

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

WEDNESDAY, 17 MAY 2006
9.43 A.M.
TRIAL

TRIAL CHAMBER I

| | |
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| Before the Judges: | Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe |
| For Chambers: | Ms Roza Salibekova Ms Andrea Marlowe (intern) |
| For the Registry: | Ms Maureen Edmonds |
| For the Prosecution: | Mr Joseph Kamara Mr Mohamed Bangura Ms Miatta Samba Ms Wendy van Tongeren |
| For the Principal Defender: | Mr Lansana Dumbuya |
| For the accused Sam Hinga Norman: | Dr Bu-Buakei Jabbi Mr Aluseine Sesay Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant) |
| For the accused Moinina Fofana: | Mr Arrow Bockarie Mr Michiel Pestman Mr Andrew Ianuzzi |
| For the accused Allieu Kondewa: | Mr Yada Williams Mr Ansu Lansana |

1 [CDF17MAY06A - CR]
2 Wednesday, 17 May 2006
3 [Open session]
4 [The accused Kondewa and Fofana present]
09:42:18 5 [The accused Norman not present]
6 [Upon commencing at 9.43 a.m.]
7 WITNESS: SIAKA LAHAI [Continued]
8 PRESIDING JUDGE: Good morning, counsel. Good morning,
9 Mr Witness. Good morning, Mr Pestman.
09:43:22 10 THE WITNESS: Good morning.
11 MR PESTMAN: Thank you, Your Honour. I don't want to raise
12 a point now, but I would just like to announce that we would like
13 to discuss the schedule of this trial session as soon as
14 possible. I know Defence for the first accused wants to raise
09:43:41 15 the issue as well. I would like to know when we are supposed to
16 start our case here --
17 PRESIDING JUDGE: When you are supposed to start your case?
18 I don't know.
19 MR PESTMAN: I know, but I know Defence for the first
09:43:55 20 accused has ideas about when we are going to be, or allowed, or
21 able to start. So I would like to have a short discussion today,
22 if possible, so that we can prepare ourselves, because our
23 witnesses are not in Freetown. We have to know when we are
24 supposed to be ready. I don't want to do it now.
09:44:15 25 PRESIDING JUDGE: No, we won't do it now, even though you
26 would like to and you would insist, we would not do it now.
27 MR PESTMAN: Is it possible to do it after this witness has
28 finished, at the end of the day, for example, or tomorrow.
29 PRESIDING JUDGE: We are not sitting this afternoon, as you

1 know, today is Wednesday. We'll see. I will get back to you on
2 this. I will not give you an answer now. I need to discuss it
3 with my brother judges and we'll see.

4 MR PESTMAN: It is a matter of some concern.

09:44:47 5 PRESIDING JUDGE: It is of concern to us too, as you know.
6 We would like to see the end of it sometime, hopefully, in the
7 near future, rather than the distant future. As you know, we
8 have also issued the calendar for the fall, for September. If
9 you have noticed on this, certainly the way it has been
09:45:07 10 established now, it is clear that we want to finish CDF before
11 Christmas, whatever it means.

12 MR PESTMAN: I'm sure we'll be able to.

13 PRESIDING JUDGE: If we can finish even before that, it's
14 welcome news. We'll see. We'll get back to you on that,
09:45:25 15 Mr Pestman.

16 MR PESTMAN: Any time, Your Honour.

17 JUDGE ITOE: It is a good assurance, Mr Pestman, if you're
18 telling us that you will finish in December. That's good,
19 because everything depends on the number of witnesses you intend
09:45:39 20 to call. The Tribunal is taken hostage in the hands of the
21 Defence and the number of witnesses they intend to call. That's
22 it. That is a very determining factor on the completion strategy
23 of the Defence in this case.

24 PRESIDING JUDGE: Let's put it this way: We'll find some
09:46:03 25 time this week to discuss that, without any more commitment than
26 that.

27 MR PESTMAN: Thank you.

28 MR KAMARA: My Lord, I wish to introduce a colleague that
29 has joined the team of the OTP, Wendy van Tongeren. She is now

1 with the Office of the Prosecutor, My Lord.

2 PRESIDING JUDGE: Welcome. Thank you very much. Yes,
3 Dr Jabbi, are you making an intervention?

4 MR JABBI: Yes, My Lord. Just to give information --

09:46:37 5 PRESIDING JUDGE: I notice that the first accused is not
6 present in Court, yes.

7 MR JABBI: He is indisposed.

8 PRESIDING JUDGE: Would you speak into the microphone, if
9 you can.

09:46:48 10 MR JABBI: The first accused, My Lord, is indisposed and is
11 unable to be present today. He sends his apologies and indicates
12 that this should not suggest any disinterest, but that in fact he
13 is keen on the expeditiousness of the whole trial.

14 PRESIDING JUDGE: Very well. We thank you very much for
09:47:11 15 the information. You can certainly convey to your client that we
16 understand the situation. We hope that things do improve with
17 his health, because I have noticed lately that he seems to have
18 some difficulties, even to stand up in Court. Having said that,
19 we thank you for the information. We will move ahead now with
09:47:32 20 your witness.

21 MR JABBI: Thank you, My Lord. My colleague will take
22 over.

23 PRESIDING JUDGE: Mr Sesay, you're ready to complete the
24 examination-in-chief of this witness?

09:47:58 25 MR SESAY: Yes, Your Honour.

26 EXAMINED BY MR SESAY: [Continued]

27 Q. Good morning, Mr Witness.

28 A. Good morning, grandfather.

29 Q. When we left yesterday you did mention in your testimony

1 that --

2 JUDGE ITOE: I wish Mr de Silva were here to be witness to
3 somebody who is being referred to as a grandfather for him to
4 understand that there is nothing pejorative. I'm Sorry for the
09:48:33 5 interruption.

6 MR SESAY: As My Lord pleases.

7 Q. Now, you said certain things were brought from Conakry; not
8 so?

9 A. Yes.

09:48:41 10 Q. Now, what were these things that you were referring to?

11 A. Weapons, ammunitions.

12 PRESIDING JUDGE: Is it both weapons and ammunition, or
13 ammunition?

14 THE WITNESS: Shotguns and their bullets.

09:49:21 15 MR SESAY:

16 Q. What was the purpose of those arms and ammunitions which
17 you said was brought to you from Conakry?

18 A. That what was we had to protect our land.

19 Q. Were you involved in the attacks on Tongo?

09:49:54 20 A. Yes, that's where they brought those things.

21 Q. Do you recall how many attacks were made on Tongo?

22 A. Yes.

23 Q. How many attacks?

24 A. We attacked three times, but we succeeded only once, the
09:50:42 25 last one.

26 Q. When was the first attack? Time frame, please?

27 A. We went and hit them first and returned.

28 Q. When was the first attack, do you recall the time?

29 PRESIDING JUDGE: Mr Sesay --

1 THE WITNESS: I can't remember the day now, but that's what
2 we did.

3 PRESIDING JUDGE: Mr Sesay, just wait for the answer to be
4 interpreted before you move on with your next question, because
09:51:28 5 we get into difficulties, please.

6 MR SESAY: As My Lord pleases.

7 PRESIDING JUDGE: Can you take your last question again.

8 MR SESAY:

9 Q. When was the first attack?

09:51:48 10 A. The first attack, we did it once, but the day we entered I
11 can't remember any more.

12 Q. Now, who led the first attack?

13 A. We were divided by groups. We were divided into three
14 groups. Three commanders entered.

09:52:37 15 Q. Who were these three commanders?

16 A. The first one was Mr Kailondo Banya. The second one was
17 Keikula Amara. The third one was Musa Mafinda.

18 PRESIDING JUDGE: Mafinda?

19 THE WITNESS: Yes, sir.

09:53:05 20 MR SESAY:

21 Q. Did you succeed on the first attack?

22 A. No, they were not and they returned.

23 Q. The second attack, when was the second attack?

24 A. After they returned and settled, we reorganised ourselves
09:53:33 25 to go back. Bockarie Lansana and Arthur Lebbie, they entered
26 again and they were also unsuccessful and they returned.

27 PRESIDING JUDGE: So you had two groups the second time,
28 Lansana and Lebbie?

29 THE WITNESS: They entered.

1 MR SESAY:
2 Q. When was that, the time, for that second attack?
3 A. It was in the eighth year.
4 Q. The third attack, when was the third attack?
09:54:26 5 A. It was in that same year, but it was towards the end of the
6 year that we went there, the 11th month.
7 Q. Who were the commanders in respect of the third attack?
8 A. I was the one myself, Siaka Lahai.
9 Q. Were you the only commander involved in the third attack?
09:55:13 10 A. I was not the only one because you know we worked in
11 groups. I was the leader.
12 Q. Can you name the other commanders?
13 A. Yes, I know them.
14 Q. Their names, please?
09:55:46 15 A. Those, they followed me when we entered and I'm going to
16 name them now for you. The first one was Bockarie Lansana, the
17 second one Arthur Lebbie.
18 Q. Can you explain to the Court how, in fact, the third attack
19 was carried out on Tongo?
09:56:18 20 A. Before we entered, what even made us to hasten up was
21 because the firing was so --
22 Q. Yes.
23 A. The atrocities were so much against our people, that was
24 the reason we hastened up to launch the attack.
09:57:25 25 Q. How did you enter Tongo?
26 A. We entered by three to four groups.
27 Q. Can you explain that further?
28 A. Can I explain the areas, the groupings? Okay. The first
29 group was Tongo Highway, Kamabotie was there, Keikula. The

1 second --

2 PRESIDING JUDGE: Slowly, slowly.

3 THE WITNESS: Sorry.

4 PRESIDING JUDGE: Tongo Highway, who was there?

09:58:18 5 THE WITNESS: Keikula Amara.

6 PRESIDING JUDGE: Thank you.

7 MR SESAY:

8 Q. Please proceed.

9 A. The other one coming from Tongola was manned by Kailondo.

09:59:00 10 Q. Yes.

11 A. The other one coming from Mavehun, I was the one that

12 manned it, Siaka.

13 Q. And what happened?

14 A. I've not completed.

09:59:22 15 Q. Sorry.

16 A. The fourth one, because I told you there was three or

17 four -- the fourth one was manned by Bockarie Lansana, they were

18 the stand-by team. They were coming from Gelama end.

19 JUDGE ITOE: Was manned by who?

09:59:57 20 THE WITNESS: Bockarie Lansana was there.

21 PRESIDING JUDGE: And this was a stand-by team. That's

22 what you said?

23 THE WITNESS: Yes, sir.

24 MR SESAY:

10:00:19 25 Q. What was the purpose of that stand-by team which you've

26 just mentioned, do you know?

27 A. For example, if we enter and you do not succeed -- you are

28 unsuccessful, they will reinforce you.

29 Q. How did you enter Tongo?

1 A. When we entered and we found out that we were gradually
2 disabling them, we never met anyone the town.

3 PRESIDING JUDGE: Did you say that you did not find anyone
4 in town? Is that what you've just said?

10:01:15 5 MR SESAY: My Lord, I wish for him to clarify that.

6 Q. Now, whom are you referring to when you said you did not
7 meet anyone in town? Can you explain that?

8 A. When we entered the town, they withdrew towards Kono, so
9 there was no resistance. So we didn't meet anyone in the town,
10:01:43 10 the rebels and the soldiers.

11 Q. Did you, in fact, succeed in entering Tongo on that
12 occasion?

13 A. Yes. But upon our entry, we had a problem from our own
14 very brothers.

10:02:19 15 Q. What was this problem that you encountered?

16 A. When they knew that we were going to enter, they set traps
17 along the way and we were entrapped. So they -- that's how they
18 knew that we were coming, and they withdrew.

19 Q. Who were you referring to as your very brothers?

10:03:01 20 A. The Kamajors that were behind us. We sent them forward and
21 there were the mines and they entered into it and it alarmed.

22 Q. What happened as a result of that incident?

23 THE INTERPRETER: Your Honours, the interpretation is still
24 going on while Mr Sesay is asking his question.

10:03:31 25 PRESIDING JUDGE: Can you complete the interpretation?

26 THE INTERPRETER: Your Honours, I lost the last bit.

27 PRESIDING JUDGE: Mr Witness, can you repeat your last
28 answer. You were saying that they had set traps. You were on
29 your way and you had sent some Kamajors ahead. Can you just

1 explain how it was done, please, again? Slowly.

2 THE WITNESS: Okay. When we were going, the mines were set
3 and some of our Kamajors went into it and the mines exploded and
4 three of them died.

10:04:25 5 MR SESAY:

6 Q. Yes. Now, upon entering into Tongo, what did you observe?

7 A. When we entered Tongo, we met a whole lot of destruction.
8 It was really destroyed.

9 Q. To what extent was it destroyed? Can you be specific,
10:05:06 10 please?

11 A. In fact, we met fire in the houses, met houses on fire.
12 Like, Labor, they were breaking houses, they were mining for
13 diamonds in the houses, a whole lot of other destructions.

14 Q. I want to take you back to the period before you attacked
10:05:51 15 on the third time, the third occasion on Tongo. Did you do
16 anything in relation to the civilians who were living in Tongo?

17 A. Yes.

18 Q. What did you do?

19 A. Took a letter and dropped it for them. Whenever they were,
10:06:25 20 we would drop a letter for them, announcing our entering, so
21 civilians would pull out. So if you had nothing to do with the
22 war there, you'd pull out.

23 Q. To what extent did that assist your forces before the
24 attack on Tongo?

10:07:24 25 A. How did it help them? Well, it let them to know we were
26 going to enter.

27 Q. You have said earlier on you know BJK Sei; not so?

28 A. Yes, BJK, I know him, but the time we were entering to the
29 town, I can't say anything about him now.

1 Q. Who was BJK Sei?

2 A. BJK Sei was the one -- the chiefdom people appointed him as
3 the chief hunter for that chiefdom.

4 Q. What chiefdom is that? Can you be specific?

10:09:32 5 A. Lower Bambara Chiefdom.

6 Q. Now, was he involved in all those attacks, as far as your
7 knowledge goes?

8 A. In fact, when I captured the town, when I entered the town,
9 it took seven days before we got on to him. Seven days going to
10:10:11 10 the eighth day before we got on to him.

11 Q. Now, when did BJK Sei arrive in Tongo?

12 A. I've said it. I said seven days.

13 PRESIDING JUDGE: I thought your question before that was
14 whether he, BJK Sei, was involved in their attacks. I thought
10:11:26 15 that was your question.

16 MR SESAY: Yes, My Lord, I don't know whether in fact he
17 did say. Whether he answered. I do not know --

18 PRESIDING JUDGE: No, I think he answered that it took
19 seven days to. Maybe that's what he means by being involved. I
10:11:38 20 don't know.

21 MR SESAY: My Lord, I will ask him again to clarify that
22 issue.

23 Q. Now, I want you to listen carefully and please answer the
24 question. BJK Sei, was he involved in the attacks on Tongo?

10:11:58 25 A. BJK Sei, all the attacks that we attacked, no, no, he had
26 no hands in it, in them.

27 PRESIDING JUDGE: What's your answer again? He had no --

28 MR SESAY:

29 Q. Did he take part, that is the question.

1 A. No, he took no part. That's what I want to tell you.

2 Q. You said he came seven days after; not so? After which
3 attack?

4 A. After I'd done all of those.

10:12:46 5 PRESIDING JUDGE: They had captured Tongo.

6 MR SESAY: I'm grateful, My Lord.

7 Q. Did BJK Sei, did he ever give you orders to bury corpses in
8 Tongo?

9 A. BJK Sei didn't give me any order. We didn't meet any
10:13:14 10 corpses, how could we bury corpses?

11 PRESIDING JUDGE: Mr Interpreter, you don't have to go too
12 fast when giving your interpretation, so, can you take your last
13 answer? What did the witness say?

14 THE INTERPRETER: "We didn't meet any corpses, how could we
10:13:40 15 bury corpses?" Your Honours, I have to keep to the pace of the
16 witness.

17 PRESIDING JUDGE: But it's not the fact that the witness
18 talks fast that you need to talk fast, necessarily.

19 MR SESAY: That is all for this witness.

10:14:19 20 PRESIDING JUDGE: Counsel for the second accused, any
21 questions for this witness?

22 MR PESTMAN: We have no questions, your Honour.

23 PRESIDING JUDGE: This was not a common witness, I just
24 want to make sure. Very well. Thank you very much.

10:14:29 25 MR PESTMAN: No.

26 PRESIDING JUDGE: Counsel for the third accused, any
27 questions for this witness?

28 MR LANSANA: Yes, Your Honour, a few.

29 PRESIDING JUDGE: Yes. You're ready to proceed?

1 MR LANSANA: Yes, Your Honour.

2 CROSS-EXAMINED BY MR LANSANA:

3 Q. Mr Witness, good morning. Mr Witness, you've told this
4 Court that you succeeded in taking over Tongo on the third
10:15:11 5 attempt; is that correct?

6 A. Yes.

7 Q. When you took over Tongo on the third attempt, was there
8 any fighting between you and the combination of RUF and AFRC?

9 A. I explained it. We didn't fight. We didn't even meet them
10:15:52 10 in the town. How could we fight?

11 Q. After you had taken over Tongo, did you assemble at the
12 NDMC headquarters?

13 A. What do you mean by "assemble"?

14 Q. You, Kamajors, did you assemble at the NDMC headquarters in
10:16:32 15 Tongo?

16 A. I did talk about that, so I'm not going to talk about that
17 now.

18 PRESIDING JUDGE: No, just answer the question. If you
19 don't know, you don't know, but answer the question.

10:17:01 20 THE WITNESS: Oh, okay, okay. Sorry, sir.

21 PRESIDING JUDGE: Ask your question again.

22 MR LANSANA:

23 Q. After taking over Tongo Field, did you, Kamajors, assemble
24 at the NDMC headquarters?

10:17:17 25 A. We didn't assemble at the NDMC headquarters.

26 Q. After the day of taking over Tongo Field, were you in the
27 vicinity of Tongo Field the following day?

28 A. I was there.

29 Q. Were people fleeing from Tongo Field after you had taken

1 over Tongo Field?

2 A. If a Kamajor captured the town, they would have to come
3 back, because they would have captured the town for the people,
4 so they would have to come back. They wouldn't be afraid of the
10:18:32 5 Kamajors.

6 PRESIDING JUDGE: I don't think he has understood your
7 question.

8 JUDGE ITOE: Is that your question?

9 PRESIDING JUDGE: Take it again, please.

10:18:40 10 MR LANSANA: As it please, Your Honours.

11 Q. When you took over Tongo, were people fleeing from Tongo?
12 Fleeing away from Tongo, if you will?

13 A. It didn't happen.

14 Q. Mr Witness, I will put to you certain pieces of evidence
10:19:27 15 that have come before this Court and I will invite your reaction.

16 This was the transcript of 11 February 2005, and this is
17 testimony by TF2-015, 11 February 2005.

18 PRESIDING JUDGE: What is the page?

19 MR LANSANA: Page 7 and following. I will start from line
10:20:27 20 25, following.

21 Q. "The next morning, did anything happen at the camp?"

22 A. I did not see anything.

23 JUDGE ITOE: Wait.

24 MR LANSANA:

10:20:44 25 Q. I am putting to you what they've said before this Court,
26 Mr Witness.

27 "Q. The next morning, did anything happen at the camp?

28 "A. Yes. Kamajors came from Bumie.

29 "Q. And then what happened?

1 "A. They saved us and placed us in groups. They put us in
2 two lines, and they took us to Bumie. They left the
3 headquarters." That's NDMC headquarters.
4 "Q. Before you left, did anything happen?
10:21:35 5 "A. Yes. Some men were fired in amongst the people in the
6 lines as we were going.
7 "Q. What do you mean some people were fired?
8 "A. Killed. They were killed. They killed them.
9 Kamajors stood by.
10:21:54 10 "Q. Who killed them?
11 "A. The Kamajors.
12 "Q. Who did they kill?
13 "A. They would look at you as you're in the line. They
14 will just call you and kill you.
10:22:09 15 "Q. How did they kill those people?"
16 "A. They fired at them."
17 Mr Witness, you told this Court you were in Tongo the day
18 following, and this incident that has been alleged to happen or
19 allegedly happened on that day, the following day. What is your
10:22:32 20 reaction to this piece of evidence?
21 A. All that I know, when he testified and what I saw are not
22 the same. I did not see anyone being killed, no, Father forbid.
23 I didn't see that.
24 Q. Mr Witness, do you know about a town called Kamboma?
10:23:13 25 A. Yes.
26 Q. Can you tell this Court how far away is Kamboma from Tongo?
27 A. It could be up to five miles.
28 Q. On that day, did you have cause to go to Kamboma?
29 PRESIDING JUDGE: Which day are you talking about?

1 MR LANSANA: The following day. The day after the capture
2 of Tongo Field.

3 THE WITNESS: I did not go to Kamboma.

4 MR LANSANA:

10:24:29 5 Q. I will again read excerpts of the transcript from
6 11 February 2005, page 12.

7 PRESIDING JUDGE: Same witness?

8 MR LANSANA: Yes, same witness, TF2-015.

9 Q. Page 12, lines 4 following. Maybe I'll take it from line
10:25:21 10 one.

11 PRESIDING JUDGE: Maybe you should take it from a few lines
12 before that to give the full picture.

13 MR LANSANA: Yes, I wanted to put it in context. I will
14 start from page 11, line 29.

10:25:41 15 PRESIDING JUDGE: Yes.

16 MR LANSANA: As it please, Your Honour.

17 Q. Listen, Mr Witness. I will invite your reaction after
18 reading this piece.

19 "They captured us and took us to Kamboma.

10:25:58 20 "Q. How far was Kamboma from the bridge?

21 "A. It is about half a mile.

22 "Q. What happened there?

23 "A. When they enter Kamboma, on the right at the first
24 house, they took us there behind that house.

10:26:12 25 "Q. How many people were with you at the time? Not
26 Kamajors, but how many people were in your group at that
27 time?

28 "A. We were 15 people that were left. There were other
29 people who as we were coming, they joined us. So as we

1 reached Kamboma, we were about 65. When people were
2 coming, they add. We were 15 that came from Kamboma the
3 Kamajor released.
4 "Q. So as the group of 15 walked along the highway, other
10:27:05 5 people joined them?
6 "A. Yes.
7 "Q. What happened at the house?
8 "A. They took us behind the house, and they interrogated
9 us. We told them that the Kamajors release us and the
10:27:26 10 Kamajors told us to follow the line, the main line."
11 "Q. And when you told the Kamajors that, did any of them
12 say anything to you or to the group?"
13 "A. They did not say anything. They said anybody that
14 passed by Kamboma should be killed."
10:27:43 15 "Q. And what happened next?"
16 "A. So we were with elders, so we pleaded with them --
17 with them to release us. We told them we are civilians.
18 They said no. They said that Kamajors had ordered them to
19 kill anybody who passed through Kamboma.
10:28:03 20 "Q. And then what happened?
21 "A. So they put us in two lines.
22 "Q. Once you were in two lines did something happen?
23 "A. Yes. They began by killing behind that house.
24 There's a swamp -- there is a swamp behind that place, so
10:28:29 25 anybody that is fired, he rolled and goes to that swamp.
26 "Q. Where were you in the line?
27 "A. I was at the back. I was the last man.
28 "Q. What happened to the people in front of you?
29 "A. They put you right up the hill. They shoot at you.

1 Then you roll down, and you die."

2 "Q. Were all the people in the line fired upon? Shot?

3 "A. Yes, they shot at them. Eight of us remained.

4 "Q. What happened to the last eight people?

10:29:07 5 "A. The last people that left --" and there is an
6 intervention.

7 Mr Witness, I will invite your reaction to this piece of
8 evidence.

9 A. God is great. Allahu Akbar. I thank you. All that you've
10:29:33 10 explained, I didn't know anything about it. I don't know about
11 it. I didn't get the report. That is why I said Allahu Akbar -
12 God is great.

13 MR LANSANA: Your Honours, that's all for the record.

14 PRESIDING JUDGE: Just for clarity of the record,
10:29:56 15 Mr Lansana, the last part, you went from the bottom of page 11,
16 page 12 and 13?

17 MR LANSANA: Yes, Your Honour, I stopped at page 13. That
18 will be all for this witness.

19 PRESIDING JUDGE: Mr Prosecutor? Any cross-examination?

10:30:24 20 MR KAMARA: Yes, My Lord.

21 PRESIDING JUDGE: Are you ready to proceed?

22 MR KAMARA: Yes.

23 CROSS-EXAMINED BY MR KAMARA:

24 Q. Mr Witness, the very passage that has been read to you by
10:30:42 25 my learned friend and which you denied knowledge of, are you
26 aware that that witness showed his scars to the Court? Let me
27 put it this way: that witness that testified to that episode
28 showed his scars that he received from that incident to the
29 Court. Do you still deny that incident?

1 A. Yes, I am still denying it, because he didn't show it to
2 me, and I don't know about it.

3 Q. Let me take you to the issue of the arms and ammunition.
4 You mentioned to this Court that arms and ammunition were
10:31:42 5 received from Guinea, Conakry, to be precise. Am I right?

6 A. Yes.

7 Q. Did you yourself go to Guinea to get these arms and
8 ammunition?

9 A. I was not the one, but I got them from somebody.

10:32:09 10 Q. Who is that somebody?

11 A. Teacher Lagawo and George Jambawai.

12 Q. Do you know the age of Teacher Lagawo?

13 A. I don't know his age, but he's an elderly man.

14 Q. Then let me tell you. Teacher Lagawo at that time was over
10:32:53 15 75 years old. Would you agree with me?

16 MR SESAY: My Lord, I object to that question. He would
17 not be in a position to know the age, the exact age.

18 PRESIDING JUDGE: That's a very simple answer then. If he
19 doesn't know, he doesn't know.

10:33:20 20 MR KAMARA: Thank you, My Lords.

21 Q. Would you agree with me that Teacher Lagawo was over 75
22 years old at that time we're referring to?

23 A. I know he's an elderly person, I saw him to be a parent,
24 but I can't precisely know the age.

10:33:48 25 Q. You want this Court to believe that 75-year-old Teacher
26 Lagawo carried arms and ammunitions --

27 PRESIDING JUDGE: He hasn't agreed with you that he was 75.

28 MR KAMARA: I'm suggesting to him still, My Lord.

29 Q. You want this Court to believe that Teacher Lagawo, at that

1 age, carried arms and ammunition from Conakry to Tongo?

2 A. He could be there and do that.

3 Q. Thank you.

4 A. Because of his knowledge.

10:34:51 5 Q. Mr Witness, Arthur Koroma gave evidence before this Court
6 and, in his evidence, he said the arms and ammunition from Guinea
7 were brought by Bockarie Lansana. You are telling this Court
8 they were brought by Teacher Lagawo.

9 A. That's where I started with Bockarie Lansana and
10:35:32 10 George Jambawai in relation to those bullets. Everybody knows
11 that's where I started when I started speaking.

12 MR KAMARA: I may not have heard it, My Lords. I heard
13 George Jambawai and Teacher Lagawo.

14 JUDGE THOMPSON: I think you better put the question again.
10:35:51 15 You should ask questions clearly, otherwise you get entangled
16 answers.

17 PRESIDING JUDGE: I think his answer did not necessarily
18 refer to your question, but answers he has given in
19 examination-in-chief.

10:36:06 20 MR KAMARA:

21 Q. Mr Witness, Arthur Koroma gave evidence before this Court
22 that the weapons from Conakry, if at all weapons came from
23 Conakry, were brought in by Bockarie Lansana. You today told
24 this Court that weapons from Conakry were brought by Teacher
10:36:28 25 Lagawo and -- who was it again?

26 PRESIDING JUDGE: Jambawai.

27 MR KAMARA:

28 Q. Jambawai. Is that not what you said this morning?

29 A. Yesterday when we spoke, that was the first thing that we

1 spoke about, in relation to those weapons.

2 JUDGE THOMPSON: Put the question to him.

3 MR KAMARA: My question to him is --

4 JUDGE THOMPSON: You put the scenarios, but what's the
10:36:59 5 question? You put three scenarios. That's why we get so much in
6 difficulty.

7 MR KAMARA: What he said this morning, that is the first
8 issue, My Lord. I believe it's simple.

9 JUDGE THOMPSON: It's not that simple if you don't ask him
10:37:10 10 direct questions. Putting the three scenarios gives him an
11 option to move whichever way he wants to, and what sort of
12 answers do we get?

13 MR KAMARA:

14 Q. Mr Witness.

10:37:29 15 A. Yes.

16 Q. You mentioned BJK Sei several times this morning.

17 A. Yes.

18 Q. When was the last time you saw him?

19 A. I said he entered Tongo only once when we captured Tongo on
10:38:00 20 the seventh day, that's when I saw him.

21 MR KAMARA: My Lord, the witness is not answering the
22 question.

23 PRESIDING JUDGE: Put your question again.

24 MR KAMARA:

10:38:08 25 Q. When was the last time you saw BJK Sei? That's the
26 question.

27 MR JABBI: My Lord, I believe the way it was put, it is a
28 bit open-ended and confusing.

29 PRESIDING JUDGE: It is not confusing, Dr Jabbi.

1 MR JABBI: As My Lords please.

2 PRESIDING JUDGE: It is quite clear.

3 When was the last time you saw BJK Sei? Yesterday? Two
4 weeks ago? A month ago? Five years ago? When was the last
10:38:48 5 time?

6 THE WITNESS: Are you talking about Tongo?

7 PRESIDING JUDGE: I didn't talk about Tongo. You are being
8 asked a very simple question, Mr Witness. Just listen to the
9 question. When was the last time you saw him?

10:39:04 10 THE WITNESS: At the time we entered Tongo on the seventh
11 day, that's when I saw him, when he came.

12 PRESIDING JUDGE: So you have never, never seen this man
13 since you entered Tongo, up to now? Up to today?

14 THE WITNESS: I used to see him, but not during fighting.

10:39:57 15 MR KAMARA:

16 Q. Mr Witness, did you not see BJK yesterday?

17 A. We were not in the same place. How could I see him?

18 Q. You gave evidence this morning that when you entered Tongo
19 you found no corpses; am I right?

10:40:33 20 A. Yes, with my own eyes.

21 Q. Did you tell that to the investigators for the Defence?

22 A. I want you to make it clear for me to understand. I don't
23 know what you mean.

24 Q. Did you tell the lawyers who brought you here that when you
10:41:23 25 went to Tongo, you found no corpses?

26 A. Yes, that is what is in my statement. I did not see them
27 with my own eyes and I didn't say.

28 Q. We have a summary here with us, Mr Witness, that states
29 that when you attacked Tongo, the junta forces retreated and were

1 moving from house to house killing civilians, especially those
2 suspected of having dealings with Kamajors. Did you say that to
3 the Defence team?

4 A. I didn't go even close to that, to saying that.

10:43:08 5 Q. Let me put this question to you, Mr Witness: while
6 soldiers were retreating at the time of the attack, were they
7 killing civilians who were in support of Kamajors?

8 A. Repeat the question. I did not understand it properly. I
9 missed something.

10:43:45 10 Q. Mr Witness, you attacked Tongo with the other commanders;
11 is that not so? I'm referring to the final attack.

12 A. Yes.

13 Q. You gave evidence that you didn't find any soldiers or RUF
14 rebels; is that not so?

10:44:12 15 A. Yes.

16 Q. My question to you is: while these soldiers were
17 retreating, were they attacking RUF supporters? Do you know?

18 JUDGE ITOE: Why does it take this witness such a long time
19 to answer questions? The first question, you got into
10:44:47 20 reflection, you were thinking and thinking, and you ended up by
21 saying you don't understand the question. This is my observation
22 of you. Why does it take you such a long time to answer
23 questions?

24 THE WITNESS: What you're telling me, I am thinking about
10:45:06 25 it. If I do not understand your question, I wouldn't answer it.
26 I want to understand the question properly. What you're talking
27 about, I do not know and I didn't do it and I was not in it.

28 [CDF17MAY06B - SV]

29 PRESIDING JUDGE: Mr Prosecutor, would you put the question

1 in the simplest form and as clear as possible to the witness so
2 he knows what you're talking about so he can answer the question
3 as clearly as he can.

4 MR KAMARA: As My Lord pleases.

10:45:33 5 PRESIDING JUDGE: So presumably you're making reference to
6 what is contained in the summary. So make it clear what the
7 summary is all about.

8 MR KAMARA: I did that. He said he did not understand.

9 PRESIDING JUDGE: I know, but take it back again.

10:45:44 10 MR KAMARA: As My Lord pleases.

11 Q. Mr Witness, we have a summary from the Defence team as to
12 what you said to them --

13 PRESIDING JUDGE: In your statement to them.

14 MR KAMARA:

10:45:59 15 Q. Yes, in your statement to them, and this is what it says:
16 "How when Tongo was attacked the retreating junta forces
17 were moving from house to house, killing civilians,
18 especially those suspected of having dealings with the
19 Kamajors."

10:46:29 20 PRESIDING JUDGE: And put to him that this is what he would
21 have said.

22 MR KAMARA: Yes.

23 Q. Is that what you told the Defence team?

24 A. What I told them was not what they wrote. What I knew was
10:46:50 25 what I have said in this Court.

26 PRESIDING JUDGE: So you're saying, Mr Witness, what has
27 just been described to you, you did not say so to the Defence, to
28 the lawyers, the lawyers that have asked you questions, you
29 didn't tell them that?

1 THE WITNESS: My own lawyer?

2 PRESIDING JUDGE: Yes, yes, yes.

3 THE WITNESS: The question asked is confusing. That's why
4 I answered that way.

10:47:39 5 PRESIDING JUDGE: Well, Mr Witness, I don't think it was
6 confusing but we'll put it to you again. In this document that
7 they referred to it says this, and listen carefully. It says
8 that when you gave them a statement, your lawyers, that you would
9 say this:

10:48:02 10 "How when Tongo was attacked the retreating junta forces
11 were moving from house to house, killing civilians,
12 especially those suspected of having dealings with the
13 Kamajors."

14 You would have told your lawyers that you had seen all of
10:48:22 15 that and you would say so in court. The question is: Did you
16 say so in your statement or to your lawyers?

17 THE WITNESS: Those who first entered -- those who first
18 entered, that is what they said, that that was what was happening
19 when they were retreating. But I did not say that when I
10:48:52 20 entered, that that was what they were doing when they were going,
21 no. I did not see any corpse when I entered the in the town. I
22 couldn't say anything about that. But they attacked once, twice,
23 three times.

24 PRESIDING JUDGE: Mr Witness, this is not the question.
10:49:05 25 You're not asked here if you've seen corpses or not. This is not
26 the question. The question has been a very simple and precise
27 one; did you say what I've just read to the lawyers or not?

28 THE WITNESS: Then repeat it.

29 PRESIDING JUDGE: Take it again, Mr Kamara, please.

1 MR KAMARA: Thank you, My Lord.

2 Q. This is what is said to be contained in your statement, and
3 listen carefully, Mr Witness.

4 "How when Tongo was attacked the retreating junta forces
10:50:01 5 were moving from house to house, killing civilians,
6 especially those suspected of having dealings with the
7 Kamajors."

8 Did you make that statement to the Defence team?

9 MR SESAY: Sorry, My Lord. My Lord, I do not wish to
10:50:28 10 interrupt here, but I think the distinction should be made
11 whether, in fact, the statement was made to the investigators,
12 My Lord, of the Defence team or the Defence team as a whole.
13 Because what I know is that the statement is usually obtained by
14 the investigators.

10:50:49 15 PRESIDING JUDGE: He was asked first by investigator, then
16 that seemed to be confusing him, then he was asked by the Defence
17 team, he seemed to under that and he says my lawyers. That's why
18 the word "my lawyers" are used. I mean, we're trying to make it
19 as clear as it is possible and feasible to the witness. I don't
10:51:07 20 think there was any intent to mislead the witness on this issue.

21 MR SESAY: Yes, My Lord.

22 PRESIDING JUDGE: Yes, you may be right, but this is the
23 question that was put to the witness first and he didn't
24 understand that, so that's why it was moved to the Defence team
10:51:20 25 and then to his lawyers.

26 MR SESAY: As My Lord pleases.

27 MR KAMARA:

28 Q. Mr Witness, I suggest to you that you're being deliberately
29 evasive to this Court; you fully understand the question.

1 JUDGE THOMPSON: Before you suggest that to him, what is
2 his answer? Did he tell the lawyers who brought him here to
3 testify what is alleged to have been in that statement? It's not
4 complicated, so I think it's important that we have an answer to
10:52:12 5 that before any suggestion is put to him as to his demeanour and
6 his response, because it shouldn't really be complicated and I do
7 not see whether the statement was made to investigators for the
8 Defence or to lawyers for the Defence as a problematic issue. I
9 think that is immaterial. I think it's a question of whether
10:52:39 10 this witness wants to tell us or not to tell us whether he
11 actually told the lawyers that at the time when they attacked
12 Tongo retreating junta forces were, in fact, moving from house to
13 house, killing people, especially those allegedly suspected of
14 collaborating with the junta forces.

10:53:15 15 PRESIDING JUDGE: With the Kamajors.

16 JUDGE THOMPSON: With the Kamajors.

17 MR KAMARA: Yes, My Lord.

18 JUDGE THOMPSON: It's quite a precise incident. He either
19 did or did not tell his lawyers that.

10:53:28 20 MR KAMARA: My Lord, I have posed the question four times
21 in four different ways. The learned Presiding Judge has posed
22 the question to him as well and we haven't had an answer. I will
23 invite the Bench to observe the demeanour of this witness.

24 PRESIDING JUDGE: What's your answer to these questions,
10:53:43 25 Mr Witness? Did you say so or not? Yes or no?

26 THE WITNESS: Like, for instance, like what that big man
27 has explained and explained it clearly, yes, that's what
28 happened. That's what is in that paper. But the way you were
29 explaining it, that's what is confusing me.

1 MR JABBI: My Lords, before I say what I want to say, may
2 the witness remove the earphones. I just want to make a
3 clarification.

4 PRESIDING JUDGE: Does the witness understand English or
10:54:31 5 not? Do you speak English, Mr Witness? Do you understand
6 English?

7 THE WITNESS: I am speaking to you in Mende, how can I
8 understand English?

9 PRESIDING JUDGE: Well, we would prefer that the witness be
10:54:50 10 excused from the Courtroom and we'll hear what you have to say.

11 MR JABBI: Sorry, My Lord?

12 PRESIDING JUDGE: Can the witness be assisted outside the
13 Courtroom, please.

14 [The witness stood down]

10:55:22 15 MR JABBI: My Lord, I'm sorry really that I am intervening
16 for this amount of time, but I don't know if the transcript will
17 bear it out, but I did hear the witness saying that the people
18 who first entered Tongo gave that report, but that by the time he
19 entered that was not happening. But I don't know if that was
10:55:50 20 communicated. That is all I want to say, My Lord.

21 PRESIDING JUDGE: You mean to say that he would have
22 answered that before I asked the last question? Earlier in his
23 response, that's what you're saying, not now.

24 MR JABBI: Not your last question that you posed. Not your
10:56:13 25 last question. Before you last question.

26 PRESIDING JUDGE: That's what I mean, prior to that.

27 MR JABBI: Yes, My Lord.

28 JUDGE THOMPSON: Does that imply that that was what he told
29 the lawyers or the investigators for the Defence? Is that what

1 you're saying, that he told them that the people who gave the --
2 I mean, is that what you're suggesting?

3 MR JABBI: No, My Lord, I'm only saying that he did say
4 that in answer at one stage.

10:56:37 5 JUDGE THOMPSON: Was it in answer to the question whether
6 he told the lawyers for the Defence that?

7 MR JABBI: Yes, My Lord. It was during that interchange.

8 PRESIDING JUDGE: Yes, but this was not the question. The
9 problem is that. We were asking a very -- he was being asked a
10:56:52 10 very precise question: Did he tell you or the investigator or
11 the lawyers or the team what is alleged in the summary. That was
12 the question. Not whether he learned it or not.

13 MR JABBI: Indeed that was the question. I'm only saying
14 that --

10:57:10 15 PRESIDING JUDGE: [Overlapping speakers]. That was not the
16 question.

17 MR JABBI: Indeed, My Lord, I'm only saying that he did say
18 what I have just said in the process of reacting to that
19 question.

10:57:20 20 JUDGE THOMPSON: If the transcript reports that, in fact,
21 what the implication there from you, I would suggest, is that
22 maybe what he told the investigating officers for the Defence was
23 that he got the information through hearsay. But remember his
24 testimony is that when we attacked, what I saw. So we can't --
10:57:53 25 this would be ambivalent if now he's shifting ground from direct
26 evidence to indirect evidence. But I will say nothing further.

27 MR JABBI: My Lord, I also didn't want to say anything
28 further. I just wanted to report that. I don't know if it is
29 the transcript but I did hear him say it.

1 PRESIDING JUDGE: I don't have the exact words, but I know
2 he did say something along these lines.

3 MR JABBI: That's all I want to say.

4 PRESIDING JUDGE: Thank you. Can the witness be recalled,
10:58:37 5 please.

6 [The witness entered court]

7 MR KAMARA: My Lord, may I be guided. We have his answer,
8 I believe, towards the end, do we?

9 PRESIDING JUDGE: Yes, we do.

10:59:47 10 MR KAMARA: And that is he said those words, or something
11 to the effect?

12 PRESIDING JUDGE: Indeed, this is his last answer.

13 MR KAMARA: Thank you, My Lord.

14 Q. Mr Witness, now when you attacked Tongo was your group the
11:00:04 15 first that entered Tongo? I'm talking about the final attack.

16 A. Yes.

17 Q. And if that is so, are you now lying to this Court that you
18 didn't find any corpses when you entered Tongo or you were lying
19 when you gave the statement to the Defence; both cannot be true.

11:00:42 20 PRESIDING JUDGE: Well, put your question differently.
21 It's impossible for the witness to answer that in the way you've
22 framed it.

23 MR KAMARA: Forgive me, My Lord. I'll rephrase.

24 Q. Are you now lying to this Court that you didn't find any
11:00:54 25 corpses in Tongo when you entered, being the first group that
26 entered?

27 A. In that last one, yes.

28 PRESIDING JUDGE: I don't think he has understood your
29 question, but anyhow.

1 MR KAMARA: My Lord, we have the answer. I'm sure it will
2 be accepted.

3 MR JABBI: My Lord, I believe although it may be said it is
4 also complex, but I think the question is complex. It says "Are
11:01:26 5 you now lying to this Court".

6 PRESIDING JUDGE: I know, this is --

7 MR JABBI: My Lord, if it can be put in a simpler and more
8 direct way for the witness to be able to answer it.

9 PRESIDING JUDGE: I would suggest to you, Dr Jabbi, that it
11:01:42 10 was not posed in such a way that it was confusing to the witness,
11 but anyhow. Put the question to the witness again, please.

12 MR KAMARA: I'll rephrase it again.

13 PRESIDING JUDGE: I mean, we're here in the search of
14 truth. It would appear to me that the witness has not understood
11:01:59 15 your question. I may be wrong but that's the way it appears to
16 me.

17 MR KAMARA: I agree, My Lord. I will pose it again.

18 Q. Mr Witness, you said you were the first group that entered
19 Tongo on that final attack; correct?

11:02:19 20 A. Yes.

21 Q. And you said to this Court this morning that you didn't
22 find any corpses when you entered; is that correct?

23 A. Yes; when we entered we did not find any corpse.

24 Q. And now in your statement to the Defence you told them that
11:02:49 25 the retreating junta forces were killing civilians as they were
26 retreating. Did you see those corpses?

27 A. At this moment I'm talking about, this paragraph -- this
28 report that we're on, when I entered I didn't see a corpse.

29 Q. So it is not true that retreating junta forces were killing

1 civilians as they were retreating?

2 A. When we entered this time, that was where we were talking
3 about today. So, I am sorry, I am not being forgetful, but I
4 want to explain to you for you to understand. I'm not angry but
11:04:00 5 that was not what I was talking about. Where we are talking
6 about today, like you explained to me, when we fought that
7 soldier fight that was what did I explain and that was where I
8 started my explanation yesterday. Now that you've brought this
9 one, we entered in order to reinstate the government. That was
11:04:19 10 what I was alluding to. That was why I was confused to the -- if
11 you were angry please forgive me, in that area.

12 Q. No, Mr Witness, nobody is angry here. We are only finding
13 the truth. We are in search of the truth.

14 PRESIDING JUDGE: Mr Witness, just take your time. We are
11:04:37 15 just trying to understand what you are saying. Nobody's angry at
16 you. We are trying to understand what's happening and what
17 you're describing to the Court, that's all.

18 THE WITNESS: It's okay.

19 MR KAMARA: Let me leave that issue.

11:04:52 20 Q. You entered Tongo. You will agree with me that Tongo is a
21 heavy civilian populated town?

22 A. Yes.

23 Q. As a commander, did you summon the civilians to a meeting
24 to address them?

11:05:22 25 A. Yes. At the time when you are talking about this thing
26 today, that's the point we've reached. When we, when on the
27 seventh day BJK, we handed it over to BJK and that was the time
28 we held a meeting at Labour and that's the time we spoke to them.
29 I was working with the chiefdom. I have taken the chiefdom.

1 Whatever somebody does, that civilian, whatever he didn't like,
2 he would be able to handle it. They would sit there and defend
3 the chiefdom?

4 Q. Wait, wait, listen to the question carefully. You entered
11:06:06 5 Tongo, you've captured Tongo. All right? Take your time, I'm
6 not trying to confuse you.

7 A. Yes.

8 Q. Did you summon the civilians to a meeting to talk to them?

9 A. Yes.

11:06:33 10 Q. Now, did you talk to them before the arrival of BJK Sei?

11 A. At that time we had not brought them out of the bush. We
12 had not brought them out of the bush.

13 Q. Did you talk to them before the arrival of BJK Sei is the
14 question?

11:07:04 15 A. No, at that time we had not brought them out of the bush.
16 When they had withdrawn they were in the bush, they had not come
17 yet.

18 Q. Thank you. Are you familiar with the NDMC headquarters in
19 Tongo? Do you know the NDMC headquarters in Tongo?

11:07:26 20 A. Yes.

21 Q. Were civilians advised to gather at that NDMC headquarter
22 after your capture of Tongo?

23 A. No, it didn't happen that way.

24 Q. Now tell us how it happened?

11:07:52 25 A. What happened, we assembled them at the Labour camp. We
26 did not hold them -- we did not -- admonished them that now that
27 we've captured the town, those people who have come there are
28 people. Now that they have come, you should know how to speak to
29 them so that they will settle. You know that they are your

1 people. In fact, in relation to our feeding, they were the ones
2 who fed us. That's what I know.

3 Q. All right. So you assembled them at the Labour camp?

4 A. Yes, sir.

11:08:32 5 Q. Was that before the arrival of BJK Sei?

6 THE INTERPRETER: Your Honours, can the witness repeat his
7 answer? He's talking very fast.

8 PRESIDING JUDGE: Mr Witness, please go slowly with your
9 answers. What you say has to be interpreted for the Court. So
11:09:03 10 we did not get your last answer. You were asked if they were
11 assembled at the Labour camp before the arrival of BJK Sei. What
12 was your answer again, please?

13 THE WITNESS: It was when BJK came that we assembled them,
14 but we did not assemble them before he came. It was because of
11:09:33 15 the arrival of BJK Sei that we assembled them.

16 MR KAMARA:

17 Q. Now would you estimate how many civilians went to this
18 Labour camp, do you know?

19 A. Yes.

11:09:46 20 Q. Say approximately how many?

21 A. The ones that we got, they were up to a hundred.

22 Q. Up to a hundred civilians went there?

23 A. Yes.

24 Q. And you will agree with me that you said you spoke to the
11:10:16 25 civilians, you yourself?

26 A. At that time I did not say anything on my own because the
27 law that we had in that country --

28 THE INTERPRETER: Your Honours, can we take his last bit
29 again?

1 PRESIDING JUDGE: What was it again, what you were saying
2 about the law in this country, Mr Witness? We did not get the
3 interpretation. Can you repeat again?

4 THE WITNESS: The law that we have in that chiefdom, you
11:10:58 5 would always report to your leader. So when he came we handed
6 everything over to him.

7 MR KAMARA:

8 Q. Mr Witness, during that meeting were the civilians advised
9 to form different lines?

11:11:37 10 A. We did not form any line anyway, sir. We did not form any
11 line. We were just gathered in the same place. We were in the
12 same place and we spoke to them together with the chiefdom
13 elders, chiefdom people.

14 Q. Were the civilians advised to point out rebel collaborators
11:11:54 15 from amongst them?

16 A. Father forbid, we did not do that because if we had done
17 that there would have been confusion and we didn't want that
18 amongst us.

19 Q. Would you tell us the difference between this Labour camp
11:12:34 20 and the NDMC compound. Are they close together or are they
21 separate buildings?

22 A. They are in the same place. They are not close -- they are
23 not in the same place and they are not close to each other. They
24 are not in the same place and they are not close to each other.

11:13:03 25 Q. All right. Are you familiar with the football field at the
26 back of the Labour camp?

27 A. Yes.

28 Q. Do you know a place called Dudoma?

29 A. Yes, Dondoma.

1 Q. Dondoma, thank you very much. Dondoma?

2 A. Dondoma.

3 Q. It was formerly Limba corner?

4 A. Yes.

11:14:03 5 PRESIDING JUDGE: Formerly what?

6 MR KAMARA: Limba corner, My Lord.

7 Q. There is evidence before this Court, Mr Witness - and,
8 My Lords, I'm looking at the transcript of TF2-027 - that at that
9 meeting --

11:14:33 10 PRESIDING JUDGE: What's the date and what's the page?

11 MR KAMARA: Sorry, My Lord. It's 18 February 2005 and, for
12 completeness, it starts at page 101, but I'm specifically
13 referring to page 102. That is where you'll find Dudoma.

14 Q. Mr Witness, there is evidence before this Court that at the
11:15:02 15 meeting we are referring to, suspected rebel collaborators were
16 singled out from the crowd and taken to this place and killed.
17 Now, my question to you: would you agree with me that that is
18 what happened on that day?

19 A. I did not see that. I did not see anybody being singled
11:15:38 20 out to be killed. That's why I didn't ask anybody to come and
21 say what happened to civilians, no.

22 Q. We also have further evidence - My Lords, I'm now referring
23 to the transcript of TF2-047 --

24 PRESIDING JUDGE: The date and page, please.

11:16:10 25 MR KAMARA: 22 February 2005, page 54.

26 Q. This witness gave evidence that Commander Kamabotie ordered
27 him to bury corpses on that day and that he saw Kamajors kill
28 civilians. This same witness gave evidence that he buried about
29 75 corpses on that day. What is your response to that?

1 A. I don't know anything about that one and I didn't see that.
2 MR KAMARA: My Lord, that is on page 60, line 20.
3 PRESIDING JUDGE: Thank you.
4 MR KAMARA:
11:17:40 5 Q. Mr Witness, you were battalion commander for the Lower
6 Bambara Chiefdom; is that not so?
7 A. Yes, sir. Former battalion commander, sir.
8 Q. Yes. You made visits to Base Zero, didn't you?
9 A. No, I never went there.
11:18:06 10 Q. You never went to Base Zero?
11 A. I did go around there but I didn't go that way.
12 Q. Were prisoners taken to BJK Sei in Panguma after the Tongo
13 attack?
14 A. I did not capture any prisoner of war that I took to
11:18:54 15 Panguma. I did not do that.
16 Q. Are you not aware whether any other person did it?
17 A. No, I don't know about that.
18 Q. Thank you.
19 A. Yes, sir.
11:19:12 20 Q. Was BJK Sei your boss during that period?
21 A. At that time I had not gotten that position. He was the
22 boss. He was the chiefdom commander.
23 Q. At the time of the final attack when Tongo was captured was
24 he your boss?
11:19:46 25 A. Yes, I was working under him.
26 Q. You were reporting to him, weren't you?
27 A. Yes, sir. At that time I was reporting to him.
28 Q. When you captured Tongo you sent word to him that Tongo has
29 been captured; right?

1 A. Yes, that was why I said today that that was the time that
2 at meeting that we handed everything over to him.

3 Q. Yes, that is true. You sent word to him. You were sick.
4 You sent word to him that Tongo has been captured. You agree
11:20:30 5 with me?

6 A. Yes, that we were now in town. At that time we were in
7 town. He came on the seventh day.

8 Q. Yes. Yesterday BJK Sei was here. He told this Court that
9 he received reports that rebels, soldiers and Kamajors were
11:21:01 10 killed during the encounter between the Kamajors and the opposing
11 forces.

12 A. Thank you.

13 Q. I haven't asked you the question yet. I'm just reporting
14 to you what he said. Okay?

11:21:22 15 A. Yes, sir.

16 Q. Now is that what happened? Were rebels, soldiers and
17 Kamajors killed during that encounter?

18 A. That's the question?

19 Q. Yes. Yes or no, please, don't worry to explain. You can
11:21:44 20 explain after the answer.

21 A. That was why I said today that this fighting that we did,
22 when we captured the town, that did not happen. But when we had
23 the quarrel with the soldiers and the peace was made, that is
24 what happened. That's what you're explaining to me. That's
11:22:02 25 where we had the difference today. That's why I said if I had
26 done something wrong, please forgive me.

27 Q. I think you are missing it. Now I'm at the attack in
28 Tongo. Tongo has been captured, a report has been sent to BJK
29 Sei and he said to this Court that he received report that during

1 that final attack soldiers, rebels and the AFRC, the junta
2 forces, were killed, including Kamajors. Is that correct?
3 A. I did not send a report to him. A Kamajor died amongst us.
4 I explained that. When we were entering the town, the three
11:22:51 5 Kamajors who died, I explained today. Now the report that I gave
6 to him as a situation report.
7 Q. Thank you. No soldiers died during that encounter?
8 A. Yes, sir. No soldier died. We could have gone.
9 THE INTERPRETER: Correction, interpreter: people had
11:23:22 10 gone.
11 MR KAMARA: Thank you.
12 Q. Mr Witness, during the capture of Tongo, was any radio set
13 or communication instrument captured from the rebels or the
14 soldiers?
11:23:45 15 A. That was not reported to me and I don't know about that.
16 PRESIDING JUDGE: What's your question, Mr Kamara, so I
17 understand. If they had captured a radio set or communication
18 instruments?
19 MR KAMARA: Yes, My Lord.
11:24:03 20 PRESIDING JUDGE: In the attack or as a result of the
21 attack?
22 MR KAMARA: Yes, as a result of the attack, My Lord.
23 JUDGE ITOE: Capturing them from the soldiers?
24 MR KAMARA: From the soldiers, yes, My Lord.
11:24:30 25 Q. Mr Witness, are you aware that the first accused
26 Chief Hinga Norman was the national co-ordinator of the CDF at
27 that time of the attack?
28 A. At that time we were working with the War Council. At that
29 time we had no dealings. We were working with the council

1 chairman.

2 Q. The question again is: At that time of that attack, were
3 you aware that Chief Hinga Norman was the national co-ordinator
4 for the CDF? I will come to the War Council later.

11:25:18 5 A. No.

6 PRESIDING JUDGE: So you were not aware that Chief Norman
7 was the national co-ordinator at that time?

8 MR KAMARA: Yes, My Lord.

9 THE WITNESS: No, I didn't know that.

11:25:37 10 MR KAMARA:

11 Q. Do you know any Musa Junisa?

12 A. Yes.

13 Q. Who was he?

14 A. Musa Junisa, he was the chief hunter in Dodo, the Dodo
11:25:54 15 Chiefdom.

16 Q. Did he participate in that attack?

17 A. Even if he came, maybe we were not in the same place. We
18 had not come from the same end.

19 PRESIDING JUDGE: This is not the question again. Do you
11:26:20 20 know if he participated in the attack or not? If you don't know,
21 you don't know.

22 THE WITNESS: I don't know whether he fought in -- he took
23 part in it.

24 MR KAMARA: Thank you.

11:26:40 25 Q. Now let me come to the planning for that attack. Are you
26 aware how that planning was done?

27 A. Yes, what I know I can recall.

28 Q. Who were the planners of that attack?

29 A. We came together and organised ourselves.

1 Q. Yes, who and who were these persons that came together?
2 A. For instance, we the leaders.
3 Q. Let me have the names.
4 A. Like I, Siaka Lahai; Baggie Walters; Keikula Amara,
11:27:53 5 Kamabotie.
6 Q. That is the same person?
7 A. Yes, sir.
8 Q. Yes.
9 A. We were the ones.
11:28:05 10 Q. So what happened to BJK Sei? He was not there?
11 A. He was our host. He was our host. He was our chairman.
12 He was the chief hunter in our chiefdom.
13 Q. Yes, was he part of this planning? That's what I'm asking.
14 Was he part of this planning?
11:28:33 15 A. BJK Sei himself?
16 Q. Yes. I want to add his name. Was he part of the planning?
17 A. For instance, the question you asked me a while ago, please
18 forgive me. You asked if Musa was there when we were there.
19 When we were entering, he was not there but he knew something
11:29:00 20 about the planning. So if you ask me properly, I would know how
21 to answer the question.
22 Q. Mr Witness, you gave us a list of people that were there at
23 the planning: Baggie Walters; Keikula Amara; Siaka Lahai,
24 yourself. I didn't see you mention BJK Sei. Just out of
11:29:21 25 interest, I was asking you was he amongst those or not. It's as
26 simple as that.
27 A. We were host to him. We were guests to him.
28 Q. Thank you. Now on the issue of the civilians in Togo, a
29 question was posed to you by my learned friend for the Defence of

1 the third accused as to whether civilians were fleeing when the
2 Kamajors attacked Tongo, and your answer was, "No, they were not
3 fleeing. They came back from where they were hiding." Am I
4 correct?

11:30:21 5 A. When we captured the town, yes.

6 Q. So they all came back?

7 A. Yes, they came from their hiding places.

8 Q. Some of the civilians were escorted out of Tongo. For
9 example, those that wanted to go to Kenema were given Kamajor

11:30:51 10 escort; is that so?

11 A. Well, we did not do that. We did not give Kamajors to go
12 and accompany anybody. You've captured the town and the person
13 has come. How could you give that person to go and accompany
14 that person. So we had captured the town from them. We did not
11:31:10 15 do that.

16 PRESIDING JUDGE: Mr Kamara, it's 11.30. It's our time for
17 morning recess. We will break now. So court is adjourned for
18 the morning recess. Thank you.

19 [Break taken at 11.30 a.m.]

11:58:06 20 [Upon resuming at 11.58 a.m.]

21 PRESIDING JUDGE: Mr Prosecutor.

22 MR KAMARA: Yes, My Lord.

23 Q. Mr Witness, I am taking you to that attack when Tongo was
24 captured. Were you the overall commander for all the commanders
11:59:01 25 for that venture?

26 A. At that time I was just an ordinary CO.

27 [CDF17MAY06C - RK]

28 JUDGE ITOE: So he was not the overall commander. Is that
29 what you're saying, Mr Witness.

1 THE WITNESS: At that time, no.

2 MR KAMARA:

3 Q. Who would you say was the overall commander?

4 A. The last one, our commander was BJK Sei at that time. We
11:59:59 5 were just COs.

6 JUDGE ITOE: I want to get it clear. Was it BJK Sei who
7 was the overall commander for that attack or -- let's get things
8 very clear.

9 MR KAMARA: Yes, My Lord.

12:00:33 10 THE WITNESS: In that attack, that is what I want to
11 explain to you so that you understand. In that attack at that
12 time he was in charge of the fighting, so whatever we did we
13 would explain to him, because at that time we were just COs.

14 MR KAMARA:

12:00:51 15 Q. Mr Witness, if I get your evidence right, BJK Sei did not
16 come to Tongo until eight days after. I am now interested in
17 amongst those of you - yourself, Bockarie Lansana and I'm not
18 sure whether it was Baggie Walters - who was the leader of all
19 those commanders that launched that particular attack?

12:01:24 20 A. Okay. I was the CO. I was the leader.

21 Q. You were the leader? Thank you.

22 A. Yes.

23 Q. Did you receive reports --

24 JUDGE ITOE: That is during the third and successful attack
12:01:57 25 on Tongo; Mr Witness, is that so?

26 THE WITNESS: Yes, the last attack.

27 JUDGE ITOE: Thank you.

28 MR KAMARA:

29 Q. Did you receive reports from those other commanders?

1 A. Yes, they brought ground reports.

2 Q. And these are the reports you forwarded to BJK Sei; is that
3 so?

4 A. Yes, when they brought the reports, I put them together and
12:02:39 5 I sent them to him.

6 Q. Thank you. You gave evidence before this Court that you
7 did not see corpses, nor were soldiers killed. My question to
8 you now is: Were you aware of these things happening elsewhere;
9 that is, corpses or the killing of soldiers?

12:03:18 10 A. No, they did not bring such a report to me. I did not see
11 that.

12 Q. Mr Witness, was Commander Kamabotie in charge of the Foindu
13 Junction?

14 A. Kpandebu.

12:04:22 15 Q. So who was the commander in charge of Foindu Junction?

16 A. Foindu -- like we say Foindu Junction, we would say Kamboma
17 Junction. That's the road that leads to Foindu, Tongo and there,
18 Kenema. It's a junction.

19 Q. Who was the commander in charge of Kamboma Junction?

12:04:52 20 A. At that time it was Mohamed Kaineh.

21 Q. Mohamed Kaineh?

22 A. Yes, sir, Kaineh.

23 Q. We have evidence before this Court that civilians were
24 taken to BJK Sei in Panguma, and that evidence came from BJK Sei
12:05:33 25 himself.

26 A. Well, it could have been so.

27 Q. I have not asked you the question yet.

28 A. Okay.

29 Q. And also prosecution witnesses gave evidence to that fact.

1 The issue I am posing to you, Mr Witness, is that en route to
2 Panguma, are you familiar with the town called Talama?

3 A. I know Talama, Talama Junction.

4 Q. Yes. How far is that place from Panguma; do you know?

12:06:24 5 A. If you think about it, think about it, either two miles or
6 one and a half miles.

7 Q. Were you aware of any civilian killings at Talama during
8 that period by Kamajors? I'm still referring to those that had
9 been taken to BJK Sei.

12:07:14 10 A. I did not get that report.

11 Q. You did not get that report. Now in 1997, let me restrict
12 it to sometime about in November, Mr Witness, were you giving
13 reports to Musa Orinko?

14 A. Well, I was not under Musa Orinko, but I used to know Musa
12:08:13 15 Orinka.

16 Q. Did you know any Abu Bakarr Konuwa?

17 A. He is not in our own chiefdom.

18 Q. Do you know him?

19 A. Yes, it's a joint chiefdom.

12:08:39 20 Q. Thank you. Did you ever give him any reports as to what
21 was happening during the war?

22 A. We were not in the same chiefdom. My report didn't go to
23 him. We were not in the same chiefdom, so my report was not
24 going to him.

12:09:01 25 Q. To whom were you reporting to?

26 A. At that time I'm talking about all my reports would go to
27 BJK Sei. He was my boss.

28 Q. Thank you.

29 PRESIDING JUDGE: Mr Prosecution, what time period are you

1 talking about as well?

2 MR KAMARA: Yes, My Lord, I said November 1997.

3 PRESIDING JUDGE: Okay.

4 MR KAMARA: I'm sorry.

12:09:30 5 Q. Does the name Paul Danema bring back any memory to you? Or
6 do you know any Paul Danema? He was a market due collector for
7 the AFRC in Panguma.

8 A. I don't know him. I don't know him. I can't remember him.

9 JUDGE ITOE: The name again? Paul?

12:10:09 10 MR KAMARA: Paul Danema, My Lord. D-A-N-E-M-A.

11 Q. Do you recall sometime during that period as I suggested to
12 you, November of 1997, that -- were you patrolling Panguma during
13 that period?

14 A. If we were doing patrols or if we were patrolling, I want
12:11:20 15 you to distinguish it for me.

16 Q. If you were doing patrols with your Kamajors during that
17 period around Panguma?

18 A. Yes, we would have troops that would go on patrols and they
19 would report to us.

12:11:43 20 Q. Do you remember that on one such occasion, you yourself as
21 commander, together with eight other Kamajors, attacked the
22 village of Gboegiana? I hope I am pronouncing it well. You will
23 help us with that pronunciation. Do you remember?

24 A. My patrol didn't go that way.

12:12:19 25 Q. Were you aware of that village? Do you know that village?

26 A. Yes, pronounce it for me for me to hear that village.

27 Q. I'm not sure I'm doing it rightly but I guess it's
28 Gboegiana. Mr Jabbi, if you can help us so that the witness
29 understands. Or you can help us, how is it pronounced?

1 A. Well, we would call it like it's called a fish, like a
2 fish. It's like a fish. It's a fish that we eat, it is not the
3 name of the town. I do not even know the town you're talking
4 about. But that name you are pronouncing, it's like the name of
12:13:05 5 a fish that we eat.

6 Q. It's a village. Gboegiyama, it may be something like that.
7 But, anyway, you and eight Kamajors were patrolling and then you
8 attacked that village of Gboegiyama, I am still in the Panguma
9 area, and you captured --

12:13:29 10 A. I have understood you. It is not Jegbeyama.

11 Q. What is the name of it?

12 A. Like Majebu, Kovabu, Gbesebu. That's how the villages
13 were. But you are saying Jegbeyama. That is why I still have
14 not understood you properly.

12:13:59 15 JUDGE ITOE: He did not say Jegbeyama, he said Gboegiyama.

16 MR KAMARA: Gboegiyama.

17 THE WITNESS: We have Gbongema.

18 MR KAMARA: [Microphone not activated].

19 THE WITNESS: We have Gbongema in that land.

12:14:05 20 MR KAMARA:

21 Q. Finally we are in agreement. Yes, exactly. You remember
22 taking eight Kamajors with you to that village?

23 A. Bungiema, we did not go on patrol there. There were
24 civilians in the bushes in the surrounding areas. No, sir,
12:14:21 25 patrols didn't go there. The only place where our patrols go are
26 the offensive areas, so I didn't go there on patrol.

27 Q. During such patrols, you captured one AFRC market due
28 ticket collector. Do you remember? That's the Paul I was
29 talking about.

1 A. No, I don't know about that. I cannot remember that. That
2 person's name that you're talking about that collects dues, in
3 fact, those people who collect dues stay in Panguma. They
4 collect revenue for the government, but we had only two of them.
12:15:05 5 I don't know -- I don't know that one.

6 MR KAMARA: My Lord, you were correct. The spelling was
7 N-D-A-N-E-M-A, the name of Robert. The name is Robert Ndanema.
8 I'm sorry for misleading the court on that.

9 Q. I'm sorry, Mr Witness. The actual name is Robert Ndanema.

12:15:11 10 A. Yes, sir.

11 Q. So you [overlapping speakers] that name as well?

12 A. I do not know any Ndanema.

13 Q. Okay. We have an exhibit before this Court, Mr Witness,
14 and that is dated 16 November 1997.

12:15:47 15 MR KAMARA: My Lord, I'm referring to our favourite
16 Exhibit 86. I'm referring to paragraph 6, the capture of one
17 AFRC agent.

18 Q. We have a report here submitted by Musa Junisa, Musa Orinko
19 and Abu Bakarr Konuwa to Chief Norman in 1997. In that exhibit
12:16:30 20 it is stated that:

21 "On 9 November 1997, patrol commander of Panguma
22 operations, CO Siaka Lahai, and eight of his Kamajor
23 militia men patrolled a vast area unto Gboegiyama village.

24 These Kamajors were armed with assault rifles and one RPG
12:17:02 25 launcher. They entered that village without incident.

26 Thereupon, one junta agent was captured. This agent was in
27 possession of a large number of AFRC market due tickets."

28 Are you following me, Mr Witness?

29 A. I'm listening. All my heart is to you.

1 Q. Thank you.
2 "After the captured agent Robert Ndanema accepted
3 complicity with the AFRC and RUF rebels, he was eventually
4 given summary execution."
12:17:47 5 My question to you --
6 JUDGE ITOE: What paragraph is that on that report?
7 MR KAMARA: It is paragraph 6, My Lord, and it is marked
8 registry number 3724.
9 JUDGE ITOE: Paragraph 8?
12:18:05 10 PRESIDING JUDGE: Six.
11 MR KAMARA:
12 Q. What is your response to that paragraph?
13 A. Relating to the letter they wrote to Mr Norman?
14 Q. Yes.
12:18:26 15 A. What are you talking about?
16 Q. That you and your boys, or eight Kamajors, sorry, summarily
17 executed Robert Ndanema?
18 A. No, that thing did not happen. That did not happen. I
19 wouldn't do that, in fact. I wouldn't do that. It did not
12:18:46 20 happen.
21 Q. Finally, Mr Witness, after seven days, according to you,
22 BJK Sei came to Tongo; is that correct?
23 A. Yes, the sixth to the seventh -- on the seventh day that is
24 when they came to Tongo.
12:19:28 25 Q. When they came, they addressed the civilians in Tongo; is
26 that correct?
27 A. Indeed, very well, to start with.
28 Q. In that address, were the civilians told to flee Tongo for
29 their own security?

1 A. Father forbid. That did not happen. They did not say that
2 for me to hear.

3 MR KAMARA: That is all for this witness.

4 PRESIDING JUDGE: Mr Sesay, any re-examination?

12:20:22 5 MR SESAY: Yes, My Lord.

6 RE-EXAMINED BY MR SESAY:

7 Q. Now, Mr Witness, you recall that you were asked by my
8 learned friend about Teacher Lagawo; not so?

9 A. Yes, he asked me.

12:21:06 10 Q. Who was Teacher Lagawo?

11 A. Teacher Lagawo, they were in the council body, War Council.
12 They were in that body.

13 Q. Thank you. You also said you were made battalion
14 commander; not so?

12:21:38 15 A. Yes, indeed, in those times.

16 Q. Can you say exactly when you were made battalion commander?

17 A. I want to explain. I can explain properly. When
18 everything that had happened finished and we were now at peace,
19 the government has returned to power and we were all happy,
12:22:09 20 because we were happy that that was what we were fighting for;
21 the government that we voted for had been returned and authority
22 had been returned and Mr Jambawai went with that paper with
23 respect and presented it to Junisa, and they went to BJ and BJ
24 presented it to me. That we were happy and thanking us for the
12:22:35 25 job we did. That was when I was made battalion commander. That
26 is what I know.

27 Q. So it was after the reinstatement?

28 A. Yes.

29 Q. Thank you. Do you also recall that you were asked by my

1 learned friend in relation to what you said to the investigators
2 of the Defence team, that was your summaries. If I can just read
3 the portion that he read to you. I want you to listen very
4 carefully. It starts, "How, when Tongo was attacked, the
12:23:23 5 retreating junta forces were moving from house to house" --

6 JUDGE ITOE: You're reading too fast.

7 MR SESAY: Sorry, My Lord.

8 Q. "How, when Tongo was attacked, the retreating junta forces
9 were moving from house to house killing civilians,
12:23:52 10 especially those suspected of having dealings with the
11 Kamajors. Houses of such suspects were burnt and looted by
12 the rebels and soldiers."

13 Remember you had said that there were three attacks; not
14 so, on Tongo?

12:24:25 15 PRESIDING JUDGE: I want to remind you in re-examination it
16 is still your witness and leading questions are not more
17 permissible. He can clarify matters.

18 MR SESAY: Yes, My Lord. I will go straight to the
19 question.

12:24:42 20 Q. In which of these attacks did you say this happened?

21 A. When I said -- what I told you today -- yesterday, when I
22 said that we had a quarrel, but the quarrel was resolved, and
23 that was what caused the quarrel. That was what caused the
24 quarrel between us, when they were retreating. That was the
12:25:03 25 first time, and the quarrel was resolved and it finished, and
26 that was why when this old man was asking me today that I was
27 confused. That was why he was confusing me. When I realised it,
28 then I realised the truth, that is when I accepted. That is when
29 it happened.

1 Q. So that is what you are still telling this Court,
2 maintaining before this Court in relation to this?

3 MR KAMARA: My Lord, I'm objecting to that last bit.

4 PRESIDING JUDGE: Sustained. Mr Sesay.

12:25:37 5 MR SESAY: My Lord, I'll leave it at that. I do not --

6 PRESIDING JUDGE: [Overlapping speakers] argue with your
7 own witness.

8 MR SESAY: I will not go beyond that, My Lord. That is all
9 for this witness.

12:25:52 10 PRESIDING JUDGE: Thank you, Mr Witness, that completes
11 your evidence in this Court. Thank you for coming to give your
12 evidence and have a safe trip back to your home. Thank you.

13 THE WITNESS: May God's grace. I can go now to my house?

14 PRESIDING JUDGE: Yes, thank you very much. Dr Jabbi who
12:26:45 15 is your next witness?

16 MR JABBI: My Lord, our next witness is Kamabotie, Keikula
17 Amara.

18 [The witness withdrew]

19 PRESIDING JUDGE: This witness will also give his evidence
12:27:10 20 in Mende, I understand?

21 MR JABBI: Yes, My Lord. Witness number 13 on the list.

22 PRESIDING JUDGE: This will be your witness number 19, I
23 think.

24 MR JABBI: Overall, yes.

12:27:26 25 PRESIDING JUDGE: Please call your next witness.

26 MR JABBI: My Lord, just before the witness comes, I just
27 wish to make a correction to the summary, My Lord. Keikula
28 Amara.

29 [The witness entered court]

1 PRESIDING JUDGE: Yes, Dr Jabbi, please. Just a second. I
2 want to make sure that this is not interpreted to the witness.
3 Can the witness remove the headphones, please? Yes, what is the
4 correction?

12:29:41 5 MR JABBI: My Lord, on the second line, the last word
6 "Lahai" should be "Brima".

7 PRESIDING JUDGE: Kamoh Brima rather hand Kamoh Lahai?

8 MR JABBI: Yes, My Lord.

9 PRESIDING JUDGE: So you have all made that modification to
12:30:19 10 the text of the summary? You may take the oath from the witness.

11 WITNESS: KEIKULA AMARA [Sworn]
12 [Witness answered through interpreter]

13 PRESIDING JUDGE: Dr Jabbi, your witness.

14 EXAMINED BY MR JABBI:

12:31:18 15 Q. Good afternoon, Mr Witness.
16 A. Mr Jabbi, good afternoon.

17 Q. I will just first of all give you some admonishment about
18 the way you should speak.
19 A. I am listening to you.

12:31:46 20 Q. So please speak as slowly as possible, because some will be
21 translating what you are saying and the Court will also be
22 writing it down. So allow a little bit of time for that to be
23 done before you make subsequent statements. Okay?
24 A. Yes.

12:32:30 25 Q. Now, Mr Witness, can you give the Court your full names?
26 A. I am Keikula Amara, alias Kamabotie.
27 JUDGE ITOE: Amara, is it?
28 THE WITNESS: Amara, yes.
29 MR JABBI: Alias Kamabotie, he said, My Lord.

1 JUDGE ITOE: Yes, I took note of that. That is why he
2 saluted us so heartily when he came in.
3 MR JABBI:
4 Q. Now, where do you live, Mr Witness?
12:33:51 5 A. I am living in Tongo in the Niawa section, Bumpah village.
6 Q. In what chiefdom?
7 A. Lower Bambara Chiefdom.
8 Q. Do you know how old you are?
9 A. I am 47 this year.
12:34:42 10 Q. What work do you do?
11 A. I do bush work and mine for diamonds.
12 Q. Do you know about the Kamajor movement?
13 A. Yes.
14 Q. What are you, if anything, in that movement?
12:35:50 15 A. I am a CO.
16 Q. Did you join the Kamajor society?
17 A. Yes.
18 Q. When was that?
19 A. Pardon me.
12:36:29 20 Q. When was that, what year?
21 A. 1996.
22 Q. 1996; not so?
23 A. Yes.
24 Q. And where did you join the society?
12:36:47 25 A. Kenema.
26 Q. Can you explain how you came to join the society?
27 A. Yes.
28 Q. Please do.
29 A. Our chiefs at that time selected us, at the time that the

1 rebels attacked --

2 Q. Please remember to be talking as slowly as possible.

3 PRESIDING JUDGE: That is okay, Dr Jabbi.

4 MR JABBI: Thank you.

12:37:48 5 THE INTERPRETER: Can he just repeat his last answer,

6 Your Honours.

7 PRESIDING JUDGE: Can you take your last answer, please.

8 You were talking of your chief at the time.

9 THE WITNESS: They selected us, our chiefs selected us and

12:38:06 10 sent us to Kenema for us to be initiated into the Kamajor

11 society.

12 MR JABBI:

13 Q. The chiefs of where?

14 A. Lower Bambara.

12:38:32 15 Q. And upon initiation, what happened?

16 A. At that time that we were initiated and we graduated, at
17 that time the war was intense in Bagba inside Tongo. The day
18 that was designated that we should finish the law that we were
19 under, it was not over when the chiefs came to the priest so that
12:39:09 20 we would go there so the rebels would not dislodge them.

21 Q. Yes, what happened?

22 A. Our priest agreed and sent us -- he bid us farewell and
23 went so that our people would not be dislodged. So we moved and
24 went to Tongo.

12:39:57 25 Q. Just to remind you, don't talk too fast, okay. Now, who
26 was this priest?

27 A. Kamoh Brima Bangura.

28 Q. Now, is that the same as initiator?

29 A. Repeat it.

1 Q. You have just referred to a priest whose name you have
2 given as Kamoh Brima Bangura. By priest, do you mean initiator?

3 A. Yes. He initiated us.

4 Q. What happened on your return to your chiefdom?

12:41:40 5 A. When we returned to our chiefdom in Tongo, when we reached
6 the town, when the vehicle arrived with us in the town at night,
7 we saw people with combats and they were shooting at us in the
8 vehicle. At the time we were going towards -- to the independent
9 school.

12:42:25 10 Q. Who were those firing at you?

11 A. I wouldn't know their distinction because they were wearing
12 combat fatigue and it was at night. And at that time soldiers
13 were in Tongo and our people wrote a letter and said that rebels
14 were hitting at them and we wrote a letter. So when we went, we

12:42:51 15 met a lot of combat people in Tongo at that night that we
16 arrived.

17 Q. What happened at the independent school that you just
18 mentioned?

19 A. There was a school close to independent school. That was
12:43:25 20 were the Kamajor office was. So that was where we were encamped.

21 Q. How were you received by your people, the people of the
22 chiefdom? Mr Witness?

23 A. When we arrived, our people were happy. They welcomed us
24 with a lot of jubilation that we have now arrived and they said
12:44:35 25 we were happy. They said, "Hadn't you come, the war would have
26 dislodged us."

27 Q. How many of you were initiated and returned to that
28 chiefdom on that occasion?

29 A. We were 63.

1 Q. What was the state of the war in Tongo Field area by that
2 time?

3 A. It was intense in the surrounding areas around Tongo. All
4 our people were all gathered in Tongo. They couldn't move out to
12:46:11 5 do anything in their bushes.

6 Q. Please continue to talk slowly.

7 JUDGE ITOE: I think he is.

8 MR JABBI: That is why I was saying he should continue.

9 JUDGE ITOE: I think Mr Kamabotie is.

12:46:36 10 MR JABBI:

11 Q. Yes, do you want to explain anything more about the state
12 of war then?

13 A. Yes.

14 Q. Yes.

12:46:52 15 A. At that time our chiefs came together and they met
16 Kamoh Kowa and they said Kamoh Brima had represent -- had
17 selected you to bring the Kamajors.

18 THE INTERPRETER: Your Honours, he has moved very fast this
19 time.

12:47:13 20 PRESIDING JUDGE: Mr Witness --

21 MR JABBI:

22 Q. Please go over what you have just said now and don't say it
23 too fast. Just go over what you said just now and continue.

24 A. Our chiefs, they went to Kamoh Kowa, appealing to go him,
12:47:42 25 that, "Please, please, your boys whom Kamoh Brima had said you
26 should bring, we want you to bring them out at the front at
27 Peyama." Because the war was intense there.

28 PRESIDING JUDGE: Yes, Dr Jabbi.

29 MR JABBI:

1 Q. Yes, continue, please.

2 A. Kamoh Kowa presented that to one of our brothers, Daniel
3 Keifala. At that time he was a Kamajor chief in that chiefdom.

4 Q. Yes, anything more happen then?

12:49:00 5 A. Yes. Daniel Keifala said to me immediately when Kamoh Kowa
6 said that to him, relating to what our people had put to him,
7 that I should come to Tongo, because I was in Bumpah.

8 Q. Did you go to Tongo?

9 A. Yes.

12:49:33 10 Q. What transpired?

11 A. The late Daniel explained to me that that was what our
12 people had told Kamoh and Kamoh had presented that to me, that we
13 should try and push the war. That, "It's up to you now. I want
14 you to fight this war so that we could push out these people
12:49:51 15 together with these boys," and I agreed.

16 Q. What did you do in response to what Daniel Keifala told
17 you?

18 A. On the morning I too told -- that evening I told the boys
19 and they were all very happy, because our people were very
12:50:36 20 worried. So the next morning we would have to move to go to
21 Peyama and they agreed.

22 Q. Where is Peyama?

23 A. Peyama, it's close to Wima. After Tongo, when you are
24 going to Wima, that is where Peyama is.

12:51:15 25 Q. What did your group do in Peyama?

26 A. We entered Peyama. About 12 rebel camps were shattered.
27 On that day Mosquito himself was there. His camp too was
28 shattered and it was Daniel who shattered his camp and his
29 gun-proof was removed from him.

1 Q. Where did you say Mosquito was during that encounter?

2 A. He was in that Peyama camp on that day when we went.

3 Q. And you also spoke of other camps, did you?

4 A. Those 12 camps which we shattered where his boys were, he
12:52:29 5 had his own camp where he was in the middle. That was where we
6 got his paper, a white sheep, a white hen. They were all there.

7 Q. So after destroying these 12 camps, what did your group do?

8 A. Well, we went on -- we returned to Tongo. On our way, when
9 we left Peyama and came to number 9, going down the hill we fell
12:53:49 10 into an ambush.

11 Q. Ambush by whom?

12 A. The rebels.

13 Q. What happened?

14 A. Our leader was caught by a bullet. He was shot at,
12:54:08 15 Daniel Keifala.

16 Q. What happened to him?

17 A. He died.

18 Q. Were you able to recover his body?

19 A. We took his corpse.

12:54:49 20 Q. To?

21 A. Tongo.

22 Q. Now, what was the general relationship with the soldiers at
23 that time?

24 A. At that time, we and the soldiers, there was no good
12:55:26 25 relationship between us, because they were doing things to us
26 that was not good for us. They were disturbing our siblings,
27 sometimes they would beat some of them up.

28 Q. But were you supposed to be working together with them at
29 that time?

1 A. Yes. At that the time we were working together.

2 Q. Where were you yourself based?

3 A. At that time when they started those disturbances, I was
4 based in Peyama. Because when we captured there, it was not long
12:56:53 5 we returned there and settled there. I was in Peyama.

6 Q. Did you used to visit Tongo from Peyama?

7 A. Yes. At one time I left Peyama, heading for Tongo, to find
8 food for my people. When I reached Tongo, the sooner that I
9 arrived in the Kamajor office, a mortar bomb was launched from
12:57:46 10 the headquarters and it dropped close to the office, towards the
11 soldiers.

12 Q. From?

13 A. On the soldiers.

14 Q. And what happened?

12:58:07 15 A. And shooting started. The firing was heavy coming from the
16 headquarter end towards the Kamajor office and there was a large
17 crowd in town and the market was close to the headquarters.

18 Q. What was the outcome of that incident?

19 A. All that crowd that was in that market, they all left the
12:58:54 20 market and came to us at the Kamajor office. And they were
21 chasing them with guns firing.

22 Q. Did you fight back on that occasion?

23 A. We were unable to fight back.

24 JUDGE ITOE: [Microphone not activated]

12:59:25 25 MR JABBI:

26 Q. Who were being chased by the soldiers, according to you?

27 A. The soldiers were chasing the civilians. They were
28 shooting as the civilians were coming towards our office, the
29 Kamajor office.

1 Q. Did you fight back?

2 A. We were unable to fight against them. They killed so many
3 Kamajors. If we said we would fight on that day, on that day so
4 many people would have died, so we were unable to fight back. So
13:00:22 5 we withdrew.

6 PRESIDING JUDGE: Dr Jabbi, we will stop there.

7 MR JABBI: My Lord, may I just ask one more question?

8 PRESIDING JUDGE: Yes, fine.

9 MR JABBI:

13:00:38 10 Q. Now, what was the time frame, what time of year and what
11 year, can you tell the Court, for this particular incident?

12 A. It was in the same 1996 after we had graduated from the
13 Kamajor society and came to Tongo. It was in the same year that
14 this thing happened.

13:01:03 15 Q. Can you say whether late, middle or early 1996?

16 A. I cannot tell that now because I have not written it any
17 where on paper. I can't recall.

18 MR JABBI: Thank you, My Lord.

19 PRESIDING JUDGE: Thank you. So we will adjourn the
13:01:27 20 proceedings to tomorrow morning. Thank you. So the Court is
21 adjourned to 9.30 tomorrow morning.

22 [Whereupon the hearing adjourned at 1.03 p.m.
23 to be reconvened on Thursday, the 18th day of
24 May, 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

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| WITNESS: SIAKA LAHAI | 2 |
| EXAMINED BY MR SESAY | 4 |
| CROSS-EXAMINED BY MR LANSANA | 13 |
| CROSS-EXAMINED BY MR KAMARA | 18 |
| RE-EXAMINED BY MR SESAY | 50 |
| | |
| WITNESS: KEIKULA AMARA | 53 |
| EXAMINED BY MR JABBI | 53 |