
10:34:30 10 bush?

11 THE WITNESS: Yes.

12 MR JABBI:

13 Q. And so where were the ICRC at that time?

14 A. When that happened they escaped, they went away. They left
10:34:57 15 the country at that time.

16 Q. Where did they leave their vehicle?

17 A. When they were going to the airfield, that was the vehicle
18 they were moving in.

19 Q. And how long did you have it when ECOMOG gave it to you?

10:35:48 20 A. The vehicle was with me until the Lome Peace Accord was
21 completed. We saw them return to the country; the ICRC.

22 Q. And what happened to the vehicle?

23 A. They went to ECOMOG and said they had come. They had food.
24 They had medicines, but that they do not have vehicles for them
10:36:41 25 to distribute those things, but that they left their vehicles
26 behind. Then they said they are seeing the vehicle with me. The
27 brigade major, Major Tony.

28 Q. What army?

29 A. ECOMOG. It was a brigade major, Major Tony, ECOMOG.

1 Q. Yes.

2 A. Then he called me up.

3 Q. Yes.

4 A. Then he said well, the people have -- this vehicle -- the
10:38:04 5 people have come. They want to distribute medicines to your
6 people and food. So what do they do because they do not have a
7 vehicle?

8 Q. Yes.

9 A. Then I said, "We have fought for our people. We have
10:38:29 10 protected their lives and properties."

11 Q. Yes.

12 A. If it were my own vehicle and somebody says he wants to
13 give food to my people and medicine --

14 Q. Yes.

10:39:10 15 A. I said I would give the vehicle to him for him to supply
16 the food and medicines to my people.

17 Q. So what happened with the vehicle?

18 A. Well, that vehicle I handed it over to Major Tony. Then he
19 called them up; the ICRCs.

10:39:36 20 Q. Yes.

21 A. Then they said their driver should board the vehicle and
22 drive it for them to see.

23 Q. Yes.

24 A. Then he said the vehicle is in good condition, nothing is
10:40:18 25 wrong to it. Nothing is wrong with it, sorry. And he praised me
26 a lot.

27 Q. Was the vehicle ever returned to you?

28 A. No, they returned it to the ICRC people. They prepared a
29 document and they gave a copy to me that the vehicle was in good

1 condition and I handed it over to them. The white man signed it.
2 The ICRC white man signed it.

3 Q. Did you say you were given a document?

4 A. Yes, I signed it. The brigade major too [sic] sign it and
10:41:12 5 they gave it to me.

6 JUDGE ITOE: What document is this? What document was it?
7 What is the nature of this document?

8 MR JABBI: My Lord, he has just said that when he returned
9 the vehicle.

10:41:27 10 JUDGE ITOE: They tested it.

11 MR JABBI: They tested it.

12 JUDGE ITOE: They tested and they did everything and
13 praised --

14 MR JABBI: [Overlapping speakers] and found it in good
15 condition.

16 JUDGE ITOE: And praised him for having kept it in good
17 form.

18 MR JABBI: Yes, My Lord.

19 JUDGE ITOE: So what was the nature of this document that
10:41:41 20 was signed by the major and everybody?

21 MR JABBI: He just said he prepared a document that he had
22 returned that vehicle.

23 PRESIDING JUDGE: In good condition.

24 MR JABBI: In good condition.

10:41:46 25 JUDGE ITOE: In good condition. All right.

26 MR JABBI: Yes, My Lord. And that the ICRC white man
27 signed it and he himself signed it.

28 THE WITNESS: Yes, and he took the vehicle.

29 MR JABBI:

1 Q. Do you remember the registration number of that vehicle?

2 A. Well, the number is W-U -- I have forgotten the number now,
3 but it must be on the paper.

4 Q. Okay. Now, during all these operations at that time 1998
10:42:39 5 to 1999, who supplied your Kamajor groups with weapons?

6 A. ECOMOG were giving us weapons.

7 Q. Did you have any other source of getting weapons and
8 ammunition?

9 A. Well, apart from the ones given to us by the chiefs, the
10:43:23 10 single barrel and the cartridges, except ECOMOG.

11 Q. What about other supplies like food?

12 A. Well, the people used to give us food and even ECOMOG gave
13 us food and some of them were on documents. The guns given to us
14 and the cartridges were ECOMOG.

10:44:23 15 Q. Can you say that last point again?

16 A. I said ECOMOG used to give us food and fighting equipment.
17 Even the people gave us food.

18 Q. The people of your chiefdom?

19 A. Yes.

10:44:52 20 Q. Did you receive any weapons from Chief Norman, for
21 instance?

22 A. Ever since Chief Norman did not give me a weapon, even a
23 razor blade. He did not give it to me.

24 Q. Now, for the period you were fighting the junta soldiers in
10:45:32 25 the Kenema and Blama areas, did you see Chief Norman during that
26 time?

27 A. No, I did not see him at that time.

28 Q. And finally, Mr Witness, were you ever promoted as a
29 Kamajor?

1 A. Yes, in 1999.

2 Q. Yes, what happened?

3 A. I was made battalion commander. General battalion
4 commander. Interpreter's mistake, general battalion commander.

10:46:37 5 Q. What was general battalion commander?

6 A. Well, we the battalion commanders organised ourselves at
7 chiefdom levels, but I was head of the battalions -- the
8 battalion commanders.

9 Q. Of how many chiefdoms?

10:47:03 10 A. There are 16 chiefdoms in the Kenema District. We divided
11 them into battalions.

12 PRESIDING JUDGE: Meaning you had 16 battalions?

13 THE WITNESS: No. There were 11 battalions. There were
14 some chiefdoms which were combined because ECOMOG said that's
10:47:28 15 what we should do. Just as the population was.

16 MR JABBI:

17 Q. So for 16 chiefdoms in Kenema District, you constituted 11
18 battalions; is that what you are saying?

19 A. Yes, there were 11 battalions.

10:47:59 20 Q. And are you telling the Court that you were the leader of
21 all those battalions put together?

22 A. Yes, in 1999 I was the head of the battalion commanders.

23 Q. For the district?

24 A. Yes. Yes.

10:48:14 25 MR JABBI: My Lords, that is all for the witness.

26 PRESIDING JUDGE: Thank you. Mr Bockarie, this is a
27 witness in examination-in-chief this being a common witness.

28 MR BOCKARIE: Yes, Your Honour.

29 PRESIDING JUDGE: Very well. You are ready to proceed with

1 your examination-in-chief?

2 MR BOCKARIE: Yes, Your Honour. Just a second, Your
3 Honour.

4 PRESIDING JUDGE: Thank you.

10:49:47 5 MR BOCKARIE: Sorry, sir.

6 PRESIDING JUDGE: Very well. Are you ready to proceed now?

7 MR BOCKARIE: Yes, sir.

8 PRESIDING JUDGE: Please do so.

9 EXAMINED BY MR BOCKARIE:

10:49:53 10 Q. Mr Koroma --

11 A. Yes.

12 Q. -- these preliminary questions relate to events before the
13 coup. Okay?

14 A. Okay.

10:50:16 15 Q. Now, you told this Court that you participated actively in
16 the destruction of RUF bases in Jui Koya; correct?

17 A. Yes.

18 Q. As a result of that you were appointed commander, Kamajor
19 commander; correct?

10:51:11 20 A. Yes, chiefdom commander for Small-Bo.

21 Q. Can you tell us who recommended your appointment as
22 chiefdom commander?

23 A. All the Kamasois who were under the paramount chief, they
24 recommended me.

10:52:01 25 Q. When you were appointed chiefdom commander, who was your
26 superior?

27 A. Well, at first I was working with the chiefs, the paramount
28 chiefs, because they were giving us food. And the soldiers who
29 were on the ground in Blama because they were the warriors, they

1 would direct us how we should go about the fight.

2 [CDF23FEB06B - SV]

3 Q. So will I be correct that you were taking orders from the
4 chiefdom authorities as well as the soldiers you worked closely
10:52:56 5 with?

6 A. We were taking command from the chiefdom authorities and
7 the ECOMOG, because that was where we disarmed, in fact.

8 THE INTERPRETER: Your Honours, the witness is speaking
9 very fast.

10:53:18 10 PRESIDING JUDGE: Mr Witness, just a reminder to speak
11 slowly, please, when you answer.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: Thank you.

14 THE WITNESS: I said we were taking command from our
10:53:29 15 soldiers and our chiefs.

16 MR BOCKARIE:

17 Q. So that was how the Kamajor was structured before the coup;
18 am I correct?

19 MR KAMARA: Objection.

10:53:40 20 THE WITNESS: Yes.

21 MR KAMARA: I'm sorry.

22 PRESIDING JUDGE: Yes, what's your objection, Mr Kamara?

23 MR KAMARA: The question is too broad and ambiguous. That
24 was how the Kamajor was structured before the coup. And the
10:53:53 25 question initially posed to the witness --

26 PRESIDING JUDGE: Was in his chiefdom.

27 MR KAMARA: In his chiefdom and now he's gone to the
28 general aspect.

29 PRESIDING JUDGE: Mr Bockarie.

1 question put to him.

2 THE WITNESS: No, no.

3 MR BOCKARIE:

4 Q. Mr Koroma, do you know Mr Moinina Fofana?

10:57:26 5 A. Yes, I know him.

6 Q. When did you first meet him?

7 A. When I came to Bo.

8 Q. Can you tell us when?

9 A. 1999. 1999. Well, 19 -- at the end of 1999.

10:58:19 10 Q. Now, you've told this Court that there was this joint
11 attack -- I'm now talking of January/February 1998. You informed
12 this Court that there was a joint attack of ECOMOG and Kamajors
13 against juntas in Kenema; correct?

14 A. Yes.

10:58:51 15 Q. Was Moinina Fofana involved in that attack?

16 A. No, no.

17 Q. Do you know who ordered that attack on Kenema in
18 January/February 1998?

19 A. It was ECOMOG.

10:59:57 20 Q. Now, Mr Koroma, that operation, this joint operation, do
21 you know who was in command -- overall command of that operation,
22 either ECOMOG or Kamajor?

23 A. Oh, it's ECOMOG. They were leading us. They were our
24 boss.

11:00:40 25 Q. Now, you said you met Mr Fofana some time in 1999. As far
26 as you're concerned, did he hold any position within the CDF?

27 A. Well, at that time, I went to [indiscernible], he was going
28 to Goama Mende. He was a section chief and he was a Kamasoi in
29 Bo.

1 Q. I'm referring to Mr Fofana. Did he hold any position
2 within the CDF? Was he given any title? Are you aware?

3 A. Well, at that time I said that Mr Daniel said Moinina
4 Fofana was a director.

11:01:42 5 Q. Now, Mr Witness, you told this Court that you were general
6 battalion commander for Kenema District; correct?

7 A. Yes, in 1999.

8 Q. At any time did you, as general battalion commander,
9 receive direct orders from Mr Moinina Fofana?

11:02:09 10 A. No. He never gave me any order.

11 PRESIDING JUDGE: Mr Bockarie, I just would like to kindly
12 remind you that you are in examination-in-chief. Your questions
13 are somewhat leading and more of the nature of cross-examination
14 than examination-in-chief. This is, for that purpose, your
11:02:35 15 witness.

16 MR BOCKARIE: Thank you, Your Honour.

17 PRESIDING JUDGE: I know there's not been any objection by
18 the Prosecution, but that remains that this is still your
19 witness. So try to frame your questions slightly differently.

11:02:54 20 MR BOCKARIE:

21 Q. Mr Koroma, have you ever been to SS Camp?

22 A. There was a checkpoint there. Yes, I went there at the
23 checkpoint.

24 Q. When was that?

11:03:14 25 A. 1999.

26 Q. At the time you visited this checkpoint, was it manned by
27 any personnel?

28 A. Yes, ECOMOG and Kamajors were there.

29 Q. Before 1999 were you able to know who were in control of SS

1 Camp?

2 A. Yes. There was a checkpoint there as well where soldiers
3 were based. It was that road that was used by ECOMOG to dislodge
4 them, the juntas. At the time that they took over the country
11:04:31 5 the juntas were based there?

6 Q. So after the takeover of Kenema by the joint forces of
7 ECOMOG and Kamajors who was in control of SS Camp before your
8 visit in 1999?

9 A. The entire Kenema District, including SS Camp, it was under
11:05:10 10 the control of ECOMOG. The lieutenant was called Lieutenant Uma,
11 Lieutenant Uma. He was the one who was there.

12 PRESIDING JUDGE: He was there at the camp or the
13 checkpoint?

14 THE WITNESS: Who?

11:05:47 15 PRESIDING JUDGE: Lieutenant Uma, you say he was there.
16 What do you mean by "there"?

17 THE WITNESS: Lieutenant Uma was in control of the
18 checkpoint. He was head of the Kamajors and the ECOMOG who were
19 there.

11:06:23 20 MR BOCKARIE:

21 Q. Now, Mr Koroma, if you see Moinina can you identify him?

22 A. Yes.

23 Q. Can you please do so?

24 A. There he is sitting.

11:06:42 25 [Identification of accused Fofana]

26 PRESIDING JUDGE: For the record, the witness indicates the
27 second accused Fofana.

28 MR BOCKARIE: Thank you very much, Mr Koroma. That will be
29 all for this witness, Your Honour.

1 PRESIDING JUDGE: Thank you.

2 MR BOCKARIE: Thank you.

3 PRESIDING JUDGE: Mr Lansana, do you have any
4 cross-examination of the witness?

11:07:19 5 MR LANSANA: Yes, Your Honour.

6 PRESIDING JUDGE: So on behalf of the third accused you may
7 proceed.

8 MR LANSANA: Thanks, Your Honour.

9 CROSS-EXAMINED BY MR LANSANA:

11:16:23 10 Q. Good morning, Mr Witness.

11 A. Good morning.

12 Q. When you were being led in evidence-in-chief you did state
13 to this Court that in 1996 a certain Kinni Brima Conteh who was
14 from Bonthe informed you that Kamajors were being initiated into
11:16:23 15 a society; is that correct?

16 A. Yes, very well. It's true.

17 Q. Is it correct to say that these Kamajors who were being
18 initiated in Bonthe were already Kamajors that had participated
19 in fighting?

11:16:24 20 A. Well, I didn't know that because it was in Bonthe.

21 Q. Thank you. You further said that as a result of this
22 information, the paramount chiefs decided that they should call
23 or invite initiators to initiate Kamajors in your chiefdom; is
24 that correct?

11:16:24 25 A. Yes, indeed. It was the chiefs who provided money for them
26 to go and bring the initiators.

27 Q. And in consultation with the initiators it was decided that
28 every chiefdom should provide 50 Kamasois, as you put it;
29 correct?

1 A. Yes.

2 Q. And these 50 Kamasoisia who were eventually chosen to be
3 initiated by the initiators, is it correct to say that they had
4 already participated in fighting before their initiation?

11:16:25 5 A. Well, most of them had fought before they could be
6 initiated. Not all of them, but some of them.

7 Q. Thank you very much. Now, you mentioned two initiators:
8 Mualemu Saddam Sheriff and Kamoh Brima Bangura; correct?

9 A. Very well. They were the ones who did the initiation in
11:16:25 10 the Kenema District.

11 Q. Did you know of any other initiators?

12 A. Yes, I did hear about some other initiators.

13 Q. Can you oblige this Court with the names of the others you
14 heard?

11:16:26 15 A. Kamoh Lahai Bangura.

16 Q. Yes.

17 A. Mama Munde.

18 Q. Yes.

19 A. And Kondewa.

11:16:26 20 Q. Did you get to know that Kondewa you mentioned in person?
21 Did you get to know him in person?

22 A. Yes, I know him.

23 Q. And would you be in a position to identify him if you saw
24 him?

11:16:26 25 A. Yes.

26 Q. Look around the Court, see if there is anybody here.

27 A. Yes, that's him there.

28 [Identification of accused Kondewa]

29 MR LANSANA: For the records, My Lord --

1 PRESIDING JUDGE: Yes, for the record, the witness
2 indicates the third accused Kondewa.

3 MR LANSANA: Thank you, Your Honour.

4 Q. Now, some time in 1996 you say that after initiation, that
11:16:26 5 is when you were initiated you first attacked a rebel position at
6 Kpetema; is that correct?

7 A. Yes.

8 Q. And in that same year you attacked and took Camp Zogoda and
9 Camp Lion; is that correct?

11:16:26 10 A. Yes.

11 Q. Now, who was it that gave the instructions that those rebel
12 positions be attacked?

13 A. At that time, it was the soldiers who were leading us; the
14 Sierra Leone soldiers.

11:16:27 15 Q. Thank you. In 1998, according to you, in February 1998,
16 18th February 1998, Kamajors captured Kenema; is that correct?

17 A. Yes, and ECOMOG.

18 Q. Thank you. Just now in evidence-in-chief on behalf of the
19 second accused when my learned colleague Arrow Bockarie was
11:16:27 20 asking you a question, you said that ECOMOG co-ordinated the
21 attack on Kenema and they were commanding the operation; correct?

22 A. Very, very well. Yes.

23 Q. Now, my question is: After Kenema had been captured, under
24 whose command were Kamajors operating in Kenema?

11:16:28 25 A. We were still under ECOMOG.

26 Q. Thank you. Under evidence-in-chief you did mention a
27 recurrence of fighting after ECOMOG and the Kamajors had captured
28 Kenema, which you pegged around 25th February 1998; correct?

29 A. Yes.

1 Q. And you recounted that battle as being fierce because the
2 junta disguised themselves as Kamajors; correct?

3 A. Yes. I said it was difficult because they were wearing an
4 attire that looks like Kamajor attire. So it was very difficult.

11:16:28 5 Q. Thank you.

6 A. It was complicated then.

7 Q. Thank you. As far as you can remember, is there any other
8 incident in which people disguised as Kamajors during the war?

9 A. Yes, they were dressing like Kamajors and they were
11:16:28 10 attacking places.

11 Q. And when you say "they," who do you mean by "they"?

12 A. I'm talking about the juntas. The juntas. RUF/AFRC.

13 Q. Thank you. Can you recount any of these other incidents
14 that you are talking about for the benefit of this Court?

11:17:04 15 A. Like what?

16 Q. The disguise as Kamajors by people who were not Kamajors.

17 A. Yes, they did it in Blama. They dressed like Kamajors and
18 attacked Blama and caused a lot of destruction. They damaged a
19 lot of stone houses there. They did it in Kenema. They did it
11:17:37 20 at Mano Junction.

21 Q. Now, when you talk about that incidence of disguise in
22 Kenema, do you know what precisely happened?

23 A. Yes. They were killing ECOMOG and us, the Kamajors, and
24 causing mayhem.

11:18:05 25 Q. Are you aware of such instances of disguise by the junta as
26 Kamajors affecting any other group of people apart from ECOMOG
27 and the Kamajors? Civilians, for instance.

28 JUDGE ITOE: That's very suggestive.

29 MR LANSANA: I apologise, Your Honour.

1 A. Good day, old one.

2 Q. What work do you do now?

3 A. I am a farmer.

4 Q. Sorry, can I get that again?

12:00:18 5 A. I am a farmer.

6 Q. And, Mr Witness, I will try to narrow our focus this

7 morning to the time period of the indictment, which is May 1997

8 to December 1999.

9 A. That's fine.

12:00:55 10 Q. Now, you told this Court that you were appointed chiefdom

11 commander for Small-Bo; is that so?

12 A. Yes.

13 Q. As chiefdom commander what were your duties?

14 A. First thing was that the chiefs -- when the Kamajors needed

12:01:46 15 food and cartridges, single barrel cartridges, we would tell the

16 chiefs, they would buy them and give them to us. The soldiers

17 too, Sierra Leone soldiers, when they needed Kamajors -- when

18 tell me, we would tell the chiefs and they would provide the

19 Kamajors, by towns and the sections, for them to join the

12:03:07 20 soldiers to fight the war.

21 Q. Thank you, Mr Witness. Now, after the coup of May 25th

22 1997 did you engage in any battle with the juntas?

23 A. Yes.

24 Q. And which one was the first?

12:03:56 25 A. When we attacked in Blama.

26 Q. And at that time were you chiefdom commander?

27 A. Yes.

28 Q. Will you tell this Court to whom were you answerable to?

29 A. After the coup?

1 Q. I'm talking about this attack on Blama, your engagement in
2 Blama. You said you were chiefdom commander. Were you
3 answerable to anyone?

4 A. At that time it was the chiefs who were my bosses because
12:05:03 5 we attacked together with the soldiers.

6 THE INTERPRETER: Your Honours, can the witness please
7 repeat his last answer, it was not very clear.

8 MR KAMARA:

9 Q. Could you please repeat your answer?

12:05:28 10 A. I said the chiefs -- I said it was the chiefs because at
11 that time it was the soldiers who had made the coup and who had
12 attacked us.

13 Q. Will you tell this Court who was that chief that was your
14 boss?

12:05:57 15 A. Yes.

16 Q. What is his name?

17 A. At that time it was Chief Francis Dawa And Chief Mambu Pewa
18 II.

19 MR KAMARA: My Lord, Mambu is M-A-M-B-U, Pewa P-E-W-A-H,
12:06:36 20 the second.

21 Q. Let me start with Chief Francis Dawa. He was in charge of
22 what chiefdom?

23 A. Yes. He was a section chief. He was the head of all the
24 section chiefs in Small-Bo.

12:07:01 25 Q. He was a section chief for Small-Bo?

26 JUDGE THOMPSON: He said the head. The head of all section
27 chiefs.

28 MR KAMARA: In Small-Bo. Thank you, Your Honour.

29 THE WITNESS: Yes.

1 MR KAMARA:

2 Q. What about Chief Mambu Pewa?

3 A. He was paramount chief of Langrama.

4 Q. Now, will you tell this Court how you received instructions
12:07:38 5 from these people relating to that battle we're talking about?

6 A. In that attack, we left there, the chief said all the
7 soldiers they could give us to fight the juntas, they would give
8 them to us to fight the juntas.

9 Q. Wait, wait. Don't forget Their Lordships are taking down
12:08:09 10 what you're saying, so maintain a nice and good pace. All right?

11 Thank you. My question to you was: How is it that you received
12 instructions from these chiefs for this battle?

13 A. Well, I said when they attacked and dislodged us, they said
14 the empowerment that they could empower us to fight the juntas,
12:08:47 15 they would do that.

16 Q. Did Chief Francis Dawa tell you to attack any particular
17 place?

18 A. At that time that they attacked us, they dislodged us.
19 They brought cartridges and gave them to us. We attacked them,
12:09:16 20 but we were unable to overpower them so we hid and left.

21 Q. You have not answered my question.

22 PRESIDING JUDGE: Repeat your question again, Mr Kamara.

23 MR KAMARA: Thank you, Your Honour.

24 Q. Did Chief Francis Dawa give you instructions to attack any
12:09:32 25 particular place?

26 A. Yes, Blama.

27 Q. Thank you. And where did you get this instruction to
28 attack Blama?

29 A. The juntas at that time -- at that time that we were

1 dislodged from Blama, it was at that time that he gave us that
2 instruction.

3 Q. Are you saying it was in Blama?

4 A. Yes, sir. Yes.

12:10:25 5 Q. Was Chief Francis Dawa engaged in that fighting?

6 A. He just gave us cartridges, single barrel cartridges.

7 Q. Mr Witness, the question is was he engaged in the actual
8 fighting? Let me put it that way.

9 A. He did not go to fight.

12:11:08 10 Q. Thank you. Was Chief Francis Dawa reclining on his hammock
11 and then sent you to fight?

12 JUDGE ITOE: What do you mean by that?

13 JUDGE THOMPSON: Yes, it's a little --

14 JUDGE ITOE: Please, put the questions directly to the
12:11:43 15 witness. Why hammock?

16 JUDGE THOMPSON: Yes, it's rather too problematical. Why
17 is it so necessary for your question? It's as if you're
18 trivialising something.

19 MR KAMARA: Not at all, Your Honour. I'm trying to put a
12:11:59 20 question to him based on the fact that -- I'll rephrase the
21 question.

22 JUDGE THOMPSON: Isn't there another way rather than to
23 bring in this kind of imagery of sitting on his hammock?

24 MR KAMARA: I'll rephrase it, Your Honour.

12:12:16 25 JUDGE THOMPSON: Yes.

26 MR KAMARA:

27 Q. Mr Witness, was Chief Francis Dawa in his town or in his
28 chieftom while you were sent to go forward and fight?

29 A. Yes, he was there.

1 JUDGE ITOE: Chief what, Dawa?

2 MR KAMARA: Yes, Francis Dawa.

3 Q. Now, Mr Witness, let me take you to the battle ground where
4 the actual fighting was going on. Who was co-ordinating the
12:13:11 5 fighting on behalf of the Kamajors?

6 A. At what time?

7 Q. We're still in this same engagement at Blama. I haven't
8 moved from it.

9 A. In 1996, I said it was the chiefs who were organising us.
12:13:36 10 At that time the chiefs had not overthrown -- at the time that
11 the soldiers had not overthrown, we were under the soldiers.

12 PRESIDING JUDGE: No, the question is not that. We're
13 talking about the battle in Blama, as such. The coup has
14 happened and you are under the chief's instructions. That's
12:13:53 15 where we are. Not before the coup, after the coup.

16 MR KAMARA: Thank you, Your Honour.

17 Q. You've informed us that the chief was not in the battle
18 front; is that not so?

19 A. No.

12:14:10 20 Q. Now, at the battle front, who was co-ordinating on behalf
21 of the Kamajors?

22 A. It was only once that the chief gave us cartridges and when
23 we went, we couldn't overcome them, we gave up and ran away.
24 That was only once when he gave us those cartridges.

12:14:32 25 JUDGE ITOE: Mr Witness, the question is not answered.
26 You're not answering the question.

27 THE WITNESS: Okay.

28 MR KAMARA:

29 Q. Do I need to pose it again?

1 A. Yes.

2 Q. At the battle front who was it that was co-ordinating the
3 fighting on behalf of the Kamajors?

4 JUDGE THOMPSON: Perhaps you want another synonym for
12:15:00 5 "co-ordinating" so that we can simplify things. You might think
6 of a synonym for "co-ordinating" and get exactly what you want.

7 MR KAMARA: Yes, Your Honour.

8 MR LANSANA: Excuse me, Your Honours. I'm listening to the
9 Mende interpretation. The interpreter is finding it difficult,
12:15:24 10 exactly like you thought, for a Mende word for "co-ordinate"
11 because he's still using "commanding".

12 JUDGE THOMPSON: Yes. Well, let counsel, with his own
13 forensic ingenuity, help us simplify that concept for the
14 witness.

12:15:41 15 MR KAMARA: Thank, Your Honour.

16 Q. Mr Witness --

17 JUDGE ITOE: Who was leading?

18 MR KAMARA:

19 Q. Who was leading the battle on behalf of the Kamajors at the
12:15:51 20 battle front?

21 A. When juntas dislodged us, I was the one who led the attack
22 when we went.

23 Q. Thank you. Was your group able to capture any soldiers or
24 RUF members?

12:16:41 25 A. At that time we were unable to capture a soldier or a rebel
26 and we went away.

27 Q. Mr Witness, will you tell this Court how many such
28 engagements did you lead?

29 A. After the coup it was only once that we went to Blama.

1 Apart from that we didn't go anywhere.

2 THE INTERPRETER: Your Honours, can he take that again.

3 The last bit was not clear.

4 MR KAMARA:

12:17:39 5 Q. Mr Witness, it has been requested that you answer that
6 question again for the clarification of the interpreters. Can we
7 have your answer again, please?

8 A. I said only once.

9 Q. And if I may shift slightly from Blama. Did you lead your
12:18:07 10 group into any other engagement apart from Blama?

11 A. I did not lead any group to go anywhere to go and fight.

12 Q. Thank you. In your evidence this morning, indeed probably
13 yesterday, you did mention about an appointment. Firstly, you
14 were appointed chiefdom commander?

12:18:50 15 A. Yes.

16 Q. Will you explain to this Court the process of that
17 appointment?

18 A. The process before the appointment was made? Is that what
19 you're talking about?

12:19:25 20 Q. You did give evidence that your fellow Kamajors appointed
21 you; is that correct?

22 A. Yes.

23 Q. How was that done?

24 A. Well, all of us met at the chiefdom barri after we had
12:19:41 25 captured Zogoda. That was when I was given the appointment.

26 Q. And at some point you were promoted to general battalion
27 commander; is that so?

28 A. Yes.

29 Q. Who made the promotion?

1 A. My colleague Kamasois.

2 Q. Where was that promotion made?

3 A. Inside Kenema. Kenema.

4 Q. Was it at a barri or at the CDF headquarters?

12:21:25 5 A. At the CDF office, 27 Kai-Samba Terrace.

6 Q. Thank you, Mr Witness. I take it it was a meeting, is it

7 not?

8 A. Yes, it was at a meeting, yes.

9 Q. Did anyone chair that meeting?

12:22:08 10 A. Yes, it was Mr Evans Gbemeh who was the chairman.

11 Q. Mister who?

12 A. Gbemeh. Evans Gbemeh.

13 MR KAMARA: Your Honour, I believe the spelling is

14 G-B-E-M-E-H. Charles.

12:22:28 15 Q. Did you say Charles? Is that the first name? I didn't get

16 the first name.

17 A. Evans. Evans.

18 Q. Who is this Evans Gbemeh?

19 A. He was one of the elders in Kenema. He was a Kamasoi as

12:22:54 20 well. They were the ones in the War Council in Kenema.

21 Q. Thank you. Were you given a letter of appointment?

22 A. No, they did not give me any letter.

23 Q. Would you agree with me, Mr Witness, that it was the

24 practice to give letters of appointment to general battalion

12:23:59 25 commanders if so appointed?

26 A. Well, in Kenema District we didn't do that.

27 Q. But you agree it was done elsewhere?

28 JUDGE THOMPSON: Just a minute.

29 THE WITNESS: I don't know.

1 JUDGE THOMPSON: Counsel, did you put it to him that it was
2 a practice elsewhere?

3 MR KAMARA: Yes.

4 JUDGE THOMPSON: And he said?

12:24:58 5 MR KAMARA: He said, "I don't know."

6 Q. As general battalion commander you were in charge of the
7 entire Kenema District -- in charge of the Kamajors for the
8 entire Kenema District; is that so?

9 A. Yes, at that time that I was given that appointment.

12:25:30 10 Q. I shall be coming back to that, but let me move you on to
11 the engagement you described at Blama. This time I'm referring
12 to the one that you said ECOMOG was there as well. If I'm wrong,
13 correct me.

14 A. No.

12:26:22 15 Q. In your evidence this morning you testified that you joined
16 the other Kamajors in Blama after the juntas had pulled out?

17 A. Yes.

18 Q. And that the town was now in your hands or "in our hands"?

19 A. Yes.

12:27:01 20 Q. What do you mean by that?

21 A. That the town was in our hands?

22 Q. Yes?

23 A. At that time, that town, ECOMOG and us the Kamajors, we had
24 dislodged the juntas and we were now settled there. That's what
12:27:28 25 I mean.

26 Q. Now, Mr Witness, during that attack was there an encounter
27 with the police at Blama?

28 A. No.

29 Q. Are you aware of any encounter between the Kamajors and the

1 police during that period in Blama?

2 A. No.

3 Q. Mr Witness, do you know any Kamajor commander by the name
4 of Siaka Sheriff?

12:29:25 5 A. Kamajor commander Siaka Sheriff, no.

6 Q. He's otherwise known as Mualemu?

7 A. No, I don't know him.

8 JUDGE ITOE: What's the name again?

9 MR KAMARA: Siaka Sheriff. M-U-A-L-E-M-U, Mualemu.

12:30:07 10 Q. Mr Witness, let me engage your mind slightly to the Blama
11 police station.

12 A. Yes, yes.

13 Q. Do you know any police sergeant called Amadou Musa?

14 A. No.

12:30:29 15 [CDF23FEB06 - RK]

16 A. No.

17 Q. He is now deceased.

18 A. I don't know him. I don't know him.

19 JUDGE ITOE: Amadou Musa?

12:30:53 20 MR KAMARA: Yes, Your Honour.

21 Q. I see you smiling, you must have remembered something; is
22 that so?

23 A. Yeah.

24 Q. Do you want to tell the Court what it is you just

12:31:19 25 remembered relating to this incident?

26 A. No, you've asked me and I'm answering you, but I see you
27 are dancing. You know, I see you dancing like this, you know.

28 Q. No, I'm not dancing, this is a serious matter, Mr Witness.

29 A. Well, I'm seeing you moving from one end to the other so I

1 just thought you were dancing.

2 Q. Okay. All right. Now, have you ever been accused of
3 killing this Sergeant Amadou Musa?

4 A. May the Lord forbid, no, no, no. [Mende spoken]

12:32:39 5 JUDGE THOMPSON: Would the interpreters spell that for us
6 since that does not sound like English?

7 THE INTERPRETER: La, L-A.

8 JUDGE THOMPSON: [Microphone not activated]

9 THE INTERPRETER: Yes, it does. La, L-A. Ilahi,
12:32:53 10 I-L-A-H-I.

11 JUDGE THOMPSON: Yes.

12 THE INTERPRETER: Muhamadu, M-U-H-A-M-A-D-U. L-A
13 S-U-R-U-L-A-H-I, surulahi.

14 JUDGE THOMPSON: Thank you.

12:33:26 15 THE INTERPRETER: It's a pleasure.

16 MR KAMARA: Thank you, Mr Witness.

17 JUDGE ITOE: What would that mean?

18 MR KAMARA:

19 Q. Mr Witness, will you explain what is meant by that for the
12:33:37 20 Court? The meaning of that.

21 A. [Overlapping speakers]

22 JUDGE ITOE: [Overlapping speakers] never, never, you know,
23 we want to put them in their context.

24 THE WITNESS: It is an arabic language suggested that I
12:33:58 25 have never done that. I have never done that. I will never do
26 it. It is forbidden for us to do it.

27 MR KAMARA:

28 Q. Mr Witness, you gave evidence before this Court that
29 sometimes the people of the chiefdom will assist with cartridges

1 to Kamajors; am I correct?

2 A. Yes.

3 Q. Now, did you get such assistance from the people of Blama?

4 A. Yes, very well.

12:35:54 5 Q. Now, Mr Witness, do you know any Brima Marah of Blama?

6 A. Yes, I used to know him.

7 Q. What was his occupation?

8 A. He was a businessman.

9 Q. Dealing in cartridges?

12:36:32 10 A. No, but he was a Kamasoi, he was a Kamasoi chief.

11 Q. And where is he now?

12 A. He has died. The juntas killed him in Blama.

13 Q. Mr Witness --

14 A. Yes.

12:37:19 15 Q. -- I am suggesting to you that you led a troop that killed

16 Brima Marah.

17 A. May the Lord forbid. May the Lord forbid. We were not the

18 ones. It was the juntas; it was not the Kamajors.

19 Q. Will you just answer the questions and stop giving --

12:37:43 20 A. I am not the one. I am not the one.

21 Q. Thank you. Now, let me take you to that issue you spoke

22 lengthily about, that ICRC vehicle.

23 JUDGE ITOE: Mr Kamara --

24 MR KAMARA: Yes.

12:38:27 25 JUDGE ITOE: You lost a bit. From the evidence of this

26 witness, Mr Brima Marah was a businessman, a Kamasoi from what he

27 says -- and he's a Kamajor himself.

28 MR KAMARA: Yes.

29 THE WITNESS: Yes.

1 JUDGE ITOE: What would suggest a particular motive for
2 him, a Kamajor, to attack and kill another Kamajor, who you
3 suggested was even dealing in cartridges.

4 MR KAMARA: Cartridges, yes. Thank you for drawing my
12:39:08 5 attention to that, Your Honour.

6 Q. Mr Witness, it is my suggestion to you - and you may agree
7 with me or not - that Brima Marah was killed because he refused
8 to provide cartridges to the Kamajors.

9 A. No, no, may the Lord forbid.

12:40:19 10 Q. Mr Witness, let me move to the ICRC vehicle you mentioned.
11 You testified before this Court that it was given to you by
12 ECOMOG; am I correct?

13 A. Yes.

14 Q. Why were you given that vehicle?

12:41:00 15 A. At that time I was made general battalion commander and the
16 brigade commander would need me. So that is why he gave me the
17 vehicle.

18 Q. What was the make of that vehicle?

19 A. It was a Toyota Land Cruiser.

12:41:52 20 Q. Was there any inscription on that vehicle?

21 A. Their logo was written on it.

22 Q. Mr Witness, I put it to you that you commandeered that
23 vehicle from the compound of ICRC.

24 A. In fact, I was in Blama. How could I commandeer a vehicle
12:42:38 25 from Kenema? It was the commander who gave it to me. I was not
26 there.

27 Q. Was the vehicle taken to you at Blama?

28 A. He sent for me.

29 JUDGE ITOE: [Overlapping speakers] commander who gave it

1 to you?

2 THE WITNESS: Yes, sir. The brigade major, Major Tony.

3 JUDGE ITOE: Just a minute, please.

4 MR KAMARA: Sorry, Your Honour.

12:43:20 5 JUDGE ITOE: I know we have this evidence already on
6 record.

7 MR KAMARA: Yes.

8 JUDGE ITOE: Yes. You were asking him where he gave it to
9 him.

12:43:37 10 MR KAMARA: Yes.

11 Q. Where did you receive that vehicle?

12 A. At the brigade where they were at reservation. The brigade
13 headquarters. The ECOMOG brigade headquarters.

14 Q. That is in Kenema?

12:43:47 15 A. Yes, sir. And it was there that I handed it over to him.

16 Q. I haven't got to that point yet. Wait.

17 A. Okay.

18 Q. And you spoke about a document at the time the vehicle was
19 handed over that was signed by the ICRC representative or

12:44:30 20 something; did you not?

21 A. Yes. When I handed it over, that is the time that they
22 gave me that paper.

23 Q. Mr Witness, you do read and write English; is that not so?

24 A. Yes, but not very well, not very well.

12:45:27 25 Q. Did you read that document?

26 A. Yes, they read it out to me.

27 JUDGE ITOE: The question is: Did you read that document?
28 You.

29 MR KAMARA: Thank you, My Lord.

1 THE WITNESS: He read it to me.

2 JUDGE ITOE: Did you read that document yourself? Did you
3 read it?

4 THE WITNESS: Yes, but when they read it out to me, that is
12:46:00 5 the time I read it too, but I don't understand it.

6 MR KAMARA:

7 Q. Mr Witness, such a simple question. Don't get yourself
8 confused, okay. You read it. You read it.

9 A. I read it.

12:46:15 10 Q. Fine. Now tell this Court what you read.

11 A. That the vehicle that I have handed over to them was in
12 good working condition. They can work with it.

13 Q. And I believe that a copy was given to you; is that not so?

14 A. Yes.

12:47:43 15 Q. Do you have that copy?

16 A. Yes.

17 Q. Where is it?

18 A. I gave it to Dr Jabbi.

19 MR KAMARA: My Lord, with your leave, I seek to have to
12:48:17 20 inspect that copy that is in the hands of Mr Jabbi, if it is
21 allowable.

22 PRESIDING JUDGE: Mr Jabbi, do you wish to respond to that?

23 MR JABBI: Yes, My Lord. My only response is that it can
24 be made available at a later time, a copy can be made available
12:48:42 25 at a later time, if he wants it.

26 PRESIDING JUDGE: What do you mean by "a later time"?

27 MR JABBI: Later than right now because I don't have it on
28 me.

29 PRESIDING JUDGE: Very well. Thank you, Dr Jabbi.

1 Mr Prosecutor, without disturbing your train of thought on
2 this issue, can you proceed to something different because we're
3 going to be recessing shortly. Obviously during the recess that
4 can be arranged and then come back to it if possible. It is only
12:49:19 5 a suggestion, not a direction.

6 MR KAMARA: Yes, I surely will wait and make a note of
7 that.

8 Q. Mr Witness, you did not voluntarily surrender that vehicle;
9 is that not so?

12:49:45 10 A. I gave it up voluntarily. I gave it to the person that had
11 given it to me. I gave it with all my heart.

12 Q. Did you not receive instructions to surrender that vehicle
13 from the authorities in Kenema?

14 A. It was ECOMOG that sent for me, the brigade major that the
12:50:52 15 people have come for the vehicle. They want to give out notices
16 that I should return it to them and he was the one who gave it to
17 me and I handed it over to him.

18 Q. Now, let me move to SS Camp before we adjourn. In 1999 you
19 were already general battalion commander?

12:51:27 20 A. Yes.

21 Q. And was SS Camp under your command?

22 A. No, we were under ECOMOG.

23 Q. My question does not pertain to ECOMOG. Was it under your
24 command in the sense of the district?

12:51:52 25 A. No, it was under ECOMOG.

26 Q. Is SS Camp part of Kenema District?

27 A. Yes.

28 Q. Were you general battalion commander for Kenema District?

29 A. Yes.

1 Q. Thank you. Do you know any Kamajor by the name of KBA
2 Magona -- KBK Magona?
3 A. Yes, I used to know KBK Magona.
4 JUDGE ITOE: Is it KBK?
12:53:28 5 MR KAMARA: KBK, Your Honour. Yes, KBK; they are initials.
6 JUDGE ITOE: Oh, okay. That is what I wanted to know.
7 MR KAMARA: Yes, sorry, Your Honour.
8 Q. KBK Magona, who was he in the CDF structure in Kenema?
9 A. In Kenema, he had no position in the Kenema District. He
12:53:58 10 is from Pujehun.
11 Q. Now, as general battalion commander of Kenema District,
12 were you aware that this KBK Magona was in charge of SS Camp at
13 some point in time?
14 A. No, I did not know that, not a day.
12:55:09 15 Q. I am suggesting to you that KBK Magona was national task
16 force commander; is that so?
17 A. Well, it was not for Kenema District. Even if he were task
18 force commander, it could not have been for Kenema District.
19 Q. Answer the question, please.
12:55:41 20 A. Well, I did not know him like that, that he was the
21 national task force commander.
22 Q. Thank you. Are you aware of any reports made against KBK
23 Magona during his time at SS Camp?
24 A. No. No. No, I didn't receive any report. No, not me.
12:56:59 25 MR KAMARA: My Lord, will the witness be shown Exhibit 89.
26 PRESIDING JUDGE: Court officer, do you have that exhibit
27 here? Yes.
28 THE WITNESS: What do you want me to do with this?
29 MR KAMARA:

1 Q. Just hold it. Don't get excited, okay. The document you
2 have in front of you, are you able to read it? You can get help
3 if you need.

4 A. I can't read it.

12:59:14 5 Q. Mr Witness --

6 JUDGE ITOE: Don't you think that exploiting this document
7 would take us out of the framework of 1 o'clock?

8 MR KAMARA: Yes, Your Honour, I will wait until we come
9 back.

12:59:33 10 JUDGE ITOE: All right. He has already said he cannot read
11 it, so there may be some other procedures.

12 MR KAMARA: Yes, I'm aware. We can take an adjournment now
13 and I will take up the issue once we come back.

14 PRESIDING JUDGE: Very well. The Court is adjourned until
12:59:52 15 2.30. Court is adjourned.

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

17 [CDF23FEB06D - RK]

18 [Upon resuming at 2.44 p.m.]

19 PRESIDING JUDGE: Mr Kamara, when we adjourned for the
14:43:58 20 lunch recess you were showing to the witness Exhibit 89, but
21 before we get there, you had asked for a copy or to see the
22 document in question. You have received that document?

23 MR KAMARA: Yes, Your Honour. I have been served with the
24 letter.

14:44:16 25 PRESIDING JUDGE: Very well. So back to you now. You had
26 asked the witness to read Exhibit 89 and, if I'm not mistaken, he
27 said that he can't read.

28 MR KAMARA: Yes, Your Honour. With your leave, I will read
29 paragraph 5 to the witness.

1 PRESIDING JUDGE: I don't have a copy of the exhibit in
2 front of me. What's Exhibit 89?

3 MR KAMARA: It is, Your Honour, a letter from ECOMOG to the
4 Honourable Vice-President submitting a report on the activities
14:45:10 5 of KBK Magona.

6 PRESIDING JUDGE: Thank you.

7 MR KAMARA: Thank you very much.

8 Q. Mr Witness, just before I read the document, what did you
9 say is the level of your education?

14:45:38 10 A. I stopped in Form 1.

11 Q. Thank you. Paragraph 5 of this document reads -- and I'm
12 starting on the fourth line with the words "Mr Magona".

13 "Mr Magona was accused of carrying out unlawful arrest,
14 detention, extortion and most cases, killing of innocent
14:46:37 15 people whom he tagged RUF/junta collaborators at the SS
16 Camp."

17 Are you aware of activities in that nature?

18 A. No, I don't know anything about it.

19 Q. All right. I will now read to you the findings from that
14:47:39 20 investigation. It's all contained in the report.

21 PRESIDING JUDGE: What is the page you are reading from
22 now?

23 MR KAMARA: Page 2, paragraph 7. The initial one was page
24 2, paragraph 5. The one I'm putting to the witness now is page
14:47:55 25 2, paragraph 7 and item B.

26 Q. It starts:

27 "The following findings were made out of the investigation.

28 Mr Magona took up appointment as a National Task Force

29 Commander, CDF/SL, in September 1998 and since then

1 law-abiding citizens in Kenema have seen no peace."

2 These are the conclusions of the ECOMOG report as regards
3 the allegations. It says: "Since September 1998 the law-abiding
4 citizens in Kenema have seen no peace." Are you telling this

14:48:57 5 Court you are not aware of any of that activity?

6 A. No. I became battalion commander in 1999. I don't know
7 anything about what you're saying.

8 Q. I know you said 1999 you became --

9 A. I don't know anything about 1998.

14:49:25 10 Q. This is 26th December 1998. You became a commander in
11 early 1999?

12 A. Yes.

13 Q. All right. Now, Mr Witness, let me take you to the Kenema
14 attack. It is your evidence that you came to Kenema later after

14:50:04 15 the attack; is that so?

16 A. Yes, I came there.

17 Q. Did you lead any group into Kenema?

18 A. No, I did not lead any group into Kenema.

19 Q. Who led you into Kenema?

14:50:57 20 A. I said it was Vandi Somotoh.

21 Q. Vandi Somotoh. Now, when you came to Kenema was the
22 fighting still going on?

23 A. Yes.

24 Q. Were you in Kenema during the police encounter with the
14:51:55 25 Kamajors?

26 A. I don't know about that. I didn't see that.

27 Q. Are you aware that there was an encounter between the
28 Kamajors and the police in Kenema during that period?

29 A. No, I don't know about it.

1 Q. Never heard about it?

2 A. Never, no.

3 Q. Thank you. Do you, by any chance, know any Kamajor by the
4 name of Brima Massaquoi?

14:53:04 5 A. No.

6 Q. Now, when you were made battalion commander in 1999, was
7 Kenema divided into sections for CDF operations?

8 A. No. The Kamajors were settled together with ECOMOG. That
9 is what I know. Wherever ECOMOG was based, Kamajors were there
14:53:51 10 with them.

11 Q. Mr Witness, you keep on referring to ECOMOG when I never
12 asked you about it. Were the CDF divided into sections? It's
13 simple. If they were, yes they were. If not, they're not.

14 A. Under our own, no.

14:54:23 15 Q. Thank you. Are you aware that there was a section called
16 the Nyandeyama section?

17 A. Yes, I know Nyandeyama.

18 JUDGE ITOE: It is not a question of knowing Nyandeyama.

19 It is knowing whether there was a section called the Nyandeyama
14:54:56 20 section.

21 MR KAMARA: Yes, Your Honour.

22 THE WITNESS: Yes.

23 MR KAMARA:

24 Q. Who was the commander for that section? The CDF commander
14:55:32 25 for that section, do you know?

26 A. No, I don't know of any commander there.

27 Q. I will tell you. Was he Murrie Vangahun, alias Steve Biko.
28 He was the commander at Nyandeyama. Do you know him?

29 A. No.

1 JUDGE ITOE: Let's have the name, please.

2 MR KAMARA: Yes, Your Honour. Murrie Vangahun.

3 V-A-N-G-A-H-U-N, alias Steve Biko.

4 Q. Mr Witness --

14:56:35 5 JUDGE ITOE: Let's get this clear. Does he say he does not
6 know Murrie Vangahun, alias Steve Biko?

7 MR KAMARA: Yes, that is what I get from his answer.

8 Q. Are you familiar with a group called the Yamorto group?

9 A. No.

14:57:32 10 Q. In your evidence you said you visited SS Camp, didn't you?

11 A. Yes.

12 PRESIDING JUDGE: Although, I mean, my recollection was not
13 that he visited SS Camp, he visited the checkpoint at SS Camp.

14 Maybe I missed that portion, but my recollection was his evidence
14:58:03 15 was that he did go at the checkpoint.

16 MR KAMARA: Yes, Your Honour, it was a checkpoint with a
17 station sort of.

18 Q. It was a checkpoint, but it was more or less a settlement;
19 is that not so? You went to the checkpoint?

14:58:22 20 A. Yes, it is a checkpoint. Checkpoint.

21 Q. Yes, we agree on that. When was that visit?

22 A. 8 February 1999.

23 Q. And who was the commander at that checkpoint?

24 A. Lieutenant Uma, ECOMOG commander.

14:59:15 25 Q. Mr Witness, I'm suggesting to you that at that time it was
26 CO Ngaoujia, a Kamajor that was in command of SS Camp?

27 A. Well, I didn't know of that.

28 Q. At the time of that visit of yours, were you then a
29 battalion commander, general battalion commander?

1 A. Yes, yes. That was the time I went there.

2 Q. So, who would you say represented your office at the SS
3 Camp?

4 A. It was Lahai Fassay that I met there.

15:00:54 5 Q. Thank you.

6 JUDGE ITOE: He met Lahai Fassay there; who was
7 representing him? That is the question.

8 MR KAMARA: I will pose it again.

9 Q. Who was your representative at SS Camp? In other words,
15:01:19 10 who was your boss that you know was there for the CDF?

11 A. It was Lahai Fassay, yes, he was working with them.

12 MR KAMARA: F-A-S-S-A-Y, Lahai Fassay.

13 JUDGE ITOE: L-A.

14 MR KAMARA: L-A-H-A-I F-A-S-S-A-Y.

15:01:48 15 Q. I'm suggesting to you, Mr Witness, Lahai Fassay was a
16 deputy to CO Ngaoujia and you know that.

17 A. No, I don't know about that.

18 Q. Mr Witness, are you familiar with a unit nicknamed
19 the Hungry Lion Unit?

15:02:58 20 A. No.

21 Q. Mr Witness, you've told this Court that you were general
22 battalion commander. You don't know the commanders, you don't
23 know the section, you don't know the units. Now what is it you
24 were doing?

15:03:25 25 A. The ones you've named I don't know about them. I didn't
26 know them.

27 Q. I said, what is it you were doing? I've mentioned the
28 names to you. At a point I did ask you about the different
29 sections, you said you don't know, you were under ECOMOG. And

1 then I started mentioning specific units, you still don't know.
2 Now, my question is: You, as general battalion commander, don't
3 know the units, don't know the different sections, don't know the
4 commanders. What is it you are doing?

15:04:11 5 MR JABBI: My Lord, that array of "don't knows" is unfair
6 to the witness because it is specific things that the witness has
7 said he doesn't know and that preliminary to that question is
8 casting it in very generic terms and that is what the witness has
9 given evidence to.

15:04:37 10 PRESIDING JUDGE: Mr Kamara, do you wish to respond to
11 this?

12 MR KAMARA: Yes, Your Honour. I have asked general
13 questions to which the witness testified in the negative and I
14 asked specific questions and each and every item, for example,
15:04:51 15 like the units, I gave several examples. And even with the
16 commanders I gave several examples to which the answer is still
17 in the negative. And then I came forward with this option that
18 as general battalion commander you don't know the sections, as he
19 has answered. He doesn't know the commanders, as he has
15:05:08 20 answered. Now, my question to him is what is it that he was
21 doing? Let him tell the Court.

22 PRESIDING JUDGE: Objection overruled.

23 MR KAMARA: Thank you, My Lord.

24 Q. Yes, I am waiting for an answer from you, Mr Witness.

15:05:32 25 A. What I was doing?

26 Q. Yes, what is it you were doing as general battalion
27 commander?

28 A. I was general battalion commander. There were other
29 battalion commanders with whom I worked. Battalion commanders

1 were there. We were working together. If ECOMOG was in need of
2 Kamajors, they would inform me and then I would inform the
3 battalion commanders.

4 Q. Mr Witness, could you give us an example of this kind of
15:07:01 5 function that you have just mentioned?

6 A. Yes. There was night patrol in the Kenema township.

7 Q. Yes, what about the night patrol?

8 A. We took Kamajors and handed them over to ECOMOG.

9 Q. Yes.

15:07:40 10 A. They will be given guns, those who hadn't guns and they
11 will go around the town until the next day. If they needed
12 reinforcement, I will tell battalion commanders and then they
13 will give them and then we hand them over to ECOMOG.

14 Q. That is not clear to me, but I will take that as your
15:08:24 15 answer.

16 A. Okay.

17 Q. In your evidence this morning you gave testimony that
18 ECOMOG ordered the attack on Kenema; am I right?

19 A. Yes.

15:08:40 20 Q. Were you there?

21 A. We came to Kenema.

22 Q. My question to you is: Were you there when these orders
23 were given?

24 A. The very day the order was given, I was not there.

15:09:22 25 Q. You were not there, period?

26 A. No.

27 Q. Good. How many days after the initial attack of Kenema did
28 you make it into Kenema?

29 A. When the attack -- when the attack was made the next day we

1 came to Kenema. I was led there by Vandi Somotoh.

2 Q. If I get you right, you gave evidence that you came into
3 Kenema, I think it was on 10th February; was it not?

4 A. Yes, I said I came there.

15:10:30 5 Q. I am suggesting to you that the attack on Kenema started on
6 13th February.

7 A. Well, what I know of when ECOMOG took over there, it was
8 the 18th. That is what I know.

9 Q. You are right. I'm suggesting to you that ECOMOG came into
15:10:58 10 Kenema on the 18th, but on the 13th the Kamajors were already in
11 Kenema. So we're on the same page; are we not?

12 A. No, what I know, we did not enter there. We entered there
13 the same day. That is what I know.

14 Q. You wouldn't know for the 13th, you were not there?

15:11:24 15 A. No, I don't know about that.

16 Q. So, I'm suggesting to you that ECOMOG entered Kenema on the
17 18th.

18 A. It was the very day that we went entered there.

19 Q. All right, we are on the same page. In your capacity as
15:12:05 20 general battalion commander, did you receive any captured
21 combatants?

22 A. Yes.

23 Q. When was that?

24 A. It was in 1999.

15:12:55 25 Q. Could you please explain the circumstances of that, the
26 first occasion that you received captured combatants?

27 A. There was a fight behind Joru. Joru, Gaura Chiefdom.

28 Q. What chiefdom?

29 A. Gaura Chiefdom.

1 MR KAMARA: Your Honours, I believe it is J-O-R-U, and
2 Gaura, J-W-A-R-R-A [sic].
3 MR JABBI: My Lord, if I may be of assistance. G-A-U-R-A.
4 MR KAMARA: G-A-U-R-A?
15:13:49 5 MR JABBI: G-A-U-R-A, Gaura.
6 MR KAMARA: I thought it was A-A-R-I-A. Thank you.
7 PRESIDING JUDGE: Thank you.
8 MR KAMARA: Yes.
9 Q. You were explaining about the captured combatants.
15:14:06 10 A. Yes. Is that what you want me to explain?
11 Q. Yes.
12 A. Okay. The person when the rebels attacked Joru, it was
13 during that time that they captured him. He was called Koker
14 Kokie [phon] Moba. Koker Moba.
15:14:36 15 Q. Slowly please.
16 A. Kokie Koker Moba.
17 Q. K-O-K-I-E?
18 A. Koker. Koker. They called him Kokie. Kokie Moba.
19 Q. K-O-K-E-R. What is the other name?
15:14:47 20 A. They used to call him Koker Moba, that's what I know him
21 for.
22 MR KAMARA: [Microphone not activated] B-A, My Lords.
23 THE WITNESS: He was a Sierra Leonea soldier.
24 Q. All right. Was he handed over to you?
15:15:09 25 A. Yes, and we took him to ECOMOG.
26 Q. Do you have any other instances of captured soldiers or
27 rebels handed over to you?
28 A. Well, there was a rebel who was called Amora. He used to
29 make -- he used to repair guns. We handed him over to ECOMOG.

1 JUDGE ITOE: What was his name?
2 THE WITNESS: Amora. That's what we knew him for.
3 MR KAMARA: A-M-O-R-A, Your Honours.
4 JUDGE ITOE: You captured him and took him to ECOMOG?
15:16:17 5 THE WITNESS: Yes, they brought him to us and we took him
6 to ECOMOG.
7 MR KAMARA:
8 Q. Mr Witness, I was waiting for you to volunteer the name I'm
9 interested in, but since you didn't I will suggest it to you. Do
15:16:42 10 you know Chief Kanneh?
11 A. No, I don't know any Chief Kanneh.
12 Q. Chief Kanneh I?
13 A. No. No.
14 Q. All right. You did mention Lahai Fassay; right?
15:17:09 15 A. Yes. Yes.
16 Q. As the person representing you at SS Camp?
17 A. Yes, he was there to represent the Kamajors.
18 Q. Did that individual hand over to you Chief Kanneh at SS
19 Camp?
15:17:36 20 A. No, nobody had ever given me anybody at SS Camp.
21 Q. Mr Witness, you are in a position to tell this Court if
22 there were children under the age of 15 fighting alongside the
23 Kamajors; is that not so?
24 A. No, no. In fact, we didn't take children to war.
15:19:32 25 MR KAMARA: Can the witness be shown Exhibit 113?
26 PRESIDING JUDGE: 113?
27 MR KAMARA: Yes, Your Honour.
28 PRESIDING JUDGE: What is it?
29 MR KAMARA: That is a declaration of commitment signed by

1 Samuel Hinga Norman to the release of child combatants and child
2 abductees. This was the package under Rule 92 bis.

3 Q. Again, I take it you are unable to read it. I will help
4 you.

15:21:43 5 A. Yes.

6 MR KAMARA: My Lords, Article 1 of that agreement or that
7 declaration --

8 PRESIDING JUDGE: Could you give the full description of
9 the document so there is no doubt as to what it is?

15:22:03 10 MR KAMARA: Yes, Your Honours. It is the declaration of
11 commitment to the release of child combatants and child abductees
12 by the various factions. Article 1 reads:

13 "The parties hereto shall forthwith facilitate the
14 disarmament of all child combatants, that is to say,
15:23:09 15 children under the age of 18 years and bearing arms, and
16 shall take immediate steps to prevent the use of child
17 combatants in any manner whatsoever."

18 Article 2:

19 "The parties hereto shall in tandem with the actions
15:23:52 20 contemplated in Article 1 (above) release, free and cause
21 to be released all children and other persons abducted both
22 during the conflict and after the signing of Lome Peace
23 Accord."

24 Q. You have heard what I read; right?

15:24:30 25 A. I have heard you, yes.

26 Q. And this document was signed by Chief Samuel Hinga Norman?

27 JUDGE ITOE: He did not sign alone.

28 MR KAMARA: Yes, Your Honour.

29 JUDGE ITOE: Read the other signatories.

1 MR KAMARA: Yes. It was signed by Chief Hinga Norman and
2 chairman, Johnny Paul Koroma, chairman of the Committee of
3 Consolidation of Peace. It was also signed by Brigadier-General
4 Mitikishe [phon] Maxwell Khobe and Joanna Van Gapen, medical
15:25:15 5 doctor, and one Mr Joseph Rahall chairman for the National Reform
6 for Human Rights.

7 PRESIDING JUDGE: What is the date?

8 MR KAMARA: 22nd May -- March 2000.

9 Q. Now, having read to you those two articles, would you still
15:25:48 10 subscribe to the fact that children under the age of 18,
11 according to the article, were not part of the CDF?

12 MR JABBI: My Lord, objection to that question. My Lord,
13 the evidence by the witness earlier on in answer to the questions
14 by learned counsel was in respect of children under 15 years.

15:26:19 15 PRESIDING JUDGE: Agreed. Objection sustained.

16 MR KAMARA: Thank you, My Lord. I will rephrase it by
17 changing the years.

18 Q. Would you still subscribe that children under the age of 15
19 were not part of the CDF?

15:26:44 20 MR JABBI: My Lords, objection still.

21 PRESIDING JUDGE: What is your objection now?

22 MR JABBI: My Lords, the document has referred to children
23 under the age of 18 years.

24 PRESIDING JUDGE: I know, yes.

15:26:56 25 MR JABBI: And that may include, but doesn't necessarily
26 include, the children under 15 years. So for that question to
27 arise from the reading of those portions of this document --

28 PRESIDING JUDGE: I think the witness can answer that
29 question the same way you're explaining it.

1 MR JABBI: My Lord, the witness that we have, who has
2 expressed that his level of education is not so high and cannot
3 read --

4 PRESIDING JUDGE: Let the Court appreciate that. I'm not
15:27:33 5 sure I share your views about his ability to understand.

6 MR JABBI: As Your Lordship pleases.

7 PRESIDING JUDGE: Mr Kamara, your question now is you are
8 asking if he was aware of children under the age of 15.

9 MR KAMARA: Yes, having read to him Articles 1 and 2,
15:28:01 10 whether he still subscribes to that view.

11 PRESIDING JUDGE: Yes.

12 THE WITNESS: I hadn't any child during the war and it is
13 only now that I have known this. All those names you've called,
14 I have never seen those before, those who signed this document.

15:28:26 15 MR KAMARA:

16 Q. Don't worry about the people who signed the document. My
17 question is not specific to you. It is the CDF as a group -- the
18 Kamajors. Let me narrow it down to the Kamajors as a group. It
19 is not personal here, not to you. Are you aware --

15:28:43 20 A. Okay.

21 Q. Having taken into account Articles 1 and 2, do you still
22 subscribe to the fact that the Kamajors were not working with
23 children? I mean children under the age of 15.

24 A. In our own area, we didn't work with them.

15:29:03 25 Q. Thank you. And, Mr Witness, are you aware of atrocities
26 committed by Kamajors during your tenure as general battalion
27 commander in Kenema?

28 JUDGE ITOE: Atrocities, I think you better break it down.

29 MR KAMARA: Sure, Your Honour.

1 Q. Are you aware of grave offences committed by Kamajors
2 during your tenure as general battalion commander?

3 MR JABBI: My Lord, it is an unfortunate choice of words in
4 replacement for atrocities, "grave offences." Maybe my friend
15:30:31 5 can break into specific incidents or allegations that he wants to
6 refer to.

7 JUDGE THOMPSON: I share your perception of it. I think he
8 can do better than that.

9 MR KAMARA: Sure, Your Honour. Thanks for the confidence.
15:30:43 10 I will break it down.

11 Q. Are you aware of Kamajors committing murder, for example?

12 A. No. No. I didn't know that.

13 Q. [Overlapping speakers]

14 A. I did not know that at all.

15:31:16 15 Q. And you are equally not aware of Kamajors within the Kenema
16 District committing acts of looting?

17 A. I was not aware about that. No, it was the rule for us not
18 to loot.

19 Q. Forget about the rule for now. Let the witness be shown
15:31:47 20 Exhibit 110-A.

21 MR BOCKARIE: Yes, Your Honour, in future if the
22 Prosecution intends tendering any exhibits, shall we please be
23 notified.

24 PRESIDING JUDGE: They are tendered [overlapping speakers]
15:32:17 25 here in Court.

26 MR BOCKARIE: Yes, yes. Sorry, just for us to know so that
27 we can be shown copies of it.

28 JUDGE THOMPSON: Yes, but the reference -- [Overlapping
29 speakers]

1 JUDGE ITOE: This is a waste of the time of Court. It is
2 an exhibit in court already. And normally what the Court
3 Management does is shows it to you and you have at least a glance
4 at it before it is taken to the witness.

15:32:53 5 MR KAMARA: Thank you, Your Honours.

6 PRESIDING JUDGE: Mr Kamara, this is the document abuses
7 committed by?

8 MR KAMARA: Members of the Civilian Defence Forces. Yes,
9 Your Honour.

15:33:45 10 PRESIDING JUDGE: That's the --

11 MR KAMARA: Yes. And there were highlighted paragraphs
12 that were accepted under Rule 92.

13 PRESIDING JUDGE: The first three paragraphs of that page?

14 MR KAMARA: Yes, yes, Your Honour.

15:34:02 15 JUDGE ITOE: What exhibit is that, again?

16 MR KAMARA: 110-A.

17 JUDGE ITOE: 10-A.

18 MR KAMARA:

19 Q. Before I go into that exhibit, Mr Witness -- I'm sorry, I
15:34:34 20 see you are reading it. I will wait until you finish.

21 A. No, I'm just looking at it. I am not reading.

22 Q. Don't worry. That's okay, I'll come and read it to you.

23 But before going into that document, you recall that I did ask
24 you about a group called the Yamorto group?

15:34:53 25 A. Yes.

26 Q. And you suggested or I'm suggesting to you that this group
27 operated within the Kenema Axis?

28 A. I didn't know that.

29 Q. All right. Now, help the Court by telling us what is the

1 meaning of Yamorto, would you?

2 A. I didn't know about it. I don't know.

3 Q. No, just in Mende, just help the court. Be helpful.

4 A. Something that when you are chewing it is like biscuit, it
15:35:39 5 is soft.

6 Q. Yes, something that is soft?

7 A. Yeah.

8 Q. That is all I needed.

9 A. Yes, yes.

10 Q. I'm suggesting to you, Mr Witness, that this group was
11 known for disembowelment of their victims and removing the heart.

12 A. No, I did not know that. I did not know that.

13 Q. All right. Now, let's go to Exhibit 110-A.

14 MR KAMARA: My Lords, I'm reading the third paragraph under
15:36:34 15 the rubric "killings and mutilation." It reads:

16 "The skill and nature of abuses committed by Kamajors and
17 other members of the CDF differ significantly from
18 atrocities carried out by the AFRC/RUF, but the abuses are
19 less horrific."

15:37:15 20 PRESIDING JUDGE: [Microphone not activated] you skipped a
21 portion.

22 MR KAMARA: All right, Your Honour. I will start with
23 "many witnesses." I think that was accepted.

24 "Many witnesses of abuses committed by Kamajors spoke of
15:37:32 25 the grotesque nature of killings, at times including
26 disembowelment followed by consumption of vital organs,
27 such as the heart. Acts such as these were intended to
28 transfer the strength of the enemy of AFRC/RUF and their
29 civilian supporters" - I'm sorry - "of the enemy to those

1 involved in the consumption. Killings by Kamajors usually
2 targeted people they believed to be members of the AFRC/RUF
3 and their supporters."

4 This is a report from the Human Rights Watch of July 1998.

15:38:58 5 A. I did not know that at all.

6 Q. I haven't asked you any question yet.

7 A. Okay.

8 Q. I haven't asked you anything yet. I'm only helping you to
9 know the source of this information. Do you agree with what I

15:39:20 10 have just read to you as correct?

11 A. No. Kamajors don't even touch corpses.

12 Q. Are you aware of the activities identified in this exhibit?

13 A. I do not know about it at all.

14 Q. Mr Witness, I will suggest to you that you choose to

15:40:32 15 remember what you want to remember; is that not so?

16 MR JABBI: My Lord, My Lord. That is a very unfair
17 question and it is attacking the witness and also it is
18 argumentative.

19 JUDGE THOMPSON: Of course it is argumentative, from my

15:41:05 20 perspective, but to ask a witness whether his memory is

21 selective, is that violating the rules at all? I mean, I'm not

22 sure whether you can say that this comes close to the kind of

23 question that is designed to embarrass or to humiliate, because

24 questions asked a witness which go to credibility, designed to

15:41:38 25 embarrass or humiliate, are clearly impermissible. But a

26 question like this which clearly challenges the credibility of

27 the witness and virtually alleges some kind of selectivity in

28 memory images seem not to me. My own -- again my random judicial

29 thinking on this seem not to me to be impermissible. And if my

1 colleagues are of the same mind, I would mildly overrule the
2 objection.

3 MR JABBI: If indeed they are, My Lord.

4 PRESIDING JUDGE: We will agree. I think you can
15:42:24 5 reformulate your question in a different way that will not raise
6 this objection.

7 MR KAMARA: Thank you, Your Honour. And I have no
8 intentions of humiliating the witness. It is just rigorous
9 cross-examination.

10 PRESIDING JUDGE: Still at times it may achieve that aim
11 unintentionally.

12 MR KAMARA: Yes, Your Honour, and it was not intended.

13 Q. Mr Witness, I will choose the words of Justice Thompson
14 that will help the situation here. I'm suggesting to you,
15:43:04 15 Mr Witness --

16 A. Yes.

17 Q. -- that it appears that your memory is selective.

18 A. I am not selecting. What I know is what I'm talking about.
19 What I know.

15:43:33 20 Q. I will take that. Mr Witness, are you by chance a member
21 of the concerned Kamajors?

22 A. What is concerned Kamajors?

23 Q. It is a group of Kamajors that came together and they have
24 their purpose. I'm going into that. But you know exactly what
15:44:08 25 I'm talking about. If you are not a member, say so.

26 A. No, no, I'm not a member of it.

27 JUDGE ITOE: Concerned, as in concerned?

28 MR KAMARA: Yes, Your Honour.

29 JUDGE ITOE: Thank you.

1 MR KAMARA:

2 Q. And you are a member of the Eastern Region Initiators
3 Development Association, are you denying that again?

4 A. No, I am not a member of it.

15:45:06 5 JUDGE ITOE: Of the Eastern Region?

6 MR KAMARA: Initiators Development Association.

7 Q. Mr Witness, you have been very active in the pro-Norman
8 campaign against the Special Court indictment; is that not so?

9 A. No, no.

15:46:31 10 Q. Have you attended any meetings held anywhere in support of
11 the Chief Norman defence?

12 A. No, not a day have I attended anything of that nature.

13 MR KAMARA: My Lord, that is all for this witness.

14 PRESIDING JUDGE: Thank you. Coming to you first,
15:48:07 15 Dr Jabbi. You wish to re-examine this witness?

16 MR JABBI: My Lord, I don't have any questions in
17 re-examination.

18 PRESIDING JUDGE: Thank you, Dr Jabbi. Mr Bockarie, do you
19 have any questions?

15:48:23 20 MR BOCKARIE: None, Your Honour.

21 PRESIDING JUDGE: So this concludes your evidence,
22 Mr Witness. We thank you for coming to this Court. Just wait,
23 you will be assisted out of the court by the witness protection
24 unit. While we proceed this way, Dr Jabbi, it is quarter to four
15:48:46 25 at this particular time. Do you have any other witness and I
26 pose this question to you with the caveat that the witness has to
27 be finished by the end of the day tomorrow because tomorrow is
28 the last day of the session. This is not a situation where we
29 would like to split the evidence of a witness in two having to

1 continue it to the next session. Having said that, do you have
2 any capability to fulfil this requirement?

3 MR JABBI: My Lord --

4 PRESIDING JUDGE: In other words, it has to be a very short
15:49:25 5 witness.

6 MR JABBI: The only witness we have now on standby is not a
7 very short witness. We cannot, of course, assess how long
8 cross-examination, for instance, may take. It is possible
9 therefore that whilst examination-in-chief will certainly be
15:49:58 10 completed, we do not know how long cross-examination will take.
11 And it is a bit difficult for us to say that the witness will be
12 completed.

13 JUDGE THOMPSON: Isn't it possible also that how long
14 examination-in-chief may take may also be a factor in determining
15:50:21 15 how long cross-examination may take.

16 MR JABBI: Certainly, My Lord.

17 PRESIDING JUDGE: Because you understand the situation will
18 be a difficult one for the witness as well, because it means that
19 the witness cannot speak to anybody about his evidence. It means
15:50:35 20 that the next time we meet in session is after Easter.

21 MR JABBI: That is appreciated. My Lords, my learned
22 friend Sesay is in a much better position to determine how long
23 the examination-in-chief is likely to take.

24 PRESIDING JUDGE: He is the one who will be conducting it?

15:51:02 25 MR JABBI: Yes, My Lord.

26 PRESIDING JUDGE: Mr Sesay, can we --

27 MR SESAY: Yes, My Lord, as my lead counsel has just said,
28 a lot depends on the timetable of the Court now.

29 PRESIDING JUDGE: I told you. The timetable is very clear.

1 We have an hour and a half essentially this afternoon and
2 tomorrow. Tomorrow we will finish at the usual time, 5.30. So
3 that is the ultimate. So we have a session in the morning, in
4 the afternoon and after that we will adjourn to the next sitting
15:51:31 5 session which is after Easter.

6 MR SESAY: Yes, My Lord. Further to that I was informed by
7 my colleague that there was an application before this Court for
8 additional exhibits and additional witnesses.

9 PRESIDING JUDGE: Yes, we heard that yesterday and the day
15:51:49 10 before, but that doesn't answer my question.

11 [CDF23FEB06 - SGH]

12 MR SESAY: My Lord, I am not sure that I will be able to
13 complete as early to suit the time frame, My Lord.

14 PRESIDING JUDGE: Thank you. Can you inform the Court
15:52:18 15 which witness we are talking about here?

16 MR SESAY: It is Hassan Feika.

17 JUDGE THOMPSON: Does the Prosecution have any creative
18 option here, now that we find that we are in a way -- the Court
19 is caught between wanting to do some work for the rest of the
15:52:58 20 time but, at the same, not being oblivious to the fact that it
21 would not be a preference to adjourn a witness's testimony from
22 one trial session to another, as the learned Presiding Judge has
23 just said. Is there some creative option that we are not
24 thinking about that you might just offer us?

15:53:27 25 MR KAMARA: My Lord, I am sorry to disappoint you about the
26 issue of creativity and I am humble to say that, but we are all
27 in the same situation, especially so from experience with these
28 witnesses. Like, for example, this witness. We spent five hours
29 on background before we got to 1997. If that is the same tenure

1 that is going on, we can't see the end of the day by Friday for
2 this witness.

3 JUDGE ITOE: I think Mr Sesay has said it all. He is not
4 in a position to complete his examination-in-chief within the
15:53:56 5 time limits and the time posed.

6 JUDGE THOMPSON: And speaking for myself, I don't think
7 this Court is of the disposition to sit on Saturdays and Sundays.

8 JUDGE ITOE: Oh my God, not even if you gave me an extra
9 cheque added to my salary. I need those weekends.

15:54:30 10 PRESIDING JUDGE: No, to be fair to all parties concerned,
11 I don't think it would be a good achievement if we were to do
12 that. So there is a limit to our capability to absorb this
13 quantity of material that is being filed with the Court.

14 Having said that, given those circumstances, we have no
15:54:44 15 option but to adjourn these proceedings to the next session. So
16 we will not have another witness to be, as we don't have the
17 certainty that this witness, the next witness, will be finished
18 by tomorrow. Then we will adjourn now to the next session which
19 is after Easter. I don't have the dates in front of me but I
15:55:07 20 think it is 2nd May. But I stand to be corrected on that and
21 we'll look at the record, but it's the first session starting
22 after Easter.

23 I think the status conference is schedule for 2nd May and
24 the following day, or the day after -- I think 2nd May is a
15:55:25 25 Tuesday and I think the Thursday we are going to start with the
26 trial per se. So that's what we have in mind. So, essentially,
27 we'll adjourn proceedings to 2nd May for the status conference, I
28 think, at 10.00.

29 MR JABBI: My Lord --

1 PRESIDING JUDGE: Yes, Dr Jabbi.

2 MR JABBI: If I may just make some inquiry. My Lord, we
3 have some decisions being expected from the Court. One, of
4 course, is in connection with our own application for additional
15:56:02 5 witnesses and additional exhibits.

6 PRESIDING JUDGE: Exhibits, yes.

7 MR JABBI: Yes, and also, probably most important of all,
8 the subpoena application.

9 PRESIDING JUDGE: Dr Jabbi, we need not to be reminded of
15:56:21 10 that. We know they've been filed, we know that these matters are
11 important and we will do the utmost to deal with them. That's
12 all I can tell to you. So if you are asking and seeking some
13 indication as to when, well, all I can say is we will do the
14 utmost to proceed with it and the fact that we are not in court
15:56:39 15 tomorrow will assist to allow us to look into these matters as
16 well. But that is all I can tell you. If this is the purpose of
17 your comments at this time, that's all I can tell you.

18 MR JABBI: Thank you, My Lord.

19 PRESIDING JUDGE: Thank you. Mr Kamara, you were up as
15:56:54 20 well.

21 MR KAMARA: I was only standing in deference to the Bench
22 that somebody has to be standing when you are addressing the
23 Court.

24 PRESIDING JUDGE: Thank you.

15:56:59 25 MR KAMARA: Thank you.

26 PRESIDING JUDGE: So having ruled that we are not to
27 proceed any more with any more witnesses, the Court is adjourned
28 until 2nd May. Thank you.

29 [Whereupon the hearing adjourned at 4.00 p.m.,

1 to be reconvened on Tuesday, the 2nd day of May
2 2006, at 10.00 a.m.]
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WITNESSES FOR THE PROSECUTION:

WITNESS: ISHMAEL SENESIE KOROMA	2
EXAMINED BY MR JABBI	2
EXAMINED BY MR BOCKARIE	21
CROSS-EXAMINED BY MR LANSANA	27
CROSS-EXAMINED BY MR KAMARA	31