

THE SPECIAL COURT FOR SIERRA LEONE

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

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

FRIDAY, 11 MARCH 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Mohamed Bangura
Mr Kevin Tavener
Ms Maxine Marcus

For the Principal Defender:

Mr Ibrahim Yillah
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Yada Williams
Mr Martin Michael
Ms Susan Wright

1 Friday, 11 March 2005
2 [The accused Fofana and Kondewa present]
3 [Open session]
4 [Upon reconvening at 9.45 a.m.]
09:48:12 5 WITNESS: TF2-014 [Continued]
6 PRESIDING JUDGE: Learned counsel, good morning, we are
7 resuming the session.
8 JUDGE BOUTET: Mr Tavener, you're ready to carry on with
9 the examination-in-chief?
09:48:50 10 MR TAVENER: Yes, thank you.
11 EXAMINED BY MR TAVENER: [Continued]
12 Q. Mr Nallo, yesterday we were speaking about Base Zero.
13 A. Yes, My Lord.
14 Q. At the time the Kamajors went to attack Bo how many
09:49:21 15 Kamajors were based in and around Base Zero?
16 A. Approximately 15,000.
17 Q. And did those Kamajors then move on to Bo?
18 A. Some went to Koribundu and some went to Bo.
19 Q. Thank you. Moving to Moyamba, you were the commander of
09:49:52 20 that region, you have said?
21 A. Yes, My Lord.
22 Q. Who were the commanders directly below you?
23 PRESIDING JUDGE: Mr Tavener, is the witness saying that at
24 the time of the attack on Bo there were about 15,000 Kamajors in
09:50:17 25 Base Zero?
26 MR TAVENER: That's correct.
27 PRESIDING JUDGE: 15,000?
28 MR TAVENER: 15,000.
29 PRESIDING JUDGE: Thank you, you may proceed please.

1 MR TAVENER: Thank you.

2 Q. With regard to Moyamba, who were the commanders below
3 you -- directly below you?

4 A. Kini Torma.

09:50:42 5 Q. Any others?

6 A. And Sylvester Fakon, also known as Chuck Norris.

7 PRESIDING JUDGE: Sylvester?

8 THE WITNESS: Fakon, F-A-K-O-N, Fakon.

9 PRESIDING JUDGE: Who you were calling?

09:51:04 10 THE WITNESS: Chuck Norris.

11 PRESIDING JUDGE: Chuck Morris or --

12 THE WITNESS: Norris, Norris.

13 PRESIDING JUDGE: Can you spell the Chuck? Is it like the
14 writing chuck?

09:51:17 15 THE WITNESS: C-H-U-C-K.

16 PRESIDING JUDGE: Chuck?

17 THE WITNESS: Norris.

18 MR TAVENER: Thank you.

19 JUDGE BOUTET: Before you carry on, Mr Tavener, it may be a
09:51:43 20 question of terminology, but you have asked the witness if he was
21 the commander of Moyamba District and his answer, if I understood
22 his evidence, was yes. But I also recall that some of his
23 evidence was he was the Regional Director of Operations for -- so
24 was he having many titles or are these consumed in the same -- in
09:52:11 25 other words, he's a commander because he's a commander. I'd like
26 to understand a little bit more on what it is in the
27 organisation.

28 MR TAVENER: Your Honour is correct and I will be going
29 through the organisation shortly. But Your Honour is correct, he

1 was the regional commander, which Moyamba, as he said yesterday,
2 was one of the areas. I will just ask that of the witness.

3 Q. You were the -- you said yesterday you were the Director of
4 Operations South?

09:52:40 5 A. Yes, My Lord, and National Deputy Director of Operations.

6 Q. Did the district of Moyamba come under your control?

7 PRESIDING JUDGE: Let's get this clear. When you say
8 National Deputy Director of Operations, what do you mean? You
9 were the deputy to who?

09:53:11 10 THE WITNESS: I was deputy to Joseph Koroma. Joseph
11 Koroma.

12 PRESIDING JUDGE: Operations?

13 THE WITNESS: Yes, My Lord.

14 MR TAVENER: I will be coming through speaking about the
09:53:25 15 structure shortly.

16 Q. You also were the Director of Operations South; is that
17 correct?

18 A. Yes, My Lord.

19 Q. What areas did that southern region cover?

09:53:43 20 A. Bo, Bonthe, Moyamba and Pujehun.

21 Q. You have mentioned around or prior to the attack on Bo
22 there were 15,000 Kamajors based in and around Base Zero or
23 Talia?

24 A. Yes, My Lord.

09:54:32 25 Q. How many women were living in and around Talia at that
26 time?

27 A. Within Talia township approximately about hundred.

28 Q. Where did those women come from?

29 A. Some of them, they were based in Talia, we met them there.

1 Some of others had come to buy palm oil.

2 Q. What happened to the women who came to Talia to buy palm
3 oil?

4 A. We caught them and we didn't allow them to go away.

09:56:06 5 Q. How many women did you capture?

6 PRESIDING JUDGE: Mr Tavener, do you want him to be very
7 specific?

8 MR TAVENER: If possible.

9 PRESIDING JUDGE: If possible, yes. I think -- well, I am
09:56:30 10 not saying he cannot answer your question, but I'm saying he
11 cannot be very positive on the exact number.

12 MR TAVENER: Not the exact number.

13 PRESIDING JUDGE: I am sure what you are asking for is an
14 approximation.

09:56:42 15 MR TAVENER: That's correct, thank you.

16 Q. Approximately how many women were captured who came to sell
17 palm oil?

18 A. It ranged between 60 to 80.

19 Q. Thank you. What happened to those captured women?

09:57:19 20 A. Well, we the Kamajors were all adults, so we took them --

21 MR WILLIAMS: I take an objection, My Lord. The evidence
22 that is about to be led, My Lord, is completely irrelevant to the
23 charges before Your Lordships. My Lord, I have looked at the
24 eight counts for which the accused persons stand charged. There
09:57:52 25 is nothing about rape or sexual violence against anybody, My
26 Lord. My Lord, this bit of evidence is highly prejudicial, of no
27 probative value and is geared towards embarrassing the accused
28 persons, My Lord.

29 PRESIDING JUDGE: Mr Tavener?

1 MR TAVENER: One, I would suggest the objection is
2 premature; the evidence hasn't been given, but I accept my friend
3 may not have a choice there. Secondly, as to what happened to
4 the women, it can fall under a number of different counts on the
09:58:34 5 indictment; including count 3, which is inhumane acts, count 4,
6 which relates to serious mental and physical harm, also
7 terrorisation of civilians. It falls under a number of different
8 areas. We haven't got to the stage of exactly what happened to
9 the women. If it's described -- I am not seeking any great
09:58:57 10 details about what happened to the women, simply one or two
11 further questions on this area and that will be it. But
12 certainly it is relevant to the indictment as it currently
13 exists.

14 PRESIDING JUDGE: What if the evidence which you are
09:59:12 15 eliciting takes us to counts which are not included in the
16 indictment?

17 MR TAVENER: The evidence will only go as far as I say.

18 PRESIDING JUDGE: Although, you know, I would also say that
19 there was already an indication from the witness the Kamajors
09:59:33 20 were adults and so on, he was going in to maybe what Mr Williams
21 objected to.

22 MR TAVENER: I won't be asking questions about consent or
23 anything of that nature, simply what happened to the women. Now,
24 if the witness describes something further, say for instance a
09:59:53 25 physical act or whatever, I'm not going to take it any further --

26 PRESIDING JUDGE: Would it be fair for the Defence if
27 evidence is adduced on matters that are crucial and are not
28 included in the indictment? This is the problem. This is where
29 the objection is made.

1 MR TAVENER: I understand that. Firstly, I won't be taking
2 any further than what happened to the women. I won't be taking
3 it to the stage where Your Honours would be required to make a
4 decision whether or not what happened to them was consensual or
10:00:24 5 otherwise, so I will be stopping before then. And, secondly, if
6 it is of a nature ultimately that Your Honours regard as
7 irrelevant, then Your Honours will treat it in that way.

8 PRESIDING JUDGE: You can go on with your cross-examination
9 but these are the concerns which have been expressed.

10:00:42 10 MR TAVENER: I will not take it very far.

11 PRESIDING JUDGE: And in any event, if you are crossing
12 bounds, I am sure the Defence would do what they should do.

13 MR TAVENER: Thank you.

14 MR YILLAH: My Lord, I'm sorry to interrupt. In addition
10:01:00 15 to what my learned friend Mr Williams has said, this subject is
16 presently the subject matter of proceedings by way of motion for
17 Your Lordships regarding the line of evidence that the witness is
18 pursuing -- is presently before Your Lordships.

19 PRESIDING JUDGE: Which motion?

10:01:24 20 MR YILLAH: Where the Prosecution sought to bring -- I
21 don't know, My Lord, whether the witness should be here when
22 we're raising these issues. I would like to address that issue.

23 PRESIDING JUDGE: I think the witness can be taken out for
24 some time.

10:01:57 25 MR YILLAH: As My Lord please.

26 PRESIDING JUDGE: Mr Witness, you'll go out for some time.

27 [The witness stood down]

28 PRESIDING JUDGE: The witness is out.

29 MR YILLAH: My Lord, there is presently a motion before

1 Your Lordships's court which is titled "Prosecutor's Urgent
2 Motion For Ruling on the Admissibility of Evidence", which said
3 motion sought to bring sex crimes under other inhumane acts. I
4 don't want to raise the history about Your Lordships ruling on
10:02:57 5 the earlier [inaudible] sought by the Prosecution for amendment,
6 My Lord. My Lord, in this motion the Defence has put in a
7 response, the Prosecution has also replied, and that issue is yet
8 to be resolved by Your Lordships. And it would appear to me that
9 if the Prosecution is leading or seeks to lead evidence on this
10:03:21 10 issue, that would, to my mind, subject to what Your Lordships'
11 thoughts are, be a roundabout way of in fact circumventing
12 Your Lordships' previous order on sex crimes.

13 JUDGE THOMPSON: Speaking for myself, if we accept what you
14 say as entirely accurate, and if the evidence now sought to be
10:03:52 15 led is precisely in terms of substance what is in fact the
16 substratum of the motion, then it would seem to me that your
17 analysis and appreciation of the Prosecution's approach would be
18 right. In that regard, if that is the case, I certainly would be
19 reluctant to allow the Prosecution to go that route, as the
10:04:29 20 Americans would say. Because it clearly would be in fact
21 subverting a process that is already in motion. But I say this
22 with the caution that you have represented to us as accurately as
23 possible what the subject matter is about. That is the only
24 short contribution I wish to make.

10:04:53 25 MR WILLIAMS: Furthermore, My Lords, I am sure the
26 Prosecution will not gainsay that that is the nature of the
27 evidence they are about to lead, My Lord. This witness made over
28 300 pages of statement. We have them, they have disclosed them
29 to us and we know exactly -- you know, at this stage, the kind of

1 evidence they are about to lead.

2 JUDGE THOMPSON: In other words, the subject matter of the
3 motion from the Prosecution is the very admissibility of the
4 evidence that is now being sought to be led.

10:05:34 5 MR WILLIAMS: Yes, My Lord.

6 JUDGE BOUTET: I, too, would like to be recognised for the
7 record. You say, Mr Williams, that there is absolutely nothing
8 in the indictment, and I am not referring to rape per se, but I
9 would just draw your attention to some of the descriptions in the
10:05:50 10 indictment, and especially when it is with count 2: Violence to
11 life, health, physical and mental wellbeing of persons. You know
12 that can be accomplished by various methods. Physical violence
13 and mental suffering are counts 3 and 4, between November and
14 April '98 at various locations including, and there is a
10:06:11 15 description. B, intentional infliction of serious mental harm
16 and serious mental suffering on a number of civilians, as such,
17 in the districts of Moyamba and so on.

18 So without going into the details of whatever Mr Yillah has
19 raised about the motion, a prima facie look and reading of these,
10:06:34 20 as such, would allow this type of evidence, I would say, at this
21 particular juncture. Not talking of rape as rape as such, but as
22 physical violence to women and may be done in different fashion
23 as such. I don't see why you say that the charges as they are
24 laid at this time, and as they exist, would not allow this kind
10:06:55 25 of evidence to be admitted. I speak for myself.

26 MR WILLIAMS: Apart from stipulating the statement of
27 offence, My Lord, they went on to provide particulars, and these
28 sort of -- the evidence about to lead, My Lord, was not in those
29 particulars. I mean, we should not be taken by surprise.

1 JUDGE BOUTET: Which particulars?

2 MR WILLIAMS: Apart from -- you see the counts are added.

3 Physical violence and mental suffering, then they go on, after

4 that, to specify the particulars, what they will be relying on to

10:07:33 5 prove these offences.

6 JUDGE BOUTET: Yes, intentional infliction of serious

7 mental harm and serious mental suffering on an unknown number of

8 civilians by, and so on and so on. So this is a fairly wide

9 language as such.

10:07:57 10 JUDGE THOMPSON: My difficulty is that we seem to be here

11 sort of caught in a penumbra of uncertainty. I am not clear in

12 my mind what the Prosecution is about to elicit. The witness

13 began by saying, "We Kamajors are adults." I don't know whether

14 that unlocks the door to what may be coming next, to put you on

10:08:32 15 guard, as you have rightly done, to go on guard thinking that

16 some surprises may be lurking in that kind of question.

17 My approach would be that, for an abundance of caution, if

18 the subject matter of the Prosecution's motion relates precisely

19 to that line of examination-in-chief, it would clearly defeat the

10:09:05 20 purpose of the pending motion if for some reason we admit the

21 evidence which is about to be led if it is precisely the same.

22 No court acts in vain. Courts do not act in vain. So my

23 position would be firmly that clearly if what you have

24 represented is accurate that we tread extremely cautiously here

10:09:36 25 having regard to the rights of the accused persons.

26 MR WILLIAMS: Yes, I agree with Your Lordship's analysis in

27 its entirety, My Lord. Furthermore, we have disclosed materials

28 and we know exactly what is about to be led, My Lord. Yesterday

29 I actually had a word with the Prosecutor and told him that we

1 would be objecting to this line of examination-in-chief.
2 Furthermore, there is a ruling of this Court - I mean, when such
3 evidence was about to be led by the Prosecution - in which
4 Your Lordships ruled that they're inadmissible. I believe the
10:10:14 5 Prosecution should have taken the cue from that ruling, My Lord.

6 JUDGE BOUTET: What ruling are you talking about?

7 MR WILLIAMS: We have taken similar objections in the past
8 to the Prosecution leading this sort of evidence, which has been
9 upheld.

10:10:31 10 JUDGE BOUTET: You should show me that ruling; I have no
11 recollection of what you are talking about. It may be so.

12 MR WILLIAMS: I am speaking from the bar, My Lord.

13 PRESIDING JUDGE: No, no, no.

14 MR WILLIAMS: It's in the transcript, My Lord.

10:10:43 15 PRESIDING JUDGE: Mr Williams, please, don't say you are
16 speaking from the bar. You were put on notice, from what you are
17 saying, by the Prosecution and you said you were going to object
18 to this. I thought that ordinarily if you had any authorities
19 you should have been armed with them in order to be able to speak
10:11:01 20 not just from the bar but from concrete authority which the Court
21 is interested in.

22 In any event, I think that for us to tread on the side of
23 caution the Prosecution can continue examining this witness but
24 not on matters that border on the motion that is pending before
10:11:28 25 this Court. We have to be extremely cautious about that because
26 there is a matter that is sub judicial and we have not yet
27 determined that motion. It is important that you don't examine
28 or adduce evidence that you are seeking to adduce in the motion
29 that you have filed and which has been examined by all the

1 parties.

2 MR TAVENER: I understand that, Your Honour, and I accept
3 what His Honour Judge Thompson has said. What I am suggesting is
4 I am not going into the question of consent. Perhaps if I could
10:12:04 5 ask the witness one more question and that is: Did these women
6 become the wives of Kamajors?

7 PRESIDING JUDGE: No, no, no. Then it becomes a
8 problematic. It becomes problematic.

9 MR TAVENER: But I am not suggesting rape, I am not
10:12:20 10 suggesting contra consensual --

11 PRESIDING JUDGE: No. Well, that is it. If they were
12 captured like you have led evidence, it means they came to buy
13 oil but were kept, retained on this other side against their
14 consent.

10:12:36 15 MR TAVENER: They might have liked their captors.

16 PRESIDING JUDGE: What other element of rape would you want
17 than that?

18 MR TAVENER: Then I won't take --

19 JUDGE THOMPSON: But you do agree that we are really on the
10:12:48 20 borderline of permissibility and impermissibility. It is a very
21 delicate line and it is not always easy to draw. It always
22 confronts the Court with that kind of problem. That is why we
23 are saying that perhaps it would seem to be that the prudent
24 approach - judicial approach and prosecutorial approach - is to
10:13:08 25 err on the side of caution.

26 MR TAVENER: I accept what Your Honour has said and I will
27 move on.

28 PRESIDING JUDGE: Mr Tavener, I think it is good for us to
29 proceed neatly. There is a decision of this Court that refused a

1 joinder of sexual offences in this particular matter. Are you
2 aware of that decision?

3 MR TAVENER: I am aware of that decision.

4 PRESIDING JUDGE: It should not come through the back door.

10:13:29 5 JUDGE BOUTET: I don't think we should embark upon that
6 because this is exactly the motion that's been filed that is
7 related to that. So we -- [Overlapping speakers]

8 JUDGE THOMPSON: My learned brother --

9 PRESIDING JUDGE: There is a decision of this Court already
10:13:38 10 which has decided, you know, that sexual offences should not be
11 joined to this particular indictment.

12 JUDGE THOMPSON: And my learned brother the Honourable
13 Justice Boutet would appreciate that until and unless the Appeals
14 Chamber has pronounced upon this, that is the law. That is the
10:13:57 15 law until it is overturned by a higher chamber. I am sure my
16 learned brother appreciates that and if it is the ruling of the
17 majority of this Court we are bound by it.

18 JUDGE BOUTET: I am not disputing what the law is all
19 about. All I am saying is along the same comments that you made
10:14:16 20 as to the fact that there is a motion pending that is sub
21 judicial and that deals with that very issue as such, I and the
22 Bench should not make any comments and/or pronouncement that
23 would prejudice --

24 PRESIDING JUDGE: There is absolutely --

10:14:34 25 JUDGE BOUTET: -- any decision -- [Overlapping speakers]

26 PRESIDING JUDGE: I think we should understand ourselves
27 here. There is a difference between commenting on the motion
28 that is pending and commenting on an issue that is already a
29 fact. It is a fact that there is a decision on this issue. Is

1 that not the situation?

2 MR TAVENER: Yes, Your Honour, and I --

3 JUDGE THOMPSON: The emphasis is that it is a fact that
4 that is the law until it is overturned by a higher tribunal. The
10:15:00 5 law does not go in abeyance because there is an interlocutory
6 appeal. It stays the law until a higher tribunal says it is not
7 the law.

8 JUDGE BOUTET: To my knowledge there is no interlocutory
9 appeal.

10:15:14 10 MR TAVENER: I accept what Your Honours are saying. Your
11 Honours have a different view from me, but I accept what
12 Your Honours are saying, in that upon these women being captured,
13 from that Your Honours have inferred that there was lack of
14 consent should sex have occurred.

10:15:32 15 PRESIDING JUDGE: Amounts to rape.

16 MR TAVENER: Your Honour takes that view. I would take it
17 one step further and require the women to say that, but I accept
18 Your Honours' analysis. Therefore I can't take it any further in
19 the light of Your Honours' ruling.

10:15:46 20 PRESIDING JUDGE: You go and you buy oil, and instead of
21 going back with your oil and your money you are retained as a
22 wife. What other thing do you want? I think there are certain
23 obvious things we should not insist on.

24 MR TAVENER: I accept Your Honour's analysis and the
10:16:00 25 inference you've drawn from those facts. I won't -- [Overlapping
26 speakers]

27 PRESIDING JUDGE: Yes. Can we call in the witness and
28 proceed on other grounds, please.

29 [The witness entered court]

1 MR TAVENER:

2 Q. Mr Witness, you mentioned earlier that the Kamajors at Base
3 Zero were all adults. What was the range of ages of the Kamajors
4 at Base Zero?

10:18:25 5 A. In the first place, I didn't remember when I said all of
6 them -- all of us were adults. I said some of us were adults.
7 The ages ranged around 6 years. There are Kamajors who were 8
8 years old, there were Kamajors who were 12 years --

9 THE INTERPRETER: My Lords, can the witness take that
10:19:17 10 again.

11 JUDGE THOMPSON: Could you slow down, please, so we can
12 have the evidence actually recorded.

13 PRESIDING JUDGE: Six years, 8 years, 12 years. Then?

14 THE WITNESS: [Translation interrupted]

10:19:40 15 PRESIDING JUDGE: No, you said you had Kamajors 6 years,
16 Kamajors 8 years.

17 THE WITNESS: Starting from 6 years, 8 years, 12 years, 15
18 years, 28 years.

19 PRESIDING JUDGE: Yes?

10:19:52 20 THE WITNESS: There were Kamajors who were 50 years old and
21 there were others who were 70 years old.

22 MR TAVENER:

23 Q. At what age could a Kamajor go to the war front?

24 A. They could be one year. As long as you have been
10:20:38 25 initiated, if you can, then you would go to the war front. As
26 long as you've joined the Kamajor society.

27 Q. Did you know a Kamajor called Junior, J-U-N-I-O-R -- Junior
28 Spain?

29 A. Yes, My Lord. Yes, My Lord.

1 Q. How did you know Junior Spain?
2 PRESIDING JUDGE: Wait, wait, wait.
3 JUDGE BOUTET: Spain like Spain?
4 MR TAVENER: As in Spain.
10:21:31 5 THE WITNESS: He is a Kamajor. I knew him as a Kamajor.
6 He was a small boy.
7 MR TAVENER:
8 Q. Did you know him at Base Zero?
9 A. Yes, My Lord.
10:21:56 10 Q. How old was he at Base Zero?
11 A. He was around 12 to 15 years. I cannot be so certain
12 because I did not give birth to him.
13 Q. Did you know a Kamajor called Vanjawai?
14 A. Yes, My Lord.
10:22:35 15 Q. Was he under your control?
16 A. Yes, My Lord, under my region. He was not directly under
17 my control. He was attached to Dr Allieu Kondewa.
18 Q. Are you aware of whether or not Vanjawai was ever dealt
19 with by the War Council?
10:23:34 20 A. I don't know. The War Council didn't deal with things,
21 they recommended, but nothing happened. Instead the National
22 Coordinator --
23 JUDGE THOMPSON: Learned counsel, they recommended what?
24 THE WITNESS: They recommended that he should -- Vanjawai
10:24:02 25 should be punished to Chief Hinga Norman, our National
26 Coordinator, who had the absolute power to do anything at Base
27 Zero. Instead of him punishing him, he called a meeting of War
28 Council commanders.
29 PRESIDING JUDGE: Punishing him for what? Punishing him

1 for what? We're moving -- we're just --

2 MR TAVENER: We're coming back to that, but I will ask the
3 witness.

4 PRESIDING JUDGE: Let's lead this evidence the way it
10:25:12 5 should be led, follow certain sequences before we arrive at
6 punishments.

7 MR TAVENER: I was going to come back to that, Your Honour,
8 once we went the other way. I will start here.

9 Q. Why was Vanjawai to be punished?

10:25:24 10 A. I went to the war front at Gbonima village. Gbonima
11 village in the Jiama Bongor Chiefdom in Bo District.

12 PRESIDING JUDGE: You say in Gbonima village?

13 THE WITNESS: Gbonima, yes, My Lord. Vanjawai killed one
14 pregnant woman called Jeneba. His boys killed in Sulehun village
10:26:48 15 one Juma Joe Betty.

16 PRESIDING JUDGE: The boy was killed in which village?

17 THE WITNESS: Sulehun.

18 PRESIDING JUDGE: They killed who?

19 THE WITNESS: One Juma Joe Betty. I wrote a report about
10:27:40 20 that and I brought it. I told the Director of War and we went to
21 the War Council. Then Juma Joe Betty, who was killed, I took his
22 elder brother and carried him to Base Zero. I told Musa that I
23 was taking him to Base Zero and nothing would happen to him, that
24 they would see for themselves that I have absolute power -- that
10:29:20 25 I haven't got absolute power. When we reached Base Zero the
26 report that I wrote concerning Gbonima, because Jeneba's people
27 refused to go to Base Zero, I did my own recommendation and I
28 submitted a copy of that letter to the Prosecutor - my own copy -
29 what Vanjawai did.

1 JUDGE THOMPSON: Can he cover that ground again? It is a
2 little entangled somehow.

3 THE WITNESS: The pregnant woman, Jeneba, who was killed by
4 Vanjawai at Gbonima village, her people refused to go to Base
10:30:27 5 Zero when I asked them to accompany me to Base Zero for them to
6 put their own case, but they refused.

7 PRESIDING JUDGE: But Musa went with you?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Because you assured him that nothing
10:30:47 10 would happen to him?

11 THE WITNESS: Yes, My Lord.

12 MR TAVENER:

13 Q. And that is the matter that went before the War Council?

14 A. Yes, My Lord.

10:31:18 15 Q. And the War Council made a recommendation to the National
16 Coordinator, Hinga Norman?

17 A. Yes My Lord.

18 MR YILLAH: My Lord.

19 MR TAVENER: He said that earlier.

10:31:31 20 MR YILLAH: Did he say that?

21 MR TAVENER: Yes.

22 MR YILLAH: I was just following. Your Lordships had
23 earlier said that we should allow witnesses to give their stories
24 for it to flow. It appears -- I don't know, except --

10:31:45 25 JUDGE BOUTET: The witness has said the War Council
26 recommended things for punishment to Hinga Norman.

27 MR YILLAH: Generally.

28 PRESIDING JUDGE: He was the supreme commander in Base
29 Zero.

1 MR YILLAH: Generally.

2 JUDGE BOUTET: But he had said also in this case --

3 PRESIDING JUDGE: No, no, in this case.

4 JUDGE BOUTET: -- that he had made recommendation. In

10:32:01 5 fact, he said --

6 PRESIDING JUDGE: In this case.

7 MR YILLAH: Thank you, My Lord.

8 PRESIDING JUDGE: He said the War Council had made it's

9 recommendation. What we don't have on record is what the

10:32:08 10 recommendation was.

11 MR TAVENER: That's my next question, thank you.

12 JUDGE THOMPSON: The recommendation, according to the

13 record, was for punishment. For punishment for what?

14 PRESIDING JUDGE: The type of punishment, that is it.

10:32:19 15 MR TAVENER:

16 Q. Mr Nallo, what was the punishment recommended by the War

17 Council for Vanjawai's acts?

18 A. I recommended punishment for Vanjawai, that they should

19 either execute him -- [translation interrupted]

10:32:45 20 JUDGE THOMPSON: Learned counsel, would you take him back.

21 You asked for the recommendation of War Council. He's telling

22 what he did.

23 MR TAVENER:

24 Q. What was the recommendation of the War Council?

10:32:56 25 PRESIDING JUDGE: No, let's start. Because he made a

26 report which he submitted to the National Director of War before

27 they took the mater to the War Council. What was his own

28 recommendation? That is where he is.

29 THE WITNESS: My own recommendation?

1 MR TAVENER: Yes.

2 THE WITNESS: I recommended that Vanjawai has killed
3 somebody at the war front, innocent people, and that he should be
4 punished. The punishment that should be meted out to him should
10:33:24 5 be very severe, My Lord.

6 PRESIDING JUDGE: Was he talking of execution a couple of
7 minutes ago? Didn't you?

8 THE WITNESS: Yes, My Lord, I said very severe punishment.

9 PRESIDING JUDGE: [Overlapping speakers] before. You have
10:33:43 10 to be very consistent with what you are saying.

11 THE WITNESS: I said he should be executed.

12 PRESIDING JUDGE: For killing an innocent civilian. That
13 is what you said?

14 THE WITNESS: Yes, like the pregnant woman whom I saw.

10:34:21 15 PRESIDING JUDGE: Did you see this woman yourself?

16 THE WITNESS: Yes, My Lord.

17 PRESIDING JUDGE: What did you see of her?

18 THE WITNESS: Well, she had been shrouded. The way I saw
19 her distended stomach I concluded that in fact she had been
10:34:46 20 pregnant.

21 PRESIDING JUDGE: It was her corpse you saw?

22 THE WITNESS: Yes, I saw her corpse.

23 MR TAVENER:

24 Q. What was the recommendation of the War Council?

10:35:21 25 A. The War Council said they will transfer this kind of case
26 to Mr Norman, but they said --

27 THE INTERPRETER: My Lords, the witness is very fast.

28 PRESIDING JUDGE: Wait, wait, wait, you talk too fast.

29 Mr Nallo, please, go slowly. I know it is difficult at your age

1 to change the way you speak. You are used, maybe, to operational
2 commands and talking very fast. Try to go very slowly. We are
3 not in the war front here.

4 THE WITNESS: Okay, My Lord.

10:36:12 5 PRESIDING JUDGE: Okay, go slowly then. Can we now hear
6 you. You say the War Council did what?

7 THE WITNESS: The War Council said they can't touch that
8 case --

9 PRESIDING JUDGE: The War Council said they could not touch
10:36:30 10 that case?

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: [Microphone not activated]
13 recommendation?

14 THE WITNESS: Yes, My Lord. Because the National
10:36:52 15 Coordinator, Chief Hinga Norman, had threatened them and created
16 fear in them regarding the Kamajors. That if they do not stop
17 killing Kamajors who are causing havoc, the Kamajors have guns,
18 if they kill them, they would have nobody to blame but they would
19 have themselves to blame.

10:37:56 20 PRESIDING JUDGE: Take that again.

21 THE WITNESS: The War Council members said --

22 PRESIDING JUDGE: Wait, wait, wait. Said because?

23 THE WITNESS: The War Council members said Norman had
24 created fear in them, that if they did not stop reprimanding the
10:38:25 25 fighters --

26 PRESIDING JUDGE: If they did not stop reprimanding the
27 fighters, yes?

28 THE WITNESS: If anything happens to them at Base Zero they
29 would not blame anybody.

1 PRESIDING JUDGE: What thing?

2 THE WITNESS: If the fighters kill them they wouldn't blame
3 anybody.

4 JUDGE THOMPSON: Them, referring to? Them referring to
10:39:32 5 whom? Because you've been saying them, them.

6 THE WITNESS: The War Council members.

7 JUDGE THOMPSON: It is ambiguous.

8 THE WITNESS: They said the Kamajors were going strictly by
9 orders from Hinga Norman. Automatically we transferred the case
10:41:00 10 to Norman. Musa Joe Betty, the brother of Juma Joe Betty, who
11 went to Base Zero, he was there for two weeks and nothing
12 happened regarding that case. Instead Vanjawai was threatening
13 Musa Joe Betty that if he didn't leave Base Zero, he would see
14 what would happen to him. When Musa Joe Betty told me that, I
10:42:44 15 approached Vanjawai and asked him if that is what he said. He
16 said I should get out of his sight.

17 MR TAVENER:

18 Q. Was any punishment ever imposed on Vanjawai?

19 A. I have not completed my story. I took Musa Joe Betty to
10:44:02 20 Chief Hinga Norman --

21 PRESIDING JUDGE: Wait.

22 THE WITNESS: -- for me to explain to him what Vanjawai had
23 said. When I started the explanation, Chief Norman pretended to
24 be sleeping. So I told Musa Joe Betty that, "Your security is
10:45:22 25 guaranteed because I brought you here. I do not stay at Base
26 Zero, I do go and come. Therefore, I would go to Kpetewoma Lugbu
27 in the evening. I would carry you on my bike." I didn't leave
28 him there. I took him back to where he had come from.

29 PRESIDING JUDGE: To his village?

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: So he did not succeed to see Norman?

3 THE WITNESS: At all.

4 MR TAVENER:

10:46:42 5 Q. Was Vanjawai ever punished?

6 A. No, My Lord.

7 Q. I now want to ask you some questions about the structure of
8 the CDF at Base Zero. You have mentioned a number of times about
9 the role of the national coordinator and you have also mentioned

10:47:12 10 the Death Squad. What was the relationship between the Death
11 Squad and the national coordinator?

12 A. The Death Squad, it was a group that was based at Base Zero
13 headed by Borbor Tucker who we called Jambayama [phon].

14 Q. My question, however, Mr Witness, is: To whom did the
10:48:16 15 Death Squad report?

16 A. The direct boss was Chief Hinga Norman. They reported to
17 nobody.

18 Q. Are you familiar --

19 PRESIDING JUDGE: What you're saying is they reported to no
10:48:46 20 other person?

21 THE WITNESS: Yes, My Lord.

22 MR TAVENER:

23 Q. You've spoken about the War Council and they made
24 recommendations. To whom did the War Council make
10:49:10 25 recommendations?

26 A. To the national coordinator of CDF Chief Hinga Norman.

27 Q. You've spoken about Allieu Kondewa. To whom did he report
28 to?

29 A. There were three persons. I wouldn't know who was

1 reporting to whom. When this one speaks it will go to the other
2 one. It's like the Son and the Holy Spirit.

3 PRESIDING JUDGE: The Holy Trinity.

4 THE WITNESS: Yes, My Lord. It's the trinity.

10:50:48 5 MR TAVENER:

6 Q. Who were in the trinity?

7 PRESIDING JUDGE: Please, hold on. Wait, Mr Witness.

8 Wait. Yes.

9 MR TAVENER:

10:50:49 10 Q. Who were the persons in the trinity?

11 A. Well, Chief Hinga Norman was the boss -- God. Chief Hinga
12 Norman was the God, sorry. Moinina Fofana the Son.

13 PRESIDING JUDGE: And Kondewa the Holy Spirit.

14 THE WITNESS: And the high priest is the Holy Spirit.

10:51:30 15 MR TAVENER:

16 Q. What position did Moinina Fofana hold? Did he have a
17 title?

18 A. He was the director of war.

19 Q. And below the director of war was there another level?

10:51:55 20 A. Yes, My Lord.

21 Q. And what level was that?

22 A. We had the deputy director of war, Musa Orinko.

23 Q. And below him was there another level?

24 A. Yes, My Lord. National director of operations.

10:52:38 25 PRESIDING JUDGE: That was below Orinko?

26 THE WITNESS: Yes, My Lord.

27 PRESIDING JUDGE: And who was this?

28 THE WITNESS: Joseph Koroma. We had the national deputy
29 director of operations.

1 PRESIDING JUDGE: Albert Nallo?

2 THE WITNESS: Of course, My Lord.

3 MR TAVENER:

4 Q. You mentioned also that you were a regional director of
10:53:38 5 operations; is that correct?

6 A. Yes, My Lord, for the southern region. I held two
7 positions.

8 Q. Were there other regional directors of operations --

9 PRESIDING JUDGE: Mr Tavener, please.

10:53:59 10 MR TAVENER: I'm sorry, Your Honour.

11 Q. Were there other regional directors of operations?

12 A. Yes, My Lord.

13 Q. Can you tell the Court please?

14 A. Musa Junisa, director of operations eastern region.
10:55:01 15 Dr Mohamed Mansaray, director of operations northern region.

16 PRESIDING JUDGE: That was all. Was that all?

17 THE WITNESS: We had --

18 PRESIDING JUDGE: No, no. You only have directors of
19 operations for the eastern and the northern regions. Is that all
10:55:44 20 you had?

21 THE WITNESS: We had director of operations western region,
22 but I was waiting -- western area.

23 PRESIDING JUDGE: Who was he?

24 THE WITNESS: Pa Lungba [phon]. Pa Lungba. Lungba.

10:56:07 25 PRESIDING JUDGE: [Microphone not activated]

26 THE WITNESS: I only knew him as Lungba, I don't know the
27 other name.

28 PRESIDING JUDGE: And that is for what region? Western
29 region?

1 THE WITNESS: Western area, My Lord.
2 PRESIDING JUDGE: Yes, we're listening to you.
3 MR TAVENER: Thank you.
4 Q. Below the regional directors were there other levels?
10:56:34 5 PRESIDING JUDGE: Mr Tavener, are you through? Are these
6 all the regional directors of operations?
7 MR TAVENER: That's correct. Mr Nallo was south.
8 THE WITNESS: Yes, My Lord.
9 MR TAVENER:
10:56:51 10 Q. Below the regional director of operations were there other
11 levels?
12 A. Yes, My Lord.
13 Q. What levels were there?
14 A. We had battalion commanders.
10:57:01 15 Q. And below that?
16 A. Company commanders.
17 Q. Have you heard the term special forces?
18 A. Yes, My Lord.
19 PRESIDING JUDGE: Before we go to special forces, Mr
10:57:26 20 Tavener, let me ask: Below the company commanders -- you have
21 the battalion commanders, you have the company commanders. Below
22 the company commanders was there another range of commanders?
23 THE WITNESS: Squad commanders. Squad.
24 JUDGE BOUTET: I do have another question on these levels.
10:58:06 25 Yesterday in your evidence you referred to, I don't remember the
26 name, but brigadier whatever. Brigade commander, I think it was,
27 what you referred to.
28 THE WITNESS: General.
29 MR TAVENER: It wasn't a real title.

1 THE WITNESS: It was not a title. He himself took it up.
2 That's why we were calling him general. General Joe Nunie.
3 General.

4 JUDGE BOUTET: You were talking not of that general but you
10:58:34 5 were talking of some structure in the Moyamba District and you
6 referred to a brigade commander, not general, as if a brigade
7 existed as a structure.

8 THE WITNESS: My Lord --

9 JUDGE BOUTET: You didn't mention his name. You just said
10:59:04 10 the brigade commander of whatever. I don't recall you did put a
11 name to that brigade commander. I am just trying to see the
12 structure.

13 THE WITNESS: My Lord, when we were in the bush the
14 structure that we dealt with at Base Zero, that's what I'm
10:59:23 15 dealing with.

16 JUDGE BOUTET: That's fine, thank you.

17 THE WITNESS: We had another structure when we came to
18 town.

19 MR TAVENER:

10:59:30 20 Q. Yes, we are just talking about the time you were at Base
21 Zero.

22 PRESIDING JUDGE: No, I'm still on that. Below the company
23 commanders you had the squad commanders.

24 THE WITNESS: Then platoon commanders.

10:59:49 25 PRESIDING JUDGE: Mr Tavener, it's you who wanted the
26 command structure.

27 MR TAVENER: That's true, your Honour. I only intended to
28 go as far as company commander, but if Your Honour wants to take
29 it further.

1 PRESIDING JUDGE: No, I mean we need to have it. As a
2 structure, how else do we get the picture of how they were doing
3 their things not only in Base Zero but in the towns.

4 MR TAVENER: Thank you.

11:00:23 5 Q. I raised the point of special forces. You said you were
6 familiar with that term. What were the special forces?

7 A. The special forces, it was composed of Sierra Leoneans and
8 Liberians.

9 THE INTERPRETER: My Lords, can he take the last bit, I
11:00:49 10 didn't get it clearly.

11 JUDGE BOUTET: Can you repeat your last answer where you
12 were saying it was composed of. Slowly, please.

13 THE WITNESS: The special forces, it was a mixture of
14 Sierra Leoneans and Liberians and they were permanently based at
11:01:16 15 Base Zero. And wherever Norman was, they were there.

16 MR TAVENER:

17 Q. And to whom did they report?

18 A. To the national coordinator of CDF, Chief Sam Hinga Norman.

19 Q. Thank you. You have mentioned in answer to a question from
11:02:17 20 the Court that after the Kamajors came out of the bush the
21 structure changed ; is that correct?

22 A. Yes, My Lord.

23 Q. When did the structure change? When actually did the
24 structure of the CDF change?

11:02:32 25 A. My Lord, when we came to town I wouldn't tell the date
26 because at that time we had no constitution because the War
27 Council had become dormant; it was not active any more.

28 Q. When you came out of the bush did you still have a national
29 coordinator?

1 A. Yes, My Lord.

2 Q. And who was that?

3 A. Our most respectable national coordinator Sam Hinga Norman.

4 Q. And below the national coordinator did you still have a

11:03:30 5 director of war?

6 A. Yes, My Lord.

7 Q. Who was that?

8 A. Moinina Fofana.

9 Q. Did Allieu Kondewa still hold a position?

11:03:55 10 A. Yes, My Lord. He still held his position but later it was

11 changed because he had looted in the Gbangbatoke area.

12 Q. What position did he hold?

13 PRESIDING JUDGE: Please wait.

14 MR TAVENER: Sorry.

11:04:44 15 PRESIDING JUDGE: What was his new position?

16 THE WITNESS: High priest.

17 PRESIDING JUDGE: But he has always been a high priest.

18 THE WITNESS: Yes, My Lord. When we came to town the high

19 priest still existed.

11:05:05 20 MR TAVENER:

21 Q. Is it correct to say that the position of district

22 administrator was created?

23 A. Yes, My Lord. It was created when we came from the bush.

24 Q. Now, in regards to the structure after you came out of the

11:05:30 25 bush --

26 PRESIDING JUDGE: Mr Tavener, please.

27 MR TAVENER: Sorry, Your Honour.

28 PRESIDING JUDGE: The post of district administrator.

29 THE WITNESS: Yes, My Lord.

1 MR TAVENER:

2 Q. To whom did the district administrators report?

3 A. Directly to the national coordinator. The national
4 coordinator, My Lord, who appointed them.

11:06:42 5 Q. And, just to complete it, did the positions of battalion
6 commander, company and so on -- did they remain in place? Did
7 those positions remain in place as you've previously described
8 them?

9 A. Yes, My Lord.

11:07:02 10 PRESIDING JUDGE: Did the position of?

11 MR TAVENER: Battalion commander, company commander and so
12 on, did they stay in place. They remained unchanged, in effect.

13 JUDGE BOUTET: Yes, but they remained unchanged but
14 reporting where because in the bush they were -- at least my
11:07:30 15 understanding is they were reporting to the battalion commander
16 and they were reporting to the director.

17 MR TAVENER:

18 Q. After the Kamajors came out of the bush to whom did the
19 battalion commanders report to?

11:07:44 20 PRESIDING JUDGE: Mr Tavener, if I may precede that
21 question. What was your own position after you came out of the
22 bush?

23 THE WITNESS: When I came out of the bush Chief Hinga
24 Norman laid me off.

11:08:23 25 PRESIDING JUDGE: So you held no position. That is what
26 you mean to say?

27 THE WITNESS: Yes, My Lord.

28 PRESIDING JUDGE: Mr Tavener, you may continue.

29 MR TAVENER: Thank you, Your Honour.

1 Q. To whom did the battalion commanders report to after the
2 Kamajors/CDF came out of the bush?

3 A. They reported to the district administrator.

4 PRESIDING JUDGE: Battalion commanders, Mr Tavener?

11:09:02 5 THE WITNESS: Yes, My Lord.

6 MR TAVENER: Yes, yes.

7 Q. In the structure that you have described that existed at
8 Base Zero did President Kabbah have any role in --

9 PRESIDING JUDGE: Before you get to President Kabbah. The
11:09:35 10 district administrators who were appointed, were they civilians
11 or they were Kamajors?

12 THE WITNESS: They were Kamajors. You can't hold a
13 position in our society if you aren't a member.

14 PRESIDING JUDGE: Yes, Mr Tavener.

11:10:15 15 MR TAVENER: Thank you, Your Honour, and something flows
16 from that question.

17 Q. The structure that you've described at Base Zero, did
18 President Kabbah fit into that structure?

19 A. We didn't want to hear that name that you are talking about
11:10:33 20 here today.

21 PRESIDING JUDGE: You talked of the structure in Base Zero.
22 Is it in Base Zero?

23 MR TAVENER: That's correct.

24 PRESIDING JUDGE: In Base Zero. Just hold on. And the
11:11:03 25 witness adds that they did not want to hear about his name.

26 MR TAVENER: That's correct.

27 Q. You've also described the structure after the Kamajors came
28 out of the bush. Did President Kabbah have a position in that
29 structure?

1 A. No, My Lord. I want to say something.

2 PRESIDING JUDGE: Hold on. Hold on. So what the witness
3 is saying is that President Kabbah did not have a place in the
4 new structure after they came out of the bush. He did not have a
11:12:11 5 place in that structure, just as he did not have a place in the
6 structure in Base Zero. Is that what you're saying?

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: You say you have something to say.

9 THE WITNESS: Yes, My Lord. I want to tell you about the
11:12:33 10 reasons why we didn't want to hear about Tejan Kabbah.

11 PRESIDING JUDGE: Please tell the reasons.

12 THE WITNESS: Yes, My Lord. Chief Hinga Norman was telling
13 us that Kabbah and the SLPP government --

14 PRESIDING JUDGE: Wait, slowly. That?

11:12:57 15 THE WITNESS: Tejan Kabbah has failed to give us arms and
16 ammunition. Tejan Kabbah doesn't believe in the Kamajor
17 movement, he doesn't want to hear about the Kamajor movement. He
18 said -- the coordinator said that Tejan Kabbah believes in the
19 international bodies, for them to fight for him. All the food,
11:14:23 20 arms and ammunition that the national coordinator brought for us,
21 he got them from one of his friends, an ECOMOG general who was in
22 the Liberia, Abdulai Mohammed One. Therefore we were fighting on
23 our own and when we fight on our own and when we capture the
24 entire country we would rule the country for three years. If we
11:16:26 25 find out that it is necessary for us to hand over we would, but
26 if we don't find out that it is necessary then we will take over
27 the reign of government and form the government. That's all, My
28 Lord.

29 MR TAVENER: Thank you.

1 Q. Mr Nallo, you were approached by investigators from the
2 Special Court. When you first spoke to them did you talk about
3 all that you knew about the activities of the Kamajors?

4 A. No, My Lord.

11:18:07 5 Q. Why not?

6 PRESIDING JUDGE: Please wait. The question was why not.

7 THE WITNESS: I was afraid. I thought if I had explained
8 everything concerning the Kamajors I would have been apprehended.

9 PRESIDING JUDGE: You were afraid of apprehension from who?

11:19:45 10 THE WITNESS: From the Prosecutors. The one that went to
11 -- the one that approached me about --

12 PRESIDING JUDGE: [Overlapping speakers] is that what
13 you're saying? Is that what you're saying?

14 THE WITNESS: Yes, My Lord. I had no confidence. When
11:20:06 15 they told me that I should explain to them I had no confidence in
16 them. And, moreover, I was afraid of the rules of the Kamajors,
17 the oath we took before our National Coordinator Chief Sam Hinga
18 Norman, the High Priest King Dr Allieu Kondewa, the Director of
19 War Moinina Fofana, that anybody that explain the society of the
11:22:45 20 Kamajor society -- I'm sorry, the Kamajors I mean, all that we've
21 done in the bush, you explain that to non-members of the Kamajor
22 society --

23 PRESIDING JUDGE: To non-members.

24 THE WITNESS: Yes, My Lord. The human being that we -- the
11:23:44 25 tevie that we use in your body, the human being that we use in
26 your body, the ashes, My Lord, that made me --

27 PRESIDING JUDGE: Made you do what?

28 THE WITNESS: That made me reluctant. That was why I did
29 not say anything. That the ashes, they will kill you and turn

1 you into ashes. Tevie means ashes in Mende. That was used in
2 initiation.

3 PRESIDING JUDGE: Because they would kill you and reduce
4 you to those ashes.

11:24:36 5 THE WITNESS: They burn you to ashes. Then they would use
6 you as initiation materials. That's all, My Lord.

7 MR TAVENER: Thank you. I have no further questions of
8 this witness at this time. The examination is completed.

9 JUDGE BOUTET: Thank you, Mr Tavener.

11:25:37 10 PRESIDING JUDGE: Before we start with the
11 cross-examination I would like to draw to the attention of the
12 Defence teams that, because of the constraints we have, we will
13 go on with cross-examination and have to wrap it up by Tuesday.
14 Before we start I think it's important that the Defence teams
11:26:12 15 concert and consult themselves on how they're going to do it.
16 We've never had cause to limit time for cross-examination but in
17 this particular instance we are giving notice in advance of that.
18 And of course this is to put you on guard about repetitiveness
19 and about questions which are irrelevant, vexatious and what have
11:26:38 20 you, and to go to the sense of it.

21 So we would start after a short break and we would continue
22 with cross-examination until Tuesday, Tuesday of next week. If
23 we can finish before Tuesday, fine. If we can finish today, why
24 not. That would be very welcome. I mean if we can finish with
11:27:14 25 the first and second accused defence teams, because the third
26 accused team says it wants its cross-examination to be deferred
27 until Monday, I suppose. Isn't it Monday?

28 MR WILLIAMS: That is correct, My Lord.

29 PRESIDING JUDGE: That's correct. So I hope the Chamber is

1 understood in this advice that it gives to the Defence. We would
2 rise for a few minutes and we'll resume with the
3 cross-examination. The Court rises.

4 [Break taken at 11.25 a.m.]

11:57:31 5 [Upon resuming at 12.05 p.m.]

6 PRESIDING JUDGE: Learned counsel, we are resuming the
7 session.

8 JUDGE BOUTET: Mr Yillah, are you ready to proceed with
9 cross-examination of this witness on behalf of the first accused?

12:07:28 10 MR YILLAH: I am, My Lord.

11 JUDGE BOUTET: Please do so.

12 CROSS-EXAMINED BY MR YILLAH:

13 Q. Mr Witness, you said in your evidence-in-chief that your
14 full name is Albert Moinina Jusu Nallo. Are you known by any
12:07:55 15 name other than this?

16 A. No, My Lord.

17 Q. Mr Witness, are you also know as "Ngilawova"?

18 A. My Lord, that name is not my name. Ngilawova, it was just
19 a name that was used by my companions to tease me. The one that
12:08:43 20 was given to me by my father and mother --

21 PRESIDING JUDGE: What name are you referring to?

22 MR YILLAH: N-G-I-L-A-W-O-V-A, Ngilawova.

23 PRESIDING JUDGE: And the witness says that his friends
24 used to tease him with the name.

12:09:18 25 MR YILLAH: Yes, his friends used to.

26 Q. Mr Witness, are you saying that your friends used to refer
27 to you by that name, or they used to tease you? Can you make it
28 clear for the Court?

29 A. Yes, My Lord. That Ngilawova name, it was one IFM Kanneh.

1 PRESIDING JUDGE: IFM?

2 THE WITNESS: IFM Kanneh. Because he gave me that name.

3 PRESIDING JUDGE: He gave him that name because?

4 THE WITNESS: He gave me that name, Ngilawova, because when
12:10:39 5 I was at the war front I was not any nonsense man.

6 PRESIDING JUDGE: Thank you, Mr Witness. Let me tell you
7 that these African names run around. Part of your name in the
8 Cameroonian dialect is a lion -- [Cameroonian spoken].

9 THE WITNESS: Thank you.

12:11:27 10 PRESIDING JUDGE: You may proceed.

11 MR YILLAH:

12 Q. Mr Witness, could you tell the Court the meaning of that
13 name in Mende?

14 A. That name [Mende spoken], it means an old dog is
12:11:55 15 ungrateful.

16 Q. So it means an ungrateful dog?

17 A. It has a lot of meanings. Why they gave me that name, that
18 is why I want to defend it. When I used to go to the war front,
19 even if they cooked goat or cow for me, what I went for I ensure
12:12:23 20 that was executed. That in the case of Kamoh Lahai Bangura, high
21 priest --

22 Q. Thank you Mr Witness. I wanted to know the meaning of
23 "Ngilawova", you said it means "ungrateful dog". Is that
24 correct?

12:12:47 25 A. Yes, that is the meaning. If I go to the war front, even
26 if you give me cow, if you don't perform your duty, what I went
27 for, I must ensure that it happened. What I saw I must report.

28 Q. Mr Witness --

29 PRESIDING JUDGE: You mean an ungrateful dog?

1 MR YILLAH: An ungrateful dog.

2 JUDGE THOMPSON: Did he say "old" -- an "old dog is

3 ungrateful? I thought I wrote something like that.

4 MR YILLAH: My Lord, he may clarify himself.

12:13:34 5 JUDGE THOMPSON: Yes. Did you qualify the dog, please?

6 THE WITNESS: Ngilawova -- an old dog is ungrateful.

7 JUDGE THOMPSON: That is what I thought I heard -- an old

8 dog is ungrateful.

9 THE WITNESS: I got that name -- he appointed me and they

12:13:59 10 gave me everything in Sierra Leone. I said the whole truth, what

11 I saw is what I talk about.

12 PRESIDING JUDGE: So you were proud of the name?

13 THE WITNESS: Well, I did not like it, but they used to

14 call me the name. They said I was uncompromising. When Nallo

12:15:14 15 went we give him food, we have given him everything, he went and

16 exposed us. That is Ngilawova.

17 Q. Mr Witness --

18 A. Yes My Lord.

19 Q. Is it true that you are the son of Chief Amadou Nallo of

12:15:47 20 Lugbu Chiefdom? Are you?

21 A. No, sir; he is my brother. My father's name is Jusu Nallo.

22 PRESIDING JUDGE: Just hold on: "I am not the son of --

23 MR YILLAH: Chief Amadou Nallo.

24 PRESIDING JUDGE: Amadou?

12:16:05 25 MR YILLAH: Yes.

26 PRESIDING JUDGE: Nallo?

27 MR YILLAH: Lugbu Chiefdom, Sumbuya.

28 PRESIDING JUDGE: He says he is the brother.

29 MR YILLAH: That is what he says.

1 THE WITNESS: PC Nallo -- Amadou Nallo -- of Sumbuya
2 presently is my brother. My father's name is Jusu Nallo.
3 MR YILLAH: Thank you.
4 PRESIDING JUDGE: Let us get things right.
12:16:50 5 MR YILLAH: Shall I put the question again, My Lord?
6 PRESIDING JUDGE: Yes, put the question to him again.
7 Chief Amadou Nallo is not the father, he is the brother.
8 MR YILLAH: Yes, My Lord.
9 PRESIDING JUDGE: What else is he adding now?
12:17:09 10 JUDGE THOMPSON: He has given the father's name as Jusu
11 Nallo; is that correct?
12 MR YILLAH: Yes, that is what he said. May I proceed, My
13 Lord?
14 PRESIDING JUDGE: Yes.
12:17:32 15 MR YILLAH:
16 Q. Mr Witness --
17 A. Yes, My Lord.
18 Q. Are you on speaking terms with Chief Nallo presently?
19 A. I am in Freetown, he is in Sumbuya. How would I have
12:17:52 20 talked to him?
21 Q. Do you have a cordial relationship with him presently? Do
22 you, or do you not?
23 A. Very well.
24 Q. Mr Witness --
12:18:30 25 A. Yes, My Lord.
26 Q. Is it true that you were chased out of your chiefdom?
27 A. No, My Lord.
28 PRESIDING JUDGE: Yes, that was a question. Are you going
29 to extend it? Do you want to double-barrel it?

1 MR YILLAH: I will continue; I will accept that. He said
2 "No", My Lord.

3 PRESIDING JUDGE: It is not true.

4 MR YILLAH: Mr Witness --

12:19:28 5 A. Yes, My Lord.

6 Q. Is it true that you were once accused in your chiefdom of
7 raping your father's younger wife? Is that true?

8 MR TAVENER: I object to these questions. I understand
9 there is some leeway given to credit. However, it appears that
12:19:55 10 the opening set of questions to this witness are designed to
11 somehow intimidate him or raise matters of no weight. To suggest
12 to someone that they were once accused of something is
13 meaningless. The first question was: "Are you known as an
14 ungrateful dog?" The Prosecution will object if this is the
12:20:15 15 intent of the Defence -- simply to raise spurious allegations
16 that serve no purpose. They certainly do not address the issue
17 of credit and they clearly do not address any matters of
18 significance before this Court.

19 THE WITNESS: I am well composed.

12:20:34 20 JUDGE BOUTET: Mr Yillah, how do you respond to these
21 objections?

22 MR YILLAH: Yes, My Lord. I will respond briefly as
23 follows: One, that we cannot understate the importance of this
24 witness to the case of the first accused. Secondly, My Lord, I
12:20:53 25 have instructions in that regard. And, three, My Lord, the
26 instructions are designed to go to credit. My learned friend has
27 not supplied any legal basis for saying that the issues I am
28 putting to the witness do not go to credit, My Lord. The witness
29 has said he is composed; he is prepared to go on.

1 THE WITNESS: I am well composed.

2 MR TAVENER: It is irrelevant as to what my friend's
3 instructions may or may not be. It is not the case that if your
4 client gives you instructions to insult, intimidate or harass
12:21:28 5 witnesses you are allowed to.

6 JUDGE BOUTET: I know. Credibility is indeed a very
7 important issue. I will overrule for now. We will watch and see
8 where you are going with your questions. Certainly, to comment
9 on the issue of the name that a witness was being called -- if
12:21:46 10 this is a name that he had been given by the fighters -- that is
11 the evidence and it is not in itself an attempt to discredit the
12 witness because of the use of that name. Therefore, I will
13 certainly allow this question. Carry on, Mr Yillah.

14 JUDGE THOMPSON: [Microphone not activated].

12:22:02 15 INTERPRETER: My Lord, your microphone is not on.

16 JUDGE THOMPSON: [Inaudible] -- chased out of one's
17 chieftdom or not would seem to go to credibility, depending on the
18 answer.

19 MR YILLAH: As my My Lord pleases. Shall I repeat the
12:22:23 20 question?

21 JUDGE BOUTET: Go ahead, please.

22 MR YILLAH: Mr Witness, is it true that you were chased out
23 of Lugbu Chieftdom?

24 JUDGE BOUTET: He has already answered that question.

12:22:39 25 PRESIDING JUDGE: He has answered that he was not chased.

26 MR YILLAH:

27 Q. Mr Witness, is it true, or is it correct, that you were
28 accused in your chieftdom of raping your father's younger wife?
29 Is that true or not true?

1 A. According to my appearance you will realise that I am an
2 intelligent somebody. Not to my knowledge.

3 JUDGE BOUTET: Mr Witness, you are saying that you have not
4 been accused of that.

12:23:12 5 THE WITNESS: Never in my life; nobody accused me for
6 raping my father's wife.

7 MR YILLAH:

8 Q. Mr Witness --

9 A. Yes, My Lord.

12:23:48 10 Q. In answer this morning to questions posed by the Prosecutor
11 as to why you were afraid, you correct me if I am wrong, for
12 talking to the Prosecutor, you responded because you thought you
13 were going to be prosecuted. Is that correct?

14 A. Repeat.

12:24:18 15 Q. You were asked by the Prosecutor this morning, correct me
16 if I am wrong here, as to why you were afraid of talking to them?
17 And, if I am correct, you said --

18 PRESIDING JUDGE: He used the word "apprehended" not
19 "Prosecutor".

12:24:35 20 MR YILLAH:

21 Q. You were afraid of being apprehended by them. Is that
22 correct?

23 A. The Prosecutor did not ask me if I was afraid. He said why
24 I did not explain. He did not ask me that question. It was I
12:24:52 25 who said I was afraid.

26 Q. Mr Witness, may I ask how were those fears allayed -- the
27 fears of apprehension; how were they allayed?

28 A. Yes, I can tell you.

29 MR YILLAH:

1 Q. Yes, please.

2 A. When I heard the announcement -- first before I heard the
3 announcement, Chief Hinga Norman had a meeting with us and said,
4 "Everybody, inasmuch as the Special Court --

12:25:38 5 PRESIDING JUDGE: Stop. Let the translations follow.
6 Start again.

7 THE WITNESS: The national co-ordinator, Chief Sam Hinga
8 Norman, he went and told us about Special Court, before ever the
9 Court started its sitting. He said, "Anybody that will go and
12:26:48 10 testify in that Court, well you were a party to all the
11 atrocities that were committed." He said, "If one man is held
12 he, too, will be apprehended." And he said in a parable -- he
13 said, "There is a forest and they said they are going to fell
14 down the big trees. Then the big trees have been felled then the
12:28:34 15 smaller ones will also be cut down because the small trees and
16 the big trees come together and constitute the forest." And I am
17 one of the small trees. We trained and we killed human beings,
18 we ate the flesh Mustapha Fallon in the Poro Bush --

19 PRESIDING JUDGE: Halt. They are eating what?

12:30:17 20 THE WITNESS: Human flesh. We killed Mustapha Fallon. We
21 cooked his liver and ate it in the Poro Bush.

22 PRESIDING JUDGE: What do you call that bush again?

23 THE WITNESS: Poro Bush, P-O-R-O, My Lord. We have killed
24 Alpha Dauda Kanu, a hunter that came to Base Zero.

12:31:21 25 JUDGE BOUTET: Mr Witness, what you are describing now, is
26 it something that you were told at the time, or is it something
27 that you are just reporting as to facts that you have observed?
28 Are you now reporting what Mr Norman was saying?

29 THE WITNESS: I am trying to express my fears, what made me

1 afraid -- the parable he made.

2 MR YILLAH: In light of your question, My Lord, I was just
3 waiting out of respect for the Bench and candour to Your
4 Lordships to put the question again to the witness.

12:31:57 5 Q. Mr Witness, thank you very much, but the question is --

6 JUDGE THOMPSON: I want to clarify one thing because,
7 following what my learned brother Judge Boutet said, he is giving
8 us, apparently, reasons, the premises --

9 MR YILLAH: His fears.

12:32:12 10 JUDGE THOMPSON: -- upon which his fears were predicated.

11 MR YILLAH: And he has said that.

12 JUDGE THOMPSON: Yes. In other words, virtually he has
13 given us a catalogue of what generated, or motivated, his fears;
14 he is virtually saying his own participation in alleged

12:32:32 15 atrocities. That is the way I see it.

16 [Overlapping speakers]

17 JUDGE BOUTET: My question was only to make sure I
18 understood what the witness was talking about, not to preclude
19 him from talking.

12:32:45 20 JUDGE THOMPSON: That is how I understand it, and if you
21 ask the question: What were your fears based on --

22 MR YILLAH: No, My Lord, that was not my question.

23 JUDGE THOMPSON: What was your question?

24 MR YILLAH: My question was, in answer to the question by
12:32:57 25 the Prosecutor, he said he was apprehend --

26 JUDGE THOMPSON: Afraid.

27 MR YILLAH: He feared being apprehended by the
28 investigators. My question was, "How were those fears allayed?"
29 That was my question. He went on a frolic of his own --

1 JUDGE THOMPSON: Did you think he misunderstood you
2 question?

3 MR YILLAH: Yes; I was just waiting for Your Lordships to
4 record --

12:33:20 5 JUDGE THOMPSON: I thought you asked him to establish the
6 basis for these fears.

7 MR YILLAH: No, My Lord. Certainly I would not --

8 JUDGE THOMPSON: And therefore you feel this is merely an
9 excursion.

12:33:28 10 MR YILLAH: As Your Lordship pleases --

11 JUDGE THOMPSON: All right.

12 MR YILLAH: As Your Lordship said, we should allow
13 witnesses to expand. That is why --

14 JUDGE THOMPSON: Then I understand your position, learned
12:33:37 15 counsel.

16 MR YILLAH: As Your Lordship pleases.

17 Q. Mr witness, thank very much. The question was: How were
18 those fears of apprehension by the investigators of the Office of
19 the Prosecutor allayed?

12:33:57 20 A. When I came to get a clear, clear understanding that you
21 who used to get order from the authority will not be
22 apprehended -- only those who bear the greatest responsibility
23 were the target people.

24 MR YILLAH: May I proceed, My Lord?

12:35:46 25 JUDGE BOUTET: Yes.

26 MR YILLAH:

27 Q. Mr Witness --

28 A. My hand is up.

29 PRESIDING JUDGE: Yes.

1 THE WITNESS: The fear appeared from me. That is why I
2 gave up myself so that I can say the whole truth, all that we
3 have done, so that we can get everlasting peace in this country.
4 I leave no stone unturned.

12:36:20 5 MR YILLAH: Thank you very much, Mr Witness.

6 Q. Yes, Mr Witness, you said you had a clear understanding
7 that those who received commands would not be apprehended, if I
8 am correct. From whom did you get this understanding?

9 A. It was from Radio Sierra Leone, then the people -- the
12:37:31 10 prosecutors -- that went around me. They said they wanted the
11 truth. If you do not bear any of the greatest responsibility,
12 you say the truth, nothing but the truth, nothing will be done to
13 you. I thought for some time; I pondered over it, and I thought
14 within myself that until we say the truth -- until we say the
12:38:06 15 truth -- we get everlasting peace in this country. That is why I
16 am here today, to say the truth so that we get everlasting peace
17 in this country.

18 JUDGE BOUTET: Yes, continue.

19 MR YILLAH: Thank you.

12:39:04 20 Q. You said you got the understanding from Radio Sierra Leone
21 and from the Prosecutors around you. Mr Witness, did the
22 Prosecutors in giving you that understanding, as you have said,
23 did they tell you that you would not be prosecuted?

24 A. They did not tell me that. They said if I did not bear the
12:39:41 25 greatest responsibility that we are going to observe things. But
26 if I bear the greatest responsibility, that I used to give
27 commands, they will hold me responsible. But the people --

28 PRESIDING JUDGE: Let us have the question. What question
29 did you put to him?

1 MR YILLAH: Yes, My Lord. I said --

2 PRESIDING JUDGE: Did the prosecutors do what?

3 MR YILLAH: In answer to the previous question, as to how
4 he understood that only those that bear the greatest

12:40:26 5 responsibility would be dealt with, he answered that he knew from
6 Radio Sierra Leone and the Prosecutors --

7 PRESIDING JUDGE: Yes, that I have. The next question --

8 MR YILLAH: Before the answer about this understanding --

9 PRESIDING JUDGE: Yes.

12:40:38 10 MR YILLAH: Did the Prosecutors tell him that he would not
11 be prosecuted -- him the witness. That is my question.

12 PRESIDING JUDGE: Then he said, "The Prosecutors did not
13 tell me that they were not going to prosecute me."

14 MR YILLAH: Yes, he is answering that now.

12:41:02 15 PRESIDING JUDGE: That is the question he is answering.

16 MR YILLAH: Yes.

17 PRESIDING JUDGE: And he is continuing that, and adding
18 what to it?

19 THE WITNESS: They said the ones that bear the greatest
12:41:08 20 responsibilities, the ones at the apex of command. It was not
21 everybody that they were going to apprehend. It was only those
22 who bear the greatest responsibilities. The ones at the top were
23 the people that they were looking out for.

24 MR YILLAH:

12:42:03 25 Q. Yes, Mr Witness. Were you told this before or after you
26 made statements to the investigators?

27 A. Before I made statement to the investigators. It took
28 about a week before I could say something to them. That gave
29 them the cause to reveal that to me.

1 Q. Mr Witness --

2 A. Yes, My Lord.

3 Q. Would I be correct to say that the records made available
4 to us show that you made 17 statements to the investigators from
12:43:28 5 the Office of the Prosecutor? Is that correct?

6 A. It was a long time when they obtained statement from me. I
7 don't have my statement; I do not know the number of pages there.
8 I don't know. I am not a lawyer or prosecutor. I cannot tell.
9 I just talk and they wrote everything.

12:43:59 10 Q. Mr Witness, I will accept your answer that you don't know
11 the precise number of times. But, Mr Witness, did you talk to
12 them many times and were they recording what you were saying to
13 them?

14 A. Yes, but I did not tell them everything because I had fear.
12:45:07 15 There are other things that I did not tell them that I have at
16 heart. That I cannot --

17 THE INTERPRETER: Would the witness repeat the last segment
18 of his reply?

19 JUDGE BOUTET: Mr Witness, in your reply we did not get the
12:45:30 20 last portion of what you were saying. You were saying you spoke
21 to them many times, but you did not tell them everything, and you
22 added something after that. What was it?

23 THE WITNESS: My Lord, before ever the statement were
24 obtained from us it has taken six years. We had forgotten about
12:46:01 25 some of the things, only some few ones we can remember.

26 JUDGE BOUTET: Yes.

27 MR YILLAH:

28 Q. Mr Witness, in answer to my question -- my previous
29 question -- you said you only said some things to them. So would

1 it be correct to conclude, in light of that answer, that you said
2 half truths to the investigators? Would I be correct to conclude
3 that?

4 PRESIDING JUDGE: What are you asking?

12:47:13 5 MR YILLAH: Yes, My Lord, to paraphrase, in answer to my
6 previous question he said he did not say everything, he said only
7 half to the investigators. So I am going on inference from that
8 answer and putting my question to him now.

9 PRESIDING JUDGE: But he has not said he did not tell them
12:47:33 10 the truth. He said he did not tell them all, he told them some.

11 JUDGE BOUTET: He had forgotten some of those things. It
12 was a long time.

13 PRESIDING JUDGE: It was six years after some of the
14 incidents when the statements were recorded.

12:47:45 15 MR YILLAH: I accept the point.

16 JUDGE BOUTET: You may pursue that direction if you wish
17 to, but you have to acknowledge his evidence in this respect. It
18 does not preclude you from challenging that answer. It is up to
19 you.

12:47:59 20 MR YILLAH: I am grateful for that, My Lordship.

21 Q. Mr Witness --

22 A. Yes, My Lord.

23 Q. What was the necessity of making so many statements --
24 amounting to 17 from my records -- to the investigators? What
12:48:15 25 was the necessity of making so many statements?

26 PRESIDING JUDGE: He may answer that question, but it is
27 really unfair to him unless you can establish that he was always
28 the one who went and volunteered statements.

29 THE WITNESS: If you want me to make an additional one I

1 will do that.

2 MR YILLAH:

3 Q. Mr Witness --

4 A. Yes, My Lord.

12:48:43 5 Q. Let me ask you this: When did you join the Kamajors, Mr
6 Witness?

7 A. November 1996.

8 Q. Mr Witness, when you were initiated, were you told by your
9 initiator not to kill innocent civilians?

12:49:31 10 PRESIDING JUDGE: Ask him what laws were given to him -- in
11 complement.

12 MR YILLAH: Yes, My Lord.

13 Q. Mr Witness, when you were initiated what laws were given to
14 you to guide you as a Kamajor?

12:49:56 15 A. You should not sex a woman; we should be afraid of a woman.
16 That was the first fundamental law that was given to us.

17 Q. Yes, Mr Witness.

18 A. We should not eat bananas. We should not eat rice mixed
19 with pounded okra. We should not enter in a funeral house
12:51:29 20 wherein the corpse is in the house, sir. We should not urinate
21 or defecate in a graveyard. A woman experiencing a menstrual
22 period, if she sits on a chair, we should not sit on that chair.
23 We should not be in town and see a woman leave her head without a
24 head tie. We should not be in town when a woman sit on a motor.

12:53:43 25 We should not be in town around five o'clock. A woman pounds
26 rice in a mortar --

27 PRESIDING JUDGE: Which five o'clock -- in the morning or
28 in the evening?

29 THE WITNESS: P.m. We should not step on a banana peel

1 when somebody has eaten a banana and throws away the peel.

2 MR YILLAH:

3 Q. Mr Witness, in addition to those laws that you have just
4 spoken about, were you told not to kill innocent civilians? Were
12:55:02 5 you or were you not?

6 A. They said we should not kill our companion Kamajors. That
7 is [Krio spoken] -- don't turn to join rebels to kill Kamajors.

8 Q. Thank very much, Mr Witness. My question was, "Were you
9 told not to kill innocent civilians? Were you or were you not?"

12:56:07 10 JUDGE BOUTET: It is a very direct question.

11 THE WITNESS: No. Because in the Kamajor society we kill
12 innocent people to make ashes.

13 MR YILLAH:

14 Q. Mr Witness, I put it to you that upon initiation every
12:57:00 15 Kamajor is warned not to kill innocent civilians, and you know
16 it, Mr Witness.

17 A. I don't know that because innocent civilians are killed and
18 are transformed into ashes and smeared. So I don't know; don't
19 tell me that.

12:57:27 20 Q. Mr Witness --

21 A. Yes, My Lord.

22 Q. I put it to you again that the second law you were given
23 was not to loot civilian properties upon initiation. Were you or
24 were you not given this law?

12:58:08 25 A. They did not give me that law because even the high priest
26 who was in charge of the Kamajors, Steven Sorba, at Sembehun
27 Bagruwa, they looted his vehicle -- his Benz. So, that was what
28 he was using.

29 Q. Mr Witness, I also put it to you that third law that is

1 given to every Kamajor upon initiation is not to rape woman. I
2 put it to you.

3 A. That again is lies, because that law was not in effect.
4 Chief Allieu Kondewa --

12:59:21 5 PRESIDING JUDGE: Mr Witness --

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: There is a difference between a law that
8 is given and how it is executed. Was the law there?

9 THE WITNESS: Yes, My Lord. They made the law but later
12:59:53 10 they removed them.

11 PRESIDING JUDGE: So what are you saying now? Are you
12 saying that --

13 THE WITNESS: The law was there; they put it that we should
14 not rape women, especially Kamajor to Kamajor, because we are
13:00:14 15 afraid of women.

16 PRESIDING JUDGE: What you are saying is that the law was
17 there but --

18 THE WITNESS: Yes, My Lord. There was a reason why the law
19 was revoked.

13:00:51 20 PRESIDING JUDGE: You see because there were earlier
21 questions --

22 MR YILLAH: Preceding that.

23 PRESIDING JUDGE: Yes, there was a question about killing
24 innocent civilians.

13:01:01 25 MR YILLAH: I was just coming to that, in light of your
26 clarification.

27 PRESIDING JUDGE: There was a law about killing innocent
28 civilians. Was the law there?

29 MR YILLAH: Killing and looting.

1 PRESIDING JUDGE: Killing innocent civilians.

2 THE WITNESS: My Lord, there was no law for looting.

3 PRESIDING JUDGE: No, I mean killing of innocent civilians.

4 Again, you know, you have said that as far as rape was concerned

13:01:35 5 it concerned Kamajor women, and it was later revoked. Now,

6 innocent civilians, was there a law when you were being

7 initiated?

8 THE WITNESS: Okay, My Lord, because --

9 PRESIDING JUDGE: There are two things: Killing of

13:01:58 10 innocent civilians and looting.

11 MR YILLAH: And looting.

12 PRESIDING JUDGE: Start first of all with killing of

13 innocent civilians. Was there a law?

14 THE WITNESS: I will start with innocent civilians because

13:02:15 15 Kamajor society was a complex one. I will explain the story.

16 When the Kamajor society started in this country it was under the

17 jurisdiction of the Paramount Chief. Then the Kamajors -- we are

18 in the chiefdom -- that was where they used to fight. As we are

19 fighting we got into our chiefdoms -- am I to continue?

13:02:51 20 PRESIDING JUDGE: We are listening to you.

21 THE WITNESS: Okay. That law was in existence. I got into

22 at the chiefdom level, because we never out to fight; you fight

23 within the

24 location of your chiefdom; you fight for your people.

13:03:13 25 JUDGE BOUTET: Go ahead. When you say that law was in

26 existence in your chiefdom, which law are you talking about?

27 THE WITNESS: That we should not kill innocent civilians.

28 It was the Paramount Chief that told us that, it was not the high

29 priest. Because he mentioned the high priest, that was why I

1 said, "No, he did not tell us."

2 MR YILLAH: I did not talk about any high priest, My Lord.

3 PRESIDING JUDGE: Initiation.

4 THE WITNESS: Initiation -- the high priest had the laws
13:04:24 5 that he dished out. He gave out the laws.

6 MR YILLAH: Okay, let me just clarify the issue for Your
7 Honours.

8 Q. Mr Witness, when you -- I am speaking about you -- when you
9 are initiated into the Kamajor society in your chiefdom, or
13:04:48 10 wherever, were you told as a law not to kill innocent civilians?

11 A. Okay, yes, within my chiefdom I was told. The Paramount
12 Chief called us and told us, but not the head of the Kamajor
13 society.

14 Q. Mr Witness, when you were initiated, did the Paramount
13:05:22 15 Chief also tell you that you should not loot civilian properties?

16 A. No, My Lord.

17 Q. He did not tell you that?

18 A. At all, not. What the high priest told us in the Kamajor
19 society --

13:05:46 20 PRESIDING JUDGE: The Paramount --

21 THE WITNESS: The Paramount Chief did not tell me that.
22 The Paramount Chief did not tell me that. He only told us we
23 should not harass and kill our own people that we around. We are
24 initiated in order for us to fight for them.

13:06:21 25 Q. Did the Paramount Chief in your chiefdom where you were
26 initiated, did he also tell you that you should not rape women?
27 Did he tell you that or not?

28 A. That was given to us in the Kamajor society that we should
29 be afraid of women. In fact, that was the first law.

1 PRESIDING JUDGE: "The Paramount Chief did not tell me
2 that."

3 THE WITNESS: He did not tell me that. It was in the
4 Kamajor society. In fact, that was the first law: To be afraid
13:06:58 5 of women.

6 JUDGE THOMPSON: Let us not compound the confused language.
7 Counsel is saying "rape", not whether to be afraid or not. Shall
8 we have an answer to that? It is rape not --

9 THE WITNESS: Yes, it was the Kamajor society that dictated
13:07:16 10 that we should not rape.

11 JUDGE THOMPSON: There is a lot of difference between rape
12 and fear.

13 MR YILLAH:

14 Q. Mr Witness, now I am talking about your chiefdom where you
13:07:37 15 said you were initiated as a Kamajor. Was your Paramount Chief
16 in that chiefdom, was he a Kamajor himself?

17 A. Yes, My Lord.

18 Q. Mr Witness, what is the name of that Paramount Chief?

19 A. Chief Amadou Nallo.

13:08:26 20 Q. Is he alive?

21 A. Yes, My Lord.

22 Q. Mr Witness, were you initiated alone or together with a
23 group of people?

24 A. There were many.

13:09:03 25 Q. Do you remember the names of some of those together with
26 whom you were initiated?

27 A. Just a few; those are my family members.

28 Q. Yes, if you remember the names, can you please tell the
29 Court?

1 A. I could remember Jusu, Abdulai and Salu.

2 PRESIDING JUDGE: Jusu, Abdulai that and Salu.

3 MR YILLAH:

4 Q. Do you remember their surnames?

13:10:13 5 A. They are all Nallos.

6 Q. Mr Witness, do you know whether they are all alive?

7 A. Yes, My Lord.

8 Q. Mr Witness, may I ask, who initiated you in your chiefdom?

9 A. I was not initiated in my chiefdom; I was initiated in Bo.

13:10:57 10 I was initiated by Mammy Munda Fortune.

11 Q. Mr Witness, there is a slight confusion. You spoke earlier
12 about Paramount Chiefs giving you laws and then the Kamajor
13 society giving you laws. At what point in your initiation stage
14 did you come in contact with your Paramount Chief? At what
13:11:29 15 moment?

16 A. The Paramount Chiefs were all in Bo. So the elders came
17 from Lugbu Chiefdom and Bagbo Chiefdom. They were all in Bo when
18 the rivers had surrounded the area. So they are bringing people
19 together. So you would be in Bo, but you would have come from
13:11:53 20 Lugbu or Bagbo Chiefdom and you be initiated in Bo. Dumbuya was
21 all under the river in the occupation.

22 Q. Mr Witness, in your evidence-in-chief you said that each
23 chiefdom to the south, so far as you knew, they had their own
24 local hunters. Is that correct? Each chiefdom had local
13:12:26 25 hunters?

26 A. Yes, My Lord. That does not necessarily mean you will be
27 initiated in your chiefdom. You were born in Moyamba and your
28 Paramount Chief was in Bo, you were initiated in Bo because the
29 people were coming from afar.

1 MR YILLAH: My Lord, I have just been reminded by my
2 learned friends that it is way past lunchtime and we have to
3 proceed past -- subject to what Your Lordships would direct.

4 PRESIDING JUDGE: I do not know whether this is a tidy
13:13:35 5 spot. I was just waiting for a convenient moment. I do not
6 know. Have you ended with this trend? Are you turning a new
7 chapter? If you are very closed to ending this one and moving to
8 the next chapter, we had better just close it off and then we
9 will adjourn.

13:14:00 10 MR YILLAH: Okay, My Lord, I have just a few questions.

11 PRESIDING JUDGE: Yes.

12 MR YILLAH:

13 Q. Mr Witness --

14 A. Yes, My Lord.

13:14:05 15 Q. It was the initiative of the Paramount Chiefs of these
16 various chiefdoms to bring together their local hunters to defend
17 their various chiefdoms. Is that correct?

18 A. Yes, My Lord. Because when the societies started, you
19 would not join your society if you did not go through your
13:14:44 20 Paramount Chief.

21 Q. Mr Witness, is it also correct that every household in your
22 chiefdom contributed male members of their families to the
23 Paramount Chiefs to protect the chiefdom? Is that correct?

24 A. No, not to my knowledge; it was voluntary. When in the
13:15:24 25 chiefdom and you wanted to join the society you go through the
26 process, and the Paramount Chief would recommend. There was no
27 law that it should be happening by household.

28 Q. Thank you, Mr Witness. Now, is it true that, according to
29 you, each person from the village or from the chiefdom that

1 volunteered to join the Kamajors -- is it true that that person
2 was screened to determine whether he was of good behaviour in
3 that community?

4 PRESIDING JUDGE: We have it on record that you were
13:16:23 5 screened.

6 MR YILLAH: As My Lord pleases. So long as Your Honour is
7 satisfied with that, I will close that chapter for now.

8 JUDGE BOUTET: He testified to that in his
9 evidence-in-chief -- how they were selected, recommended and so
13:16:36 10 on.

11 PRESIDING JUDGE: They were properly screened and
12 recommended and you could not be incorporated into the society if
13 you were of bad character.

14 MR YILLAH: Thank you, My Lord.

13:16:50 15 PRESIDING JUDGE: So you are moving to the next chapter.

16 MR YILLAH: A new subject, yes.

17 PRESIDING JUDGE: Okay. Learned friends, we will recess
18 for lunch and resume the proceedings at 3.00 p.m.

19 [Luncheon recess taken at 1.16 p.m.]

15:02:58 20 [Upon resuming at 3.12 p.m.]

21 PRESIDING JUDGE: Learned counsel, we are resuming this
22 session. Mr Yillah, you were to continue. Mr Yillah, you think
23 you have about how much more time to do your cross-examination?
24 It's just to give us an idea, you know?

15:15:38 25 MR YILLAH: Let's say three and a half, four at the most.

26 PRESIDING JUDGE: Pardon me?

27 MR YILLAH: Three and a half, four at the most.

28 PRESIDING JUDGE: Three, four at the most. I see. Yes,
29 you may proceed, please.

1 MR YILLAH: Mr Witness.

2 A. Yes, My Lord.

3 Q. Do you know one Sowie Fudie Ngamoh Koroma?

4 A. Yes, My Lord.

15:16:09 5 PRESIDING JUDGE: What's the name again.

6 MR YILLAH: Sowie Fudie Ngamoh Koroma. S-O-W-I-E,

7 F-U-D-I-E, N-G-A-M-O-H and then Koroma.

8 Q. Mr Witness, how do you know that person?

9 A. I was sectioned to him for the Kamajor initiation.

15:17:01 10 Q. Is it true that he initiated you?

11 A. No, My Lord, both of us went to be initiated at Jojoima.

12 Q. Do you know one Agba Murray?

13 A. Yes, My Lord.

14 Q. My Lords, it's A-G-B-A, and Murray is M-U-R-R-A-Y. Was he

15:17:57 15 initiated together with you in March 1996?

16 A. No, My Lord.

17 Q. Mr Witness, I will now move to the command structure that

18 you presented to this Court in evidence-in-chief.

19 A. Yes, My Lord.

15:18:42 20 Q. Did you say you were the national deputy director for

21 operations and director for operations south.

22 A. I didn't say for the south, My Lord.

23 Q. What did you say?

24 A. I said I was a national deputy director of operations. If

15:19:06 25 I am at the national level, then I would be deputising the

26 national director of operations. I held two positions.

27 Q. Mr Witness, who was your immediate boss?

28 A. Immediate boss was Joseph Koroma, who was the national

29 manager.

1 Q. What was his position?

2 A. The national director of operations.

3 Q. Mr Witness, would I be correct to say that you received

4 commands from your immediate superior who was Joseph Koroma?

15:20:28 5 Would I be correct to say that?

6 A. Yes, My Lord, but with explanation.

7 Q. Well, we don't need an explanation, Mr Witness. The

8 question is direct.

9 JUDGE BOUTET: When later are we to get the explanation?

15:20:47 10 MR YILLAH: I was waiting for Your Lordships to get the

11 recording, and then he can explain.

12 JUDGE BOUTET: Yes, Mr Witness.

13 THE WITNESS: My Lord, Joseph Koroma --

14 PRESIDING JUDGE: Go slowly.

15:21:10 15 THE WITNESS: Okay, sir.

16 PRESIDING JUDGE: You go slowly, okay. Mmm-hmm.

17 THE WITNESS: He was illiterate. And he was an elderly

18 person. Chief Hinga Norman, Moinina Fofana and Allieu Kondewa

19 just came together and gave him that post, just to appease him,

15:22:13 20 but I was doing all the work.

21 MR YILLAH:

22 Q. So, Mr Witness --

23 A. So, his position was a dormant one, My Lord. Because I was

24 the educated person among the directors, even some of the

15:23:06 25 responsibilities of the director of war were passed on to me.

26 Q. Mr Witness, are you telling the Court you did not receive

27 commands from your immediate superior officer Joseph Koroma? Is

28 that what you are telling the Court?

29 A. At all, except that once in a while, the director of war

1 would tell me that Joseph Koroma said so, and so and so. Never,
2 because he was a dormant man, he was inactive.

3 Q. Mr Witness, can you give an illustration of what was the
4 command structure at Base Zero? Could you tell this Court how
15:24:41 5 many people there were in order of hierarchy between yourself and
6 the first accused?

7 A. Three people: Joseph Koroma; Mohamed Musa Orinco; Moinina
8 Fofana and then chief Hinga Norman.

9 Q. Mr Witness, would I be correct to conclude that command --
15:25:44 10 the normal flow of command would come from the national
11 coordinator channeled through those persons you have named and
12 then eventually you? Would I be correct to make that conclusion?

13 A. No, that's not how we did things. Sometimes.

14 PRESIDING JUDGE: The question was put to you as a yes or
15:26:15 15 no answer.

16 THE WITNESS: It's a no, My Lord.

17 MR YILLAH:

18 Q. Mr Witness, you said in your evidence-in-chief this morning
19 that you spent six months at Base Zero; is that correct?

15:27:09 20 A. Yes, My Lord.

21 Q. Now, Mr Witness, would I be correct to say that the group
22 in Base Zero were only there effectively for five months
23 from November 1997 to March 1998? Would I be correct to say
24 that; you were only there for five months?

15:27:45 25 A. Only about six months. On my own calculation, it's six
26 months.

27 Q. Now Mr Witness, were you permanently stationed at Base Zero
28 or did you merely pay visits to Base Zero, which is which?

29 A. The job that I had at hand, I was not permanently based at

1 Base Zero. I would go to the war front and come back. I would
2 go to Moyamba and come back, I would go to Pujehun and come back.
3 I would go right around Bonthe. It wasn't permanent. I was
4 doing everything.

15:29:28 5 Q. Mr Witness, you said you were going and coming. Where were
6 you permanently based? Mr Witness, where were you permanently
7 based?

8 A. My base was Base Zero, but I was not permanent in the same
9 place. I only stayed in the same place about a week. That was
15:29:52 10 when I wanted to launch an attack on Koribundu. That was
11 Kpetewoma. That is when I wanted to attack Koribundu. The
12 nature of my work didn't allow me to be based in one place.

13 Q. Mr Witness, during your visits to Base Zero, if I'm correct
14 to say that, how long did you stay there at any given time? How
15:30:45 15 long? One day; two days; one week? During the times that you
16 visited Base Zero, how long did you stay there?

17 JUDGE BOUTET: Mr Yillah, do you mean the longest period of
18 time he stayed there when you say how long did you stay?

19 MR YILLAH: Let me say this: what was the longest period
15:31:05 20 of time you spent at Base Zero, during your visits?

21 JUDGE THOMPSON: Let me also intervene here. What is the
22 nature of the evidence now? Is it that he visited Base Zero or
23 was he operating from Base Zero? Then operating from Base Zero,
24 he was itinerant, but operating from Base Zero; or was it as you
15:31:36 25 describe it, visits?

26 MR YILLAH: Your Honour, to the penultimate question, his
27 response was that he was not based anywhere, if I am correct.

28 PRESIDING JUDGE: No, he said he was based in Base Zero.

29 JUDGE THOMPSON: That's the operating base.

1 PRESIDING JUDGE: That's what he said.

2 JUDGE THOMPSON: And I think the evidence is, as I
3 understand it, that he was itinerant. From Base Zero, he went to
4 different places to perform ad hoc assignments, but his operating
15:32:03 5 base was Base Zero. You can clarify it.

6 MR YILLAH: Mr Witness, from the period October 1997
7 to March 1998, where were you permanently based?

8 A. At Base Zero.

9 PRESIDING JUDGE: From?

15:32:31 10 MR YILLAH: From the period October 1997 to March 1998.

11 JUDGE BOUTET: You have asked that question, Mr Yillah and
12 he answered to that. Then he added, "However, I move in and out
13 all the time. I don't stay very long at the one place, but my
14 permanent base was Base Zero," that was his answer.

15:32:52 15 MR YILLAH: I'm following that now, I'm asking how long he
16 stayed there.

17 JUDGE BOUTET: Right.

18 MR YILLAH:

19 Q. Mr Witness, when you were not out of Base Zero, what was
15:33:14 20 the longest time that you spent there, when you went out of
21 there?

22 A. I spent two months there.

23 Q. Could you please tell the Court what are those months and
24 what year?

15:33:48 25 A. I can't remember now, because it has taken over six years,
26 so I can't remember. I can't remember the months now. But I
27 know that I spent two months there when I was carrying out
28 operations in the surrounding villages, Pipor, Baoma, Gbembo,
29 Sorgia, and Dodo.

1 Q. Thank you very much, Mr Witness. Now, let me help you.
2 When did you go to Base Zero? Do you remember the month, at
3 least? Can you give the Court an estimation?
4 A. No, I can't remember the month any more.
15:34:42 5 Q. Mr Witness, would I aid your memory if I suggested October
6 1997 was the first month that you arrived in Base Zero; would
7 that help you?
8 A. It's wrong. I can't remember the date.
9 Q. Mr Witness, do you know one Mr Mohamed K Massaquoi who was
15:36:07 10 formerly of the intelligence wing of the CDF? Do you know him?
11 A. No, My Lord.
12 PRESIDING JUDGE: Who was what?
13 MR YILLAH: Formerly of the intelligence wing of the CDF.
14 Q. Mr Witness?
15:36:15 15 A. Yes, My Lord.
16 Q. Mr Witness, were you at any time, between February 1998
17 and May 1998 investigated by the CDF for alleged looting at the
18 pastoral centre in Bo? Were you or were you not?
19 A. Not to my knowledge. Never. Nobody ever investigated me
15:37:40 20 for that.
21 PRESIDING JUDGE: For looting where?
22 MR YILLAH: For alleged looting at the pastoral centre at
23 Bo.
24 JUDGE BOUTET: And you said the investigation would have
15:38:06 25 been between February and May 1998?
26 MR YILLAH: Yes, My Lord.
27 JUDGE BOUTET: And investigated by the CDF?
28 MR YILLAH: By the CDF. The intelligence wing of the CDF.
29 JUDGE BOUTET: CDF intelligence?

1 MR YILLAH: Yes, My Lord.

2 PRESIDING JUDGE: 1998?

3 MR YILLAH: Yes, My Lord.

4 Q. Mr Witness, could you tell this Court why you were laid
15:38:49 5 off, according to you -- from your words -- why you were laid off
6 as national deputy - national director of operations? Could you
7 please tell the Court why you were laid off?

8 A. My Lord, I can't remember the date and the day and the
9 month. There was some kind of a problem between Hinga Norman and
15:40:01 10 ECOMOG relating to Kamajor supplies.

11 PRESIDING JUDGE: Kamajor supplies of what?

12 THE WITNESS: Rice. Chief Hinga Norman called me and said
13 we should fight against ECOMOG. Then I asked that these people
14 had come to fight for us. They sacrificed their blood for our
15:41:40 15 own freedom. How can we now fight against them? I didn't accept
16 it. So that didn't go down well with chief Hinga Norman, because
17 he wanted us to fight so that the supply of rice would be taken
18 away from them and placed in the hands of Chief Hinga Norman.
19 They kept that one, and the second one was the Government put CDF
15:44:01 20 under internal affairs ministry during the reign of Charles
21 Margai as its minister so CDF was put under the minister of
22 internal affairs.

23 JUDGE BOUTET:

24 Q. When is that that the internal affairs ministry was
15:44:51 25 responsible for CDF? What's the time -- approximately?

26 A. I cannot remember the date.

27 Q. Year?

28 PRESIDING JUDGE: If you cannot remember, don't guess.

29 THE WITNESS: I cannot remember.

1 PRESIDING JUDGE: Don't guess.

2 THE WITNESS: So when that happened, when the announcement
3 was made, Chief Norman came down to Bo. Moinina Fofana was at
4 that meeting. Chief Norman said that if they remove the CDF
15:46:25 5 under his ministry, as if he's a baby child, and take it to
6 another ministry, they should create a chaotic atmosphere in the
7 country. The day that we had the meeting, the following day,
8 Charles Margai arrived in Bo and he convened a general meeting
9 with the Kamajors and the CDF in the Town Hall in Bo.

15:47:39 10 PRESIDING JUDGE: Convened the general meeting of?

11 THE WITNESS: Kamajors and civilians. We were all in Bo
12 town. Then Charles Margai said when the Kamajor --

13 PRESIDING JUDGE: [Microphone not activated] minister of
14 internal affairs?

15:48:10 15 THE WITNESS: Yes, My Lord. Yes, My Lord.

16 PRESIDING JUDGE: What did he say?

17 THE WITNESS: Then he said CDF were coming under his
18 ministry. After the meeting -- after he had said that, after
19 Honourable Charles Margai had said that, Christian Keili, editor
15:49:17 20 of the Salone Times.

21 PRESIDING JUDGE: Christian who?

22 THE WITNESS: Keili. He interviewed me along the Bo John
23 street area. They said, "What do you think about Kamajors going
24 under the internal affairs ministry? What is your view?" Then I
15:50:37 25 said, "Honourable Charles Margai is the Minister, a Cabinet
26 Minister. Whatever he says here, it's the policy. I don't have
27 any qualms if Kamajors go under the internal affairs ministry.
28 If the Government that I was fighting for has taken that
29 decision, then I am willing to go under the internal affairs

1 ministry." Christian Keili put that interview over the FM KISS
2 104 radio.

3 PRESIDING JUDGE: Over what radio?

4 THE WITNESS: KISS 104, Radio Kiss 104. K-I-S-S.

15:52:59 5 PRESIDING JUDGE: Okay. Radio Kiss 104.

6 THE WITNESS: FM. Bo.

7 PRESIDING JUDGE: In Bo?

8 THE WITNESS: Yes, My Lord. So when Chief Hinga Norman
9 heard about that announcement, he called me in his residence,
15:53:36 10 Chief Boima's compound.

11 JUDGE BOUTET: Where was the residence, you say?

12 THE WITNESS: Chief Boima's compound in Bo. Then he asked
13 me if I had made that announcement. I said, "Yes, My Lord.
14 Charles Margai is a Minister and you are a deputy Minister. He
15:55:01 15 held this meeting and both of you were sitting at the table when
16 he made that announcement. So I just thought, sir, that this was
17 an agreement between the two of you," in reference to what he
18 said. The interview which I had with Christian Keili didn't go
19 down well with Chief Hinga Norman. On his return to Freetown, he
15:56:41 20 and the vice-president, former vice-president, Albert Demby, RES
21 Lagawo.

22 PRESIDING JUDGE: Spell Lagawo.

23 THE WITNESS: L-A-R-G-A-O or L-A-G-A-W-O.

24 PRESIDING JUDGE: That would be Largao.

15:57:29 25 THE WITNESS: Lagawo. L-A-G-A-W-O.

26 PRESIDING JUDGE: RES Lagawo.

27 THE WITNESS: Yes, My Lord. The present local government
28 minister, Sidikie Brima. And other distinguished personalities.
29 We had the meeting at the Milton hotel where I was summoned and

1 they invited one Alhaji Daramy Rogers at that meeting.

2 PRESIDING JUDGE: [Microphone not activated]

3 THE WITNESS: It was the Milton hotel.

4 PRESIDING JUDGE: Invited one Daramy Rogers?

15:59:00 5 THE WITNESS: Alhaji Daramy Rogers, who was representing
6 the Government at Base Zero. And when we came out --

7 PRESIDING JUDGE: Wait, wait. Yes, you were invited to
8 that meeting?

9 THE WITNESS: Yes, My Lord. Kondewa was at that meeting
16:00:14 10 where he even teased me that I was a bad person.

11 PRESIDING JUDGE: He, who?

12 THE WITNESS: Kondewa. So at that meeting, the
13 vice-president said that he had brought word for us, but we
14 should go to the Town Hall. We moved to the Town Hall. When I
16:01:36 15 went to the Town Hall, the vice-president said -- he said Kamajor
16 activities are at a district level, so it should return to the
17 district level. All the people with regional positions are
18 nullified. So that's how I was sacked from the Kamajor movement.

19 MR YILLAH:

16:03:30 20 Q. Mr Witness, I put it to you that you were sacked by the War
21 Council because of your excessive looting in Bo, especially at
22 the pastoral centre. I put that to you.

23 A. You are telling lies.

24 PRESIDING JUDGE: Please, don't tell counsel that he's
16:04:03 25 telling lies.

26 THE WITNESS: Okay, My Lord.

27 PRESIDING JUDGE: You do not tell learned counsel that he's
28 lying.

29 THE WITNESS: Okay, My Lord.

1 PRESIDING JUDGE: You can tell him you don't agree out of
2 respect for counsel.

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: Please, put the question back to him.

16:04:30 5 MR YILLAH:

6 Q. Mr Witness, I put it to you that you were fired because of
7 your excessive looting in Bo, especially so at pastoral centre.

8 A. No, My Lord.

9 Q. Mr Witness, I further put it to you that your sacking was
16:05:22 10 as a result of investigations ordered by the then vice-president
11 regarding the looting of ration supplies for CDF fighters as
12 well?

13 A. No, My Lords. His Excellency the President Alhaji Ahmad
14 Tejan Kabbah will be my principal witness, but the rice -- I
16:05:59 15 didn't dump out the rice. He said it in Bo when he said --

16 PRESIDING JUDGE: Please, wait, wait, wait. Let's get
17 things right. "I deny your suggestion that my sacking was due to
18 looting of rice" --

19 MR YILLAH: Meant for CDF fighters.

16:06:30 20 PRESIDING JUDGE: Only rice?

21 MR YILLAH: Rice for now, Your Honour. I'll follow it up.

22 THE WITNESS: My Lord, the rice, which was claimed to have
23 been missing in Bo, the president knows about it. He's my
24 principal witness, his Excellency the President, Dr Ahmad Tejan
16:07:11 25 Kabbah. He knows about that rice very well, and he knew who sold
26 the rice. It's just an allegation that they made, that was not
27 the reason why I was sacked.

28 PRESIDING JUDGE: And you say he's your principal witness?

29 THE WITNESS: Yes, My Lord. He knows who sold the rice.

1 MR YILLAH: May I proceed, My Lord?

2 PRESIDING JUDGE: Yes.

3 MR YILLAH:

4 Q. Mr Witness, you said an investigation was made. Was an
16:08:33 5 investigation conducted where you were afforded an opportunity to
6 respond to these allegations?

7 A. Nobody investigated me. Chief Norman went to Bo and said -
8 but they sent rice for Kamajors in the Southern Region.

9 PRESIDING JUDGE: And that's you?

16:09:32 10 THE WITNESS: And Alhaji Daramy Rogers and the brigade
11 commander in ECOMOG, because the rice was coming through ECOMOG,
12 and that we have connived and eaten the rice. After that --

13 PRESIDING JUDGE: Have you seen the rice?

14 THE WITNESS: Yes, My Lord.

16:10:31 15 PRESIDING JUDGE: How many bags?

16 THE WITNESS: Around 4,000 bags of rice.

17 PRESIDING JUDGE: 4,000 bags of rice. And have eaten the
18 rice?

19 THE WITNESS: Eaten or sold them. After they had incited
16:11:16 20 the Kamajors against us, one week later --

21 PRESIDING JUDGE: Wait, wait. One week later?

22 THE WITNESS: The President went to Bo.

23 PRESIDING JUDGE: President Kabbah?

24 THE WITNESS: My Lord, you're correct. They convened a
16:12:00 25 meeting at the Bo Town hall. So many Kamajors were present at
26 that meeting. Then the President declared that the rice which I
27 had --

28 PRESIDING JUDGE: The rice which?

29 THE WITNESS: The Kamajor rice which I had, that it has

1 gone missing in Bo -- that rice didn't arrive in Bo. That rice
2 was eaten in Freetown, it was sold in Freetown. And he knows the
3 person who sold the rice.

4 PRESIDING JUDGE: Did he mention the person who sold the
16:14:23 5 rice.

6 THE WITNESS: No, sir. Then he said, he calm down the
7 Kamajors, that we shouldn't do anything. That is what transpired
8 regarding the rice.

9 MR YILLAH:
16:15:17 10 Q. Thank you, Mr Witness. Mr Witness, correct me if I'm
11 wrong. Earlier in your evidence-in-chief you said after the CDF
12 group had moved from Base Zero the President had nothing to do
13 with CDF. Did you say that in your evidence-in-chief?

14 A. I said that, yes. When we were in the bush, we are not
16:16:08 15 interested in hearing his name.

16 Q. Mr Witness, having said that the President addressed
17 Kamajors in Bo including you regarding the rice, do you still
18 maintain your position that you earlier took this morning that
19 the President had nothing to do with the CDF even after you left
16:17:08 20 Base Zero? Do you still maintain that position or not?

21 PRESIDING JUDGE: He said when they were in the bush.

22 JUDGE BOUTET: His evidence had to do with when they were
23 in the bush, he just repeated that.

24 MR YILLAH: No, no, My Lord, he --

16:17:22 25 THE WITNESS: My Lord, I did not tell you that when we came
26 in town; I said when we were in the bush. We are about to
27 overthrow Tejan Kabbah's government so that we can seize power,
28 because he did nothing for us. He believed in international
29 bodies as his fighters.

1 JUDGE BOUTET: What the witness has just said is my
2 recollection of the -- [Overlapping speakers]

3 MR YILLAH: In fact, that is not what I put to the witness.
4 This morning in answer to questions posed by the Prosecutor, two
16:18:01 5 limbs were asked regarding President Kabbah. The first one was
6 in Base Zero and the second one was after Base Zero. Now I am
7 asking the witness specifically about after Base Zero. According
8 to -- the records will help us here, My Lord. But what we have
9 is that Kabbah had no position in CDF after Base Zero.

16:18:25 10 MR TAVENER: The context of the question, it was in
11 relation to the structure of the CDF; the structure of the CDF
12 when they were in Base Zero, the structure of the CDF when they
13 came out of or when they left the bush. It did not relate to
14 whether or not the President had anything to do with the CDF
16:18:46 15 after that time. The questions have to be put in context and
16 looked at in context, and they related to a structure - the
17 structure of the CDF.

18 MR YILLAH: My Lord, my short response to my learned
19 friend's objection would be as follows: The witness himself
16:19:10 20 under cross-examination has just responded whereby he said they
21 were in Bo when the then minister of internal affairs met with
22 them and said in fact he was going to put CDF under Internal
23 Affairs Ministry. Res ipsa loquitur, that speaks for itself.
24 And, My Lord, my learned friend would not know -- I have served
16:19:29 25 him with a command structure this afternoon and my learned friend
26 would not know whether I am laying foundation to put that in or
27 not.

28 JUDGE BOUTET: But if you are using the evidence-in-chief
29 as in support for your question, if that is the basis of your

1 question, you have to quote the evidence as it is. That is what
2 it is. You can ask any question that you feel is relevant, but
3 if you are using evidence-in-chief, then you have to use what has
4 been said.

16:19:56 5 MR YILLAH: Thank you, My Lord, I appreciate your guidance.

6 JUDGE BOUTET: It is two different issues.

7 MR YILLAH: I appreciate your guidance here, My Lord. Let
8 me put the question to the witness again.

9 Q. Mr Witness, this morning you said in your evidence-in-chief
16:20:10 10 that after you have left Base Zero President Kabbah had no
11 position in the CDF -- when questions were posed to you regarding
12 the command structure of the CDF. Is that correct? Did you say
13 that?

14 A. What I can remember I said, when we were in the bush Kabbah
16:20:50 15 had no relation --

16 PRESIDING JUDGE: [Microphone not activated]

17 THE WITNESS: Had no position. He had no position. That
18 time that we were in the bush you should not make mention of his
19 name to us.

16:21:09 20 JUDGE THOMPSON: That is not the question. The witness is
21 deliberately evading the question. We are not talking about that
22 time. And I think it is important that we keep the two separate.
23 I am sure the witness is intelligent enough to know that there
24 are two different time frames and I think the question is
16:21:26 25 perfectly legitimate.

26 MR YILLAH:

27 Q. Do you understand the question, Mr Witness, or do you want
28 me to put it back to you?

29 A. Ask your question. That's what I'm here to answer.

1 Q. Mr Witness.

2 A. Yes, My Lord.

3 Q. This morning in evidence-in-chief, when a question was
4 posed by my learned friend Tavener regarding the command
16:21:57 5 structure of the CDF after you have moved from Base Zero, you
6 said specifically that President Kabbah had no position in the
7 CDF; is that correct?

8 A. I cannot remember that I said so, My Lord. I remember that
9 we are in the bush. When we were out of the bush --

16:22:29 10 Q. Yes, Mr Witness?

11 A. -- President Kabbah became -- was installed in his position
12 as president of the country, and we are assuming that we are
13 fighting for democracy in this country and to reinstate him and
14 the idea that he had. Therefore, although he was not a Kamajor,
16:23:34 15 because he can only hold position in the CDF if you are a
16 Kamajor --

17 PRESIDING JUDGE: Therefore, although he was not a Kamajor.

18 THE WITNESS: Kamajor, yes, My Lord. But he was the head
19 of state.

16:24:21 20 JUDGE THOMPSON: Learned counsel, state your question. It
21 is not in issue that he was head of state.

22 MR YILLAH: That's not my question.

23 JUDGE THOMPSON: The question is whether he had any
24 position in the hierarchy of the CDF. I think there is a
16:24:33 25 deliberate evasion of the answer here.

26 MR YILLAH: As My Lord pleases.

27 JUDGE THOMPSON: I mean, this is not a witness who does not
28 appreciate the distinction. There is some reason why he seems
29 not to want to answer this question. It is a straightforward

1 factual question. It is whether he was or was not, either yes or
2 no.

3 THE WITNESS: He was not our head.

4 JUDGE THOMPSON: [Microphone not activated]

16:25:05 5 THE WITNESS: We never knew him as head.

6 JUDGE THOMPSON: [Microphone not activated]

7 MR YILLAH:

8 Q. It's not head, Mr Witness. Was he part of the CDF?

9 A. He was not part of the CDF. [Overlapping speakers]

16:25:18 10 JUDGE THOMPSON: [Microphone not activated]

11 PRESIDING JUDGE: [Microphone not activated] saying that he
12 could not hold a position because he was not a member of the
13 movement.

14 JUDGE THOMPSON: Well, it wasn't really. It was too much
16:25:27 15 of hypothesising. This witness is asked a direct factual
16 question and he goes on hypothesising if so and so, although not.
17 I don't know how to evaluate those answers. Direct question:
18 Was he holding a position in the hierarchy of the CDF? He either
19 did hold or did not. It seems to me so uncomplicated. But, of
16:25:52 20 course, the analysis well, you could have answered it yes or no
21 but then given your explanation as to why somebody would not have
22 held. That is a different kind of dimension. But we don't know.
23 We don't know why people hold offices in -- we are just trying to
24 find out the truth.

16:26:12 25 MR YILLAH: As My Lord pleases.

26 THE WITNESS: He did not hold any position in the CDF.

27 JUDGE THOMPSON: [Microphone not activated] save much time.

28 MR YILLAH: Thank you, Mr Witness. My Lord, may I apply to
29 the Court for Mr Walker to put a certain document to the witness?

1 I have served it already on the Prosecution and my colleagues on
2 this side.

3 MR TAVENER: I object to the document being shown or
4 tendered at this stage. There is no basis of the document being
16:26:47 5 established. The mere fact that he gave me a copy does not allow
6 it to be tendered at this stage. He needs to describe it,
7 identify when it was made, who made it, under what circumstances.
8 None of that has been done as yet.

9 JUDGE BOUTET: Can we have some indication of what it is?

16:27:04 10 MR YILLAH: It is an organogram of the Civil Defence Force
11 after the restoration of --

12 JUDGE BOUTET: Prepared by whom?

13 MR YILLAH: No, My Lord. The point is my learned friend
14 does not have basis to object to me putting this document to the
16:27:22 15 witness for the following reasons: One, My Lord, the witness has
16 sufficiently in evidence-in-chief spoken about the organogram of
17 the CDF both before and after the restoration of democracy,
18 My Lord. He held himself as being in a position of authority and
19 who knows. My Lord, I have instructions of my own version of the
16:27:50 20 organogram, and that was what I served on my learned friend this
21 afternoon. I only have it from one source and that is from my
22 source of instructions, My Lord. That is the only source I have
23 it from.

24 JUDGE BOUTET: The objection is more having to do with the
16:28:03 25 fact that you're using the document to put it to the witness
26 rather than asking the questions. I mean, you can ask those
27 questions. Why do you need to put the document?

28 MR YILLAH: No, My Lord, my questions will be derived --
29 the questions following will emanate from this document. So in

1 aid of his memory to answer those questions and to guide the
2 Court, so that he can give answers to the Court much more fully,
3 that is why I am putting the document to the witness. So he can
4 be looking at it and responding to the questions.

16:28:37 5 JUDGE THOMPSON: Under which rule are you moving the Court
6 to receive that document in evidence?

7 MR YILLAH: No, My Lord, I --

8 JUDGE THOMPSON: Under which rule are you doing that?

9 MR YILLAH: I will come under Rule 89(C).

16:28:53 10 JUDGE THOMPSON: Remember that document is not -- the
11 witness is not the author of that document.

12 MR YILLAH: No, the witness is certainly not, My Lord.

13 JUDGE BOUTET: And we don't have any basis as to who the
14 author is or even the nexus between this document and the
16:29:07 15 witness.

16 PRESIDING JUDGE: You remember there was -- [Overlapping
17 speakers]

18 JUDGE THOMPSON: And from where this document has come
19 from.

16:29:11 20 PRESIDING JUDGE: There was an attempt by learned counsel
21 Charles Margai, who also prepared an organogram and he couldn't
22 go far with it, because there were lots and lots of
23 contradictions and his organogram was completely out of place, so
24 he had to withdraw it. This one, like my learned brother is
16:29:35 25 mentioning here, we don't know who has prepared it and you want
26 to show it to the witness. The witness has given his conception
27 of the organogram as he has it.

28 MR YILLAH: Yes, My Lord.

29 PRESIDING JUDGE: Like my learned brother Justice Boutet

1 has pointed out, why don't you use that document and question
2 Mr Nallo on issues that you have there, because is it -- you are
3 certainly not the one that prepared that organogram.

4 MR YILLAH: Certainly not, My Lord.

16:30:07 5 PRESIDING JUDGE: Don't you think that the best person to
6 tender such a document is the person who prepared it?

7 MR YILLAH: No, My Lord, I was thinking, but I take
8 Your Lordships -- I will not press that point. I will use
9 [inaudible], My Lord.

16:30:20 10 JUDGE BOUTET: You can use -- [Overlapping speakers]

11 JUDGE THOMPSON: And probably rather --

12 JUDGE BOUTET: -- you have a document to put to the witness
13 is it true - I don't know - the chair was whoever and so on and
14 go down whatever you have there.

16:30:29 15 MR YILLAH: Thank you, My Lord.

16 MR TAVENER: Just one other objection.

17 JUDGE THOMPSON: Rather humorously, the document could have
18 come from space.

19 MR TAVENER: I am also worried about time as well, not only
16:30:38 20 space, Your Honour. I understand the document relates to after
21 the restoration, so I am not quite sure whether this document my
22 friend is now purporting to use even falls within the time period
23 of the indictment. If that could be made clear as to when this
24 document was actually produced, what time period we are talking
16:30:59 25 about, whether it was actually put into place.

26 PRESIDING JUDGE: Well, Mr Tavener, there, there -- you
27 know, I am sure learned counsel Yillah has taken the cue from the
28 Bench and would be questioning on the contents of that document
29 and not necessarily tendering it. Not necessarily tendering it.

1 MR TAVENER: But the time issue is certainly --
2 [Overlapping speakers]
3 PRESIDING JUDGE: [Overlapping speakers]
4 JUDGE THOMPSON: You reserve your liberty to object.
16:31:26 5 JUDGE BOUTET: We'll see what the time frame is. He's been
6 questioning now on issues that are in part right after the war.
7 So it depends what you mean "after the war".
8 PRESIDING JUDGE: You should be alert, Mr Tavener, as you
9 have always been.
16:31:43 10 MR YILLAH:
11 Q. Mr Witness, would you be surprised to know that contrary to
12 the organogram that you have presented to this Court this
13 morning, that after you have left Base Zero the national
14 commander of the CDF was the President of Sierra Leone? Would
16:32:07 15 you be surprised to know that?
16 A. It is a big surprising thing to me.
17 PRESIDING JUDGE: It would be a big surprise.
18 JUDGE BOUTET: You're talking when the witness left Base
19 Zero? This is when he left Base Zero to go to Bo?
16:32:41 20 MR YILLAH: To go to Bo, that's what I'm addressing.
21 JUDGE BOUTET: That's the time frame we're talking about?
22 MR YILLAH: Yes, My Lord.
23 JUDGE BOUTET: I just want to make sure.
24 MR YILLAH: That is in response to my learned friend
16:32:51 25 Tavener's objection.
26 JUDGE BOUTET: Yes, okay, but I want to be able to
27 understand what is your question exactly.
28 MR YILLAH: That's the time frame.
29 JUDGE BOUTET: "After you left Base Zero" -- it could have

1 been five years after. So you mean when he left Base Zero to go
2 to Bo --

3 MR YILLAH: And came to Bo.

4 JUDGE BOUTET: -- and Koribundu?

16:33:03 5 MR YILLAH: Yes, My Lord.

6 JUDGE BOUTET: Okay.

7 MR YILLAH:

8 Q. Mr Witness, would you be surprised to know that the vice
9 commander of the CDF then was the then vice president, Dr

16:33:14 10 [Overlapping microphones] commander sitting here of the CDF?

11 A. It is a big, big surprise to me.

12 PRESIDING JUDGE: What did you call President Kabbah? What
13 say he was what? What post did he hold in the CDF?

14 MR YILLAH: The national commander.

16:33:31 15 PRESIDING JUDGE: National commander?

16 MR YILLAH: Yes, My Lord. And then the then vice president
17 was vice commander.

18 Q. Mr Witness.

19 A. Yes, My Lord.

16:34:05 20 Q. Let me ask you this. Was the then vice president a member
21 of the CDF?

22 A. Not to my knowledge, My Lord.

23 Q. Mr Witness.

24 A. Yes, My Lord.

16:34:40 25 Q. Would you be surprised to know that the third in command in
26 the structure after you left Base Zero was Honourable RES Lagawo,
27 chairman National Coordinating Commission?

28 MR TAVENER: I object again. I am still not clear what
29 time period we're talking about. My friend initially mentioned

1 after the restoration. He has now said after we went to Bo. I'm
2 not quite sure what time period.

3 JUDGE BOUTET: I'm the one that asked the question to the
4 witness. The question was: After you left Base Zero, I asked
16:35:11 5 him, what do you mean by this? Do you mean when the witness went
6 to Bo? And the answer was yes. In other words, at the time the
7 witness left Base Zero to go to Bo. That is the time frame we're
8 talking about.

9 PRESIDING JUDGE: Left the bush in quotes.

16:35:27 10 JUDGE BOUTET: They're still in the bush.

11 MR TAVENER: As long as when the question is put to the
12 witness he understands we're talking about early 1998, because
13 that appears to be the time frame my friend is putting. Although
14 from the document he is holding it is not clear.

16:35:43 15 JUDGE BOUTET: Well, Mr Yillah, you have heard the
16 objection. I have that concern as well. I just want to make
17 sure there is no confusion in times.

18 MR YILLAH: The response that I give to you, My Lord, is
19 when he came to Bo -- when they left Base Zero for Bo.

16:35:58 20 JUDGE BOUTET: The qualifications that the witness has used
21 is they were in the bush and out of the bush. We're still in the
22 bush in that sense.

23 MR YILLAH: No, My Lord. Well, out of the bush in the
24 sense that they were now in Bo.

16:36:09 25 PRESIDING JUDGE: In Bo, yes.

26 JUDGE BOUTET: But that is not the evidence of the -- out
27 of the bush was not -- depends what you're talking of in Bo,
28 because the witness has just testified about the meeting in Bo
29 after peace has been restored, so we're still in Bo. So when I

1 use the word Bo it's when the witness went to Bo to take control
2 of Bo.

3 MR YILLAH: That was in early 1998, My Lord, to put it
4 easier.

16:36:34 5 JUDGE BOUTET: We need to be clear on the time frame.
6 Otherwise it's totally confused. The questions, when you say
7 after you left Base Zero, you mean in '98.

8 MR YILLAH: Early '98.

9 JUDGE BOUTET: Early '98.

16:36:49 10 MR YILLAH: Yes, My Lord.

11 JUDGE BOUTET: Fine. Maybe you can make sure the witness
12 understands and make sure you get the same answers to your
13 questions.

14 MR YILLAH: I will start again.

16:36:58 15 JUDGE BOUTET: I would suggest we do that so there is no
16 ambiguity either with your questions or the answers.

17 MR YILLAH: As My Lord pleases.

18 JUDGE BOUTET: Thank you.

19 MR YILLAH: I am grateful, My Lord.

16:37:09 20 Q. Mr Witness.

21 A. Yes, My Lord.

22 Q. I will start again. In early 1998, when you had left Base
23 Zero, did you know, in your capacity as National Deputy Director
24 of Operations, that the President was the national commander of

16:37:29 25 the CDF? Did you know or did you not?

26 A. I don't know. Not to my knowledge.

27 Q. Mr Witness.

28 A. Yes, My Lord.

29 Q. Did you know that the then vice president, Dr Albert Joe

1 Demby, was the vice commander of the CDF?

2 A. I don't know, My Lord.

3 Q. My question following from that again I will put. Do you
4 know whether the then vice president was a Kamajor? Do you know

16:38:19 5 or don't you Doe?

6 PRESIDING JUDGE: He has said he doesn't know.

7 THE WITNESS: I don't know.

8 MR YILLAH:

9 Q. Okay, Mr Witness, did you also know that the third in
16:38:28 10 command of the CDF at the time was Honourable RES Lagawo,
11 chairman National Coordinating Commission? Did you know or did
12 you not?

13 A. I don't know.

14 PRESIDING JUDGE: Was who, Mr Yillah?

16:38:51 15 MR YILLAH: Honourable RES Lagawo, chairman National
16 Coordinating Commission.

17 PRESIDING JUDGE: Lagawo. Can you spell that for us?

18 MR YILLAH: Here it is written L-A-G-A-O.

19 PRESIDING JUDGE: National?

16:39:06 20 MR YILLAH: Chairman, National Coordinating Commission.

21 PRESIDING JUDGE: National Coordinating Commission for
22 what?

23 MR YILLAH: Within the CDF structure.

24 Q. Mr Witness.

16:39:40 25 A. Yes, My Lord.

26 Q. Did you know that the fourth person in that structure,
27 sitting as a member of the National Coordinating Commission, was
28 Honourable PC Caulker, vice chairman? Did you know or did you
29 not?

1 A. I don't know. I don't know Charles Caulker to be a
2 member of -- I knew Charles Caulker to be a member of the War
3 Council.

4 PRESIDING JUDGE: [Microphone not activated] Is it the
16:40:18 5 fifth in your own hierarchy?

6 MR YILLAH: No, the fourth, My Lord.

7 PRESIDING JUDGE: The fourth?

8 MR YILLAH: Yes, My Lord.

9 JUDGE BOUTET: Are you talking of CDF as a structure?
16:40:33 10 Because you're using, as well, National Coordinating Commission
11 of the CDF. Is this, in your own language, a commission that is
12 part of the CDF?

13 MR YILLAH: Yes, My Lord.

14 JUDGE BOUTET: Or it's the overall organisation that
16:40:49 15 embraces CDF?

16 MR YILLAH: No, it is part of the CDF structure. That is
17 what I am putting to him, but he has denied knowledge of that.

18 JUDGE BOUTET: The description you gave to the witness for
19 Caulker, what was it you say? Did you know if he was --

16:41:06 20 MR YILLAH: Yes, the fourth in the hierarchy sitting as
21 vice chairman of the National Coordinating Commission.

22 JUDGE BOUTET: Okay, thank you.

23 MR YILLAH: Thank you, My Lord.

24 Q. Mr Witness.

16:41:45 25 A. Yes, My Lord.

26 Q. Just one last question on this point.

27 A. Okay.

28 Q. Did you know that the fifth person in that structure was
29 the National Coordinator, Chief Sam Hinga Norman?

1 A. No, My Lord. I know Chief Hinga Norman as the National
2 Coordinator, head of the Kamajors.

3 Q. Mr Witness.

4 A. Yes, My Lord.

16:43:00 5 Q. Have you heard about the TRC?

6 A. Yes, My Lord.

7 Q. Did you talk to the TRC?

8 A. No.

9 Q. May I ask why, Mr Witness? Why didn't you talk to the TRC?

16:43:39 10 A. Nobody met me. Nobody went to me. If I was invited I
11 would have gone there, but I was not invited.

12 Q. Mr Witness, would you be surprised to know that in the
13 findings of the TRC --

14 MR TAVENER: I object to this question on the same basis I
16:44:28 15 objected before about the TRC. That is, unless the entire
16 document is put in concerning the CDF then the risk is it's being
17 quoted out of context. And the findings of another body in which
18 witnesses were taken under circumstances that are not in evidence
19 before this Court is not appropriate that those findings be put
16:44:47 20 to this Court. It is either put in context or it is not referred
21 to. That does not preclude the witness from putting the
22 factual question -- sorry, the learned Defence counsel from
23 putting to the witness questions, but what I object to is using
24 the --

16:45:05 25 JUDGE BOUTET: Quote.

26 MR TAVENER: Yes, using the quote out of context.

27 MR YILLAH: Your Lordship has ruled on this question. This
28 Chamber, constituting of Your Lordships, has ruled on this
29 question and I do not --

1 JUDGE BOUTET: What question?

2 MR YILLAH: No, a similar question was posed to a witness
3 by my learned friend Koppe and objection was taken by my learned
4 friend Tavener on that point, and Your Lordship ruled and
16:45:30 5 accepted that question. It is on record.

6 PRESIDING JUDGE: Which one? Can you situate us? If
7 you're going to draw a parallel, situate us.

8 MR YILLAH: If my learned friend Tavener could also help us
9 with the particular witness. But he knew, he objected, and Your
16:45:48 10 Lordships ruled that the question was admissible.

11 JUDGE BOUTET: I have no recollection -- I'm not saying yes
12 or no, I just have no recollection of what you're talking about,
13 Mr Yillah.

14 PRESIDING JUDGE: I have no recollection as well.

16:45:54 15 JUDGE BOUTET: I don't know, maybe my brothers have. I
16 don't know.

17 PRESIDING JUDGE: No, I have no recollection.

18 JUDGE THOMPSON: I do have some recollection but I'm not
19 sure whether the situation is on all fours with this one.
16:46:06 20 Learned counsel, I do have some vague recollection but I'm not
21 sure whether that situation is on all fours with the instant
22 situation.

23 MR YILLAH: My Lord, the question was posed to witness
24 TF2-005 and we were in closed session, My Lord. I don't want to
16:46:29 25 go into the merits of that.

26 PRESIDING JUDGE: How do you expect us on this Bench to
27 know what question was put to -- the pseudonyms are so many.

28 MR YILLAH: My Lord, we're here to be kindly to the Court,
29 My Lord. If Your Lordships so require I would -- [Overlapping

1 speakers]

2 PRESIDING JUDGE: You are talking of the TRC. Maybe the
3 time will come when you will canvass the admission of the TRC
4 report in due course, but just getting them in extracts is
16:47:07 5 troubling to me.

6 JUDGE THOMPSON: I even want to say that if counsel seeks
7 to rely on a previous -- may I have counsel's attention.

8 MR YILLAH: Yes, My Lord, I'm listening. I'm sorry,
9 My Lord.

16:47:28 10 JUDGE THOMPSON: If counsel seeks to rely on a previous
11 ruling or decision of this Court to guide him in whatever
12 position he wants to take, it seems to me quite clear that the
13 obligation is on counsel to cite precisely the particular ruling
14 and to indicate what our particular principle we enunciated
16:47:53 15 there, not just to remind the Court it gave a ruling. It may
16 well be that that particular situation is clearly not on all
17 fours with the present one.

18 MR YILLAH: As My Lord pleases.

19 JUDGE THOMPSON: [Overlapping speakers]

16:48:05 20 PRESIDING JUDGE: [Overlapping speakers] and rulings are
21 distinguishable, one from the other. So it is very difficult for
22 us to make an analysis of the submission on the application
23 you're making.

24 JUDGE BOUTET: I don't recall that we made a ruling where a
16:48:21 25 conclusion or findings of the TRC was used as part of the
26 question and say do you agree or disagree. That I have
27 absolutely no recollection as I say.

28 MR YILLAH: My Lord, it was not a written decision by the
29 Court as such.

1 JUDGE BOUTET: No, I'm not saying it was.

2 MR YILLAH: It was argument, My Lords. My attention has
3 just been drawn to the transcript, and the pronouncements that
4 were made. My learned friend Koppe held the report and then just
16:48:46 5 put the finding to the witness, whether he agreed or not with the
6 finding of the TRC report. I was just trying to put it to the
7 witness. I can rephrase and put it to the witness whether he
8 agrees or disagrees.

9 PRESIDING JUDGE: Let's follow you. Go ahead, let's see.

16:49:07 10 MR YILLAH:

11 Q. Mr Witness.

12 A. Yes, My Lord.

13 Q. Would you agree with the finding of the TRC --

14 JUDGE BOUTET: Tell him first that the TRC has made
16:49:20 15 findings A, B, C, whatever it is, on something and then ask him
16 if he agrees or disagrees, if that is the case.

17 MR YILLAH:

18 Q. Mr Witness, do you know that the -- you said you've heard
19 about the Truth and Reconciliation Commission?

16:49:41 20 PRESIDING JUDGE: Yes, he said so, Mr Yillah, he said so.

21 MR YILLAH:

22 Q. The Truth and Reconciliation Commission has also published
23 part of their report which is titled "Findings"; do you know
24 that?

16:49:54 25 A. Yes, I know about that.

26 Q. Thank you, Mr Witness. In that finding it was stated that
27 the high command of the CDF comprised of the CDF National
28 Coordinating Committee. One, the commander in chief of pro
29 government forces including the CDF, Alhaji Dr Ahmad Tejan

1 Kabbah, President and Minister of Defence. Would you agree with
2 that finding?

3 A. Me? They made it, but what I know about our society --

4 PRESIDING JUDGE: Do you agree with it or not -- with that
16:50:34 5 finding?

6 THE WITNESS: I don't know. I don't know. I don't agree.

7 PRESIDING JUDGE: You do not agree with that finding?

8 THE WITNESS: Yes, My Lord.

9 PRESIDING JUDGE: Do not agree with the TRC finding.

16:50:57 10 JUDGE BOUTET: Which was what again, the portion you've
11 read, Mr Yillah?

12 MR YILLAH: "The CDF High Command" is the title. "The high
13 command was partly comprised of the CDF National Coordinating
14 Committee. One, Commander in Chief" --

16:51:13 15 PRESIDING JUDGE: The high command of the CDF National
16 Coordinating Committee.

17 MR YILLAH: The title is "CDF High Command", and underneath
18 is written, "The high command was partly comprised of the CDF
19 National Coordinating Committee." And below that is written,
16:51:38 20 "Commander in chief of pro-government forces, including the CDF."

21 PRESIDING JUDGE: We want to get it. He said he does not
22 agree. We want to --

23 MR YILLAH: He does not agree with the finding that the
24 Commander in Chief of the pro government forces including the CDF
16:52:09 25 was Alhaji Dr Ahmad Tejan Kabbah.

26 MR TAVENER: I am not quite clear whether my friend is
27 attempting a paraphrase of the findings or the actual findings.
28 It is meaningless what he is doing.

29 JUDGE THOMPSON: I find that a little difficult too. Why

1 not quote the exact findings and perhaps a useful way would be to
2 remind this witness that he had already said that he does not
3 know whether the president of this country was the national
4 commander. Is counsel getting me?

16:52:43 5 MR YILLAH: I'm getting you.

6 JUDGE THOMPSON: Otherwise this exercise is going to be
7 futile. Because what you're seeking to do is to find out whether
8 he confirms or now modifies his position in relation to the
9 evidence that the President of this country was not the national
16:53:03 10 commander of the CDF.

11 MR YILLAH: Yes, My Lord.

12 JUDGE THOMPSON: So why not proceed in that methodical way
13 and let us get through it. Because I am a little skeptical about
14 the whole purpose of the exercise, notwithstanding your reminder
16:53:21 15 that we may have ruled in the favour of the Defence in a similar
16 situation.

17 MR YILLAH: As My Lord pleases. My Lord, may I confer?

18 Q. Mr Witness.

19 A. Yes, My Lord.

16:54:31 20 PRESIDING JUDGE: Mr Yillah, please, you may proceed.

21 MR YILLAH: Thank you, My Lord.

22 Q. Mr Witness.

23 A. Yes, My Lord.

24 Q. I'm holding here a document titled "Findings of TRC", and
16:54:44 25 there is a portion written, "The CDF high command". It is
26 written as follows: "The high command was partly comprised of
27 the CDF National Coordinating Committee. A. Command" --

28 PRESIDING JUDGE: Wait, just a minute.

29 THE INTERPRETER: My Lords, can counsel take it slowly

1 because he is being interpreted to the witness.

2 PRESIDING JUDGE: The high command was comprised of?

3 MR YILLAH: Was partly comprised of the CDF National
4 Coordinating Committee.

16:55:17 5 JUDGE BOUTET: Are you reading, if I may, from the report
6 itself or an executive summary or a summary? I just want to know
7 what you are reading from.

8 MR YILLAH: My Lord, there is just a document that we have
9 that is titled "Findings" because the full report is not yet out.

16:55:34 10 MR TAVENER: I object again, because he is now summarising
11 or paraphrasing from a finding. We don't even have the entire
12 document.

13 JUDGE THOMPSON: And I would come in myself and say that is
14 what is happening here, then it would seem to me that the
16:55:48 15 procedure is irregular, because really you alone can take
16 responsibility for the accuracy of your summary, whether
17 executive or paraphrase. It would not seem to be the proper way
18 to proceed, because we don't know what may have been left out and
19 of course one is not in any way suggesting bad faith, but when we
16:56:14 20 do summarise other people's works we determine ourselves what are
21 the important and essential things that we want to summarise.

22 And it would not be fair to this witness, because this witness
23 has not agreed that he is familiar with the TRC process, he has
24 not seen this document, and I think in the interests of fairness
16:56:39 25 you probably should pursue another alternative.

26 MR YILLAH: I will take the cue from the Bench.

27 PRESIDING JUDGE: Mr Yillah, taking the cue from my
28 distinguished brother, we are on very, very slippery grounds
29 here, because this witness, like my learned brother has said, is

1 not familiar with what happened there. He is even categorically
2 denying that the President was top in the command structure of
3 the CDF or the Kamajor movement, because he was not himself a
4 Kamajor and could not therefore hold any position. So what I
16:57:30 5 think might be a better alternative to do is that when it comes
6 to that time, at the appropriate time, you may wish to canvass
7 the tendering of the entire report of the TRC. It would serve
8 your purposes at all times and even what you are intending to
9 establish at this point in time.

16:57:57 10 MR YILLAH: I take the cue My Lord, I'm grateful.

11 JUDGE BOUTET: You see, we are confused in part too,
12 because when you are quoting, you're not even sure this is the
13 true finding of the TRC. As I say, if it is just summary, a
14 resume or a paraphrase, we don't know, you don't know and,
16:58:15 15 therefore, before you can put to the witness you have to include
16 this and we need to have some certainty that this is indeed the
17 [inaudible]. And, as the learned Presiding Judge has said,
18 certainly if we have the report in due course you will be able to
19 use it for some other purpose -- for your purposes as well.

16:58:34 20 MR YILLAH: I'm grateful for Your Lordships.

21 PRESIDING JUDGE: Because at that time the report will be
22 in issue and the premises on which they arrived at such
23 conclusions will also be in issue.

24 MR YILLAH: Absolutely.

16:58:45 25 PRESIDING JUDGE: This is it.

26 MR YILLAH: Absolutely. I take the hint, My Lord. I am
27 grateful, I am very grateful.

28 Q. Mr Witness.

29 A. Yes, My Lord.

1 PRESIDING JUDGE: My notes have never been as confused as
2 they are at this particular juncture, so we better move away from
3 this mess and tidy things up properly.

4 MR YILLAH: I have taken the cue, I am moving on.

16:59:11 5 PRESIDING JUDGE: Yes, Mr Yillah, I know you are wanting to
6 do a good job, you know, for your --

7 MR YILLAH:

8 Q. Mr Witness.

9 A. Yes, My Lord.

16:59:17 10 Q. As National Deputy Director of Operations you were
11 responsible for your commanders under you, were you not?

12 A. Yes, My Lord, for logistics. I got directives from the
13 National Coordinator.

14 PRESIDING JUDGE: Please, wait, wait, wait. As National
16:59:44 15 Deputy Director of Operations, mm? Mr Yillah?

16 MR YILLAH: Yes, My Lord.

17 Q. You were responsible for your commanders?

18 PRESIDING JUDGE: I was responsible for my commanders. He
19 said yes. Yes.

17:00:07 20 MR YILLAH:

21 Q. Now, Mr Witness, did you as a commander -- as National
22 Deputy Director of Operations, did you distinguish between lawful
23 and unlawful orders? Did you?

24 A. I am not a lawyer. I did not do law. I never went to a
17:00:41 25 military school. What I knew -- [translation interrupted]

26 PRESIDING JUDGE: Please wait, wait, wait. Listen to
27 counsel's question and answer it.

28 THE WITNESS: Okay, My Lord.

29 PRESIDING JUDGE: Did you distinguish between lawful and

1 unlawful orders?

2 THE WITNESS: No, My Lord.

3 PRESIDING JUDGE: As National Deputy Director of Operations
4 I did not distinguish between lawful and unlawful orders.

17:01:15 5 THE WITNESS: Yes, My Lord.

6 JUDGE THOMPSON: I think the witness was about to explain.

7 PRESIDING JUDGE: Yes, he was, indeed.

8 JUDGE THOMPSON: I think he should be afforded that
9 opportunity.

17:01:35 10 THE WITNESS: My Lord, I did not do law, I did not attend
11 an army academy. I was an ordinary civilian that took up arms to
12 fight for my land.

13 PRESIDING JUDGE: Please wait, wait, wait. I was an
14 ordinary civilian who took up arms?

17:02:19 15 THE WITNESS: Yes, My Lord, to fight for my land, to
16 liberate it from the rebels. The National Coordinator from whom
17 I took orders from, Captain Samuel Hinga Norman, he was an army
18 officer, an old army officer. Rather, ex-army officer who
19 attended Sanders Military Academy. So we gave him that respect
17:04:11 20 that he should have guided us for lawful and unlawful order. So
21 whatever order he gave to us, we thought it was right, because we
22 are lay people.

23 MR YILLAH:

24 Q. Thank you very much, Mr Witness. Mr Witness --

17:04:57 25 PRESIDING JUDGE: Please, just a minute.

26 MR YILLAH: As My Lord pleases.

27 Q. Mr Witness.

28 A. Yes, My Lord.

29 Q. I recall you saying a while ago in this Court that you were

1 an educated man. Didn't you say that?

2 A. Every person is an educated person. A carpenter is an
3 educated person.

4 Q. I am speaking about you. Speak about yourself?

17:05:39 5 A. Yes, My Lord, I said I went to school.

6 Q. Mr Witness.

7 A. Yes, My Lord.

8 Q. Before you took up arms to fight for your land, as you
9 said, did you know that the killing of a human being in
17:06:08 10 Sierra Leone -- did you know that it was and still remains a
11 crime?

12 A. Yes, I know that.

13 Q. Mr Witness.

14 A. Yes, My Lord.

17:06:43 15 Q. Did you also know that looting was and still remains a
16 crime in Sierra Leone? Did you or did you not?

17 A. Yes, My Lord.

18 Q. And finally, Mr Witness, did you know that the raping of
19 women was and still is a crime in Sierra Leone? Did you know
17:07:23 20 that?

21 A. Yes, My Lord.

22 Q. So, Mr Witness, knowing all these things, all these laws
23 that we've talked about, didn't you still distinguish between an
24 order that was lawful and an order that was unlawful? Didn't
17:07:57 25 you?

26 A. It was not a normal situation. It was a war time. I don't
27 know. In normal situation, when the country is in order, is
28 peaceful, I know, but in a war situation, I don't know.

29 JUDGE THOMPSON: So the answer would be that in normal

1 times he would appreciate the distinction between lawful and
2 unlawful orders.

3 MR YILLAH: Yes, My Lord.

4 JUDGE THOMPSON: But in abnormal times, notably war
17:08:47 5 situation, he would not appreciate that nuance. Is that what
6 he's saying?

7 MR YILLAH: As My Lord please, that's what he's saying.

8 Q. Mr Witness.

9 A. Yes, My Lord.

17:09:04 10 Q. You said as National Deputy Director of Operations you had
11 commanders below you. The commanders especially in the southern
12 province were below you; is that correct?

13 A. Yes, My Lord.

14 Q. Mr Witness.

17:09:43 15 A. Yes, My Lord.

16 Q. What were your responsibilities towards your commanders?

17 A. I have spelled that out, My Lord.

18 Q. Towards your commanders who were below you?

19 A. I have talked about that. I have talked about that, My
17:10:04 20 Lord.

21 PRESIDING JUDGE: Talk about it again.

22 MR YILLAH: As My Lord pleases.

23 PRESIDING JUDGE: But avoid being repetitive.

24 THE WITNESS: The roles and responsibility: One, I took
17:10:26 25 orders, general and specific, from my National Coordinator, head
26 of the Kamajor movement, retired captain Hinga Norman. I used to
27 go and inform the commanders that this is what the coordinator
28 had told me to convey to you. I was responsible to give supply,
29 arms and ammunition, at the war front to fighters. I collected

1 information from the war front - Pujehun District, Bonthe
2 District, Moyamba District - compile and submit to the National
3 Coordinator through the national Director of War, Moinina Fofana.

4 MR YILLAH:

17:13:08 5 Q. Thank you, Mr Witness. Mr Witness, did you exercise any
6 form of control as Director of Operations South? Did you
7 exercise -- you exercise any form of control over your commanders
8 who were below you in the southern province?

9 A. I was in charge, but I hadn't full control.

17:14:02 10 PRESIDING JUDGE: So you say you were in charge but you did
11 not have full control of your commanders.

12 THE WITNESS: Yes. All the Kamajors under the southern
13 region, I was in charge, but I did not have full control. But
14 there was a Special Forces, Vanjawai. I was unable to control
17:14:34 15 Vanjawai Special Forces, so I cannot say I was in complete
16 control.

17 MR YILLAH:

18 Q. Mr Witness.

19 A. Yes, My Lord.

17:15:08 20 Q. Did you for instance ensure upon regular routine checks
21 with them that they were indeed -- that they protected the lives
22 and properties of civilians in the various areas of operations?

23 A. Yes, they looted but not everywhere.

24 PRESIDING JUDGE: That's not your question, learned
17:15:45 25 counsel, is it?

26 MR YILLAH: No, My Lord.

27 PRESIDING JUDGE: Can you put it to him again.

28 MR YILLAH: As My Lord please.

29 Q. Mr Witness.

1 A. Yes, My Lord.

2 Q. Did you as Director of Operations South, for instance,
3 ensure upon regular routine checks with your troops that they
4 protected the lives and properties of civilians in their various
17:16:09 5 areas of control?

6 A. Yes, My Lord.

7 Q. Thank you very much, Mr Witness.

8 Mr Witness, did you, as a grand commander who was in
9 charge of subcommanders in the south -- did you know that you had
17:17:08 10 a discretion to distinguish between various commands that you
11 received from your superiors? Did you know that?

12 JUDGE THOMPSON: The question is unclear.

13 MR YILLAH: I will put it again, My Lord.

14 JUDGE THOMPSON: At least to me.

17:17:41 15 MR YILLAH: I take the point, My Lord.

16 JUDGE BOUTET: To me too.

17 MR YILLAH: I will put it again, My Lord.

18 Q. Mr Witness, let me put it this way by illustration --

19 JUDGE BOUTET: Do you mean to say there were some
17:17:56 20 directions that he could or could not follow. That's what you
21 mean? In that sense?

22 MR YILLAH: That's exactly what I'm putting to him, My
23 Lord.

24 THE WITNESS: [No interpretation]

25 PRESIDING JUDGE: We will rise for a few minutes.

26 [Break taken at 5.17 p.m.]

27 [Upon resuming at 5.28 p.m.]

28 JUDGE BOUTET: So, Mr Yillah, you were to reformulate your
29 question about discretion.

1 MR YILLAH: As My Lord pleases.

2 Q. Mr Witness, were you, as director of operations,
3 responsible, together with your commanders, for implementing the
4 commands that you received from Base Zero; were you?

17:31:36 5 A. Yes, My Lord.

6 Q. Now, Mr Witness, in implementing these commands did you use
7 your discretion as a commander to distinguish between commands
8 that were lawful and commands that were unlawful?

9 A. I have told you that I am not a lawyer. I don't know what
17:32:36 10 is lawful or unlawful during the times of war.

11 PRESIDING JUDGE: The answer to the question is you did not
12 distinguish between lawful and unlawful orders.

13 THE WITNESS: Yes, My Lord.

14 JUDGE BOUTET: So you did execute the orders that were
17:33:07 15 given to you -- all orders that were given to you by Base Zero?

16 THE WITNESS: I was unable to do all of them. I could
17 explain.

18 JUDGE BOUTET: That's okay. That answers my question.
19 That's fine.

17:33:31 20 MR YILLAH: May I proceed, My Lord?

21 JUDGE BOUTET: Yes.

22 JUDGE THOMPSON: Before he does let me ask him: Did you
23 recognise that you had a discretion in this matter? Did you
24 recognise that you had a discretion as to whether to implement
17:33:51 25 lawful or unlawful orders? Did you enjoy such a discretion?

26 THE WITNESS: No, My Lord.

27 JUDGE THOMPSON: Thank you.

28 THE WITNESS: I can explain.

29 PRESIDING JUDGE: No, please.

1 MR YILLAH:

2 Q. Mr Witness, when you were carrying out these orders in the
3 various districts the first accused was, at all such times,
4 stationed in Base Zero; is that correct?

17:34:44 5 A. He was not there all the time.

6 JUDGE BOUTET: Your question, Mr Yillah, is when he was
7 carrying out these orders --

8 MR YILLAH: At the various districts in the south the first
9 accused --

17:35:09 10 JUDGE BOUTET: Was always at Base Zero?

11 MR YILLAH: Yes, My Lord.

12 JUDGE BOUTET: Okay. What's your answer, Mr Witness?

13 THE WITNESS: No, My Lord. He was not always at Base Zero.

14 But we had a meeting, a general meeting, where he gave an order
17:35:59 15 that had gone all round the districts. That was a standing order
16 whether he was present or not.

17 MR YILLAH: Thank you very much, Mr Witness.

18 JUDGE BOUTET: But these orders, Mr Witness, so we
19 understand, were what you have described as the general orders
17:36:49 20 that he gave to that meeting.

21 THE WITNESS: Repeat the question.

22 JUDGE BOUTET: These orders that you have just mentioned
23 were the general orders that he had given at a meeting of all
24 Kamajors?

17:37:07 25 THE WITNESS: I want you to repeat which Kamajors you're
26 talking about.

27 JUDGE BOUTET: You just said that he had a general meeting
28 where he gave the standing orders and they were applicable
29 whether he was present or not.

1 THE WITNESS: Yes, My Lord. It was a general order that he
2 gave.

3 JUDGE BOUTET: That is what you testified about --

4 THE WITNESS: With an explanation.

17:37:42 5 JUDGE BOUTET: -- earlier in examination-in-chief when you
6 said he gave general orders and specific orders.

7 THE WITNESS: Yes, My Lord. He gave general orders before
8 we could go to the war front Koribundu and Bo, but he had given
9 the general order before that which was standing.

17:38:06 10 MR YILLAH:

11 Q. Mr Witness, we're not contesting that. My question to you
12 is simple. Now, when you were in these various places in the
13 south the first accused was at all such times stationed in Base
14 Zero. That's my question.

17:38:23 15 JUDGE THOMPSON: But he said no.

16 PRESIDING JUDGE: He said no.

17 JUDGE THOMPSON: He denies that.

18 JUDGE BOUTET: It's a question of vocabulary. If you say
19 stationed, probably he was [inaudible]. Now do you mean

17:38:37 20 stationed or physically present there all the time?

21 PRESIDING JUDGE: Because of the evidence we have on the
22 record, he moved as well. Mr Norman moved.

23 JUDGE BOUTET: In my vocabulary stationed means that you
24 are stationed there but doesn't mean you're there all the time.

17:38:55 25 MR YILLAH: As My Lord pleases.

26 Q. But, Mr Witness, he certainly did not go with you
27 physically to these operational fronts. He did not?

28 A. Yes, My Lord I went with his orders.

29 Q. No, physically?

1 JUDGE BOUTET: No, but did he himself go with you?

2 MR YILLAH:

3 Q. Did he go with you physically?

4 A. No, My Lord.

17:39:15 5 PRESIDING JUDGE: Yes, Hinga Norman did not go with me.

6 THE WITNESS: I went with his orders.

7 MR YILLAH:

8 Q. Mr Witness, would I be correct to say that you were in a

9 position as the regional director of operations to say which

17:39:54 10 orders given to you should be carried out or not in various

11 situations. Would I be correct to say that?

12 A. No, My Lord.

13 Q. If I may ask you, Mr Witness, why were you not in such a

14 position? Why?

17:40:47 15 A. Because of Chief Hinga Norman's announcement that he made

16 to us when he said his order that he would give to us -- even if

17 somebody gives us a billion, that is what we should carry out.

18 His order must not change.

19 Q. Mr Witness, do you recall telling this Court in your

17:41:39 20 evidence-in-chief that you handed over two captured soldiers to

21 ECOMOG in Bo contrary to the standing orders, as you call them,

22 that were given to you?

23 A. Yes, My Lord, with explanation.

24 JUDGE BOUTET: Go ahead, please.

17:42:18 25 THE WITNESS: My Lord, at that time that we had come to

26 town from the bush --

27 MR YILLAH: May I be seated, My Lord?

28 JUDGE BOUTET: Please do so.

29 PRESIDING JUDGE: Yes, yes, yes.

1 THE WITNESS: ECOMOG soldiers had joined us --

2 PRESIDING JUDGE: But he's answering to your questions. We
3 have to distinguish between when counsel can sit and -- in long
4 cases that's inconvenience.

17:42:53 5 MR YILLAH: As My Lord pleases.

6 PRESIDING JUDGE: But you may sit, you know.

7 MR YILLAH: My Lord, I take the cue.

8 THE WITNESS: So the parents of the people who had been
9 captured in Koribundu, the soldiers, reported us to ECOMOG --
17:43:20 10 reported me to ECOMOG.

11 JUDGE BOUTET: Yes.

12 THE WITNESS: That we had captured their husbands or their
13 children and we wanted to kill them. At that time the ECOMOG had
14 recognised me as the deputy national director, so --

17:44:23 15 THE INTERPRETER: My Lords, that was very fast for me. Can
16 you take it again?

17 JUDGE BOUTET: Can you repeat your last. You said that
18 ECOMOG recognised you as.

19 THE WITNESS: They recognised me as, and they had known
17:44:42 20 that I was a director of operations southern region and that I
21 was in charge of the region so we were all in the same place; at
22 one command post that was created in the new police barracks, Bo.
23 Then they called me and said, Mr Nallo, Captain Olu and
24 [inaudible] that we received complaints from these people.

17:45:25 25 PRESIDING JUDGE: Yes, so when you got there -- tell us.
26 Cut the story short.

27 THE WITNESS: Okay. They said if I had prisoners, they
28 directed me that I should release the prisoners of war that I've
29 got from Koribundu because we shouldn't kill prisoners of war

1 during the times of war, that we should treat them nicely. They
2 said if I killed them it was a crime. A well-trained soldier
3 must not kill a prisoner of war.

4 MR YILLAH:

17:47:10 5 Q. Mr Witness --

6 THE WITNESS: I've not completed, sir. So I tried to
7 explain the order that I had.

8 PRESIDING JUDGE: After that you released them.

9 THE WITNESS: Yes, My Lord.

17:47:30 10 PRESIDING JUDGE: The two captured soldiers.

11 THE WITNESS: Yes, My Lord.

12 MR YILLAH:

13 Q. Mr Witness, I will draw your attention again to another
14 situation in which you said you did not follow the instructions
17:47:52 15 of the first accused to kill captured soldiers. That is the
16 situation of John Hota. Do you recall?

17 A. Yes, I could remember.

18 Q. Mr Witness, was anything done to you by the first accused
19 for not complying -- was anything done to you in accordance with
17:48:59 20 what you've said were the penalties of disobeying commands from
21 the first accused? Was anything done to you for not following
22 commands in John Hota's situation?

23 A. He did not do anything to me. At that time we were in Bo
24 and there was a government.

17:49:48 25 Q. Mr Witness, how often did you visit your operational areas
26 of command from Base Zero? Once a week, twice a week, once a
27 month? How often?

28 A. I would go three times per week. If I say I was going to
29 visit Koribundu today I will go there. I will sleep there and

1 return.

2 Q. Mr Witness, how far is Koribundu, for instance, from Base
3 Zero?

4 A. I don't know the mileage.

17:51:25 5 Q. Mr Witness, how long -- okay, by what means did you travel
6 to your various operational areas?

7 PRESIDING JUDGE: He had a motorbike.

8 THE WITNESS: I had a Honda which we had commandeered from
9 Africare.

17:51:48 10 MR YILLAH:

11 Q. Now, using your Honda how long would it take you to leave
12 Base Zero and to get to Koribundu?

13 A. I didn't have that chance to read any mileage. I was not
14 conscious of that at all.

17:52:09 15 Q. The time, how long?

16 A. The time? Sometimes I spend one hour 20 minutes and
17 sometimes two hours because I'd have to traverse a river from
18 Sumbuya and if I meet a boat -- if they do not come for me
19 immediately I would have to waste some time.

17:52:44 20 Q. Mr Witness, would I be correct to say that other Kamajors
21 were travelling on foot from Base Zero to the other various
22 places of command in the south? Would I be correct to say that?

23 A. Yes, My Lord. Sometimes we would even walk from Base Zero
24 to Masingbi to Jiama Sewafe.

17:53:18 25 Q. Mr Witness, I will now take you to -- My Lord, I'm coming
26 to a new subject now, if Your Honour pleases, the War Council.
27 It's an entirely new subject My Lord.

28 PRESIDING JUDGE: Yes, how long will you be on that
29 subject?

1 MR YILLAH: The War Council will be at least 30 to 40
2 minutes, 40 minutes.

3 PRESIDING JUDGE: That's too much. That's too much.

4 JUDGE BOUTET: Mr Yillah, after the War Council, in your
17:54:00 5 own cross-examination do you have many other areas?

6 MR YILLAH: No, My Lord. After the War Council it's just
7 the various operations in Base Zero that he claimed.

8 JUDGE BOUTET: So you have two areas, one will be the War
9 Council and then some [inaudible] on Base Zero.

17:54:16 10 PRESIDING JUDGE: How much time do you need for tomorrow?

11 JUDGE BOUTET: Not tomorrow.

12 PRESIDING JUDGE: I'm sorry. I have forgotten that I'm
13 entitled to a weekend.

14 MR YILLAH: The work of the Court, My Lord, is even
17:54:32 15 outpacing the Defence, My Lord. Your Lordships are outpacing us,
16 My Lord.

17 PRESIDING JUDGE: Well, we don't intend to. We intend to
18 move at the same pace with our learned counsel. Yes, you think
19 on Monday you will take how --

17:54:49 20 MR YILLAH: If I start at 9.30 at most I should be
21 concluded by quarter to 11, 11.00 at the latest.

22 PRESIDING JUDGE: [Inaudible] look at all the time we've
23 taken today. Well, you know, let's see how it goes.

24 MR YILLAH: As My Lord pleases.

17:56:32 25 PRESIDING JUDGE: Well, learned counsel, have a restful
26 weekend. Mr Witness, have a restful weekend. We will see you
27 here, we will continue on Monday at 9.30. The Court will rise,
28 please.

29 [Whereupon the hearing adjourned at 5.55 p.m., to be reconvened

1 on Monday, the 14th day of March 2005, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-014	2
EXAMINED BY MR TAVENER	2
CROSS-EXAMINED BY MR YILLAH	35