

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

THURSDAY, 11 MAY 2006  
9.48 A.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Elena Martin-Salgado Ms Roza Salibekova Ms Andrea Marlowe
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Desmond de Silva Mr Joseph Kamara Ms Miatta Samba
For the Principal Defender:	NO APPEARANCE
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Victor Koppe
For the accused Allieu Kondewa:	Mr Charles Margai Mr Yada Williams Mr Martin Michael (legal assistant)

1 [CDF11MAY06A - RK]

2 Thursday, 11 May 2006

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.48 a.m.]

6 WITNESS: BOBOR BRIMA [Continued]

7 PRESIDING JUDGE: Good morning, counsel. Good morning,  
8 Mr Witness. Mr Prosecutor, when we adjourned yesterday we were  
9 with you and you had indicated to the Court that you were to read  
09:48:35 10 and take knowledge of this statement of the witness.

11 MR KAMARA: Yes, My Lord.

12 PRESIDING JUDGE: And that you have a short  
13 cross-examination after that, only four or five questions. So we  
14 are with you.

09:48:52 15 MR KAMARA: My Lord, in light of the statement I might add  
16 a few questions.

17 PRESIDING JUDGE: I suspected that.

18 CROSS-EXAMINED BY MR KAMARA: [Continued]

19 Q. Good morning, Mr Witness.

09:49:06 20 A. Morning, sir.

21 Q. Do you recall making a statement to the investigators for  
22 the Defence?

23 A. Yes, sir.

24 Q. You said yes?

09:49:27 25 PRESIDING JUDGE: Yes, he did.

26 THE WITNESS: Yes.

27 MR KAMARA:

28 Q. I will help you with the date. It was on the 27 October  
29 2005. Am I correct?

1 A. Well, I did not recall the date.  
2 MR KAMARA: 27 October 2005, My Lord.  
3 Q. And you made that statement in Krio?  
4 A. Yes.  
09:50:29 5 Q. And that statement was obtained while you were at  
6 Koribundu?  
7 A. Yes, sir.  
8 Q. Was that statement read to you?  
9 A. No.  
09:51:04 10 Q. But you recall signing the statement, don't you?  
11 A. Yes, sir.  
12 MR KAMARA: Can the witness be shown this document, please.  
13 I have copies for the Court.  
14 Q. Mr Witness, take a look at the last page. Do you recognise  
09:52:31 15 that signature?  
16 A. Yes.  
17 Q. Do you recognise it as your signature?  
18 A. Yes.  
19 Q. In your evidence, Mr Witness, you remember I asked you --  
09:53:13 20 you spoke --  
21 PRESIDING JUDGE: Before you go on, Mr Prosecutor, you have  
22 asked the witness if the statement was made in Krio. He answered  
23 yes. It is a document that you have tendered to us does not  
24 appear to be in Krio. At least unless I am now perfectly capable  
09:53:37 25 of reading Krio, but I don't think I can. Does that mean the  
26 language in the interview was in Krio but the --  
27 MR KAMARA: Yes, My Lord. The language --  
28 PRESIDING JUDGE: Can you clarify that?  
29 MR KAMARA: Certainly, My Lord.

1 PRESIDING JUDGE: And who wrote the statement per se. I  
2 would like to know a bit more about how it was obtained.

3 MR KAMARA: Certainly, My Lord.

4 Q. Mr Witness.

09:54:06 5 A. Sir.

6 Q. I'm going to ask you questions about the interview. It was  
7 conducted in Krio; is that so?

8 A. Yes, sir.

9 Q. Was it recorded in writing?

09:54:20 10 A. It was written.

11 Q. Do you know the person that did the recording of that  
12 statement?

13 A. Yes, I knew him.

14 Q. If I suggest to you that it was Kingsley Belle, does that  
09:54:59 15 ring any bell, a member of the Defence team for Norman?

16 A. Yes, I can recall.

17 Q. In your evidence you gave testimony about an episode in  
18 which one Mosquito stepped off a vehicle. Do you recall the  
19 context of that evidence?

09:55:58 20 JUDGE ITOE: Before you go that far, yes, you have laid  
21 some background on this statement, but what do you intend to do  
22 with this statement? What do you intend to do with this  
23 statement?

24 MR KAMARA: I intend to tender it.

09:56:18 25 JUDGE ITOE: In pursuit of your objectives.

26 MR KAMARA: I intend to tender it after this question. I  
27 want to prove something that is not in the statement in which he  
28 has given evidence, and test him as to his credit, whether it is  
29 a recent fabrication or it is something he told to the Defence.

1 JUDGE ITOE: I hope you do not meet with a barrier on the  
2 other side that you are going into the contextual aspect of that  
3 statement even before it is tendered and admitted in evidence.

4 MR KAMARA: In that case I will tender it, My Lord. My  
09:56:59 5 Lord, the Prosecution wish to tender this document as an exhibit  
6 for the Court.

7 PRESIDING JUDGE: Thank you. Dr Jabbi, any comment?

8 MR JABBI: My Lords, no objection.

9 MR KOPPE: None, Your Honour.

09:57:17 10 PRESIDING JUDGE: Mr Williams?

11 MR WILLIAMS: Your Honour, my concern, and possibly which  
12 might be a basis for an objection, is that my learned friend has  
13 not shown the consistency between what this witness said viva  
14 voce and the statement he is about to tender. I believe  
09:57:39 15 Your Lordships' ruling is clear on this. That foundation has to  
16 be established. My learned friend has not done so.

17 PRESIDING JUDGE: Thank you, Mr Williams. What do you  
18 respond to that Mr Prosecutor?

19 MR KAMARA: My Lord, this has been an issue since Monday  
09:58:00 20 before this Court. The context in which this witness has given  
21 evidence and the episode that is referred to, had led the  
22 Prosecution to make an application before this Court for this  
23 very statement. My Lord, the nexus is there and over and above  
24 the fact that this witness -- the issue has been discussed within  
09:58:19 25 the confines of this Court for the last three days.

26 PRESIDING JUDGE: Very well. Thank you. Your objection is  
27 overruled, Mr Williams. Mr Court Officer, where are we, 152?

28 MR WALKER: Yes, Your Honour.

29 PRESIDING JUDGE: So this document of --

1 MR KAMARA: Statement of Bobor Brima dated 27 October 2005.

2 PRESIDING JUDGE: Document of five pages is marked as  
3 Exhibit 152.

4 MR KAMARA: Thank you, My Lord.

09:59:02 5 PRESIDING JUDGE: Again, so there is no confusion at all as  
6 to this exhibit and this document, this is admitted as an exhibit  
7 for a very, very limited purpose.

8 MR KAMARA: Yes, My Lord.

9 [Exhibit No. 152 was admitted]

09:59:16 10 MR WILLIAMS: If I may be heard, My Lord. I believe the  
11 practice also has been that when statements are tendered to show  
12 inconsistencies, those inconsistencies would have been to be  
13 highlighted. I cannot see any highlighting on this document, My  
14 Lord.

09:59:33 15 PRESIDING JUDGE: You're right, but I guess we are going to  
16 get there.

17 MR WILLIAMS: I believe he should have done so before  
18 tendering the document. That has been the practice.

19 PRESIDING JUDGE: You are right, Mr Williams.

09:59:51 20 MR KAMARA: My Lord, a document can be tendered for several  
21 purposes other than inconsistency. And if it were solely for  
22 inconsistency, I agree and concede to my friend. But there are  
23 several purposes for which I'm utilising this document.

24 JUDGE ITOE: Are you utilising it for inconsistency as  
10:00:06 25 well?

26 MR KAMARA: I might get to that, but it is not the first  
27 primary issue for me on this document.

28 Q. Mr Witness, do you recall the episode I was referring you  
29 to earlier on about Mosquito stepping from that vehicle?

1 A. Yes.

2 Q. Did you explain that incident to the investigators for the  
3 Defence?

4 A. I cannot recall now.

10:01:04 5 Q. Mr Witness, I am suggesting to you that that is a recent  
6 fabrication added by yourself to glamorise your evidence.

7 A. Well, all that I had seen during this war was not something  
8 that I recorded.

9 Q. Mr Witness --

10:01:53 10 JUDGE ITOE: So what is his answer to the suggestion that  
11 you have put to him?

12 MR KAMARA: I thank you, My Lord, because, from the  
13 response, the question has not been answered.

14 Q. I will pose the question again, Mr Witness. I suggested to  
10:02:09 15 you that that entire episode is a recent fabrication made by  
16 yourself so as to glamorise your evidence.

17 A. I did not tell a lie. As a matter of fact, it was  
18 something that happened.

19 Q. Mr Witness, I invite you to take a look at that document.  
10:03:18 20 Not one single reference is made to that entire episode.

21 PRESIDING JUDGE: Give him the time to look at it, if you  
22 are asking that question to the witness.

23 MR KAMARA: Yes, My Lord, I saw him looking at it.

24 PRESIDING JUDGE: Presumably you mean by this that he has  
10:03:35 25 to read it and look at the five pages.

26 MR KAMARA: All right, My Lord. I'm just echoing what my  
27 learned friend for the first accused said yesterday that there is  
28 no reference to it.

29 PRESIDING JUDGE: But the witness was not involved in these

1 discussions yesterday. You are putting the document in evidence  
2 through this witness. I think it is only fair to him that he  
3 looks at the document.

4 MR KAMARA: Very well, My Lord.

10:04:04 5 Q. Take a look at that document, Mr Witness.

6 PRESIDING JUDGE: I don't know if the copy that he has is  
7 more legible than the one I have, but the portions of mine that I  
8 just cannot read are the bottom part of all the pages.

9 MR KAMARA: Yes, My Lord. This is what we were given by  
10:04:32 10 the Defence and they still hang on to the originals. I did ask  
11 for the originals yesterday to enable us to clearly read the  
12 transcript.

13 PRESIDING JUDGE: Dr Jabbi, why is it that the Prosecution  
14 was not given a copy of the original for this, if that is the  
10:05:09 15 case? And if you have the original can it be tendered?

16 MR JABBI: My Lord, yesterday the legal assistant was not  
17 able to lay hands on the original. I see that the copy that I  
18 have, even though it is heavily marked by me, is, however, clear  
19 all the way.

10:05:44 20 PRESIDING JUDGE: I don't know if you have seen the copy  
21 that we have in court this morning, but I can say to you there is  
22 absolutely no possibility to read the last whatever the number of  
23 lines are at the bottom of those pages. On the first page the  
24 last two lines do not appear and the same on the second and the  
10:06:05 25 third page. So whatever copy you have, if it is to improve the  
26 quality of what we have, even though it's marked -- when you say  
27 marked, you have notes or just --

28 MR JABBI: Yes, My Lord.

29 JUDGE ITOE: Why should the legal assistant not -- how does



1 it come by his not being able to lay hands on the original which  
2 is a very vital document for this matter? Are we just taking it  
3 like that that he has not been able to lay hands on it?

4 MR JABBI: My Lord, it may well be that it was just because  
10:06:45 5 he had that copy with him in court and he showed it to the  
6 Prosecution and they accepted it. So he did it immediately after  
7 the order was given. It is possible that he has the original --  
8 he can lay hands on the original elsewhere, but he is not in  
9 court now, My Lord.

10:07:08 10 JUDGE THOMPSON: My concern, clearly, is that these are  
11 situations where the philosophy of flexibility of the Tribunal in  
12 admitting documents needs to be refined and fine tuned. Because  
13 it doesn't mean because a court adopts a flexible policy to  
14 admitting documents, therefore documents of inferior quality in  
10:07:36 15 terms of their legibility should be admitted. I have never felt  
16 that by reason of the doctrine of flexibility of admission we  
17 have abandoned the best evidence rule. If anything else, when I  
18 look at this I am unable to make anything out of it. If the  
19 prosecuting counsel intends to refer to other parts of it which  
10:08:03 20 may not be legible, how is the Court going to be able to evaluate  
21 anything? So it would be my own position that if the original is  
22 available, this is the best evidence. Flexibility does not mean  
23 that we admit anything or everything. That's my view.

24 MR JABBI: My Lord, I entirely agree with that, except  
10:08:37 25 perhaps first of all to say that I did not myself look at the  
26 copy that was given to the Prosecution. It was given to the  
27 Prosecution and they accepted it, so I didn't know that that  
28 particular copy had these blemishes.

29 My Lord, I have also recovered a copy, but it is a

1 photocopy which is also relatively clear.

2 JUDGE ITOE: Dr Jabbi, what position do you take in  
3 relation to the comment made by learned Justice Thompson?

4 MR JABBI: My Lord, I said I entirely agreed with it.

10:09:15 5 JUDGE ITOE: And so where is your legal assistant who is  
6 supposed to have that document? Supposing we insist that the  
7 original must be produced, because what we have here is  
8 completely illegible.

9 MR JABBI: My Lord, as I say, I agree with that. I did not  
10:09:37 10 look at the document to see its condition. But, short of having  
11 the original itself, and in the interests of saving time in the  
12 Court, I was just trying to say that I do have a copy now that is  
13 relatively clear. It is likely to be clearer than that, because  
14 it is almost like the one I have which is marked.

10:10:05 15 JUDGE THOMPSON: My response would be that that would only  
16 be an interim measure, because clearly this is one case where if  
17 the best evidence rule should be applied, it is this case because  
18 issues are being taken with certain matters here.

19 MR JABBI: My Lord, it is quite possible, as I say, that  
10:10:24 20 the original is available.

21 PRESIDING JUDGE: Dr Jabbi, can you have this document  
22 available for the witness at this particular moment and ask you  
23 to make sure that the original of this document is given to the  
24 Court so we can substitute the original to the copy that has been  
10:10:41 25 filed. We will try to make do with that piece of paper as best  
26 as we can so we can move ahead.

27 Mr Court Officer, can you take this document and give it to  
28 the witness so he can read the full copy. In the meantime, if  
29 you can arrange to have your legal assistant to be informed that

1 we need this document as soon as possible, please.

2 MR JABBI: My Lord, we will do that during the break.

3 MR KAMARA: Thank you, My Lord.

4 Q. Have you taken a look at the document?

10:14:58 5 A. Yes, sir.

6 Q. You will agree with me that in that entire document, not a  
7 single reference of that episode was made?

8 A. I have not seen it there.

9 Q. It is not there, you agree with me?

10:15:18 10 A. I agree with you, but when I talk -- when I talk -- when  
11 the man went to me to obtain the statement, he gave me time so  
12 that I could sit down and think about what really had been  
13 happening. That was really in my mind. That is why I said I was  
14 in doubt when I did not see it in this, because that was the  
10:16:05 15 point --

16 THE INTERPRETER: Your Honours, would the witness repeat  
17 the last bit of what he said?

18 PRESIDING JUDGE: Mr Witness, can you just repeat the last  
19 part of your answer? Your last answer you said, "It was in my  
10:16:21 20 mind," but can you explain why? Can you take that again, please?

21 THE WITNESS: I said when the man went to interview me, he  
22 gave me time so I could sit and refresh my brain so that I could  
23 tell him all that I had seen during the war. That was the strong  
24 points that I was thinking about when I was recollecting  
10:16:53 25 everything. But I'm just surprised now, given that I have not  
26 seen it here. As a matter of fact, when the thing happened, I  
27 had not been recalling it, nothing of the sort.

28 MR KAMARA:

29 Q. You are suggesting to the Court that you are surprised that

1 such an important episode is not related to that statement -- is  
2 not referenced to that statement?

3 PRESIDING JUDGE: What is your answer? Was this a  
4 question, Mr Prosecutor?

10:17:46 5 MR KAMARA: Yes, My Lord. I'm more or less getting it  
6 clear from him that he is surprised not seeing the reference --

7 PRESIDING JUDGE: I understand, but it is this a comment or  
8 a question?

9 MR KAMARA: It is a question to him now.

10:18:02 10 PRESIDING JUDGE: Then put it in the form of a question so  
11 he can clearly understand your question.

12 MR KAMARA:

13 Q. Mr Witness, are you saying that you are surprised not to  
14 have seen such an important episode referenced in that statement?

10:18:25 15 A. Yes, sir.

16 Q. Thank you. Now, let me take you to the fourth page of that  
17 statement. Were you afraid of Kamajors at any point in time?

18 A. Not all the time.

19 Q. At that period in Koribundu, were you afraid of Kamajors?

10:19:00 20 MR JABBI: My Lord, if my learned friend can just specify  
21 the time. The witness said before he posed this last question  
22 that it was not all the time that he was afraid of Kamajors and  
23 he has asked again, "At that time were you afraid of the  
24 Kamajors?" He has not specified the time frame in view. It is a  
10:19:29 25 long time frame.

26 PRESIDING JUDGE: Thank you, Dr Jabbi.

27 MR KAMARA: I will rephrase, My Lord.

28 PRESIDING JUDGE: Please.

29 MR KAMARA:

1 Q. Mr Witness, at what time were you afraid of Kamajors?

2 A. Well, during the time that --

3 THE INTERPRETER: Your Honours, would the witness go slow  
4 so as to give the interpreter time to get everything.

10:19:54 5 PRESIDING JUDGE: Mr Witness, please, when you answer the  
6 question go slowly, if at all possible for you, because what you  
7 say needs to be interpreted and the interpreters are unable to  
8 follow when you speak too fast. Will you take your answer again.  
9 The question was: "At what time were you afraid?" What is your  
10:20:14 10 answer? Slowly, please.

11 THE WITNESS: I was afraid during the time when they came  
12 attacking.

13 MR KAMARA:

14 Q. Will you tell the Court why you were afraid?

10:20:50 15 A. Yes.

16 Q. Tell the Court.

17 A. They were fighting. During the time they were fighting  
18 they were not fighting with hands, they were fighting with guns.  
19 The soldiers, they had some guns which they used which made  
10:21:22 20 everybody to be afraid. I was afraid so that I could not stay  
21 outside because a gun, when it had been fired, it would not pick  
22 and choose. So I would go into my house and hide, except if they  
23 said that we were to come outside, then I would come out.

24 Q. Mr Witness, your answer was fear of the fighting and my  
10:22:28 25 answer was specific. I was asking about Kamajors. There is a  
26 distinction between Kamajors and the fighting to which you have  
27 alluded that you were afraid of. Now you answered that you were  
28 afraid of Kamajors. Why are you afraid of Kamajors, not the  
29 fighting?

1 A. Like which point and which side?

2 Q. Let me take you back. When you came back from Bo to  
3 Koribundu?

4 A. Well, when my brother asked me when he said, "Why did you  
10:23:15 5 go?" Okay, that day, that last attack, when we pulled out, I was  
6 in the house. Then they said -- they said people had been  
7 packing and going. Then I said okay. I rushed to the  
8 headquarters, the soldiers' headquarters, so that I could get  
9 more information so as to what had happened.

10:23:45 10 Q. Mr Witness --

11 A. That was time that --

12 Q. -- we've had all that evidence. I'm specific now. You  
13 have left Bo, you have gone back to Koribundu. Let us take it at  
14 that point. Your brother, from your evidence, had posed a  
10:24:06 15 question to you, you were answering. Did you tell your brother  
16 Kamajor that you were afraid of them? Let me put it that way.

17 A. I really want so as to understand. I don't understand. My  
18 brother Kamajor, was he the one that told me that?

19 Q. I will take it again, Mr Witness. Slowly and carefully.

10:24:45 20 JUDGE ITOE: Mr Prosecutor, what you are driving at is  
21 documented in the document that is already in evidence, an  
22 exhibit.

23 MR KAMARA: I'll take it straight to him, yes, My Lord.

24 JUDGE ITOE: Why are we dancing around the clock?

10:24:56 25 MR KAMARA: My Lord, I'm trying to get him to make several  
26 denials, then I'll accost with the main fight.

27 PRESIDING JUDGE: Yes, but you put the statement to the  
28 witness. You say to the witness look at page 4, you said  
29 something, now we're moving all around.

1 MR KAMARA: My Lord, I'll move to that.

2 PRESIDING JUDGE: [Overlapping speakers] following you on  
3 this. If you have other issues, that's fine.

4 MR KAMARA:

10:25:16 5 Q. Mr Witness, take a look at page 4 of your statement, the  
6 highlighted sentence there which starts with, "So I told them  
7 that I was afraid. That is why I went away, because I told that  
8 the Kamajors are out just to kill." You have seen that sentence?

9 A. Yes.

10:25:59 10 Q. Could you explain that sentence to the Court?

11 A. When I went to the junction, to the headquarters, the  
12 soldiers tried to convince me so that we could pull out of the  
13 town. Then they told us that -- they said, "Are you sitting  
14 down? If your brothers would come, they'd kill you. Kill you  
10:26:26 15 all."

16 Q. Mr Witness, you are intentionally not cooperating with the  
17 questions. This issue is about Kamajors. You came back from Bo  
18 and they welcomed you. You are explaining something different.

19 MR JABBI: With respect, My Lord.

10:26:53 20 PRESIDING JUDGE: Yes, Dr Jabbi.

21 MR JABBI: I do not think the witness is explaining  
22 something different. He's explaining the source of this feeling,  
23 and that that is the time he was told this and that is why he has  
24 recorded it. He is not saying that on that occasion he was  
10:27:07 25 confronted by the statement of fact, but that he had been told on  
26 a previous occasion that so and so and so, and that is what he  
27 has recorded here, My Lord.

28 MR KAMARA: My Lord, learned counsel is proffering evidence  
29 for the Court, trying to analyse the evidence of this witness,

1 and that is not his role, My Lord.

2 PRESIDING JUDGE: But the answer of the witness -- you put  
3 that sentence to the witness, as such, and he has explained what  
4 it meant.

10:27:38 5 MR KAMARA: He seems confused.

6 PRESIDING JUDGE: He doesn't seem to be confused. I  
7 disagree with you. When you read this paragraph, it makes sense  
8 what he's explaining now. You cannot pick that sentence out of  
9 the blue. You have to look at it in context, as such.

10:27:52 10 MR KAMARA: Let me read the paragraph. Probably it will  
11 become clearer for this witness.

12 Q. In that paragraph, Mr Witness, you said, "Two months later  
13 I left Bo," and that was in April of 1998 and you went back to  
14 Koribundu.

10:28:07 15 JUDGE ITOE: You are being translated. I suppose you know  
16 that.

17 MR KAMARA: Yes, My Lord. Sorry.

18 THE WITNESS: Yes.

19 MR KAMARA:

10:28:19 20 Q. You went back to Koribundu to check on the situation?

21 A. Uh-huh.

22 Q. And when you went back to Koribundu, the Kamajors were  
23 happy to see you?

24 A. Yes.

10:28:36 25 PRESIDING JUDGE: Don't paraphrase. Read the paragraph the  
26 way it is.

27 MR KAMARA:

28 Q. "The Kamajors were happy to see me because, for, as they  
29 said, 'You are the kind of people we want,' that you should



1 be with us."

2 A. Yes.

3 Q. "So I told them that I was afraid. That is why I went  
4 away, because I was told that the Kamajors are out just to  
10:29:12 5 kill."

6 A. That is the time that I answered. When I went to the  
7 headquarters, what they told me was still in my mind. That was  
8 what made me to become afraid. That is why I said I should go  
9 and check before I could come and collect my family and take them  
10:29:32 10 away.

11 JUDGE THOMPSON: Counsel, what is your question on this  
12 issue?

13 MR KAMARA: My Lord, I will leave that issue.

14 JUDGE THOMPSON: Yes, because it seems as if it's a matter  
10:29:43 15 of interpretation and remember this witness gave this statement  
16 in Krio. So even though he is trying to comprehend what is  
17 written in English, it may well be part of the impasse that you  
18 experience, because you may be giving some parts of that  
19 statement some different interpretation in English and if we  
10:30:07 20 probably go back to the Krio version you may find that the matter  
21 is less problematic.

22 MR KAMARA: My Lord, I have left that issue.

23 Q. Mr Witness, you have never been engaged in hostilities as a  
24 fighter; correct?

10:30:26 25 JUDGE ITOE: Sorry, let's have that again.

26 MR KAMARA:

27 Q. You have never been engaged in hostilities as a fighter?

28 A. Not at all. Not at all, except if I and a colleague of  
29 mine should have some row and we'd fight.

1           PRESIDING JUDGE: Again maybe you should put that in a  
2 special time frame. Obviously hostilities -- now, we are  
3 fighting with neighbours, as such.

4           JUDGE THOMPSON: Probably this time it is a little general  
10:31:15 5 and that is why you got that answer.

6           MR KAMARA: Yes, My Lord.

7 Q.    Mr Witness, between 1997 to 1999 you were not engaged in  
8 hostilities as a fighter?

9 A.    At all not.

10:31:38 10 Q.    And that within the same period you were just an ordinary  
11 man going about your ordinary business; right?

12 A.    Yes, sir.

13 Q.    And therefore you know nothing about Kamajor business;  
14 correct?

10:32:14 15 A.    I did not know about their society.

16 Q.    That's what I'm saying. You agree with me that you were a  
17 civilian, you were an ordinary businessman, not a Kamajor member,  
18 you didn't know anything about Kamajor business?

19           PRESIDING JUDGE: Why use the word "Kamajor business."  
10:32:37 20 He's referring to --

21           MR KAMARA: Society.

22           PRESIDING JUDGE: Well, society and business is not  
23 necessarily the same.

24           MR KAMARA: Yes, My Lord. I choose the word "business" and  
10:32:49 25 he said "society," so I will go with him.

26           PRESIDING JUDGE: Because if you use "business," he has  
27 seen Kamajors. So when you see a Kamajor, does that mean it's  
28 Kamajor business?

29           MR KAMARA: No, My Lord.

1 JUDGE ITOE: When you are referring to business,  
2 Mr Prosecutor, what are you really referring to?

3 MR KAMARA: Kamajor affairs, My Lord. I am sorry I may not  
4 have been specific.

10:33:11 5 PRESIDING JUDGE: "Affairs" meaning organisation, structure  
6 and activities.

7 MR KAMARA: Activities. I will pose them singly, My Lord.

8 Q. Mr Witness, as you said, you were not a Kamajor.

9 A. Not at all.

10:33:30 10 Q. You will agree with me that you know nothing about the  
11 organisation?

12 A. At all not.

13 Q. Nor the way they conduct their business?

14 A. I don't know.

10:34:00 15 Q. Now, on that fateful day of the Friday 13th of 1998 when  
16 you heard the firing, in 1998 you left with your family for Bo  
17 just like any of the other civilians; is that not so?

18 A. Yes.

19 Q. So therefore, Mr Witness, you would not have been in a  
10:34:44 20 position to know whatever might have happened when you left for  
21 Bo; you agree with me?

22 A. Yes.

23 MR KAMARA: No further questions for this witness, My Lord.

24 PRESIDING JUDGE: Before you sit down I would like to know  
10:35:03 25 why you tendered this exhibit.

26 MR KAMARA: My Lord, the purpose of that exhibit was to  
27 show that the episode this witness testified about is only  
28 factored in in his testimony in court and that it was in no way  
29 part of his evidence prior to coming to court and that it is a

1 recent fabrication. It is a recent fabrication. It never formed  
2 part of his --

3 PRESIDING JUDGE: I'm not agreeing or disagreeing with you.  
4 I just want to know what's the purpose. Obviously you are not  
10:35:38 5 tendering this document, this statement, to show any  
6 inconsistency between the evidence of this witness and what may  
7 have been contained in the statement. This is why I'm asking the  
8 question; so when we have to deal with this exhibit we know what  
9 to do with it. Essentially you're saying that you tendered this  
10:35:55 10 exhibit to show that at no time when this statement was given the  
11 witness did mention anything about the incident of the Kamajors  
12 at the junction.

13 MR KAMARA: Yes, My Lord.

14 JUDGE ITOE: In fact, let's be clearer. You are saying  
10:36:13 15 that his testimony is a recent fabrication by this witness.

16 MR KAMARA: Yes.

17 JUDGE ITOE: That is your submission.

18 MR KAMARA: That is my submission.

19 PRESIDING JUDGE: So does that answer in part to your  
10:36:21 20 objection, Mr Williams?

21 MR WILLIAMS: It does not, My Lord.

22 PRESIDING JUDGE: Well, it is not admitted obviously for  
23 inconsistency, so obviously you cannot underline inconsistency  
24 because this is not the purpose. The purpose is strictly and  
10:36:32 25 very limited to the purpose of trying to show that the witness  
26 has testified in a way that is recent fabrication when you look  
27 at the statement. That's all.

28 MR WILLIAMS: And the extensive premium this Court has put  
29 on the principle of orality might --

1           PRESIDING JUDGE: This is argument.

2           MR WILLIAMS: As My Lord pleases. That would be our reply,  
3 My Lord.

4           PRESIDING JUDGE: It is a related issue, I agree with you,  
10:36:53 5 but this is not the matter. So I am just making this comment to  
6 you, Mr Williams, given the objection you had made before, so  
7 there is a very clear understanding as to what the purpose is  
8 here.

9           MR WILLIAMS: Exactly, My Lord. Most grateful.

10:37:06 10           PRESIDING JUDGE: Thank you. Dr Jabbi, any re-examination  
11 of your witness?

12           MR JABBI: Yes, very briefly, My Lord.

13                           RE-EXAMINED BY MR JABBI:

14 Q.    Now, Mr Witness, in your oral evidence you remember saying  
10:37:25 15 something about Mosquito, the rebel, do you?

16 A.    Yes.

17 Q.    In which of the attacks on Koribundu did that episode you  
18 narrated take place?

19           PRESIDING JUDGE: Is this a new matter that came out in  
10:37:45 20 cross-examination?

21           MR JABBI: Yes, My Lord. This is a clarification I'm  
22 seeking. The witness gave evidence --

23           JUDGE ITOE: The question is: Is it a new matter? You  
24 cannot justify questions in re-examination as issues of  
10:38:06 25 clarification only, no. The rules are hard and fast rules on  
26 this issue and, unless it is a new matter, you are not allowed to  
27 re-visit the issue. He had testified extensively on the role of  
28 Mosquito in shooting these five people. So why are you  
29 revisiting this? To clarify?

1 MR JABBI: Yes, indeed, My Lord.

2 JUDGE ITOE: No, well, that is not a new issue because it  
3 had sufficiently been dealt with in your examination-in-chief and  
4 also in cross-examination.

10:38:44 5 MR JABBI: The need for clarification arises from the  
6 cross-examination. The cross-examination has treated that  
7 evidence as if it were at large, not tied down to any specific  
8 incidents.

9 PRESIDING JUDGE: But this is why I'm asking if it was a  
10:39:07 10 new matter and, secondly, what is it that needs clarification, if  
11 anything?

12 MR JABBI: The clarification required here, My Lord, is a  
13 particular attack by Kamajors in Koribundu in which this incident  
14 happened. That is all I want to ask.

10:39:23 15 PRESIDING JUDGE: It is very clear in the  
16 examination-in-chief of the witness and I don't think it has been  
17 confused. I agree that in cross-examination there was no real  
18 specificity about that, but your examination-in-chief with this  
19 witness about that episode is quite clear. I don't see what  
10:39:41 20 clarification we need.

21 JUDGE THOMPSON: Let me add, the law, as I understand it,  
22 is that if the witness had in examination-in-chief talked about  
23 this particular incident and it had been contained in his  
24 previous statement, in a statement out of court, then there would  
10:40:06 25 have been no problem here at all. But he did not mention it in  
26 his previous statement, but he mentioned it in his -- we're  
27 talking about the alleged incident of Mosquito, but he mentioned  
28 it in his oral testimony. Are you with me?

29 MR JABBI: Certainly, My Lord.

1 JUDGE THOMPSON: And counsel now for the Prosecution has  
2 said and put to him that this is a recent fabrication. Are you  
3 with me?

4 MR JABBI: Yes.

10:40:46 5 JUDGE THOMPSON: It would seem that it's permissible for  
6 counsel for the witness to put to that witness in re-examination  
7 whether in fact he had made that statement in his statement out  
8 of court. In other words, you can only ask that question under  
9 re-examination if he had actually made that statement in his out  
10:41:16 10 of court statement. But he did not. So there is nothing to  
11 clarify, as far as I understand the law. In other words, it is  
12 only permissible under re-examination for you to put questions  
13 relating to an allegation that a statement made now in evidence  
14 here was a recent fabrication only if he had referred to it in  
10:41:43 15 his out of court statement, but this is not the situation. He  
16 did not in his statement to the investigators refer to it at all.  
17 There is nothing in it. So even though it has been suggested to  
18 him under cross-examination that it was a recent fabrication, you  
19 are not entitled to re-examine on it --

10:42:09 20 MR JABBI: My Lord, as a matter of fact --

21 JUDGE THOMPSON: -- because it didn't appear in his  
22 previous statement. That is what I understand the law to be.

23 MR JABBI: Yes, the evidence by the witness and also the  
24 question put to the witness --

10:42:22 25 JUDGE THOMPSON: Because what you would have done, and I  
26 would say that your re-examination would be permissible, to  
27 restore the balance that indeed he did make that statement in his  
28 statement to the investigators, so it is not a recent  
29 fabrication. That is what re-examination would be directed to

1 doing. But he did not.

2 MR JABBI: My Lord, that is what I am doing.

3 JUDGE THOMPSON: But he did not make it.

4 MR JABBI: Yes, but, Your Lordship has come to the  
10:42:53 5 conclusion that he did not make that statement.

6 PRESIDING JUDGE: That is what he testified to.

7 JUDGE ITOE: You told us that.

8 MR JABBI: He gave an answer to a question which was not  
9 pursued in cross-examination.

10:43:04 10 JUDGE THOMPSON: No, but my point is that you told us from  
11 the bar, in answer to the Presiding Judge yesterday, that nothing  
12 about this incident was in fact in his statement to the  
13 investigators, but he volunteered that evidence from the witness  
14 stand. Counsel for the Prosecution says that is a recent  
10:43:29 15 fabrication because it was not in his statement to the  
16 investigators. My understanding of the law is that you can only  
17 re-examine on that issue if he had made that statement in his  
18 statement to the investigators. Unless you want to guide me on  
19 the law otherwise.

10:43:47 20 MR JABBI: My Lord, it is not on the law that I would want  
21 to guide you.

22 JUDGE THOMPSON: I am taking an issue on the law.

23 MR JABBI: Yes, but, My Lord, it is not on the law that I  
24 wish to guide Your Lordship. That is not what I intend to do at  
10:44:00 25 all. But the application of that law to this particular evidence  
26 I am a bit uneasy with the conclusion that the witness has said  
27 he did not make that statement, because I believe that is what  
28 the witness said. Indeed, the specific incident is not recorded  
29 in the statement, but that is different from whether the witness



1 has said that he made that statement during his interview.

2 JUDGE THOMPSON: But your entitlement to re-examine on it  
3 depends on whether that particular incident did appear in his  
4 statement to the investigators. Otherwise what are you seeking  
10:44:51 5 to do? You cannot put Humpty-Dumpty together again because he  
6 admitted and you told us from the Bar that there is nothing in  
7 that statement [Overlapping speakers].

8 MR JABBI: It is not specifically mentioned; that is what I  
9 said from the Bar, My Lord. That the incident is not  
10:45:06 10 specifically stated in the witness, but I emphasised when I made  
11 that statement --

12 PRESIDING JUDGE: Yes, but that is not the issue.  
13 [Overlapping speakers] Dr Jabbi, we do not want to get into  
14 arguments about whether it was indirectly contained in the  
10:45:19 15 statement or not. The issue was, the witness was asked if he  
16 made that statement. He says, "I cannot recall making that  
17 statement." He was asked to look at the statement, and he said  
18 "It is not there." What is your question now in re-examination?

19 JUDGE THOMPSON: You cannot be allowed to do that,  
10:45:35 20 otherwise there will be no finality. If he had insisted that it  
21 was there and the evidence -- and according to you it was there,  
22 then you would unable to say, "Oh, My Lords, it is not a recent  
23 fabrication," and that would be the purpose of re-examination.  
24 But I take you upon the law that you cannot under this do it.

10:45:57 25 MR JABBI: My Lord, I'm really sorry if it does appear to  
26 Your Lordships that I'm trying to unduly extend this little  
27 situation, but at the same time I just want it to be understood  
28 what exactly I'm trying to do.

29 PRESIDING JUDGE: What is your question so we can clearly

1 understand what it is you are trying to do and determine if you  
2 will be allowed or not to ask that question. What is your  
3 question?

4 MR JABBI: My Lord, may I state what I'm trying to do  
10:46:29 5 before answering that question?

6 PRESIDING JUDGE: You may. That may help, indeed.

7 MR JABBI: Thank you. My Lord, I am trying to show the  
8 placing of that particular piece of evidence within the areas of  
9 evidence given in the statement. That is what I'm trying to do  
10:47:00 10 in order to place it so that the conclusion that --

11 PRESIDING JUDGE: Your question is not allowed. If that is  
12 what you will ask, no.

13 MR JABBI: Thank you, my lord.

14 PRESIDING JUDGE: That is the only question you had,  
10:47:11 15 Dr Jabbi, in re-examination?

16 MR JABBI: My Lord, I would be satisfied with that question  
17 alone.

18 PRESIDING JUDGE: Thank you very much. That question is  
19 not allowed.

10:47:24 20 Mr Witness, that concludes your evidence in this Court. We  
21 thank you very much for coming and we thank you for your patience  
22 and wish you a safe trip back home. Thank you very much.

23 Is your next witness ready, Dr Jabbi? I know you said so  
24 yesterday, but is this witness available now?

10:47:47 25 MR SESAY: Yes, My Lord.

26 PRESIDING JUDGE: This is witness number 9 on your list?

27 MR SESAY: Yes.

28 PRESIDING JUDGE: This next witness will testify in  
29 English?

1 MR SESAY: No, My Lord. I wish to indicate to the Court  
2 that he will testify in Krio.  
3 PRESIDING JUDGE: In Krio, fine.  
4 JUDGE ITOE: Mr Sesay, this would be your 15th witness?  
10:48:18 5 MR SESAY: 15th, yes.  
6 JUDGE ITOE: Yes.  
7 [The witness withdrew]  
8 [The witness entered court]  
9 [CDF11MAY06B - EKD]  
10:49:52 10 PRESIDING JUDGE: Yes, take the oath from the witness,  
11 please.  
12 WITNESS: JOE NUNIE [Sworn]  
13 [Witness answered through interpreter]  
14 PRESIDING JUDGE: Mr Witness, do you hear what I say in  
10:50:21 15 Krio in your earphones?  
16 THE WITNESS: Yes, sir.  
17 PRESIDING JUDGE: Okay, thank you.  
18 EXAMINED BY MR SESAY:  
19 Q. Good morning, Mr Witness.  
10:50:38 20 A. Good morning, Your Lordship.  
21 Q. Before you start your testimony, may I just appeal to you  
22 that you go slowly, please, because your evidence will have to be  
23 interpreted.  
24 A. Your Lordship.  
10:51:02 25 Q. You can proceed to state your full names, please.  
26 A. I am Mr Joe Nunie.  
27 Q. Where do you live?  
28 A. I live in Bo.  
29 Q. You mean Bo Town?

1 A. No, I am based at Gondama [phon]. Kailahun village,  
2 Tikonko Chiefdom.  
3 Q. What is your occupation?  
4 A. I am the present chairman --  
10:52:02 5 THE INTERPRETER: Your Honours, would the witness go slow?  
6 PRESIDING JUDGE: Can you take your last answer back,  
7 Mr Witness?  
8 MR SESAY:  
9 Q. And go slowly, please. Your occupation again?  
10:52:12 10 A. I am the chairman, Motor Drivers and General Transport  
11 Workers Union, Bo District.  
12 JUDGE ITOE: Are you a driver by profession?  
13 THE WITNESS: Sir.  
14 MR SESAY:  
10:52:54 15 Q. How old are you?  
16 A. I am 52 years.  
17 Q. Are you married?  
18 A. Yes, sir, married to two wives, 18 children.  
19 THE INTERPRETER: Your Honours, would learned counsel  
10:53:32 20 listen to the interpretation?  
21 PRESIDING JUDGE: Mr Sesay, once more - this is not a  
22 caution to the witness, it is a caution to you - when you listen  
23 to the answer, wait till the answer is translated and give it to  
24 the Court before you ask your next question, because you have  
10:53:47 25 this tendency to hear the answer in Krio and carry on because you  
26 know what has been said. We don't know. The interpreters are  
27 unable to follow you when you carry on before the answer is  
28 interpreted. Please, make a pause in between.  
29 MR SESAY: Yes, My Lord, I will accept it in good part.

1           PRESIDING JUDGE: Thank you.

2           MR SESAY: May I repeat the question, My Lord?

3           PRESIDING JUDGE: Yes, please.

4           MR SESAY:

10:54:15 5        Q.    Are you a Kamajor?

6           A.    I am a Kamajor.

7           Q.    When did you become a Kamajor?

8           A.    1998, that is the time that I joined the Kamajor.

9           Q.    Where were you based?

10:54:56 10       A.    I was based in my village, Kpetewoma Lugbu.

11          Q.    What was your status in the Kamajor society?

12          A.    Well, when I joined the Kamajor in 1998, I came back to my

13          village. I was there --

14          Q.    [Overlapping speakers]

10:55:42 15       A.    Sir.

16          Q.    Yes.

17          A.    I came to my village, I was there when I joined the

18          Kamajor. When I came back, one big man came and he appointed

19          me --

10:56:26 20       Q.    Yes?

21          A.    As base commander.

22          Q.    What was the name of that big man?

23          A.    He was -- his name was director of operations,

24          Albert Nallo.

10:56:57 25       Q.    What were you doing as base commander?

26          A.    My work was so small, but it was big enough. What I used

27          to do, all the commanders that used to come from Base Zero, they

28          would have to sit by my foot at Kpetewoma.

29          JUDGE ITOE: Let's have that clear. Have to sit by my

1 feet?

2 MR SESAY: My feet.

3 Q. What do you mean when you say that all the commanders will  
4 have to sit by your feet? Can you explain that for us to

10:57:53 5 understand, please, Mr Witness?

6 A. I can explain, sir. It's like a stranger, when you come to  
7 any town, you have to sit by somebody's feet before you contact  
8 any other big man. So when they came to the village, they had to  
9 sit by my feet before they could contact any other person.

10:58:31 10 Q. You have just told the Court that Albert Nallo was the  
11 director of operations. Did you have any meeting with Mr Nallo  
12 at Kpetewoma?

13 A. Yes.

14 Q. What happened at that meeting?

10:59:00 15 A. I was at the base, Kpetewoma Lugbu. Mr Nallo came from  
16 Base Zero. He came. When he was coming --

17 Q. Yes.

18 A. When he came from Base Zero, he came with one commander,  
19 who was Mr Jegbeyama, with one other commander who was Mr Joe

10:59:40 20 Tamidey. He came, they gathered us. When he came, he said I  
21 should summon all the other commanders who were in the three  
22 chiefdoms.

23 Q. Can you stop there for now.

24 A. Yes, sir.

11:00:08 25 Q. This man, Jegbeyama, did he have any other name?

26 A. Tucker.

27 Q. What Tucker?

28 A. Well, I cannot remember the other name. It's Tucker that I  
29 knew of.

1 Q. Can you proceed in relation to what happened at that  
2 meeting?

3 A. Yes. Mr Nallo told me to summon the other commanders from  
4 the other chiefdoms, and I did so. Bagbo, Lugbu and  
11:01:11 5 Jiama Bongor.

6 Q. Slowly, please. Bagbo?

7 A. Bagbo, Lugbu, and Wunde.

8 Q. Can you tell the Court what was discussed at that meeting?

9 A. Yeah.

11:02:03 10 Q. Proceed.

11 A. When the commanders had come, Mr Nallo, who was our boss,  
12 director of operations, he told us that he came from Base Zero  
13 with mandate from War Council, that we should prepare ourselves  
14 to capture Koribundu.

11:03:48 15 Q. Yes?

16 A. He said again that he should withdraw Mr Vanjawai -  
17 Mr Ansu, alias Vanjawai. He should withdraw him from Jiama  
18 Bongor, and he should be replaced with Joe Tamidey in that  
19 particular area.

11:05:01 20 Q. Vanjawai, was he actually replaced?

21 A. Yes.

22 Q. Who replaced him?

23 A. It was Commander Joe Tamidey.

24 Q. Now, can you assist us in relation to the time frame that  
11:05:33 25 this meeting was held?

26 A. This meeting, it was within 1998.

27 Q. How did that meeting end?

28 A. The meeting ended, the director of operations, Mr Nallo,  
29 gave orders that --

1 Q. Yes?

2 A. He gave orders that we should be preparing to capture  
3 Koribundu.

4 Q. What happened after that?

11:07:04 5 A. He went. He went, he said he was going for three days at  
6 Base Zero.

7 Q. Did he in fact go to Base Zero?

8 A. Yes, he went there.

9 Q. Now did he come back?

11:07:48 10 A. Yes, he came back. He came back with commanders, with some  
11 arms and ammunition for us, Kpetewoma.

12 Q. Did he say anything about those arms that he brought?

13 A. Yes.

14 Q. What did he say?

11:08:36 15 A. When he came with the commanders and the arms, what he told  
16 us was that he said we should move and go to Koribundu.

17 Q. Now who was appointed as the commander in relation to that  
18 attack on Koribundu, overall commander?

19 A. The overall commander was Joe Tamidey.

11:09:32 20 Q. Now, Mr Witness, we have had evidence in this Court insofar  
21 as how the attack on Koribundu was planned. I do not wish you to  
22 repeat that evidence before this Court. I request that we move  
23 on to some other aspect of your testimony. How many attacks were  
24 made on Koribundu?

11:10:07 25 A. Three times. Three times.

26 Q. Was there any other attack part from the three?

27 A. The last attack, that was the time that we captured the  
28 place.

29 Q. I want you to please explain to this Court what in fact



1 happened on the fourth attack. Because you said three times and  
2 then you made reference to a last attack.

3 PRESIDING JUDGE: Well, I am not sure the witness has  
4 talked about four attacks. He said three. You put it to him  
11:11:13 5 that it was four. It may be in his language what he meant by the  
6 last attack he meant the third attack.

7 MR SESAY: As My Lord pleases.

8 Q. Are you telling this Court there was another attack apart  
9 from the three?

11:11:29 10 MR De SILVA: That's a leading question.

11 PRESIDING JUDGE: It is. Objection sustained.

12 MR SESAY:

13 Q. The three attacks, including the one which you referred  
14 to --

11:11:38 15 JUDGE ITOE: No, that is not the way to put the question.  
16 That is not what he said. He said it was on the third attack --  
17 on the last attack, on the last attack, you know, that Koribundu  
18 was captured, and he talked of three attacks. That is where we  
19 are. He said there were three attacks on Koribundu. It was on  
11:12:02 20 the last attack that Koribundu was captured.

21 MR SESAY:

22 Q. How many attacks were there in all?

23 PRESIDING JUDGE: You did ask that question. He answered  
24 to you three attacks.

11:12:17 25 MR SESAY: In all, My Lord. My Lord, I have added --

26 THE WITNESS: All the --

27 PRESIDING JUDGE: Please proceed.

28 THE WITNESS: All the -- there are four attacks. The three  
29 attacks I was not there. See, I was present in the last attack.

1 MR SESAY:

2 Q. What happened in the last attack, the fourth attack?

3 A. Well, the fourth attack, before we reached at Koribundu, we  
4 met the junta. We found out that the junta had withdrawn from  
11:13:39 5 there.

6 Q. Yes.

7 A. We found the commander who was there before --

8 THE INTERPRETER: Your Honours, would the witness go a  
9 little bit slower.

11:14:08 10 PRESIDING JUDGE: Mr Witness, can you repeat your last  
11 answer and go a bit slower, please. You said you found the  
12 commander; can you take it from there?

13 THE WITNESS: The commander, Joe Tamidey, his uncle, we  
14 found that they had killed him and they took his guts out and  
11:14:52 15 they made the guts into a checkpoint at the main turntable.

16 MR SESAY:

17 Q. What happened further when you entered the town, the  
18 Koribundu town itself?

19 A. We found some houses, they were on fire.

11:15:40 20 Q. Yes.

21 A. We gathered some civilians, they started to put off the  
22 fire in some houses.

23 Q. Do you know who killed the man whom you said was  
24 Joe Tamidey's uncle, whose guts you said was made a checkpoint?

11:16:35 25 A. It was the junta.

26 Q. Now, did any other thing happen in Koribundu apart from  
27 what you narrated?

28 JUDGE ITOE: When you say the junta, were you there or were  
29 you just told that it was the junta?

1 THE WITNESS: We were told that it was the junta. It was  
2 the civilians that told us that.

3 MR SESAY:

4 Q. Now, I asked you before the question whether, in fact, you  
11:17:35 5 did any other thing in Koribundu apart from what you have  
6 narrated to the Court.

7 A. The only thing that we did was that the soldiers who  
8 surrendered to us, up to 76 soldiers --

9 JUDGE ITOE: That is 76?

11:18:20 10 THE WITNESS: 76, 76. And one of their senior officers was  
11 Sergeant Kamanda. MP Corporal Momodu, who received them, they  
12 were with us.

13 MR SESAY:

14 Q. For how long?

11:19:20 15 A. They stayed with us for five days.

16 Q. What did you do with those surrendered soldiers?

17 A. Those soldiers, we had one of our bosses again who was an  
18 administrator for Bo who was Alhaji Daramy Rogers.

19 Q. Yes?

11:20:31 20 A. He met us and told us that he himself had got instructions  
21 from the War Council saying we should hand over all the soldiers  
22 and the ammunition that we had got to ECOMOG.

23 Q. Now you have just made reference in your testimony about  
24 arms.

11:21:26 25 JUDGE ITOE: He said ammunition. That's what I heard.

26 MR SESAY: Sorry, My Lord.

27 Q. About ammunitions.

28 PRESIDING JUDGE: Mr Sesay, when you say this, because he  
29 has testified, at what time are you talking about? Just when

1 they were told by Rogers or -- he has already talked twice about  
2 ammunition.

3 MR SESAY: Yes, My Lord, I am coming to the time frame. I  
4 just want to clarify this portion of his testimony in which he  
11:21:53 5 has referred to ammunition.

6 PRESIDING JUDGE: His very last answer?

7 MR SESAY: Yes, his very last answer.

8 Q. Now the ammunition which you have referred to, what arms  
9 are you referring to?

11:22:04 10 PRESIDING JUDGE: Well, ammunition and arms is not the  
11 same. He has testified about ammunition. He has not testified  
12 about arms. He said ammunition. Now you are mixing ammunition  
13 and arms. It's not the same.

14 MR SESAY: As My Lord pleases.

11:22:19 15 JUDGE ITOE: If there was a system like in Cameroon of a  
16 compulsory military service, I would recommend Mr Sesay to go in  
17 for one so as to understand what happens in the military.

18 MR SESAY: I'll be obliged, My Lord.

19 Q. Now ammunition, what ammunition are you referring to?

11:22:51 20 A. The junta handed over anti-aircraft weapons, GPMG, 90  
21 millimetres, with even their junta Land Rover and some  
22 cartridges.

23 Q. What did you do with all those which you have mentioned?

24 A. Those ones, we loaded them inside the very Land Rover and  
11:24:10 25 another motor car which we captured, one MSF vehicle, where we  
26 put all the ammunition. We took everything and handed it to  
27 ECOMOG.

28 Q. Please watch your pace.

29 A. Okay, sir.

1 Q. Now when these soldiers surrendered and you said you  
2 recovered this ammunition from the junta, when in fact did that  
3 happen, the time frame?

4 A. I talked about five days, before we had those things,  
11:25:11 5 before we handed over. It was 1998.

6 Q. For how long did you stay in Koribundu after the fourth  
7 attack on Koribundu?

8 A. I, after the first attack --

9 Q. The fourth. I'm asking you about the fourth attack, the  
11:25:54 10 last attack.

11 JUDGE ITOE: You did not participate in one, two, three;  
12 you were on the fourth. Is that not what you've said? Was he  
13 referring to the first or the fourth attack?

14 MR SESAY: I'm asking him about the fourth attack, the last  
11:26:11 15 attack.

16 Q. After the fourth attack, the last attack, for how long did  
17 you stay in Koribundu?

18 A. I -- our boss was Joe Tamidey. He was the one that stayed  
19 long in Koribundu. I had another assignment, which Nallo gave  
11:26:35 20 me, to go to Bo.

21 Q. Did you in fact go to Bo?

22 A. I went to Bo under Mr Nallo's command.

23 MR SESAY: My Lord, may I request that the first accused  
24 be --

11:27:19 25 PRESIDING JUDGE: No, because we are going to have a recess  
26 so this is all at the same time. If you will just be patient for  
27 30 seconds, Mr Norman, we are going to recess. This is the usual  
28 recess time in the morning and we will recess now and we will  
29 allow the first accused to take care of himself in this respect.

1 Court is adjourned, thank you.

2 [Break taken at 11.28 a.m.]

3 [Upon resuming at 12.05 p.m.]

4 PRESIDING JUDGE: Mr Defence Counsel, Mr Sesay.

12:06:05 5 MR SESAY: Yes.

6 PRESIDING JUDGE: Your witness.

7 MR SESAY: Yes, My Lord.

8 MR JABBI: Just before that, I would like to inform the  
9 Court that the original statement of the previous witness,  
12:06:18 10 Mr Brima, is now indeed available.

11 PRESIDING JUDGE: Okay.

12 MR JABBI: I have made further photocopies of it for the  
13 benefit of the whole court, My Lord.

14 PRESIDING JUDGE: Thank you, Dr Jabbi. Would you hand over  
12:06:32 15 these documents to the officer of the Court. So, Mr Court  
16 Officer, please substitute the original that you have been given  
17 now to the copy you have. Thank you.

18 Yes, Mr Sesay, we can proceed now.

19 MR SESAY:

12:07:24 20 Q. Mr Witness, before we left you had said that Nallo came and  
21 sent you on an assignment to Bo.

22 PRESIDING JUDGE: It was more, "I went to Bo under Nallo's  
23 command," that's basically what he said. I don't know whether it  
24 was on assignment.

12:07:50 25 JUDGE ITOE: I have it here, "command".

26 MR SESAY:

27 Q. Now, did you go to Bo?

28 A. I went to Bo under Nallo's command.

29 Q. [Overlapping speakers]

1 A. He told me to go and capture Bo.  
2 Q. Now the time frame, please, when was that?  
3 A. 1998.  
4 Q. Can you recall the month?  
12:08:34 5 A. I cannot.  
6 PRESIDING JUDGE: This is after Koribundu?  
7 THE WITNESS: After Koribundu finished, five days.  
8 MR SESAY:  
9 Q. How, in fact, did you go to recapture Bo? You said he said  
12:09:03 10 you should go and capture Bo.  
11 A. Well, before he said -- before he asked me to go and  
12 capture Bo, the assignment was given to one --  
13 THE INTERPRETER: Your Honours, would the witness go over  
14 the last bit.  
12:09:24 15 PRESIDING JUDGE: Can you repeat the last part of your  
16 answer, Mr Witness. You said before "he sent me," what did you  
17 say after that?  
18 THE WITNESS: The assignment that he gave the other  
19 commander, he failed him, and he went to Joe Tamidey --  
12:09:46 20 MR SESAY:  
21 Q. Can you go over that again. You said before he had given  
22 you the assignment, he had given somebody else, another  
23 commander, the assignment; is that not so? Is that what you  
24 said?  
12:10:03 25 A. No, let me clarify it. He gave an assignment to one other  
26 commander to go and capture Bo.  
27 Q. Yes?  
28 A. When the commander failed, he came to Joe Tamidey at  
29 Koribundu.

1 PRESIDING JUDGE: Yes?

2 THE WITNESS: He told Joe Tamidey that the other commander  
3 disappointed him and that Joe Tamidey should go to Bo.

4 MR SESAY:

12:11:17 5 Q. Yes.

6 A. Joe Tamidey himself said that "I will not be able to leave  
7 Koribundu that I had already captured. Now I'm going to leave my  
8 deputy, who is Joe Nunie, to go to Bo." This is the way that I  
9 went to Bo.

12:12:03 10 Q. What was the name of that commander you said failed before  
11 you were made the commander to go to Bo? Can you recall his  
12 name?

13 A. Yeah.

14 Q. What is his name?

12:12:07 15 A. It was Jegbeyama that went there. Tucker.

16 Q. How did you, in fact, go to Bo?

17 A. When I went to Bo, when I moved my troop, I went and based  
18 at Gondama initially.

19 Q. Yes.

12:13:03 20 A. I was based at Gondama; I received a message from Gondama  
21 that ECOMOG was going to enter Bo.

22 Q. Yes.

23 A. I sent a message to ECOMOG saying that I was very close to  
24 Bo.

12:13:35 25 JUDGE ITOE: Sorry, you said you received a message that  
26 ECOMOG was going to enter Bo. Who sent you the message?

27 THE WITNESS: Well, I got it through communication.

28 MR SESAY:

29 Q. [Overlapping speakers]



1 A. From our own set.

2 Q. Yes, continue from where you left.

3 A. From there, I sent a message to the ECOMOG commanders,  
4 saying that I was very close to them. The ECOMOG commander was  
12:14:32 5 Major Olu.

6 Q. What happened after you received the message from Olu?

7 A. When I received the message from Major Olu, he himself gave  
8 me a message, saying that --

9 THE INTERPRETER: Your Honours, would the witness go over  
12:15:11 10 the last bit?

11 PRESIDING JUDGE: Mr Witness, can you repeat your answer as  
12 to what happened after that, after you sent your message?

13 THE WITNESS: When they had sent a message to me, Mr Major  
14 Olu, the ECOMOG commander, told me that before they could receive  
12:15:37 15 us as Kamajors we should identify ourselves with a white flag.

16 MR SESAY:

17 Q. Yes, did you in fact go?

18 A. Yes, I identified myself with a white flag. Major Olu came  
19 and received the Kamajors and we went to the new police barracks  
12:16:21 20 with them.

21 Q. Where was this new police barracks?

22 A. By Kenema highway.

23 Q. Who occupied that police barracks at that time that you  
24 went there?

12:17:03 25 A. At that time it was ECOMOG.

26 Q. When you arrived at the new police barracks, which you just  
27 referred to, what did you do in relation to your troops that came  
28 to Bo?

29 A. I was under the order of the ECOMOG commander with my

1 troops.

2 Q. Did you talk to the ECOMOG commander when you came with  
3 your troops?

4 A. Yes. When I had arrived with my troops, I did not have  
12:18:21 5 enough logistics. I talked to the ECOMOG commander; he gave us  
6 some logistics.

7 Q. What kind of logistics?

8 A. They gave us food, they gave us ammunition and weapon.

9 Q. You had earlier on said that Albert Nallo was the director  
12:19:03 10 of operations, and that you were in fact appointed by  
11 Albert Nallo.

12 A. Yes, Your Lordship.

13 Q. Now, do you know what happened to Albert Nallo?

14 A. Albert Nallo, when he failed to take some instructions from  
12:19:37 15 the War Council, War Council people, we, the commanders, were  
16 made to understand that he was suspended.

17 Q. Do you know why he was, in fact, suspended?

18 A. Yes, I would know why he was suspended.

19 Q. Can you tell the Court?

12:20:32 20 A. I feel that it was because of the bad order that he used to  
21 give to some of us.

22 JUDGE ITOE: Are you feeling --

23 THE WITNESS: That is why he was suspended.

24 JUDGE ITOE: It is not your feeling we want. Do you know  
12:20:51 25 why?

26 THE WITNESS: It was because of the bad commands he used to  
27 give us, that was why he was suspended.

28 PRESIDING JUDGE: You know that?

29 THE WITNESS: I know that. I know that.

1 MR SESAY:  
2 Q. Did he, in fact, continue after the suspension as director  
3 of operations?  
4 A. No.  
12:21:42 5 Q. What happened to him after he was suspended?  
6 A. He used to float around.  
7 Q. You said Joe Tamidey's uncle was killed; not so?  
8 JUDGE THOMPSON: Counsel, literally?  
9 THE WITNESS: [No interpretation]  
12:22:35 10 JUDGE THOMPSON: Literally, the answer? Literally?  
11 MR SESAY: My Lord, may I --  
12 JUDGE THOMPSON: The answer is interesting. I said  
13 literally?  
14 MR SESAY: My Lord, I will ask him to go over it.  
12:22:50 15 JUDGE THOMPSON: Yes, quite right.  
16 MR SESAY: I'm obliged, My Lord.  
17 Q. What do you mean when you say he was floating?  
18 JUDGE ITOE: Floating around.  
19 MR SESAY:  
12:23:00 20 Q. Floating around.  
21 A. When he had been suspended, when we knew he had been  
22 suspended, he was just passing amongst us, the commanders, to  
23 start bringing some other discussions, but we did not take that  
24 up.  
12:23:38 25 Q. My final question to you in respect of that is was he  
26 actually performing the function which he used to perform as you  
27 had known him, after he was suspended?  
28 A. No, he did not do that again.  
29 Q. You made reference to the fact that Joe Tamidey's uncle was

1 killed, and you stated you heard he was killed by the junta.  
2 Now, do you know his name? Can you recall the name of that  
3 uncle?

4 A. I can't remember his name. I only know him to be a  
12:24:54 5 Kamajor.

6 Q. So he was a Kamajor?

7 A. Yes.

8 Q. For how long did you stay in Bo?

9 A. I was with ECOMOG all along.

12:25:27 10 PRESIDING JUDGE: How long? How long were you in Bo?

11 THE WITNESS: I was there over three months with the  
12 ECOMOG.

13 MR SESAY:

14 Q. What did you do after the three months?

12:26:01 15 A. Well, when ECOMOG came with orders you wouldn't be able to  
16 do anything without their command.

17 PRESIDING JUDGE: This is not the question. What did you  
18 do after the three months?

19 THE WITNESS: I was based with the ECOMOG in Bo.

12:26:30 20 PRESIDING JUDGE: But you said you were there for three  
21 months. The question is what did you do after the three months?

22 THE WITNESS: The only thing was that we captured a brigade  
23 with ECOMOG.

24 MR SESAY:

12:27:01 25 Q. I want to take you back to Koribundu, just a final question  
26 on that. Throughout the period you were in Koribundu did you see  
27 Chief Norman?

28 A. I did not see him there. I was not based in Koribundu. It  
29 was Joe Tamidey who was based in Koribundu.

1 MR SESAY: That is all for this witness.

2 PRESIDING JUDGE: Thank you, Mr Sesay. Mr Koppe, do you  
3 have any questions in cross-examination of this witness?

4 MR KOPPE: Yes, Your Honour, I do.

12:28:06 5 CROSS-EXAMINED BY MR KOPPE:

6 Q. Good afternoon, Mr Witness.

7 A. Good afternoon, sir.

8 Q. Mr Witness, I have heard today you giving testimony about  
9 the attacks on Koribundu and Bo. In respect of these attacks I  
10 have heard you mention various names. I have heard you mention

11 the name of Mr Albert Nallo, I have heard you mention the name of  
12 Mr Tamidey, Joe Tamidey. I also heard you making reference to  
13 the War Council. But I never heard you mentioning the name of  
14 Mr Moinina Fofana. Mr Witness, I am suggesting to you that you  
12:29:17 15 never mention the name of Mr Moinina Fofana because in respect of  
16 those attacks he didn't have any role to play. Am I correct?

17 A. Mr Moinina Fofana did not have a role that he performed,  
18 because the commanders used to take the command from the director  
19 of operations.

12:29:48 20 Q. So, Mr Witness, am I to conclude from that answer that  
21 Mr Fofana, in respect of those attacks that you have been giving  
22 testimony about, never gave any orders, never gave any  
23 instructions to anybody or to commanders? Am I correct?

24 A. You might -- you would be correct.

12:30:30 25 [CDF11MAY06C - CR]

26 Q. Mr Witness, as you know, Mr Fofana was appointed at one  
27 time to be director of war. This title would suggest --

28 PRESIDING JUDGE: Maybe he doesn't know that. Maybe you  
29 should ask him the question.

1 MR KOPPE: Yes, Your Honour.

2 Q. Mr Witness, do you know if Mr Fofana was appointed director  
3 of war at one point?

4 A. My own boss, Joe Tamidey, did not show me any document to  
12:31:06 5 that effect.

6 Q. Did you know he was having that title while he was -- let's  
7 say in a time frame December 1997/March 1998?

8 A. They used to call him like that.

9 Q. Mr Witness, this title of director of war would suggest  
12:31:38 10 that Mr Fofana had any role to play in the execution of the war.  
11 Did he, in fact, to your knowledge, play any role in the  
12 execution of the war?

13 A. I -- the one that I knew about, the director of operations,  
14 what he used to tell us, that was what we used to accept.

12:32:17 15 Q. Now, let me rephrase it. Mr Witness, you have been  
16 involved in the last attack on Koribundu. Did you receive, ever,  
17 any orders from Mr Fofana?

18 A. No.

19 Q. Was he involved in matters of tactics in respect of that  
12:32:50 20 attack on Koribundu?

21 A. I did not even see him with my face.

22 Q. Was he then maybe involved in matters of strategy in  
23 respect of that --

24 MR De SILVA: My Lords, I must object. My friend is simply  
12:33:12 25 inviting this witness to speculate from a point, as far as I can  
26 see, of complete ignorance about the activities of the second  
27 accused.

28 PRESIDING JUDGE: Well, he is in cross-examination so he is  
29 entitled to explore these avenues. Your objection has to do with

1 the weight that this Court may attach to these questions and  
2 answers, not as to the relevancy.

3 MR De SILVA: My Lord [indiscernible].

4 PRESIDING JUDGE: Thank you.

12:33:47 5 MR KOPPE:

6 Q. Mr Witness, do you remember the question?

7 A. I do understand it, sir.

8 Q. Could you give the Court your answer?

9 A. Yes, the one that I know.

12:34:03 10 Q. Yes. My question was: was Mr Fofana involved in matters  
11 of strategy in respect of the attack?

12 A. In Koribundu?

13 Q. Yes.

14 A. Mr Fofana, we did not see him.

12:34:24 15 Q. Now, one could say that in order to be involved in matters  
16 of strategy, you don't have to be seen --

17 PRESIDING JUDGE: No argument, please, with the witness.

18 You can ask questions, but no argument.

19 JUDGE ITOE: Precisely. That goes against you, because

12:34:46 20 when you are talking of strategy, you don't need to be seen. You  
21 can only speculate -- he can only speculate.

22 JUDGE THOMPSON: It can backfire.

23 JUDGE ITOE: It has backfired on you, hasn't it?

24 MR KOPPE: Not necessarily.

12:35:01 25 JUDGE THOMPSON: It can.

26 MR KOPPE: It can, not necessarily.

27 Q. Mr Witness, did you ever report to Mr Fofana?

28 A. I did not report to Mr Fofana. I reported to Joe Tamidey,  
29 because I was a deputy under him.

1 Q. Would you be in a position to know who Mr Joe Tamidey, in  
2 his turn, reported to?

3 A. Yes.

4 Q. Who would that be?

12:35:42 5 A. Joe Tamidey reported to Nallo. He was the director of  
6 operation.

7 Q. Mr Witness, I'm suggesting to you that in the war against  
8 the juntas, Mr Fofana was of no importance; do you agree with me?

9 A. Yes.

12:36:27 10 Q. In fact, Mr Witness, he was a man of no consequence; do you  
11 agree with me?

12 A. Yes, Nallo is much more powerful than he.

13 Q. Thank you, Mr Witness. A final point that is not in  
14 respect of my last questions, but in respect of another matter:

12:37:05 15 did you, let's say, in the last four or five months, speak to  
16 investigators of the Prosecution?

17 A. Yes. But I would explain how they met me.

18 Q. Please do.

19 A. I was in Bo. The investigators went and met me in Bo.

12:37:47 20 They went to my office, in my driving office, the driver's union  
21 office.

22 Q. Yes.

23 A. They left a message. But the way in which they left the  
24 message it said -- they said the commissioner wanted to see me.

12:38:14 25 Q. Yes, what happened then?

26 A. I myself went and met the commissioner. The commissioner  
27 said he didn't have an appointment with me.

28 Q. I interrupt you for one second, Mr Witness. Who was the  
29 commissioner, do you know?



1 A. Yes. Mr -- this last man that was sent to Bo, he has one  
2 Krio name that I don't know too much, but we used to call him  
3 commissioner.

4 JUDGE THOMPSON: Perhaps we need to know commissioner of  
12:39:02 5 what.

6 MR KOPPE: Exactly. That was my question.

7 Q. Commissioner of what?

8 A. Commissioner of police.

9 Q. Thank you. Please continue. You were asked to see the  
12:39:16 10 commissioner of police. What happened then?

11 A. When I went and met the commissioner of police, the  
12 commissioner of police said he did not have an appointment with  
13 me. When I left, I met two vehicles, two Land Cruisers. A green  
14 one and a white one. They were parked opposite CID.

12:39:45 15 Q. Yes. What happened then?

16 A. That was the time that the two people, they went and met  
17 me, and then they told me that they were investigators for the  
18 Special Court. They said they wanted to obtain statements from  
19 me. I said, "Eh."

12:40:17 20 Q. Then what happened?

21 A. They took me to the OC CID's office.

22 Q. What do you mean, "They took me". Did you agree to go with  
23 them to this office?

24 A. Yes, I accepted to go with them so as to know why I was  
12:40:36 25 summonsed. I went to the office. When we went, I myself, I  
26 asked them to identify themselves, "If you came from the Special  
27 Court, I want to know." When I asked them --

28 Q. Did they say they were from the Prosecution, or did they  
29 say they were from the Special Court?

1 A. They said the Prosecution.

2 Q. After they had identified themselves, did you give a  
3 statement to them?

4 A. I told them that -- I told them outright that I was an  
12:41:33 5 evidence in the Special Court, and that my lawyer had said the  
6 Defence had closed. The Prosecution had closed. Why should you  
7 come and meet me again? So I told them I would not give them any  
8 statement.

9 Q. So if I summarise it, you were not interested in talking to  
12:41:54 10 the investigators of the Prosecution; am I right?

11 A. Yes, I was not interested, Pa.

12 Q. Did you say goodbye? Did you leave? What happened then?

13 A. When I told them I was leaving the office, they used one  
14 statement which I did not understand. They said as long as I not  
12:42:26 15 give any evidence, one particular day, they would capture me.

16 Q. You say, "They would capture me." What do you mean by  
17 that?

18 A. They understood that I did not know what they meant.

19 Q. I'm not quite sure if I understand you fully, Mr Witness.  
12:42:58 20 Do you know what they meant with that?

21 A. They said they would capture me. They said I would be  
22 arrested. That is what they said.

23 Q. Mr Witness, did you feel threatened by what had been said  
24 to you?

12:43:21 25 A. Yes. I was under a very serious threat. I even moved. I  
26 left them. When they left, they gave me the impression they were  
27 going. They took -- they went by the Koribundu highway. I  
28 myself took my car. I drove slowly until I went to Koribundu and  
29 I gave them the impression that I was going to Bo-Sumbuya Road.

1 I think some of --

2 THE INTERPRETER: Your Honours, would the witness take the  
3 last bit? Let him go slow.

4 PRESIDING JUDGE: Mr Witness, would you just slow down a  
12:44:03 5 bit in your evidence. Can you repeat the last part. You left by  
6 the Koribundu highway. What happened there? Slowly.

7 THE WITNESS: I took my time. I drove my car behind them  
8 and I went by Koribundu highway.

9 MR KOPPE:

12:44:32 10 Q. Yes.

11 A. As they were going, I was behind them. But they were way  
12 faster than I did. They arrived at Koribundu. I arrived and I  
13 gave them the impression that I was going to Koribundu. I went  
14 to Sumbuya Road. I myself went to inform my brothers, telling  
12:45:09 15 them, "We have to get ready, people are coming for us."

16 Q. Mr Witness, you said you felt threatened at the time?

17 A. They threatened me, sir.

18 Q. My question to you is: do you still feel threatened at  
19 this moment?

12:45:32 20 A. Up to date.

21 Q. Thank you, Mr Witness.

22 MR KOPPE: Thank you, Your Honour.

23 JUDGE ITOE: The long and short of it, Mr Koppe, is that he  
24 never made this statement. Can we get that clarification from  
12:45:50 25 him?

26 MR KOPPE: Yes.

27 Q. Is it correct what Your Honour said that you, in the end,  
28 never made that statement - never gave that statement?

29 A. I did not make it.

1 MR KOPPE: Thank you.

2 PRESIDING JUDGE: Mr Margai, any cross-examination?

3 MR MARGAI: Yes, My Lords.

4 CROSS-EXAMINED BY MR MARGAI:

12:46:30 5 Q. Good afternoon, Mr Nunie.

6 A. Good afternoon, Your Lordship.

7 Q. You have told this Court you are a Kamajor.

8 A. Yes, sir.

9 Q. Were you initiated into the Kamajor society?

12:46:57 10 A. Very well, sir.

11 Q. By whom?

12 A. By Dr Allieu Kondewa, our high priest.

13 Q. Is that the gentleman seated there behind the glasses?

14 A. Your Lordship, sir.

12:47:23 15 Q. Now tell the Court what was your reason for being initiated  
16 into the Kamajor society.

17 A. The reason was, one, the junta killed my mother. I came  
18 from a ruling house. The whole compound was burnt down to ashes.  
19 Then, two, to defend the people. That is why I joined the

12:48:21 20 Kamajor society.

21 Q. Have you heard of immunisation within the Kamajor society?

22 A. That I would not be able to explain here.

23 Q. I don't want you to explain. I would not even ask you to  
24 explain, but have you heard of it?

12:48:55 25 A. Yes.

26 Q. Would I be right in saying that in being immunised, you  
27 became what would be referred to as bulletproof?

28 A. Oh, that's like that, sir.

29 Q. And did you benefit immensely from the immunisation?

1 A. Yes, sir.

2 Q. Thank you. You fought as a Kamajor during the rebel war,  
3 did you not?

4 A. Yes, sir.

12:49:50 5 Q. Did you, during this period of fighting, fight alongside  
6 ECOMOG?

7 A. Yes, sir. I fought along with ECOMOG.

8 Q. When Kamajors fought alongside ECOMOG, who would be in  
9 command of the forces?

12:50:29 10 A. ECOMOG commander?

11 Q. Now, did Kondewa, as an initiator, to your knowledge, ever  
12 take part in combat?

13 A. It was not possible, sir. No.

14 Q. As a matter of the CDF or Kamajor policy, did initiators  
12:51:22 15 take part in combat?

16 A. They did not take part.

17 Q. Apart from initiators preparing combatants for battle by  
18 way of immunisation, did they, at any time, take part in planning  
19 the war, how it was to be fought?

12:52:04 20 A. No.

21 Q. Did Kondewa have anything to do with the distribution of  
22 arms and/or ammunition?

23 A. No.

24 Q. Now, what was Albert Nallo's substantial position within  
12:53:02 25 the CDF?

26 A. Albert Nallo's position in the CDF was director of  
27 operation. Anywhere that you had an operation, he was the  
28 individual that would arrange us so as to go there. That was his  
29 own job.

1 Q. You have told Their Lordships that Nallo was suspended.

2 A. Yes, sir.

3 Q. Do you know when he was suspended, which year?

4 A. That particular one, I cannot remember the year when he was  
12:53:58 5 suspended.

6 Q. Was he suspended before the cessation of hostilities, or  
7 after the war was over?

8 A. No. He was suspended because the orders that he used to  
9 give us, the commanders, was not proper. They suspended him  
12:54:32 10 before that happened.

11 Q. So he was suspended before the war came to an end?

12 A. Yes, sir.

13 Q. You cannot tell this Court how long before the war came to  
14 an end he was suspended; you cannot?

12:54:53 15 A. No, sir. I cannot recall now.

16 Q. Was he suspended before the Bo attack, or shortly  
17 thereafter?

18 A. After we'd captured Bo, when he failed to do his job, that  
19 was the time that the War Council suspended him.

12:55:42 20 Q. Would I be right in suggesting that, in fact, Bo was  
21 captured in February 1998? Would I be right?

22 A. Yes, sir, they captured it.

23 Q. Do you know if Nallo was reinstated?

24 A. Yes, he was brought back.

12:56:24 25 Q. Did he still have that position?

26 A. Yes, he still had that position.

27 Q. Do you know when he was reinstated?

28 A. That, I cannot recall now.

29 JUDGE ITOE: Again, the witness is not very good at dates,

1 and time frame.

2 MR MARGAI: I can understand, My Lord, it is a long time  
3 now.

4 JUDGE ITOE: Yes, indeed.

12:56:54 5 MR MARGAI: It is a long time. I wouldn't press him, in  
6 fairness.

7 Q. Thank you very much, Mr Nunie.

8 A. Thank you.

9 PRESIDING JUDGE: That concludes your cross-examination?

12:57:07 10 MR MARGAI: That concludes my cross-examination.

11 PRESIDING JUDGE: Mr Prosecutor, you wish to proceed? Do  
12 you have any cross-examination? If you have any, it is almost  
13 1.00, we may as well adjourn. If you have none, we'll finish  
14 now.

12:57:25 15 MR De SILVA: My Lord, I can't say I have none.

16 PRESIDING JUDGE: I'm not pressing you in this respect, I'm  
17 just asking you the question.

18 MR MARGAI: Did my learned friend say no questions?

19 PRESIDING JUDGE: No, he said exactly the opposite. In the  
12:57:42 20 circumstances, we'll adjourn the cross-examination by the  
21 Prosecution until 2.30.

22 [Luncheon recess taken at 12.58 p.m.]

23 [CDF11MAY06D - CR]

24 [Upon resuming at 2.45 p.m.]

14:44:51 25 PRESIDING JUDGE: Good afternoon. Good afternoon,  
26 Mr Prosecutor. When we left off, you were about to proceed with  
27 your cross-examination of this witness.

28 MR De SILVA: Indeed.

29 PRESIDING JUDGE: Can you proceed now, please.

1 CROSS-EXAMINED BY MR DE SILVA:

2 Q. Mr Witness, you speak and read English, don't you?

3 A. No.

4 Q. You see, when your name was put forward to the Court to  
14:45:33 5 give evidence, and I'm looking at the list of witnesses for the  
6 first accused, against your name it says, "Giving evidence in  
7 English." That's why I asked you the question.

8 A. I told them that I was coming to speak in Krio.

9 Q. So it's a mistake that has been made, is it?

14:46:04 10 A. I don't know that, but that was what I said.

11 Q. Can you remember when you made a statement to the Defence?

12 A. They obtained statement from me.

13 Q. Yes, I know that. I'm asking you when.

14 A. I couldn't remember the date.

14:46:45 15 Q. Last month?

16 A. I couldn't recall.

17 Q. You have got a total blank about it, have you?

18 A. I know that when they went to obtain statement from me, but  
19 the time is what I'm in doubt of, but I really knew when they  
14:47:08 20 went to take statement from me.

21 Q. Was it this year or last year?

22 A. They obtained statement from me, but I don't know the year.  
23 I don't know. I cannot recall the year now.

24 Q. When do you say that two gentlemen came to ask you to make  
14:47:45 25 a statement for the Prosecution?

26 A. That one I would be able to answer.

27 Q. Ah. I thought you might.

28 A. It would not be up to three minutes.

29 Q. I'm going to ask the question again. When do you say two



1 gentlemen came on behalf of the Prosecution to ask you questions;  
2 can you remember?  
3 A. I couldn't remember, but it happened in Bo.  
4 Q. Yes, I know. I'm not asking you where it happened. I'm  
14:48:30 5 asking you when it took place.  
6 A. I cannot recall the time, but it really happened.  
7 Q. Can you remember to whom you'd made the statement first?  
8 Sorry, I'll put it differently. Can you remember who saw you  
9 first, the Prosecution or the Defence?  
14:49:02 10 A. The first person to see me, it was the Defence that saw me  
11 first.  
12 Q. And you can't remember when?  
13 A. No, but I know the people who met me.  
14 Q. That's not the question I asked you. It was learned  
14:49:46 15 counsel for the second accused, for Fofana, who raised this  
16 matter about people from the Prosecution coming to see you to  
17 make inquiries of you. You know that, don't you?  
18 A. It was not so.  
19 Q. Please listen to the question, because we were all in Court  
14:50:11 20 when it happened. It was counsel for Fofana who raised with you  
21 the question of people coming to see you for the purpose of  
22 obtaining information from you. Do you remember?  
23 A. I could not remember that.  
24 Q. We can all remember, so you don't have to worry too much.  
14:50:40 25 Will you accept that we can all remember?  
26 A. Well, I don't know that. I only know of mine.  
27 Q. Mr Koppe, who is sitting over there in the centre of  
28 counsel's row, do you remember he asked you questions just before  
29 you went to lunch?

1 A. I could remember the question.

2 Q. And do you remember the gentleman who asked you the  
3 question?

4 A. I saw him.

14:51:15 5 Q. Yes. And it was he, counsel on behalf of Fofana, who asked  
6 you about this visit to you in Bo. Do you remember that now?

7 A. I could remember that part.

8 Q. Have you spoken to the lawyers or any representative on  
9 behalf of Fofana?

14:51:49 10 A. I have not spoken to them yet, unless in the Court here.

11 Q. Okay. So you have never spoken to any representative of  
12 Fofana, or any lawyers for Fofana; is that correct?

13 A. Until now in this Court when they asked me questions and I  
14 replied to them.

14:52:12 15 Q. Right. You have come here, as you know, at the request of  
16 lawyers for Chief Norman. You realise that, don't you?

17 A. They asked me.

18 Q. Now you told My Lords before lunch that the gentleman who  
19 came to see you from the Prosecution threatened you.

14:53:13 20 A. Yes.

21 Q. You gave it some detail and said they said, "One day we  
22 will capture you."

23 A. That was what they said.

24 Q. And you, the commander of men who have been telling us  
14:53:42 25 about the battles you've been involved in, were frightened?

26 A. I fought under command.

27 Q. It's a pack of lies, isn't it?

28 A. I'm saying the truth.

29 Q. Tell us, were you frightened by those two gentlemen who

1 came to see you?

2 A. I was not afraid of them. I was trying to avoid the law.

3 Q. Have you had some uncomfortable entanglements with the law  
4 in your past?

14:54:39 5 A. I have no problem with it.

6 Q. Tell us, were you frightened, as you told the Court before  
7 lunch, or has your fright disappeared?

8 A. I'm not afraid. As long as I'm in front of the law, I'm  
9 not afraid. It is the truth that I'm coming to say.

14:55:08 10 Q. Did those threats frighten you? It's a simple question.

11 A. The threat, yes. It made me afraid, because the way that  
12 they said we were coming to apprehend me, that is why I said I  
13 was afraid.

14 Q. You must have been shocked?

14:55:34 15 A. I was not that much shocked.

16 Q. Good, I'm pleased to hear that. Now the first thing you  
17 would have done is to make a statement to Chief Norman's lawyers  
18 to say that this terrible incident had occurred which had  
19 frightened you?

14:56:03 20 A. I informed my lawyer. I did not make any statement, but I  
21 informed him.

22 Q. You informed Chief Norman's lawyers?

23 A. I informed them.

24 Q. Were they Chief Norman's lawyers you informed?

14:56:17 25 A. I told them.

26 Q. The question I asked was: Did you inform the lawyers or  
27 some part of the team acting on behalf of Chief Hinga Norman?

28 A. I did not get you clear.

29 Q. Do you know that Chief Hinga Norman has got lawyers acting

1 for him?

2 A. I know that.

3 Q. Was it to one of those you made -- was it to one of those  
4 people that you said that this incident had occurred?

14:57:16 5 A. Yes, I told one of them.

6 Q. Do you know his name?

7 A. Yes. I don't know his name, but I know him.

8 Q. When did you last see him?

9 A. When they sent -- when we were sent for. When we came,  
14:57:48 10 that was the time when I said it.

11 Q. Now, did you make a written statement to that lawyer about  
12 this incident?

13 A. I had made the statement and from the time I made that  
14 statement, no other statement had been taken from me.

14:58:09 15 Q. Did you make a statement about this incident about two men  
16 coming to see you?

17 A. I said it, but I did not make any statement. I said it to  
18 my lawyer, but I did not make any statement.

19 Q. Did you tell him that you had been threatened?

14:58:35 20 A. I told him that they were coming to catch me.

21 Q. And this lawyer, did he tell you, "We must go to the police  
22 immediately and make a statement"?

23 A. It was in Bo when I was, but when I told him here, he did  
24 not tell me to go to Bo. When I came here to give my evidence, I  
14:59:04 25 told him, but he did not ask me to make a statement.

26 Q. Were you advised to go and make a report to the police  
27 about this threat to you?

28 A. Well, everything remains with them. I told them.

29 Q. Did you think of going to the police to make a report about

1 this threat to you?

2 A. It was decided in the police in Bo. It was in the police  
3 station in Bo that they decided it before the -- in the presence  
4 of the CID.

14:59:49 5 Q. Did you make any complaint to any police officer about this  
6 alleged threat to you?

7 A. They had -- they were there. They knew what the people  
8 said. There was no need for me to tell them.

9 Q. You said "they." In front of whom do you say these threats  
15:00:13 10 were made to you?

11 A. I said it was in the OC's traffic's office. OC CID.

12 Q. That's the officer in charge of the CID?

13 PRESIDING JUDGE: Traffic office.

14 MR De SILVA: Traffic office.

15:00:34 15 Q. Is that correct?

16 A. OC CID's office.

17 Q. Who else was in the room when this happened?

18 A. The OC CID later on met -- was there, because he gave them  
19 the office. He thought that they were obtaining the statement  
15:00:56 20 from them, but when I refused that I was not making any  
21 statement, they left.

22 Q. Is there anybody beyond those two people who can confirm  
23 what you have told us that you were threatened?

24 A. I don't know. Whether the threat they made to me, that  
15:01:28 25 when they went to Koribundu they did the same.

26 THE INTERPRETER: The interpreter is sorry. Can the  
27 witness talk a little bit slow so that he can be interpreted  
28 accordingly.

29 PRESIDING JUDGE: Mr Witness, when you give your answers,

1 please proceed slowly so we can have your evidence translated and  
2 interpreted properly. Slowly, please.

3 MR De SILVA:

4 Q. Mr Witness, I am going to ask you a very simple question,  
15:01:58 5 which is this: Forget the two men against whom you're making  
6 allegations. Is there anyone else who was a witness to what  
7 occurred?

8 A. It was only the OC CID who was present when they said that.

9 Q. So the OC CID traffic was present, was he, when the threat  
15:02:39 10 was made to you, as you claim?

11 A. When he entered, they had been threatening me, then he went  
12 out. That's what I'm explaining.

13 Q. So he is someone who could give evidence to support your  
14 allegation?

15:03:09 15 A. I don't know about that.

16 Q. Well, if he was present and witnessed it, then he would be  
17 somebody who could give evidence about it, isn't he?

18 A. Well, I cannot tell about that.

19 Q. We'll wait and see. My learned friend Mr Margai asked you  
15:03:47 20 a question on behalf of his client, Mr Kondewa, to the effect  
21 that, as a matter of policy, initiators don't take part in  
22 combat. Do you remember that?

23 A. Yes, that was what I said.

24 Q. Are you aware of the initiator whose name was Kama Saddam  
15:04:31 25 Sheriff, who was killed in combat in Kenema?

26 A. I heard about him.

27 Q. Thank you.

28 JUDGE ITOE: Mr de Silva, may we have the name again,  
29 please?

1 MR De SILVA: It is K-A-M-A, Saddam, as in Iraq, and  
2 Sheriff. Kama Saddam Sheriff.

3 JUDGE ITOE: You say he was killed in combat in Kenema?

4 THE WITNESS: It was not in a fight. He was invited.

15:05:29 5 MR De SILVA:

6 Q. He was invited to kill himself or what?

7 A. Well, it was the juntas that invited him. They invited him  
8 and they killed him. It was not during a fight. He was an  
9 initiator. It was during the period that they invited him, that

15:05:48 10 was the time they killed him.

11 Q. Yes, but his magic doesn't seem to have worked on him, does  
12 it?

13 A. Well, that was his. He was not called to perform magic.

14 THE INTERPRETER: The interpreter is sorry. The witness is  
15:06:12 15 moving so fast that he's required --

16 PRESIDING JUDGE: Mr Witness, again, please go slowly with  
17 your answers. The interpreter is unable to follow the pace of  
18 your evidence. Mr Interpreter, you wish the last answer to be  
19 repeated again?

15:06:34 20 THE INTERPRETER: My Lord, the entire answer is required to  
21 be repeated.

22 PRESIDING JUDGE: Mr Witness, can you repeat your last  
23 answer as to how this --

24 THE WITNESS: Yes, sir.

15:06:47 25 PRESIDING JUDGE: Please.

26 THE WITNESS: I said Mualemu did not go to fight.

27 JUDGE ITOE: His other name was Mualemu?

28 THE WITNESS: He was our boss. That's the way we used to  
29 call him. Our initiators, we give them respect.

1 JUDGE ITOE: I wanted to make sure that it is the same  
2 name, because you have not called him by this name before now.

3 MR De SILVA: My Lord, I think he was indicating that it  
4 was a term of a respect as opposed to the name.

15:07:26 5 JUDGE ITOE: I know. But all along I have identified him  
6 on my records as Sheriff Kama Saddam, not as a Mualemu.

7 MR De SILVA: Yes.

8 PRESIDING JUDGE: Mr Witness, you were saying he was not  
9 killed in fighting.

15:07:45 10 THE WITNESS: They did not kill him during a fight. The  
11 juntas invited him in Bo and that was where they killed him.

12 THE INTERPRETER: Correction, interpreter: They invited  
13 him in Kenema, that was where they killed him.

14 PRESIDING JUDGE: Thank you.

15:08:15 15 MR De SILVA:

16 Q. And how was he killed?

17 A. Well, we heard that they killed him. We don't know the  
18 manner in which he was killed, but it was said that they killed  
19 him.

15:08:29 20 Q. Right. You've told My Lords that you were appointed as a  
21 base commander by Albert Nallo; correct?

22 A. Yes, that is true.

23 Q. Albert Nallo was then director of operations; correct?

24 A. That's correct.

15:09:04 25 Q. When the term "operations" is used, we are all talking  
26 about military operations, aren't we?

27 A. Yes.

28 Q. Had you ever had any military training before you got  
29 involved in this war on behalf of the Kamajors?



1 A. No. No, I have never undergone any military training. I  
2 am a Kamajor.

3 Q. Were you affectionately known as General Joe Nunie? Did  
4 you have such a nickname?

15:09:59 5 A. Well, that name, General, it was General Khobe who gave me  
6 that name General.

7 Q. Thank you. So General Khobe seems to have had a high  
8 regard for you?

9 JUDGE ITOE: What was the name again?

15:10:25 10 MR De SILVA: General. It was General Khobe who called him  
11 General Nunie.

12 Q. Joe Tamidey whom you have told us about, he had another  
13 name? Was it Gassimu?

14 A. We know him to be Joe Tamidey. That is the name we know.

15:11:03 15 Q. When he was commander for the Jياما Bongor Chiefdom you  
16 were the deputy commander; is that correct?

17 A. I was a deputy under Joe Tamidey.

18 Q. Was he a distinguished commander, in your view?

19 A. Yes. He was known. He was well known by a lot of people.

15:11:47 20 Q. The question I asked you was: Was he regarded as a  
21 distinguished soldier, warrior?

22 A. Yes, everybody respected him. He was a commander.

23 Q. And you were his deputy.

24 A. Yes.

15:12:17 25 Q. As the deputy commander, it was a position that carried  
26 considerable responsibility, particularly in time of war?

27 A. But I was working under command.

28 Q. All soldiers --

29 JUDGE ITOE: But the question has not been answered. Can

1 you put the question to the witness again, please?

2 MR De SILVA:

3 Q. I think the question was --

4 PRESIDING JUDGE: You had much responsibility.

15:13:08 5 MR De SILVA: Yes.

6 Q. The position of deputy commander and, indeed, the position  
7 of commander, they are two positions of considerable  
8 responsibility, particularly in war.

9 A. Yes, they were positions of responsibility.

15:13:31 10 Q. But you quite rightly pointed out that there is a chain of  
11 command.

12 A. Yes, there was a chain of command and I knew how it was  
13 operating.

14 Q. You are familiar with the term "Base Zero", aren't you?

15:13:55 15 A. I know there.

16 Q. Kamajors were constantly going back and forth to Base Zero;  
17 is that correct?

18 A. They went there to be initiated.

19 Q. The question I asked you I think was a simple one.

15:14:23 20 Kamajors were constantly going to and from Base Zero?

21 A. Well, what I know, Kamajor went to Base Zero. I myself  
22 sitting here, it was Base Zero that I was initiated into the  
23 society.

24 Q. Did I ask both? Of course, you have told us about the War  
15:14:56 25 Council that was in Base Zero; correct?

26 A. Yes.

27 Q. Did you know that the War Council had the power to make  
28 recommendations about whatever they made recommendations about?

29 A. No, that War Council, it was that -- members of that

1 council that made us to be initiated. They had powers. It  
2 consisted of the chiefs.

3 Q. The question I asked you was this: Are you aware that the  
4 War Council had the power to make recommendations?

15:15:51 5 A. It was the War Council that recommended the senior  
6 officers, number one, Nallo, Joe Tamidey.

7 Q. So the War Council made those recommendations, I agree with  
8 you. Chief Norman retained the power to reject or accept War  
9 Council recommendations; you know that, don't you?

15:16:31 10 A. That one I cannot say. I don't know about that entirely.

11 Q. Well, we can examine something to deal with the matter.

12 MR De SILVA: My Lords, I'm referring to Exhibit 10. There  
13 are copies for My Lords, and one for the witness.

14 Q. Mr Witness, now, this is an exhibit in the Court.

15:17:54 15 MR JABBI: Excuse me, can we have a copy.

16 JUDGE ITOE: I think I see the difficulty of the Defence at  
17 this stage because there has been quite a bundle of exhibits.  
18 Whilst thinking of the Bench, we would like to ask you to,  
19 please, think of making copies --

15:18:16 20 MR MARGAI: We have all the exhibits here.

21 JUDGE ITOE: Well, it is just for expedition, you know.

22 MR MARGAI: We have them here.

23 JUDGE ITOE: You have them?

24 MR MARGAI: Yes, all the exhibits are here.

15:18:28 25 PRESIDING JUDGE: You have been served with that.

26 MR MARGAI: I took the cue from the Bench, that is why I  
27 followed suit.

28 JUDGE ITOE: Maybe Dr Jabbi should do the same thing.

29 Maybe my copy can be given to Dr Jabbi.

1 MR De SILVA: He's got a copy, My Lord.

2 MR MARGAI: Your Lordship is most kind.

3 JUDGE ITOE: I should be kind and fair.

4 MR De SILVA:

15:19:00 5 Q. Now, Mr Witness, if you look down towards the bottom  
6 right-hand corner of the page, you will see a seal there, a  
7 stamp, "Co-ordinator". Do you see that?

8 A. I've seen it.

9 Q. Yes. Of course, you know who the co-ordinator was, don't  
15:19:22 10 you?

11 A. I know the co-ordinator.

12 Q. Yes.

13 A. But that stamp is not the co-ordinator stamp.

14 Q. Well, there is no doubt it's some sort of forgery. There  
15:19:38 15 it is. But just accept for a moment that this document is an  
16 exhibit in the Court; do you understand? If you go to the top of  
17 the page, you will see it's dated 20 February 1998, from the  
18 national co-ordinator. I suggest that's meant to be Mr Joe  
19 Tamidey but we'll establish that quite clearly, in a minute.  
15:20:10 20 Letter of appointment.

21 "It is my pleasure to inform you that upon the  
22 recommendation of War Council, I have accepted and approved  
23 your appointment as commander for the 17th Battalion,  
24 Koribundu, with effect from 20 February 1998."

15:20:37 25 Now, that was Joe Tamidey, wasn't it?

26 A. That is the way I've seen it there, sir.

27 Q. Looking at the wording of the letter of appointment, "It is  
28 my pleasure to inform you that upon the recommendation of the War  
29 Council I have accepted and approved," that is why I was asking

1 you the question was to whether the War Council recommended, but  
2 Chief Norman retained the power to accept and approve. Do you  
3 remember that question I asked you?

4 A. It is now I've heard.

15:21:35 5 Q. I'm sorry, I didn't hear that answer.

6 A. Ask again.

7 Q. Yes. That is why I asked you, from your understanding,  
8 being at the heart of Kamajor affairs, is it your understanding  
9 that the War Council could recommend, but Chief Norman retained

15:22:01 10 the right to accept and approve?

11 A. Is that your question, sir?

12 Q. Yes.

13 A. The War Council had powers, more than Chief Norman.

14 Q. That is not true, is it?

15:22:26 15 A. I have said the truth. That's what I've said.

16 Q. Well, we'll look at something else then to assist your  
17 memory.

18 MR De SILVA: My Lords, it's Exhibit 11. Again, I've got  
19 copies for My Lords. And for Mr Jabbi, who would otherwise

15:23:09 20 complain about my behaviour, but I know that Mr Margai is fully  
21 equipped in every way.

22 JUDGE ITOE: And so is, I suppose Mr Koppe and Mr Bockarie.

23 MR De SILVA: Mr Koppe has gone. I don't think it would  
24 assist him very much. I think he's on an airplane. I find it  
15:23:33 25 difficult to get it to him at the moment.

26 JUDGE ITOE: I find it difficult to accept that he left  
27 without the normal courtesies.

28 MR De SILVA: My Lord, he didn't even say good-bye to me,  
29 so we are all similarly insulted. There it is.

1 Q. This is another exhibit, Mr Witness. If you look at the  
2 bottom right-hand side, you will see a different sort of stamp.  
3 You have seen that stamp before, haven't you?  
4 A. I've seen a stamp.  
15:24:13 5 Q. The question is: Have you seen that stamp before?  
6 A. Except today that I am seeing it before me.  
7 Q. So you've never seen that stamp before?  
8 A. Not at all, except this that I've seen.  
9 Q. All right. Now, one will see under that the name -- can  
15:24:46 10 you read that name?  
11 A. Except I have glasses.  
12 Q. I'm sorry. If I didn't need them, I'd lend you mine.  
13 Well, it's the name of Mr Fofana.  
14 JUDGE ITOE: Mr Margai is offering his glasses, that is  
15:25:07 15 what I'm seeing.  
16 MR De SILVA:  
17 Q. There you are. You can have the glasses of a most  
18 important gentleman. Can you see now? Has Mr Margai opened your  
19 eyes?  
15:25:29 20 JUDGE ITOE: But don't see it through the eyes of  
21 Mr Margai.  
22 MR De SILVA: That's what I'm worried about.  
23 Q. Mr Witness, are you assisted by those glasses?  
24 A. I have seen the stamp.  
15:25:43 25 Q. You saw it before without glasses, with Mr Margai's  
26 glasses, you can't see anything?  
27 A. It is now I have seen it.  
28 Q. Under the stamp, you will see a name, a name that is  
29 familiar to you. That's right, isn't it in?

1 A. I have seen a name written there and I know the name.

2 Q. You know the name, of course. It's Fofana?

3 A. Yes.

4 Q. Yes.

15:26:14 5 A. I saw it there. It is typewritten.

6 Q. Yes. Don't worry about that too much. If we go to the top  
7 of the page, we'll see it is dated 24 February 1998, and it is  
8 from the Director of War. Do you see that?

9 A. Yes, sir.

15:26:37 10 Q. To Mr Joe Gassimu Tamidey, 17th Battalion, commander,  
11 Koribundu. "Dear commander," I'm not going to bother about the  
12 first paragraph. It's about captured vehicles and other items.  
13 Second paragraph, "I am now ordering you not to release any of  
14 them." Now, that's the only part I want to ask you about. You  
15:27:23 15 knew that the second accused, Fofana, had the power to give  
16 orders to commanders, didn't you?

17 A. Well, for me, it was Nallo who give us command, who  
18 commanded us, rather.

19 Q. You have been at pains to point out that the second accused  
15:27:54 20 never gave any commands to anybody. That's why I'm asking you  
21 these questions. Now, will you please answer my question? You  
22 know perfectly well the second accused was in a position to issue  
23 commands to commanders.

24 A. Your Lordships, it was Nallo that I was aware that  
15:28:29 25 commanded us.

26 PRESIDING JUDGE: That's not a question, Mr Witness.  
27 Listen to the question carefully. There is no dispute here --  
28 you're not being challenged here that Nallo did or did not give  
29 you command. He was the battalion commander, you were the

1 deputy. This is not the question. The question is at a  
2 different level, as such. Ask the question again. Listen to the  
3 question carefully, please.

4 MR De SILVA: I'm grateful.

15:28:55 5 Q. Isn't it clear to you that the director of war, the second  
6 accused, was in a position to issue orders to commanders, that is  
7 battlefield commanders?

8 JUDGE ITOE: Was in a position to give?

9 THE WITNESS: Yes, we heard the name. We heard of the  
15:29:37 10 director of war, and we used to see him.

11 MR De SILVA:

12 Q. Now, to come back to My Lord's question, which I would be  
13 very grateful if you could answer, you knew that the director of  
14 war was in a position to issue orders to field commanders?

15:30:06 15 A. Well, I cannot say anything about that here, but we were  
16 aware he was director of war, but we were commanded by Nallo.  
17 That's what I can say.

18 Q. Yes. You told My Lords that you were aware of the chain of  
19 command this afternoon. That's why I'm asking you these  
15:30:30 20 questions. So forget about Mr Nallo for a moment and answer this  
21 question: isn't it clear, looking at that document, that the  
22 director of war was in a position to give orders to field  
23 commanders?

24 A. The director of war was there, but I was not where he was  
15:30:59 25 commanding. That is what I'm trying to say.

26 Q. Looking at this document, what do you have to say about it?  
27 Can I assist you, Mr Witness?

28 A. Yes, sir.

29 Q. If the director of war could give orders to Joe Tamidey, it



1 must follow that he could also give orders to Albert Nallo?  
2 A. It can happen, but in my presence that didn't happen.  
3 Q. It's a matter of a logic, isn't it? It can happen. The  
4 difference between you and I is that you say it can happen, I say  
15:32:37 5 it did happen. What do you have to say about that?  
6 A. Well, on my own part, I didn't know that it happened.  
7 Q. Right.  
8 A. It didn't happen, My Lord.  
9 Q. All right, it didn't happen. Very well. Is that an honest  
15:33:01 10 answer that you wish to go down on the record?  
11 A. I have taken an oath on the Koran and on the Bible. What  
12 I'm saying here is the truth. If it didn't happen in my  
13 presence, I would not say it. I would not say what did not  
14 happen in my presence. I am only saying what happened, and what  
15:33:28 15 I saw.  
16 Q. What you saw.  
17 JUDGE ITOE: Mr de Silva, I just want to get the last  
18 answer clear. Did he say that he knows it did not happen, or  
19 that it could not happen?  
15:33:49 20 MR De SILVA: I think he's saying -- if I can ask the  
21 question again.  
22 Q. You're saying that it never happened in your presence and  
23 therefore you can't tell; is that correct?  
24 A. Yes, sir.  
15:34:10 25 Q. So you're not saying it couldn't happen, you're saying it  
26 didn't happen in your presence?  
27 A. That is what I said.  
28 Q. Right, so we now know where we are. When Albert Nallo  
29 brought instructions from the War Council, because he did, didn't

1 he? Albert Nallo used to bring instructions from the War  
2 Council?

3 A. He came to meet us and gave us instructions.

4 Q. And he used to bring instructions, for example, for the  
15:34:49 5 capture of Koribundu. He used to bring instructions from the War  
6 Council, didn't he?

7 A. Not only instruction, but he also brought arms and  
8 ammunition.

9 Q. I didn't ask you about arms and ammunition. I asked you  
15:35:13 10 about did he come with instructions from the War Council as to --

11 A. That was what he used to tell us.

12 Q. Thank you. If the instructions of the War Council were  
13 only recommendations that had to be approved or accepted by  
14 Chief Hinga Norman, it must follow that these were orders that  
15:35:56 15 had been approved by Chief Hinga Norman, doesn't it, as a matter  
16 of logic?

17 MR SESAY: My Lord, I object to that question. My Lord,  
18 there is no evidence before this Court that, in fact,  
19 Chief Norman had approved any instructions from the War Council.

15:36:21 20 JUDGE THOMPSON: My response would be that sometimes things  
21 which are a matters of logic are argumentative.

22 PRESIDING JUDGE: Your objection is sustained.

23 MR De SILVA: There is another exhibit I'd like to look at.  
24 It is Exhibit 59.

15:37:36 25 Q. Now, if you go to the bottom right-hand side, you will  
26 again see the stamp of the co-ordinator; is that correct?

27 A. Yes, I saw it there.

28 Q. If you go to the top of the page, you will see the document  
29 is dated 18 January 1998 from the national co-ordinator to

1 Moinina Fofana, the second accused. Let's look at it, "Dear  
2 Mr Fofana. Letter of appointment. Director of war and  
3 operations." That's military operations, or is that surgical  
4 operations, do you think?

15:38:27 5 A. It was a Kamajor operation.

6 Q. A Kamajor operation. When you draw that distinction, are  
7 you saying it is something other than a military operation, or  
8 military operations? What are those operations that are being  
9 spoken of?

15:38:57 10 A. There's a difference.

11 Q. Tell us what the difference is.

12 A. Like, for instance, if we are ready to go to war, we dance.

13 Q. Oh, this is to do with dancing, is it?

14 A. Yes.

15:39:16 15 Q. Director of war and dancing, it should be. Is that it? Is  
16 that a serious answer?

17 A. That is the difference that I have shown between the  
18 military and the Kamajor. If Kamajor is ready to go to war, he  
19 will dance.

15:39:31 20 Q. Just think, please. You know you are giving evidence in a  
21 very serious case, don't you?

22 A. I know that, sir.

23 Q. I must ask you to make an attempt to help My Lords with the  
24 truth; do you understand?

15:39:53 25 A. I'm saying the truth.

26 Q. Letter of appointment. Director of war and operations.  
27 You remember about 20 minutes ago I was asking you what  
28 operations meant when Joe Tamidey was appointed director of  
29 operations, and you said it was --

1 JUDGE ITOE: Not Tamidey, Nallo. You are referring to  
2 Nallo.

3 MR De SILVA: I'm grateful, My Lord.

4 Q. You said it was military operations. Are you sure  
15:40:33 5 Albert Nallo wasn't director of dancing?

6 A. Albert Nallo was director of operations, it was not for  
7 dance.

8 Q. And what operations was he director of?

9 A. The operation which we know of is if he came and said,  
15:41:02 10 "Gentlemen, you should go to perform an operation at Koribundu,"  
11 that is the operation I mean.

12 Q. It is a military operation. Albert Nallo's appointment as  
13 director of operations was director of military operations; is  
14 that correct?

15:41:24 15 A. It's correct.

16 Q. Now here is a letter of appointment for the second accused,  
17 director of war and operations. Now you are doing everything in  
18 your power, I suggest, to give the words "and operations" here a  
19 different meaning. Is that correct?

15:41:54 20 A. I did not write that letter.

21 Q. That's not the question I asked you. Nor did you write the  
22 letter appointing Albert Nallo. You are resisting -- just answer  
23 this shortly, if you can. Are you resisting acknowledging that  
24 the director of war and operations means -- the word "operations"  
15:42:29 25 means military operations?

26 A. Well, that is what they mean.

27 Q. It means military operations, doesn't it?

28 A. We were not doing military operations, we were doing  
29 Kamajor operations.

1 Q. Kamajors fought and fought valiantly, don't you agree with  
2 that?  
3 A. Yes, we fought valiantly.  
4 Q. Yes, and they fought with great distinction? Do you agree  
15:43:04 5 with that?  
6 A. We do not fight ourselves, we fought the juntas.  
7 Q. The Kamajors distinguished themselves in military  
8 operations; would you agree with that?  
9 A. That did not come to my knowledge.  
15:43:30 10 Q. I don't believe that this is being translated correctly.  
11 I'm going to ask you again. Do you agree that the Kamajors  
12 distinguished themselves in military operations? In other words,  
13 covered themselves in glory in military operations.  
14 JUDGE THOMPSON: Excelled themselves.  
15:43:57 15 MR De SILVA: Thank you, My Lord. I was waiting for that  
16 assistance. Excelled themselves in military operations.  
17 JUDGE ITOE: In fighting their --  
18 PRESIDING JUDGE: The rebels.  
19 JUDGE ITOE: The rebels.  
15:44:08 20 MR De SILVA:  
21 Q. In fighting their enemies, yes. Do you agree with that?  
22 A. Yes, yes, we were distinguished.  
23 Q. Yes, you distinguished yourself in military operations; is  
24 that correct?  
15:44:25 25 A. Yes, it's correct, because, really, we distinguished  
26 ourselves.  
27 Q. Come back to Exhibit 59. Director of war and operations is  
28 not a director of war and dancing, is it?  
29 A. At all.

1 Q. You agree with me?

2 A. Yes.

3 Q. Well, why were you telling My Lords what I'm going to call  
4 an absurd story, a few minutes ago?

15:45:04 5 MR MARGAI: With the greatest respect, My Lords, it may  
6 very well be that learned counsel does not quite appreciate what  
7 exactly the witness was talking about. When he talked about  
8 dancing, it was purely inspirational, and that is a stated fact.

9 [CDF11MAY06E - SV]

15:45:21 10 PRESIDING JUDGE: Mr Margai, you were cross-examining this  
11 witness, weren't you?

12 MR MARGAI: I was.

13 PRESIDING JUDGE: So what's your --

14 MR MARGAI: But I believe, My Lords, that we have a  
15:45:33 15 fiduciary relationship to the Bench here. The impression now  
16 that is about to be created is that the witness was trying to be  
17 absurd, which is not the case.

18 PRESIDING JUDGE: I think the Bench is sufficiently aware  
19 of all these nuances to intervene if necessary, Mr Margai. We  
15:45:48 20 appreciate your offer of assistance but we're quite capable of  
21 dealing with these matters.

22 MR MARGAI: Yes, but where the Bench does not deem it  
23 appropriate, I believe it is our duty here to raise the issue and  
24 the Bench to have the final say.

15:46:03 25 PRESIDING JUDGE: I should say again that this is a witness  
26 that has been called by the first accused, not the third accused,  
27 and if there was any matter of concern to the first accused, he  
28 should have stood up and made any observation at that time.

29 MR MARGAI: As My Lord pleases.

1           PRESIDING JUDGE: But, having said that, Mr Prosecutor, I  
2 would ask you to be careful with the use of language of that  
3 nature because it is very close to trying to embarrass the  
4 witness with these kinds of questions.

15:46:34 5           JUDGE ITOE: I would take the cue to say that I do not  
6 think that the witness was really saying that you could easily  
7 substitute dancing for military operations. I think all he was  
8 saying is that before they go to war, dancing is a ritual. If I  
9 understand that very well. It's a ritual. I didn't understand  
15:47:04 10 him to mean that instead of being characterised as a director of  
11 war and military operations, it meant that he was director of war  
12 and dancing. This was my understanding of the evidence.

13           MR De SILVA: It's my failure, then.

14           JUDGE THOMPSON: And I concur in that. I probably recall  
15:47:26 15 in "Things Fall Apart", Achebe talking about the war dance.

16           MR De SILVA: Yes, I'm grateful.

17 Q.     So, Mr Witness, do you agree that -- giving it another  
18 thought, for the second or the third time, do you agree that it  
19 looks as if the title means director of war and military  
15:47:50 20 operations? Do you agree?

21 A.     It was a Kamajor operation.

22 Q.     What do you mean by "Kamajor" --

23           MR JABBI: My Lords, I don't know whether it is appropriate  
24 to offer this assistance. My Lord, there is a question of the  
15:48:12 25 perception of the referencing of some of these words. "Military"  
26 may be, in the conception of many people, only the one connected  
27 with the army, as distinct from something connected with fighting  
28 the war. From the very many answers the witness has given to  
29 this question, that they were in Kamajor operations, they were in

1 Kamajor operations, it is clear that --

2 JUDGE ITOE: But he has admitted also that they were  
3 military operations, they were fighting enemies.

4 MR JABBI: Yes, My Lord. What I'm saying is that the use  
15:48:47 5 of the particular --

6 JUDGE ITOE: So it was a military operation.

7 MR JABBI: Indeed.

8 JUDGE ITOE: I mean, a Kamajor operation.

9 MR JABBI: What I'm saying, the witness's perception of  
15:48:58 10 "military", when the word "military" is used, it may only be  
11 something connected with the formal army.

12 JUDGE THOMPSON: That's correct. What we're saying is  
13 that -- Dr Jabbi, what you're saying is that the conception from  
14 which perhaps learned counsel the Prosecution is proceeding was  
15:49:16 15 the western paradigm.

16 MR JABBI: That's right, My Lord.

17 JUDGE THOMPSON: And that in the context of non-western  
18 societies there is a socio-cultural nuance.

19 MR JABBI: That's right, My Lord.

15:49:23 20 JUDGE THOMPSON: And as I said, Achebe referred to war  
21 dancing and inspirational -- the dancing before the actual war,  
22 in Ibo culture. So we are aware of that and maybe counsel's own  
23 interpretation was very narrow, more or less in a way consistent  
24 with the western paradigm.

15:49:47 25 PRESIDING JUDGE: Maybe it's my western culture that makes  
26 me understand it differently too, but in any event, what we've  
27 been talking about here is operation of a military nature.

28 JUDGE ITOE: Of a military nature, be it Kamajor or  
29 whatever.



1           PRESIDING JUDGE: Whether you're a Kamajor or a uniform  
2 dress soldier, you're involved in the operation of a military  
3 nature, you're fighting an enemy, as such. This is what we're  
4 talking about. It may be that, as you say, Dr Jabbi, that may  
15:50:16 5 have been -- I know the witness has answered the first time that  
6 he was the director of Kamajor operations, but the operations  
7 we're talking about here are of a military nature. So these may  
8 be Kamajor operations of a military nature. Do you prefer that  
9 word?

15:50:36 10           MR De SILVA: I leave that to the Court to determine, but  
11 let's look at what follows.

12 Q.       "It is my pleasure to inform you that upon the  
13 recommendation of the War Council I have accepted and  
14 approved your appointment."

15:51:00 15           So again, Mr Witness, I come back to something which I  
16 suggest was extremely well known: The War Council could  
17 recommend, Chief Hinga Norman had the power to accept and approve  
18 if he wished. What do you say about that?

19 A.       To my knowledge, it is not so.

15:51:43 20 Q.       You're trying to help Chief Norman in any way you can by  
21 trying to pull the wool over the eyes of this Court, isn't it?

22 A.       I'm saying the truth.

23 Q.       Chief Hinga Norman, would you agree with me, was the  
24 dominant personality at Base Zero?

15:52:33 25 A.       He was important, but he was not more important than the  
26 War Council.

27 Q.       I said dominant individual, a dominant person. Can you  
28 give us the name of one person who was more dominant as an  
29 individual at Base Zero than Chief Hinga Norman? One person.

1 Give us the name of one person who was more dominant at Base Zero  
2 than Chief Hinga Norman.  
3 A. What do you mean by "dominant"?  
4 Q. Influential, powerful.  
15:53:41 5 A. Chief Quee.  
6 Q. I see. And that is your answer? That is your serious  
7 answer?  
8 A. Yes.  
9 Q. Chief Norman was a national figure, was he not?  
15:53:52 10 A. Yes.  
11 Q. Even way back in 1997?  
12 A. Yes.  
13 Q. Are you saying that Chief Quee was a national figure? Are  
14 you saying that?  
15:54:39 15 A. For Base Zero, Chief Quee -- they knew Chief Quee more than  
16 Chief Norman.  
17 Q. Do you remember the question I asked you?  
18 A. That is what I've answered.  
19 Q. Yes, but would you please try and answer the question I  
15:54:57 20 asked you. On the one hand, you had at Base Zero Chief Norman  
21 who is a national figure, and would you agree with me Chief Quee,  
22 however well he may have been known at Base Zero, he certainly  
23 was not a national figure? Would you agree with that?  
24 A. Chief Quee was well known throughout the country.  
15:55:34 25 JUDGE THOMPSON: It can be controversial, can't it? It can  
26 be controversial. I'm not saying that you've crossed the line,  
27 but you can see how it could be controversial; an issue which is  
28 not clear-cut. I'm not saying that it's not permissible. I'm  
29 just saying it can be controversial depending on one's

1 perception.

2 MR De SILVA: Yes.

3 Q. So all those who have told My Lords that Chief Hinga Norman  
4 was the most dominant figure at Base Zero, you dispute what they  
15:56:21 5 say, do you?

6 A. Yes, I deny it.

7 Q. That's because you have come to this Court to lie?

8 A. I have come to say the truth.

9 Q. You knew somebody called Bob Tucker, didn't you?

15:56:59 10 A. I know him.

11 Q. You and he were given the duty, the military duty, of  
12 capturing the Bo Road leading to Koribundu; is that correct?

13 A. Yes.

14 Q. Bob Tucker was the head of the Death Squad. You knew that,  
15:57:38 15 didn't you?

16 A. That is how he called himself.

17 Q. No, what was his squad called?

18 A. He called himself Death Squad.

19 Q. How well did you know Bob Tucker?

15:58:08 20 A. I only knew him when he and Nallo were coming from  
21 Base Zero to bring arms for us, arms and ammunitions for us.

22 Q. Would you recognise his handwriting or his signature,  
23 particularly if you put my learned friend Mr Margai's glasses on?

24 A. Well, he had never written to me.

15:58:49 25 Q. I'm sorry to hear that.

26 A. I've not seen his handwriting so I cannot tell.

27 Q. All right, then I won't trouble you.

28 JUDGE THOMPSON: Mr Prosecutor, I'm not sure whether it's  
29 automatically safe for other people to wear other people's

1 glasses.

2 MR De SILVA: I shall probably be sued.

3 JUDGE THOMPSON: No, I'm advised about that.

4 MR De SILVA: My Lord, I await the statement of claim.

15:59:16 5 JUDGE ITOE: Maybe we'll have two defendants.

6 MR De SILVA: I'll get Mr Margai.

7 JUDGE ITOE: And Mr Margai will be one of them.

8 MR MARGAI: I'm only trying to be of assistance to my  
9 learned friend.

15:59:27 10 MR De SILVA: Yes, I know.

11 Q. Now I want to ask you about Koribundu where you, if I  
12 remember correctly, told us that you participated in the last and  
13 final attack; is that correct?

14 A. I took part in the final attack.

15:59:53 15 Q. You told us that there was something like 76 rebel soldiers  
16 who were taken prisoner; is that correct?

17 A. They surrendered themselves to us.

18 Q. Yes, and amongst them was a sergeant, a sergeant commander,  
19 I think you called him; is that correct?

16:00:27 20 A. Yes.

21 Q. You said his name was Momodu; is that correct?

22 A. No, I did not say Momodu.

23 Q. Then it's my fault.

24 JUDGE ITOE: He didn't say Momodu.

16:00:48 25 THE WITNESS: No, I did not say Momodu.

26 MR De SILVA:

27 Q. All right. Then it's my fault. Can you remember the  
28 sergeant's name, the sergeant commander's name?

29 A. Sergeant Kamanda. Sergeant, I cannot recall. It could be

1 Kamanda or I cannot recall.

2 JUDGE ITOE: It's Kamanda that we have on the records.

3 Kamanda.

4 THE WITNESS: Kamanda, yeah. Yes, sir.

16:01:26 5 MR De SILVA:

6 Q. He was the most senior of the soldiers who were captured;  
7 is that correct?

8 A. Well, there were other senior commanders but he was the  
9 most popular among them.

16:01:45 10 Q. He was popular to the rebels; is that correct?

11 A. He was a junta.

12 Q. Yes. He was popular for the junta forces; is that right?

13 A. Yeah.

14 Q. And he paid with his life because of that, didn't he?

16:02:20 15 A. He did what?

16 Q. He was killed.

17 A. No.

18 Q. He was taken to Base Zero where he was executed.

19 A. I cannot say about that.

16:02:36 20 Q. I am referring to witness TF2-096, evidence given on 8th  
21 November 2004, page 20 to 23. Right. I suggest you are fully  
22 aware of the fact that because he was popular as a junta, as a  
23 rebel, he was sent off to Base Zero for execution. You disagree  
24 with that, do you?

16:03:46 25 JUDGE ITOE: He says he does not know.

26 MR De SILVA: He doesn't know.

27 JUDGE ITOE: He does not know.

28 THE WITNESS: I don't know about that.

29 MR De SILVA:

1 Q. The name Musa Junisa, you knew that name, didn't you?  
2 A. I know the name.  
3 Q. He was an important man, wasn't he, in Kamajor military  
4 operations?  
16:04:21 5 A. The place where he was, the axis where he operated, I don't  
6 know. I operated only within the Bo District.  
7 Q. I'm asking you about his name.  
8 A. I know him.  
9 Q. Yes, and did you know him to be an important figure in the  
16:04:43 10 Kamajor military hierarchy?  
11 A. I did not know his position. I only know his name.  
12 Q. Did you know him to be an important individual?  
13 A. He's a human being. He is important.  
14 JUDGE ITOE: Was he just important because he was a human  
16:05:18 15 being?  
16 THE WITNESS: Well, no, sir.  
17 JUDGE ITOE: [Overlapping speakers] important.  
18 MR De SILVA:  
19 Q. Would you assist My Lords, please?  
16:05:32 20 A. Yes. I did not know his position. I knew Morie Junisa but  
21 I did not know the position he held.  
22 Q. Did you know the name of Mohamed O Moosa?  
23 A. I cannot recall now.  
24 Q. Do you remember the name of Abu Bakar Konuwa who was the  
16:06:40 25 secretary-general of the Sierra Leone Civil Defence Forces?  
26 A. No, I wouldn't know that one.  
27 Q. I'm going to ask you to look at Exhibit 86. Now,  
28 Mr Witness, in military terms, because you are a military man,  
29 you know what a situation report is, don't you?

1 JUDGE ITOE: This witness did not receive any military  
2 training. He has said so. I don't know. Mr de Silva, let's be  
3 fair to this witness when we have to.

4 MR De SILVA: My Lord, I don't think he was called General  
16:08:07 5 for no good reason.

6 JUDGE ITOE: Khobe baptised him General, but the evidence  
7 we have here is that he didn't go through any military training.  
8 That piece of evidence has not been contradicted as yet and  
9 whatever General Khobe did, or whatever criteria he applied to  
16:08:30 10 designate him a general is only for him to explain.

11 MR De SILVA: Yes.

12 Q. Mr Witness, you know of course that when you were deputy  
13 commander to Joe Tamidey, that situation reports were sent in  
14 from time to time? You know that, don't you?

16:09:00 15 A. Joe Tamidey is not literate.

16 Q. But an illiterate person can dictate a report to somebody  
17 who is literate. Do you agree with that?

18 A. Yes, it could happen.

19 Q. And it did happen, didn't it?

16:09:32 20 A. Well, I cannot say it happened. Maybe it happened. I  
21 cannot say.

22 Q. Right. Well, this document purports to be a situation  
23 report as at 16th November 1997. If you turn over the first page  
24 you will see who has endorsed it. Certainly one of those names  
16:10:10 25 you know, Musa OM Junisa. Do you see that name?

26 A. I have seen it, sir.

27 Q. Right. Are you telling My Lords that you are unaware of  
28 the fact that situation reports were being sent from military  
29 people --

1 A. From Joe Tamidey?

2 JUDGE ITOE: Listen to the question. Listen to the  
3 question.

4 MR De SILVA:

16:10:59 5 Q. Did military men, and you were a deputy commander under  
6 him -- were reports sent in, for example, to Base Zero, situation  
7 reports?

8 A. Well, that happened.

9 Q. Thank you. Because you were involved in combat, you know  
16:11:35 10 that it's most important to get back to the important people who  
11 need to know these things what has happened? You know that,  
12 don't you?

13 A. Yes, we were sending situation reports.

14 Q. [Overlapping speakers] that is all I was asking you about.  
16:12:02 15 I started about 10 minutes ago. Right, now that you know what  
16 situation reports are and that they were sent in, let's look at  
17 the date of this document again. I think it is 16th November --  
18 situation report as at 16th November. On 16th November 1997, you  
19 will agree with me that President Kabbah was in Conakry. Do you  
16:12:35 20 agree with that?

21 A. Yes, he was there.

22 Q. If we look at the first page -- that is, the third page, we  
23 see that it's a situation report again as at 16th November 1997.  
24 The first item was the occupation of Panguma Town. Do you see  
16:13:06 25 that?

26 A. I have seen all that is written here. I have seen that.

27 Q. Thanks to my learned friend Mr Margai's glasses. Over the  
28 page to number 2, there's an attack. Do you know how that's  
29 pronounced? "Giyeihun"?



1 A. Your Lordship, that area where this old man is explaining,  
2 that's not my area. I cannot say anything concerning that area.  
3 That's not my area. I could say nothing regarding that area.

4 MR De SILVA: That's one of the most unkindest things  
16:14:01 5 anyone has ever said to me, but there it is, just because I've  
6 lost my hair.

7 JUDGE ITOE: Never mind. It's a very respectful way of  
8 referring to people in this country. It's more of a reverence to  
9 you. It's not supposed to be derisive at all. That is what I  
16:14:24 10 have learnt since I came.

11 MR De SILVA: I'll take it in good part.

12 JUDGE ITOE: Right.

13 MR De SILVA:

14 Q. I'm not cross with you for that, Mr Witness. We'll move on  
16:14:34 15 to things about which I may be cross with you about. The third  
16 item on that page is the Talama ambush, and the fourth item is  
17 the Kangama Gorama, whatever it is. Over the page, towards the  
18 centre of the page, item 6, the capture of an AFRC agent. I  
19 pause there. I'm going to ask you this: You know that captured  
16:15:10 20 rebels were murdered, don't you, from time to time?

21 A. I know nothing about that area, old man. Nothing.

22 Q. The question I asked you was not -- you know, as somebody  
23 who was involved in the war, that captured enemy were sometimes  
24 summarily executed. You know that, don't you?

16:15:50 25 A. I don't know that.

26 Q. And you never heard of it?

27 A. Not at all. The ones that surrendered to us, we handed  
28 them over to the ECOMOG.

29 Q. Right. Well, let's look at this. Situation report that

1 was sent to Chief Hinga Norman. "On 9th November 1997 the patrol  
2 commander of Panguma ops" - operations - and then the rest of the  
3 details are given. Go down to about halfway. "They entered that  
4 village without incident. Thereupon one of a large number of  
16:16:42 5 AFRC market due tickets." Do you know what market due tickets  
6 are? You know what market due tickets are, don't you?

7 A. I know.

8 Q. "After the captured agent" - and his name is given -  
9 "accepted complicity with the AFRC/RUF rebels, he was eventually  
16:17:10 10 given summary execution." Now that report, situation report, was  
11 sent to Chief Hinga Norman on the face of it. Are you still  
12 saying you are wholly unaware of summary executions carried out  
13 in relation --

14 A. I don't know about that.

16:17:41 15 Q. I'm not asking you about that particular incident. I'm  
16 asking you if, as an honest witness, you remember summary  
17 executions being meted out to captured enemy --

18 A. We did not do that.

19 Q. Are you aware that any Kamajors did it?

16:18:13 20 A. I don't know. I don't know about that. We were operating  
21 according to axis. I was stationed at Koribundu.

22 Q. I'm not saying that the Kamajors were alone in doing this,  
23 but the Kamajors also burnt civilian houses where rebels were  
24 thought to have taken refuge, isn't it, or where rebels had  
16:19:12 25 stayed? You know that, don't you?

26 A. We did not do that in our own area.

27 Q. Are you aware of the fact that it was done by Kamajors in  
28 any area?

29 A. I did not hear about that.

1 Q. Can you go over the page, please, to item 8.  
2 A. Which page?  
3 Q. The next page. Item 8. There you are, you put Mr Margai's  
4 glasses on and --  
16:19:54 5 A. Your Lordships, this report, I had my own command area.  
6 This is another area command, so I cannot say anything concerning  
7 it.  
8 Q. My suggestion is that you are well aware of the fact these  
9 things happened in all commands. Item 8 --  
16:20:22 10 A. In my own area it did not happen there.  
11 Q. Item 8, three lines from the bottom of that item. "One  
12 rebel killed in action. Three houses in that village where the  
13 rebels used to dwell were razed to the ground." That again was  
14 something that was part of the war, wasn't it? It was happening,  
16:20:55 15 that houses in which rebels were thought to have lived in were  
16 burnt down. That's right, isn't it?  
17 A. I don't know. In my own area it did not happen. Everybody  
18 had his own command area, but in my own area that did not happen.  
19 Q. Well, we'll come to your area in a minute. Then at the  
16:21:28 20 bottom of that page you see item 9 dealing with -- if you go over  
21 the page to the end of that first paragraph --  
22 A. Is this not a Tongo -- a document concerning Tongo?  
23 Q. It will deal with Tongo.  
24 A. Well, I don't know anything concerning that.  
16:21:57 25 Q. I'm asking you about events that I suggest were typical in  
26 all areas of command. The last two lines of that first main  
27 paragraph: "However, our Kamajors chased them and capture one  
28 rebel alive who was later on executed." You see, if you read  
29 that paragraph, everybody ran away, one man was unlucky enough to

1 be captured and he was executed. You see, all I'm asking you,  
2 Mr Witness, is this --

3 A. Well, old man, we did not capture junta and kill them. We  
4 did not capture any junta and kill them. If it happened in some  
16:23:04 5 areas, I cannot say. I cannot say anything concerning that.

6 Q. Do you remember I was putting to you somebody being sent  
7 from -- after the Koribundu attack, being sent to Base Zero for  
8 execution? You remember my asking you about that earlier on? Do  
9 you remember?

16:23:28 10 A. Sergeant Kamanda?

11 Q. Yes.

12 A. We did nothing to Sergeant Kamanda. I don't know who told  
13 you lies about him.

14 Q. Anyway, this report was at a time when President Kabbah was  
16:23:48 15 outside, was still in Conakry; you agree with that?

16 JUDGE ITOE: He has said yes to that.

17 MR De SILVA: I'm grateful, My Lord.

18 Q. Now, I just want to ask you about the capture of Bo by the  
19 Kamajors. You claim that the Kamajors were under the command of  
16:24:24 20 ECOMOG --

21 A. True.

22 Q. -- at the time Bo was captured; is that right?

23 A. We were under the ECOMOG when we captured Bo.

24 Q. That's not true, is it, because ECOMOG did not come into Bo  
16:25:06 25 until three to five days after the Kamajors had taken Bo?

26 A. It did not happen so, sir. We entered -- we were under  
27 ECOMOG command when we entered Bo, under Major Olu and Colonel  
28 Ihaji [phon].

29 Q. The plan for the capture of Bo was prepared at Base Zero,

1 do you agree with that?

2 A. It was Nallo's business. It was when he failed --

3 Q. Please, just answer the question. The plan for the capture  
4 of Bo, do you agree was done at Base Zero?

16:26:08 5 A. Yes.

6 Q. Why didn't you answer yes in the first place when I asked  
7 you this question? What is the difficulty? Tell My Lords what  
8 the difficulty is, or do you need time to think to see where my  
9 questions are going?

16:26:35 10 A. What entreated me to answer this question, when Nallo came  
11 he told us that he had instructions from Base Zero. That's why I  
12 answered this question.

13 Q. All right. Again, the instructions that came from the  
14 War Council, I suggest you knew perfectly well had to be approved  
16:27:06 15 by Chief Hinga Norman?

16 A. Well, if he did approve them. It was the War Council's  
17 approval that I'm aware of. It was their own approval that I can  
18 tell you about because we were under those chiefs. It was from  
19 them we had our own command.

16:27:32 20 Q. Well, you'll remember this. The plan, as you agree, was  
21 prepared at Base Zero.

22 A. I agree.

23 Q. This was a few days --

24 A. It was the War Council.

16:27:51 25 Q. This was a few days after the Kamajors had successfully  
26 taken Koribundu; is that correct?

27 A. Again?

28 Q. This was not long after, a few days after, the Bo -- the  
29 taking of Bo was a few days after the Kamajor victory at

1 Koribundu. Would you agree with that?

2 A. Yes, they came there thrice but they did not succeed.

3 Q. The taking of Bo by the Kamajors was a few days after the  
4 Kamajor victory in Koribundu. Would you agree with that?

16:28:44 5 A. We succeeded in Koribundu during the last day.

6 Q. It was a few days later that you went on to Bo; is that  
7 correct?

8 A. After we captured Koribundu, it was few days when we went  
9 to Bo. That one is correct. We did not capture Koribundu and  
16:29:24 10 proceeded to Bo like that.

11 Q. I said a few days later - please - you went to Bo; is that  
12 correct? I think you have agreed with it. When Koribundu was  
13 taken the rebels ran away - that's right, isn't it? - because you  
14 didn't have much of a fight to take Koribundu; is that correct?

16:29:59 15 A. We entered there after they had already left. They had  
16 already left.

17 Q. And they had left behind things like vehicles; is that  
18 correct?

19 A. The vehicles that they left behind, it was one Land Rover  
16:30:28 20 with a captured vehicle from the MSF, and the surrendered junta  
21 individuals handed that Land Rover to us.

22 Q. Thank you, I wanted to ask you about that Land Rover.  
23 There were also military fatigues that had been left behind;  
24 correct?

16:30:58 25 A. That was the time when we went to the ammunition dump, that  
26 was where we saw the uniform.

27 Q. Thank you.

28 PRESIDING JUDGE: Mr Prosecutor, do you intend to proceed  
29 much longer on this area? It's only that it is 4.30 and normally

1 we pause.

2 MR De SILVA: I'm grateful, My Lords.

3 PRESIDING JUDGE: Thank you. Court will recess for the  
4 usual afternoon recess. Thank you.

16:31:54 5 [Break taken at 4.31 p.m.]

6 [Upon resuming at 5.04 p.m.]

7 PRESIDING JUDGE: Mr Prosecutor.

8 MR De SILVA:

9 Q. The last matter we were on, Mr Witness, was about Koribundu  
17:07:10 10 and the junta forces having left some fatigues or uniforms behind  
11 and a Land Rover, amongst other things. Do you agree?

12 A. Yes, they surrendered. They did not leave them there.

13 Q. Now, when Bo came to be captured by the Kamajors, do you  
14 remember Bob Tucker being one of those Kamajors who went into Bo?

17:07:10 15 A. My own command that I went with, I was with ECOMOG.

16 JUDGE ITOE: Answer the question directly. If you know,  
17 yes, you know.

18 THE WITNESS: No, I don't know. Borbor Tucker did not go  
19 with us.

17:07:17 20 PRESIDING JUDGE: The question was not whether he went with  
21 you. It was do you remember that he was in Bo? Do you know that  
22 or not?

23 THE WITNESS: Borbor Tucker went there.

24 MR De SILVA:

17:07:17 25 Q. And do you know that Bob Tucker -- perhaps I should ask you  
26 this first: Apart from the junta forces using Land Rovers or a  
27 Land Rover, ECOMOG used to use Land Rovers too, didn't they?

28 A. Yes, they used Land Rovers.

29 Q. Now, I suggest you do know that when Bob Tucker went into

1 Bo he went in a Land Rover and the people started cheering,  
2 thinking he was ECOMOG coming in. You disagree with that?

3 A. No.

4 PRESIDING JUDGE: You don't disagree or you don't know?

17:07:22 5 THE WITNESS: I disagree.

6 MR De SILVA:

7 Q. Because Bob Tucker has given evidence in this Court that he  
8 took a Land Rover to go into Bo; you understand. I'll give  
9 Your Lordships the references, I hope, tomorrow. Anyway, you  
17:08:29 10 don't know. You don't know about that?

11 A. I don't know about that.

12 Q. Now you've told us that a number of people captured in Bo  
13 you turned over to ECOMOG; is that correct?

14 A. It's correct.

17:08:29 15 Q. That was at the specific request of Alhaji Daramy Rogers;  
16 is that correct?

17 A. Well, that one, it's not correct.

18 Q. Was Alhaji Daramy Rogers the Bo administrator?

19 A. Yes.

17:09:25 20 Q. I'm reading a summary of your own statement that  
21 Alhaji Daramy Rogers was the Bo administrator who requested that  
22 all captured soldiers be handed over to ECOMOG; is that right or  
23 wrong?

24 THE INTERPRETER: Your Honours, go slow -- can counsel go  
17:09:25 25 over that slowly so that it could be interpreted.

26 PRESIDING JUDGE: [Overlapping speakers]. One moment,  
27 Mr Witness. Sorry, Mr Witness. The interpreters have requested  
28 that you read that part again, Mr de Silva, because you were too  
29 fast. They couldn't follow it.



1 MR De SILVA: I'm sorry. I'm trying to foreshorten the  
2 afternoon.

3 PRESIDING JUDGE: I know, but we're not saving time, as you  
4 can see.

17:10:21 5 MR De SILVA:

6 Q. I'm reading what we've all got, which is a summary of your  
7 statement, you see. That Alhaji Daramy Rogers was the Bo  
8 administrator who requested that all captured soldiers be handed  
9 to ECOMOG. Is that true or untrue?

17:10:21 10 A. It is true. He said he had the mandate from the  
11 War Council that we should hand them over. He said he had the  
12 mandate.

13 PRESIDING JUDGE: Yes, but that was the question he asked  
14 before. Why did you say no? The question you were asked was it  
17:10:24 15 was Alhaji Rogers who told you to turn the prisoners over to  
16 ECOMOG. You said no, it was not correct.

17 MR De SILVA:

18 Q. Why did you say no?

19 A. I don't understand that, sir.

17:11:17 20 PRESIDING JUDGE: You were asked a question about two  
21 minutes ago if it was Daramy Rogers that had told you to turn the  
22 prisoners over to ECOMOG, you said no. Now you're being read  
23 this, the same thing, and you said yes.

24 MR JABBI: My Lord, I think it arose from the preliminary  
17:11:17 25 portion of the question that the Prosecutor asked. His question  
26 was: You said that the captured soldiers in Bo were handed over  
27 to ECOMOG on the advice of Daramy Rogers, and the evidence of the  
28 witness earlier on was not on soldiers captured in Bo,  
29 notwithstanding that Daramy Rogers and so forth --

1           PRESIDING JUDGE: If that is what was said, and I don't  
2 have that in my notes, nor my recollection, but I take it if that  
3 was the reference to captured prisoners in Bo, I agree with you.  
4 But that was not my understanding. My understanding was captured  
17:12:13 5 prisoners as a whole.

6           MR JABBI: He started by mentioning Bo. That is why that  
7 question went that way.

8           MR De SILVA:

9           Q. It was Alhaji Daramy Rogers who requested that prisoners  
17:12:14 10 captured in Bo be handed over to ECOMOG, isn't it?

11          A. The prisoners in Koribundu, from Koribundu.

12          MR De SILVA: My Lords, that's all I wish to ask.

13          PRESIDING JUDGE: Thank you. Any re-examination?

14          MR SESAY: Yes, My Lord.

17:13:09 15                               RE-EXAMINED BY MR SESAY:

16          Q. Now, can the witness be shown Exhibit 11.

17          PRESIDING JUDGE: Mr Margai, can you assist the witness by  
18 being kind enough to --

19          MR MARGAI: Yes, My Lord.

17:13:26 20          MR SESAY: I was just requesting, My Lord.

21          JUDGE ITOE: You now have three defendants.

22          MR SESAY:

23          Q. Now I want you to look at the top of Exhibit 11. What is  
24 the date that is referred to there? Can you see the date on the  
17:16:33 25 top?

26          A. 24th February.

27          Q. February what?

28          A. February 1998.

29          Q. And I want you also to look at where the stamp -- can you

1 Look at the stamp?

2 A. Yes, I could see there.

3 Q. Can you tell the Court the date on that stamp?

4 A. 23rd.

17:16:33 5 Q. Of what?

6 A. Of 1998.

7 Q. The month, please?

8 A. February.

9 Q. Now, can you also look at what is written on the stamp?

17:17:11 10 What position is stated there? Director of what?

11 A. Director of War and Operations.

12 Q. And what is written underneath the name Mr Moinina Fofana?

13 A. Mr Moinina Fofana.

14 Q. What is written beneath that name, below that name?

17:17:11 15 A. Director of War.

16 Q. It's written Director of War. Now my question to you is:

17 The position director of war and operations, is it the same

18 office as that of the director of war?

19 MR De SILVA: My Lord, I really must object. My learned

17:17:11 20 friend knows perfectly well that there is an appointment letter,

21 which we've all looked at, which describes the actual

22 appointment. It would be misleading, with respect. I don't

23 think my learned friend intends to do it, but it would be

24 misleading to look at the document in the way in which he

17:17:18 25 suggests it be looked at.

26 PRESIDING JUDGE: And also this document has been dealt

27 with, it's Exhibit 59, and it has a date of 18th January 1998.

28 MR SESAY: Yes, but, My Lord, I wish to respond to that.

29 JUDGE THOMPSON: What discrepancy are you trying to

1 reconcile?

2 MR SESAY: My Lord, I am really confining myself, in view  
3 of the questions which came from the learned prosecutor regarding  
4 the position that was held in respect of this person whose name  
17:17:41 5 has been mentioned.

6 JUDGE THOMPSON: The point is that if you are in  
7 re-examination you must either seek to reconcile some discrepancy  
8 between what was stated in cross-examination and what the witness  
9 said, or you must try to clarify some ambiguity or explain some  
17:17:41 10 statement that requires clarification.

11 MR SESAY: My Lord, I wish to submit that these are new  
12 issues which he brought out. My Lord, he made issue in respect  
13 of this exhibit when he was cross-examining this witness.

14 PRESIDING JUDGE: Yes, we've allowed you to re-examine.  
17:18:06 15 But we're saying now what is this matter now that you're trying  
16 to go at with the -- we can read what's in this document as well.  
17 The objection now to your question is are you trying to show  
18 that -- to contradict the evidence of this witness with another  
19 exhibit that is there, which clearly says that director of war on  
17:18:06 20 18th January 1998 -- at least there's a letter, an exhibit, that  
21 says letter of appointment director of war and operations. So  
22 I'm not sure where you're going with all this.

23 MR SESAY: My Lord, I will leave it at that because I have  
24 gone so far as to bring out the date which relates to the  
17:18:25 25 discrepancy, My Lord.

26 PRESIDING JUDGE: That's fine.

27 JUDGE ITOE: You're saying that because at the top of the  
28 document the date is 24th and in the stamp it is 23rd. Is that  
29 what you're referring to as a discrepancy?

1 MR SESAY: Yes, My Lord.

2 PRESIDING JUDGE: Okay. That's fine.

3 JUDGE THOMPSON: A discrepancy really that you must seek to  
4 reconcile is not a discrepancy of internal nature. It's not in a  
17:18:48 5 document in itself. The discrepancy between what was stated in  
6 examination-in-chief and what was stated in cross-examination. I  
7 mean, isn't that what re-examination is about? This is a  
8 document that -- I mean, I don't know what you mean by  
9 reconciling discrepancies in a document when the discrepancy  
17:19:07 10 should be between what was said in examination-in-chief and what  
11 emerged out of cross-examination, unless we have some new  
12 authority on that.

13 PRESIDING JUDGE: I would like to add to this, just for  
14 your governance, Mr Sesay, that this new matter was not raised by  
17:19:26 15 the Prosecutor. The issue of Fofana and his position was raised  
16 in cross-examination by counsel for the second accused. The fact  
17 that it was raised by the second accused doesn't mean it may not  
18 have been a new matter. It may still have raised a new matter,  
19 but the questions that were asked by the Prosecution in this  
17:19:51 20 respect was a sort of a follow-up to the cross-examination  
21 already carried on by counsel for the second accused. So he is  
22 the one that put these matters on issue with the witness.

23 MR SESAY: My Lord, I think that's as far as I can go,  
24 taking the cue from the Bench, My Lord. I will wish to proceed  
17:20:05 25 on another issue, My Lord.

26 PRESIDING JUDGE: Fine.

27 JUDGE ITOE: Which is new.

28 MR SESAY: Hopefully, My Lord.

29 JUDGE ITOE: Right.

1 MR SESAY: Can the witness also be shown Exhibit 10.

2 Q. Now recall that you were asked about whether in fact  
3 Chief Norman accepted and approved appointment. Do you recall  
4 being asked by the learned Prosecutor?

17:20:58 5 A. Yes.

6 Q. You said no; not so?

7 A. Yes.

8 PRESIDING JUDGE: He was unaware, he didn't know.

9 JUDGE ITOE: He said he was unaware.

17:21:01 10 MR SESAY: Yes.

11 Q. You said you were unaware. Now my question to you is: Did  
12 Chief Norman have the power -- you answered in respect of the  
13 appointment. Did he have the power to reject decisions or orders  
14 from the War Council?

17:21:43 15 A. He hadn't that power.

16 Q. Remember you answered that you were referred to as General  
17 by General Khobe in answer to the learned Prosecutor. Do you  
18 recall saying that?

19 A. Yes.

17:22:28 20 Q. Now, who was General Khobe?

21 JUDGE ITOE: Mr Witness, please remove those glasses from  
22 your eyes. I want to protect your eyes. You are not reading.

23 THE WITNESS: Okay, sir.

24 MR SESAY:

17:26:49 25 Q. Now who was General Khobe?

26 A. General Khobe was the man who was in charge of the soldiers  
27 that were coming from Nigeria.

28 MR SESAY: My Lord, that is all in re-examination.

29 PRESIDING JUDGE: Thank you. We thank you, Mr Witness.

1 That completes your evidence in this Court and you will be  
2 assisted out of the Court and you may proceed to your home. We  
3 wish you a safe trip back home. So we thank you very much,  
4 Mr Witness.

17:26:49 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: Counsel, tomorrow, as you may be aware,  
7 there is a plenary session of the Special Court scheduled for the  
8 afternoon tomorrow. So we will be in court tomorrow morning,  
9 but, obviously as we have the duty attend the plenary as well, we  
17:26:50 10 will not be sitting in the afternoon. I'm saying this for your  
11 proper governance tomorrow morning, particularly you, Dr Jabbi.  
12 We'll hear a witness in the morning, but we would hope to be able  
13 to adjourn by about 12.00. Actually 12.00 - 12.15 because I  
14 think the plenary starts at 2.00. Then we must attend at that  
17:26:51 15 particular moment. So I'm just saying this so please plan your  
16 witnesses accordingly.

17 MR De SILVA: Might I thank the Court for the courtesy of  
18 informing us of this so that we can make our own arrangements.  
19 I'm grateful to the Court.

17:26:51 20 PRESIDING JUDGE: So the Court is adjourned to 9.30  
21 tomorrow morning.

22 MR JABBI: My Lord, I'm sorry, please. I've just been  
23 informed by the first accused that he will be absent tomorrow  
24 because he has to see the doctor in the morning.

17:26:52 25 PRESIDING JUDGE: That is fine. Thank you very much,  
26 Mr Norman. We wish you good luck too. Thank you.

27 [Whereupon the hearing adjourned at 5.25 p.m.,  
28 to be reconvened on Friday, the 12th day of  
29 May, 2006, at 9.30 a.m.]

EXHIBITS:

Exhibit No. 152 6

WITNESSES FOR THE DEFENCE:

WITNESS: BOBOR BRIMA 2

CROSS-EXAMINED BY MR KAMARA 2

RE-EXAMINED BY MR JABBI 21

WITNESS: JOE NUNIE 27

EXAMINED BY MR SESAY 27

CROSS-EXAMINED BY MR KOPPE 45

CROSS-EXAMINED BY MR MARGAI 52

CROSS-EXAMINED BY MR De SILVA 56

RE-EXAMINED BY MR SESAY 98