

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

MONDAY, 22 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 |
| For the Registry: | Mr Geoff Walker Ms Maureen Edmonds |
| For the Prosecution: | Mr Joseph Kamara Mr Mohamed Bangura Ms Bianca Suciu 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 Charles Margai Mr Ansu Lansana Mr Martin Michael (legal assistant) |

1 [CDF22MAY06A - EKD]
2 Monday, 22 May 2006
3 [Open session]
4 [The witness Fofana and Kondewa present]
09:31:30 5 [The accused Norman not present]
6 [The witness entered court]
7 [Upon commencing at 9.43 a.m.]
8 PRESIDING JUDGE: Good morning, counsel. Good morning,
9 Mr Witness. Good morning, Dr Jabbi.
09:43:04 10 MR JABBI: Morning, My Lord.
11 PRESIDING JUDGE: Dr Jabbi, you are ready to proceed with
12 your next witness?
13 MR JABBI: Yes, My Lord. My colleague, Mr Sesay, will
14 proceed with the witness.
09:43:15 15 PRESIDING JUDGE: That's fine.
16 MR JABBI: Before then, My Lord, I just wish to draw
17 attention again to the absence of the first accused. It is
18 basically for the state of his health that he is unable to come
19 to court, although he is quite keen to come.
09:43:42 20 My Lord, with the emerging public opinion on this
21 situation, in order to put matters to some satisfactory view of
22 the matter, it may well be that it will be very advisable for a
23 formal request for a medical report on his condition, because
24 there is so much speculation about it. There may be some reason
09:44:34 25 to ensure that public feelings are put at ease, if only by
26 getting an authoritative statement of his condition and any
27 possible recommendation. I do not know what Your Lordships will
28 feel about it, but I thought I should bring it to the attention
29 of the Court.

1 PRESIDING JUDGE: As you may appreciate, to issue a public
2 statement about the health of as accused person, as such, is not
3 something that we are prone to do in most cases, but this is
4 something that we will consider and certainly discuss with the
09:45:09 5 authorities in place as to how best to deal with that. Certainly
6 I think it should also be discussed with the accused himself.

7 MR JABBI: Yes, indeed.

8 PRESIDING JUDGE: Then we will see from there. But I want
9 to inform you as well that we have been indeed briefed about his
09:45:30 10 condition, so we are aware that he has medical problems and it is
11 being looked into at this particular moment. That's all I can
12 say for the time being. I hope that things do improve for him.
13 I should also mention to you that you should convey to your
14 client that if it is to make life easier for him if he comes to
09:45:58 15 court he may have to remain seated. I notice that he had
16 difficulties to stand up and walk and so on. So whatever we can
17 do to facilitate his life in this respect, we are quite prepared
18 to assist. As I say, all I hope is that things do improve and
19 that they find the proper solution to his illness or ailment,
09:46:22 20 whatever it may be. Thank you very much, Dr Jabbi.

21 MR JABBI: Thank you very much, My Lord.

22 PRESIDING JUDGE: Yes, Mr Court Officer, please proceed.

23 WITNESS: MOHAMED BHONIE KOROMA [Sworn]

24 [The witness answered through interpreter]

09:47:34 25 PRESIDING JUDGE: So this is your witness number 15 on the
26 witness list?

27 MR SESAY: Yes, Your Honour.

28 PRESIDING JUDGE: And this is your witness 20 in total?

29 MR SESAY: 20, My Lord.

1 PRESIDING JUDGE: And this witness is giving evidence in
2 Mende?
3 MR SESAY: Yes, Your Honour.
4 PRESIDING JUDGE: Very well, you may proceed.
09:48:01 5 EXAMINED BY MR SESAY:
6 Q. Good morning, Mr Witness.
7 A. Good morning.
8 Q. Before I proceed with your testimony, may I appeal that you
9 talk very slowly because your evidence will have to be
09:48:15 10 interpreted. What are your names?
11 A. My name is Mohamed Bhonie Koroma.
12 Q. Where do you live?
13 A. I live in Gbeorbu, Gaura.
14 Q. Gaura, is it a town or a chiefdom?
09:49:02 15 A. The chiefdom is called Gaura, the town is called Gbeorbu.
16 Q. How old are you?
17 A. I am 55 years old.
18 Q. And you are married?
19 A. Yes.
09:49:45 20 Q. How many children?
21 A. I have six children.
22 Q. What do you do? What is your occupation?
23 A. I'm a farmer.
24 Q. And you are a Kamajor?
09:50:33 25 A. Yes, I am a Kamajor.
26 Q. When did you join the Kamajor society?
27 A. I joined the Kamajor society in 1996.
28 Q. And where was that?
29 A. Kenema.

1 Q. Was there any government that was in power at that time, do
2 you remember?

3 A. Yes, the military government.

4 Q. After you said you joined the Kamajor society in Kenema,
09:51:51 5 did you stay in Kenema?

6 A. I did not live there. After we graduated, our people paid
7 all our subscriptions for us to be initiated into the Kamajor
8 society. After the initiation, they came and talked to
9 Kamoh Brima for us to go back to our people and help the soldiers
09:52:43 10 fight the war.

11 Q. Yes?

12 A. But a Kamajor will not just be initiated and just left out
13 as how you would leave a chicken. There are subscriptions you
14 pay and our people paid the subscriptions to the initiator.

09:53:15 15 Q. Where did you go from there?

16 A. After that we were given back to our people and we returned
17 to where we were working together with the soldiers in Joru.

18 Q. What were you doing with the soldiers? What work were you
19 doing with the soldiers?

09:53:56 20 A. We were there because we were the indigents of the land.
21 The soldiers and the rebels, when they were fighting, the rebels
22 didn't know the roads, so they took us, we the Kamajors, who are
23 the indigents, so we would show them the roads. They didn't know
24 the by-passes.

09:54:34 25 PRESIDING JUDGE: My understanding is after his initiation
26 was completed he went back to Joru and worked with the soldiers.
27 This is what he is saying?

28 MR SESAY: Yes, Your Honour.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: And this is taking place some time in
2 1996?

3 MR SESAY: Yes, My Lord.

4 Q. Now, Mr Witness, how was the relationship at that time
09:55:05 5 between the Kamajors and the soldiers?

6 A. At that time we were working cordially.

7 Q. What happened to that relationship?

8 A. We were working together in unison until we voted and
9 Mr Tejan Kabbah won the elections. His government, the SLPP
09:55:47 10 government, won the elections.

11 Q. Did anything happen after that?

12 A. Yes.

13 Q. What happened?

14 A. Just after the government had won, after some time, a long
09:56:12 15 time, some group of soldiers came and overthrew the government.
16 They were called the AFRC.

17 Q. Was it in May 1997, the overthrow?

18 A. Yes.

19 Q. Where were you at the time of the overthrow?

09:57:01 20 A. At the time of the overthrow, I was in Joru working with
21 the soldiers. But just after the overthrow, they didn't do
22 anything other than -- these of our enemies, the rebels, they
23 will call them so that they will work together and they started
24 chasing us. They started disgracing us, and they will ask that
09:57:31 25 all of us -- they asked all of us, the Kamajors, to surrender.
26 You surrender your uniform and your weapons. It was not just an
27 information that we heard. There was one soldier with whom I was
28 doing things in common, Sergeant Arthur, he went to -- he went
29 to --

1 THE INTERPRETER: Your Honours, may the witness go over his
2 last answer, he is speaking too fast.

3 PRESIDING JUDGE: Can you take your last answer again,
4 Mr Witness. You were talking about one soldier. Take it from
09:58:27 5 there, please.

6 MR SESAY:

7 Q. What did the soldier do? You said Arthur, what did Arthur
8 do, Sergeant Arthur?

9 A. He went to me, because we were working, myself and him,
09:58:39 10 before the overthrow. Just after the overthrow, he went to me at
11 the house and told me to bring my uniform and my weapon to be
12 taken to their headquarters and hand over to them and to
13 surrender to them. That sergeant was working in Joru.

14 Q. What did you do, the Kamajors, after you said the soldiers
09:59:07 15 ordered that you should report and surrender your uniforms and
16 weapons? What did you do after that?

17 A. We didn't do it. We also went -- now that the rebels had
18 left the bushes, so we went into the bushes.

19 Q. What happened following that?

09:59:43 20 A. While we were in the bush it came to a time when I tuned in
21 my radio and I heard a call.

22 Q. What did you hear?

23 A. I heard a call on the radio that all the Kamajors, they
24 were calling us, they were inviting us to Gendema, Bo Waterside.

10:00:33 25 Q. Who spoke on the radio?

26 A. The person whose voice we heard was no other person but
27 Eddie Massallay.

28 Q. Did you answer to his call that you should all go to
29 Bo Waterside?

1 A. Yes. I took back Kamajors with whom I was in the bush and
2 we went and arrived at Bo Waterside, Gendema.

3 Q. What happened at Bo Waterside when you arrived with the
4 Kamajors?

10:01:49 5 JUDGE ITOE: When he says, "Bo Waterside, Gendema," what
6 does he mean? When he says Bo Waterside, he says Gendema.

7 MR SESAY: My Lord, I will clarify that.

8 Q. Is there any other name for Bo Waterside?

9 A. No. Gendema is situated by the crossing point between
10:02:15 10 Liberia and Sierra Leone. So they just called both of them
11 Bo Waterside. Gendema is on the Sierra Leone part.

12 Q. In relation to the two names which you have mentioned, now
13 where did you go -- exactly did you go; was it at Gendema or at
14 Bo Waterside?

10:02:43 15 A. We were at Gendema.

16 Q. Now you met Eddie Massallay at Gendema?

17 A. I met Eddie Massallay at Gendema, yes. He invited us, we
18 met him there.

19 Q. What happened when you met him at Gendema?

10:03:21 20 A. We arrived at Gendema. We met Eddie Massallay together
21 with my group, and he spoke to us.

22 Q. What did he say to you?

23 A. He said, "This invitation that I've extended to you, it is
24 Mr Tejan Kabbah who has instructed me to call you, so that we'd
10:04:22 25 come and fight this war."

26 Q. Yes?

27 A. He said we will go together with him so he will give us
28 weapons for the fight.

29 Q. Mr Witness, I want you to be more specific. What were

1 these things that you said he showed to you; can you name them,
2 please?

3 A. Ammunitions were there in the store, RPG bombs, and some
4 other food called compo [phon], some other food stuff.

10:05:36 5 Q. Yes?

6 A. And some other traditional food called gari.

7 Q. Did he say anything to you in relation to those things that
8 were shown to?

9 A. Yes. He said these things, Mr Tejan Kabbah had given it to
10:06:25 10 him for us to fight the war. He would continue supporting us
11 until we fight the war, and at the end of the war we'll still be
12 under his instructions.

13 Q. For how long did you stay at Gendema?

14 A. In Gendema Town I spent two weeks there and Eddie sent me
10:07:23 15 to Fairo, because that was the war front.

16 Q. Yes?

17 A. From Gendema to Fairo is seven miles.

18 Q. Did you in fact go to Fairo?

19 A. Yes, I went to Fairo and I was based there. From Fairo to
10:07:58 20 Jimmi, where AFRC juntas were, is 21 miles. That was the
21 distance between us.

22 Q. Whilst at Fairo -- you said you went to Fairo. What
23 happened in Fairo whilst you were there?

24 A. When I was based in Fairo I was sent to the war front as a
10:08:51 25 commander.

26 Q. Did you ever leave Fairo?

27 A. Yes. I was in Fairo when Eddie Massallay called me and
28 ordered me to go back to Gendema.

29 Q. Did you go to Gendema?

1 A. Yes.

2 Q. What happened?

3 A. Upon my arrival at Gendema Eddie Massallay briefed me.

4 Q. Yes?

10:10:11 5 A. He said these initiators had arrived at Gendema.

6 Q. Yes?

7 A. He introduced them to me, Kamoh Alieu -- Kamoh Alieu Sesay,
8 Mama Munda, Kamoh Brima Bangura, and Kamoh Muniru Sandi.

9 Q. What happened after he showed you these people?

10:11:27 10 A. We went to his office.

11 Q. Yes?

12 A. He opened the office, there were a lot of ammunitions. He
13 said those were the things that were sent to him.

14 PRESIDING JUDGE: Is it something different that he
10:12:05 15 testified about?

16 MR SESAY: No, My Lord. He came for the second time, if I
17 recall what he has said, and he saw the same --

18 PRESIDING JUDGE: The same store.

19 MR SESAY: Yes, My Lord. I do not wish to elaborate on
10:12:17 20 that, I wish to proceed on the main thrust of his testimony,
21 My Lord.

22 PRESIDING JUDGE: Please proceed.

23 MR SESAY: Grateful, My Lord.

24 Q. After you had been shown all these things which you said
10:12:27 25 were in the office of Eddie Massallay, what happened after that?

26 A. He said, "Let's try and disperse," so that the war would go
27 on faster. So we spread out and the war would go on faster.

28 Q. Yes?

29 A. So everybody would go back to his own district from where

1 he came.

2 Q. Yes?

3 A. There was a ECOMOG helicopter, that was what he sent so
4 that we the Kamajors would be sent back to where we came from.

10:13:48 5 Q. Did you go to your own place of origin?

6 A. Yes. I came straight from Gendema and came on foot. We
7 came on foot. Some of the other Kamajors were taken to
8 Base Zero. Others were taken to Tongo.

9 Q. Yes?

10:14:26 10 A. But we, my own battalion that Eddie gave, we walked until
11 we reached Gorahun [phon] from Gendema.

12 Q. Now did you stay in Gorahun?

13 A. Yes, we stayed there for some time.

14 JUDGE ITOE: What's the name, Gorahun?

10:14:57 15 MR SESAY:

16 Q. What is the name of the town which you referred to?

17 A. Gorahun. It's a very big town along the Jimmi Road called
18 Gorahun.

19 Q. You said you spent some time in Gorahun; not so? You said
10:15:23 20 you spent some time in Gorahun. Now how long did you stay in
21 Gorahun?

22 A. I was in Gorahun for three days and I went to Tolo, because
23 Kamajors were based there so we spent some time there.

24 Q. Did you stay in Tolo?

10:15:57 25 A. I went to Tolo, Kamoh Brima was there, Kamoh the initiator,
26 so we went to him.

27 Q. For how long did you stay in Tolo?

28 A. I was in Tolo for five days, and Kamoh Brima bid us
29 farewell for us to come and stay in Njao [phon].

1 Q. Where exactly -- in what district is Tolo and Njao?

2 A. The same district, Kenema District. It's in the
3 Kenema District. It is where Tolo is and where Njao also is.

4 Q. Now, are they in the same chiefdom, Tolo and Njao?

10:17:25 5 A. Yes, in the same Tunkia Chiefdom.

6 Q. Can you state the chiefdom, please, Mr Witness? Tunkia,
7 you said Tunkia what?

8 A. In that Tunkia Chiefdom. The chiefdom is called Tunkia.

9 Q. You said how long you stayed in Njao?

10:18:00 10 A. In Njao I spent only two days and I came and took my team
11 to come and capture Gofor.

12 Q. Who were in Gofor?

13 A. The junta were there, the junta forces. They were based in
14 Gofor.

10:18:42 15 Q. You said you attacked Gofor; not so?

16 A. Yes, we fought there against the juntas and we defeated
17 them. After that fight at Gofor, I did not see any Kamajor burnt
18 house. Neither did I see people dead because of the Kamajors.
19 No Kamajor looted anybody's property. In fact, that is the law.

10:19:32 20 PRESIDING JUDGE: Maybe you should ask questions before the
21 witness volunteers.

22 JUDGE ITOE: It is not a recitation.

23 MR SESAY: As My Lord pleases. I will endeavour, My Lord.

24 Q. You said you stayed in Gofor. Now you wait, I ask and you
10:19:48 25 answer the question, please, Mr Witness. When you stayed in
26 Gofor, did you go anywhere from Gofor?

27 A. Yes.

28 Q. Yes?

29 A. When I left Gofor, I went and captured SS Camp.

- 1 Q. Can you recall the time frame, please, the time when you
2 said you went to SS Camp?
- 3 A. It was in '97.
- 4 Q. Now what happened at SS Camp?
- 10:20:53 5 A. The juntas were there. We fought against them for some
6 hours and pulled out, and we were based there then.
- 7 Q. Whilst at SS Camp what happened?
- 8 A. We captured it from the AFRC, the juntas. We fought there
9 and we dislodged them, and so they went. We got several
10:21:45 10 property, a lot of property, weapons. We also based there, our
11 own group and we captured there.
- 12 Q. What were these things that you said you got?
- 13 A. Ammunitions, weapons, the bullets, food and other items
14 that warriors would have, fighters would have, were at SS Camp.
- 10:22:35 15 Q. From whom did you get these things and how did you get
16 these things?
- 17 A. The soldiers, the juntas were based there. SS Camp was the
18 headquarters. It's a big place. Fighters would want to be there
19 because of the river. They were based there. We fought against
10:23:07 20 them and they pulled out and the ground was left to us now. So
21 that was how we got the things.
- 22 Q. Who led that attack on SS Camp?
- 23 A. Myself sitting here, I was the commander who led that
24 fight.
- 10:23:58 25 Q. At the time when you said you attacked SS Camp, what was
26 your status in the Kamajor society?
- 27 A. I was a battalion commander.
- 28 Q. You were a battalion commander?
- 29 A. Yes.

1 Q. Can you name some of the other men that you went along with
2 to attack SS Camp?

3 A. Starting from myself sitting here, Mohamed B Koroma, and
4 one of my fighters, Kamabotie, all of us came from Gendema.

10:25:07 5 There's the other one, a commander called Mr Swaray, he was also
6 a battalion commander, Kenema. All of us went. And another man
7 called Bindi. I can't name all of them now, because the Kamajors
8 were many.

9 Q. You said you were in SS Camp. Were you at any time
10:25:47 10 attacked by the junta whilst in SS Camp?

11 A. Yes. After we had captured SS Camp, it didn't take up to
12 three hours when the juntas came and attacked us again. They
13 were unable and so they returned.

14 Q. Yes?

10:26:27 15 A. We were at SS Camp for eight days and every day they would
16 attack us for at least two times, two to three times.

17 Q. Yes?

18 A. Whenever we'd fight and they would return to Kenema, when
19 they would return to Kenema, they'd start harassing our people.

10:27:34 20 Q. What were these things they were doing on your people?

21 A. Whosoever is a Kamajor, if your mother is in Kenema or
22 another relative, they will set her house on fire. They say,
23 "You have Kamajor relations." If you have a small shop, they
24 will loot everything, the juntas, when once you are a relation to
10:28:17 25 a Kamajor.

26 Q. What did you do?

27 A. We were at the river when one of the wives of one of our
28 Kamajors came and met us at the SS Camp. She said, "The juntas
29 are really disturbing us, they are burning down our houses and

1 they are looting us, our property." And we formed a recce troop.

2 Q. I want you to please listen to this question. You said you
3 went and hit Kenema. What was the purpose of hitting Kenema on
4 that particular occasion; can you clarify that, please?

10:29:33 5 MR BANGURA: I'm not sure I got the evidence correctly
6 about hitting Kenema. I stand corrected, but I believe I heard
7 the witness say they went on a recce trip.

8 PRESIDING JUDGE: That's what I heard, but maybe I'd missed
9 something as well. I haven't heard what you are suggesting the
10:29:56 10 has witness said. I heard the witness say that they formed a
11 recce.

12 MR SESAY: My Lord, I will go over that again to clarify
13 the situation.

14 Q. You said you decided to do what on Kenema?

10:30:13 15 PRESIDING JUDGE: Decided to form a recce to do what?

16 MR SESAY:

17 Q. To do what?

18 A. To go and hit Kenema, so we would enter there.

19 Q. What was the purpose of that particular attack on Kenema?

10:30:39 20 A. We went to Kenema itself. Why did we go there?

21 Q. Yes?

22 A. Our people, our -- one of our Kamajor's father was a
23 popular man and he was arrested -- was arrested. Mr BS Massaquoi
24 was arrested and taken to the police and detained.

10:31:21 25 PRESIDING JUDGE: What is the name of the person who was
26 arrested and detained?

27 THE WITNESS: BS Massaquoi.

28 MR SESAY:

29 Q. Mr Witness, can you assist us with the time, please; the

1 time when in fact you made that first attack on Kenema?

2 A. On 8th February.

3 Q. What year?

4 A. '96. 1997, February.

10:32:21 5 Q. You made reference to Mr BS Massaquoi. Who was
6 BS Massaquoi?

7 JUDGE ITOE: Don't we know what he already was or is it a
8 different personality?

9 MR SESAY: No, My Lord, I want him to --

10:32:44 10 JUDGE ITOE: I think we sufficiently know who BS Massaquoi
11 was unless it is another BS Massaquoi.

12 MR SESAY: No, My Lord, his position within the local
13 locality, My Lord.

14 JUDGE ITOE: We know that.

10:32:56 15 MR SESAY: As My Lords please.

16 JUDGE ITOE: Maybe it is not your fault. You joined the
17 boat when it was already sailing.

18 JUDGE THOMPSON: We have evidence of BS Massaquoi from the
19 prosecutorial perspective. Do you recall that; that some
10:33:21 20 prosecution witnesses did give evidence of who BS Massaquoi was?

21 MR SESAY: Yes, My Lord, I --

22 JUDGE THOMPSON: Do you necessarily accept their profile of
23 him or is there something different?

24 MR SESAY: No, My Lord, I --

10:33:37 25 JUDGE THOMPSON: I am not forcing you. I am just asking
26 you whether the prosecutorial profile of him through the evidence
27 coincides with the defence profile.

28 MR SESAY: It suffices, My Lord.

29 JUDGE THOMPSON: That's fine.

1 JUDGE ITOE: Particularly so because it was not
2 contradicted in cross-examination.

3 MR SESAY: It suffices, My Lord.

4 Q. You said you went to --

10:33:59 5 PRESIDING JUDGE: Before you move ahead, this witness has
6 testified that this Mr Massaquoi was a father of one of the
7 Kamajors, one of his fighters. Is that what he testified?

8 MR SESAY: No, My Lord, I cannot recall him --

9 JUDGE ITOE: I think I heard him say so.

10:34:17 10 PRESIDING JUDGE: Maybe you can clarify that. Because I
11 understood his evidence to be one of the reasons why they went
12 there was because the father of one of their Kamajors had been
13 arrested or detained - arrested I think he said - and the father
14 in question would have appeared to be BS Massaquoi.

10:34:36 15 JUDGE THOMPSON: Perhaps I should say that I do not
16 remember that there was any exercise in contradicting. I don't
17 remember the context of the cross-examination of the Defence in
18 respect of the profile of Massaquoi. So I think for me it would
19 be definitely difficult to say that the evidence was contradicted
10:35:00 20 or not. But out of an abundance of caution I shouldn't really
21 subscribe to you not wanting to elicit evidence of who he was and
22 rely on prosecution evidence. That is speaking for myself.

23 MR SESAY: Yes, My Lord, I quite agree on that because I
24 believe the issues which came out in cross-examination was in
10:35:22 25 relation to the incident, the particular incident, not so much in
26 relation to the personality of --

27 JUDGE THOMPSON: That's why -- that is the direction in
28 which I am moving. But I speak for myself.

29 MR SESAY: I appreciate that, My Lord.

1 PRESIDING JUDGE: Go ahead and clarify that situation,
2 provided we don't spend too much time on it.

3 MR SESAY:

4 Q. Now you did say, Mr Witness, that Mr BS Massaquoi was a
10:35:50 5 father of you, the Kamajors. What did you mean --

6 PRESIDING JUDGE: Of one of the Kamajors.

7 MR SESAY:

8 Q. Of one of the Kamajors. Now what did you mean by that?

9 JUDGE ITOE: What did he really say? We want to be sure of
10:36:04 10 what he said. Father or so.

11 MR SESAY:

12 Q. Who was BS Massaquoi to one of the Kamajors?

13 A. BS Massaquoi was not a relation to one of the Kamajors. I
14 said Kenema. The whole of Sierra Leone. He was one of the big
10:36:28 15 men. He even served the government as a resident minister,
16 Kenema.

17 Q. Thank you. You said you went to Kenema to rescue the late
18 BS Massaquoi. Did you succeed?

19 PRESIDING JUDGE: Be careful with your question. You are
10:36:53 20 in examination-in-chief.

21 MR SESAY: I concede, My Lord.

22 Q. Now, did you succeed?

23 A. When we went, the AFRC junta -- we met the AFRC juntas had
24 taken him from the cell and taken him to where we didn't know.
10:37:27 25 They said they had killed him.

26 Q. What happened after that?

27 A. We came again on the 15th. We came and captured Kenema.

28 Q. 15th of what month?

29 A. February. This same February.

1 Q. What happened on --

2 JUDGE ITOE: Mr Sesay, would it be February of what year?

3 MR SESAY: Yes, My Lord.

4 Q. Was it in 1998?

10:38:34 5 PRESIDING JUDGE: Mr Sesay, this is your witness. You have
6 asked the question before and that was not his answer. You asked
7 him when this was taking place and his answer has been '96, then
8 he says no, it was '97. So this is his evidence.

9 MR SESAY: I was of the view that the date is not in
10:38:53 10 dispute.

11 PRESIDING JUDGE: It may not be but this is your witness
12 and it may not be in dispute for the date but there might be some
13 question about credibility and reliability of this witness. This
14 is your witness. I clearly have his answer, when you asked the
10:39:09 15 question when was this taking place, he said it was in February
16 '96, and then he said it was '97.

17 JUDGE THOMPSON: I think it is not safe to begin to assume
18 that this is not in dispute. We have had experience in this
19 Court when we thought certain things were not in dispute and they
10:39:26 20 were in dispute. It would seem to me we should proceed unless
21 the other side concedes.

22 MR SESAY:

23 Q. February 15th of what year?

24 A. '97.

10:40:01 25 Q. What happened on that attack on Kenema?

26 A. We came and captured Kenema on that day, the 15th. We
27 didn't fight at all. The rebels, the juntas, were driven. On
28 that day we didn't fight, we didn't even fire a shot. We just
29 captured the place easily.

1 Q. When you said there was no fighting and you said you
2 captured Kenema, did anything happen after that attack?

3 A. Yes.

4 Q. Go on.

10:40:53 5 A. After we had captured Kenema, we slept there. The
6 following morning the juntas came again and attacked us, on the
7 16th.

8 Q. What happened on that occasion?

9 A. We fought also for some hours and the juntas returned.
10:41:41 10 Hangha Road is where the police barracks is situated. We heard
11 heavy gunshots from that end. We went there and fought and we
12 drove them. Two Kamajors died there.

13 Q. Do you know the names of these two Kamajors who you said
14 died?

10:42:08 15 A. Those two, I don't know their names. The other one died
16 along Commercial Bank was from Joru. He was called Momoh Pujeh.

17 Q. You said you were attacked from the barracks; not so? The
18 police barracks. Where did you proceed from that point?

19 A. Yes.

10:42:56 20 Q. Where did you proceed from that point, from the point where
21 you were attacked from the police barracks?

22 A. When we left the police barracks, we didn't just leave the
23 place. Hangha Road is -- the police barracks is situated on the
24 road. We fought there and we are just moving around the town.

10:43:23 25 We saw the juntas burning houses. Civilians also said those
26 houses where juntas were coming from, where juntas were initially
27 coming from to burn their houses, they were also burning those
28 houses. They'll go and say, "This the house of a junta," so they
29 would also go and burn them. I saw two of the houses.

1 PRESIDING JUDGE: Who?

2 JUDGE ITOE: Who were burnt?

3 PRESIDING JUDGE: Who were burning the houses of the junta?

4 The junta were burning their own houses; is that what you're

10:44:06 5 saying?

6 MR SESAY: No, My Lord. We will go over that again.

7 Q. Mr Witness, I want you to tell what exactly happened when

8 you said you went around the town. What did you see when you

9 went around the town? Can you go over that again?

10:44:22 10 A. When we captured Kenema on the 15th, on the following

11 morning, the 16th, we were attacked, they attacked us, and we

12 drove them. The police barracks, when the rebels had left the

13 town, we heard firing from that end, towards Hangha Road. So we

14 went there and fought and we drove them again. The juntas were

10:45:05 15 in that police barracks, firing.

16 Q. What happened from there? You said you went to town. What

17 did you observe when you went to town, Kenema Town? Can you go

18 over that again?

19 A. When I was passing in the town, we allowed everybody,

10:45:38 20 civilians, so that everybody would go on his or her own business.

21 If you had to go to the market, you would go there. Wherever you

22 were working, whatever thing you used to do, so you should go

23 ahead and do it.

24 PRESIDING JUDGE: I still don't have any answer because I

10:45:52 25 was hoping you would take the witness to it.

26 MR SESAY: I will still go there again.

27 Q. What happened to the houses?

28 A. I'm coming, I'm coming there.

29 Q. The houses which you said you saw on fire.

1 A. I'm coming there.

2 Q. What happened?

3 A. I'm coming there.

4 Q. Yes, come there now.

10:46:09 5 A. I'm coming there. You said I should not hasten up. The
6 civilians were in the town with the juntas. We were at SS Camp.
7 When they knew we were at SS Camp, they would come, the juntas
8 would burn the houses of the civilians when once that person's a
9 relative of a Kamajor. Whenever I would fight they would come
10:46:34 10 and burn the houses.

11 PRESIDING JUDGE: You've been through that.

12 MR SESAY:

13 Q. You said all that. I am asking you about Kenema Town now.

14 A. Yes.

10:46:39 15 Q. The town itself, Kenema Town.

16 PRESIDING JUDGE: After 16th February.

17 THE WITNESS: I'll have to explain that. I'll have to
18 explain that.

19 PRESIDING JUDGE: Mr Witness --

10:46:59 20 THE WITNESS: The civilians --

21 PRESIDING JUDGE: Mr Witness, after you fought at the
22 police station, you pushed away the junta, you testified you saw
23 houses being burnt. That is what we want to hear you about. Who
24 was doing the burning? Where was it?

10:47:22 25 THE WITNESS: Okay, just be patient. I'll explain and
26 you'll understand clearly. When we the Kamajors, we were not in
27 the town. The juntas would go, when they'll go and disturb the
28 Kamajors when we beat them, they'll come back to town and beat
29 the civilians. So the civilians, now in turn, whoever had a

1 junta in his house, the civilians would also burn your own house.

2 MR SESAY:

3 Q. Yes, and what else?

4 JUDGE ITOE: That is the civilians would burn the houses of
10:48:17 5 rebel supporters?

6 MR SESAY: Yes, My Lord. In retaliation.

7 JUDGE ITOE: In retaliation?

8 MR SESAY: Yes, My Lord, that is his testimony.

9 PRESIDING JUDGE: I want that to be clear as well. Do you
10:48:32 10 say, Mr Witness, that they were burning the houses of juntas or
11 junta supporters?

12 THE WITNESS: Yes, I did not say we, the Kamajors. Not the
13 Kamajors. The civilians who had housed juntas, they were also
14 going back to burn the houses of those who hosted juntas.

10:49:11 15 PRESIDING JUDGE: That's fine, thank you.

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

17 Q. Did you observe any other thing whilst you went round
18 Kenema Town itself, apart from what you have just said to the
19 Court?

10:49:27 20 A. Yes. I did not see any Kamajor burn a house, neither did I
21 see a Kamajor looting civilian property. I didn't see any
22 Kamajor killed anybody. After that everybody was happy when we,
23 the Kamajors, had entered Kenema. Everybody was happy. We
24 were -- we men and -- men were dancing.

10:50:26 25 Q. Yes?

26 A. Only we, the Kamajors, captured Kenema on the 15th. 16th,
27 17th and on the 18th ECOMOG entered with the remaining Kamajors
28 that we left together. So they entered.

29 Q. What happened when ECOMOG entered into Kenema?

1 A. Upon their entry, as we were showing them the town, the
2 headquarters was at NIC, upon reaching that, AFRC juntas launched
3 an attack. That was right in the centre of the town.

4 Q. Where was this NIC you referred to?

10:51:50 5 A. NIC situated at the cotton tree. National Insurance
6 Company used to be there. When the war came and they left, so
7 ECOMOG went there and turned the place into their headquarters.

8 Q. When ECOMOG came to Kenema, you said you were at NIC. How
9 were you working with ECOMOG, the Kamajors, in Kenema?

10:52:40 10 A. Before working with them, in fact we were with them. We
11 were for them now. In fact, in that fight, we captured a rebel
12 woman and handed her over to the ECOMOG and ECOMOG was then in
13 control. We were also working together.

14 Q. Apart from the attack you referred to, the attack you said
10:53:34 15 that the juntas attacked when ECOMOG arrived in Kenema, was there
16 any other attack in Kenema by the junta?

17 A. When ECOMOG entered on the 18th, when we captured Kenema,
18 in my time, no, no.

19 Q. For how long did you stay in Kenema?

10:54:04 20 A. After we had fought and ECOMOG came, I spent two weeks
21 there, we're passing together and I returned to my village Joru,
22 Gaura. That was the end of my own fight until the time I --
23 until I disarmed I didn't fight again.

24 Q. You told the Court that you were battalion commander; not
10:54:37 25 so?

26 A. Yes.

27 Q. Who made you battalion commander?

28 A. Eddie Massallay. Where? At Gendema.

29 Q. So he made you battalion commander in Gendema?

1 A. Yes.

2 Q. Who gave the orders as battalion commander?

3 A. Eddie Massallay.

4 Q. You recall you said that the government of President Kabbah
10:55:38 5 was overthrown; not so? You recall you had said that to the
6 Court?

7 A. Yes.

8 Q. The attacks on Kenema, was it after the overthrow of
9 President Kabbah's government?

10:56:15 10 A. Go over that again, I didn't get you clearly.

11 Q. President Kabbah's government was overthrown in 1997; not
12 so? You had said that in this Court?

13 A. Yes.

14 Q. I want you to listen carefully to the question. Now, the
10:56:31 15 attacks, all the attacks on Kenema, was it after the overthrow of
16 President Kabbah's government?

17 A. Yes.

18 Q. Thank you. Now, Mr Witness, since you said in your
19 testimony that you took part -- in fact, that you led the attacks
10:57:16 20 on Kenema, I want you to listen carefully to certain pieces of
21 evidence which has been adduced before this Court. I will ask
22 you questions on those issues.

23 MR SESAY: My Lord, I refer you to the testimony of
24 TF2-154, the testimony of 27th September 2004.

10:57:55 25 PRESIDING JUDGE: Page?

26 MR SESAY: It commences at page 40, 41, 42 and 43.

27 Q. This is what he had to say: "When they left" --

28 PRESIDING JUDGE: Is it important that you read it all?

29 MR SESAY: No, I will refer to just those portions in

1 respect of which I will be asking questions.

2 PRESIDING JUDGE: But we do have some special matter to
3 discuss this morning at 11 o'clock. Maybe the best way is to
4 break now and that will allow you to look at that. How many more
10:58:56 5 witnesses do you have to go through with this witness? Just that
6 one or a few others?

7 MR SESAY: Just few others, My Lord.

8 PRESIDING JUDGE: We will pause for the morning. We will
9 do the morning recess now and take it after that, when we come
10:59:13 10 back.

11 MR SESAY: Grateful, My Lord.

12 PRESIDING JUDGE: Court will recess.

13 [Break taken at 11.00 a.m.]

14 [CDF22MAY06B - SV]

11:35:08 15 [Upon resuming at 11.35 a.m.]

16 PRESIDING JUDGE: Mr Sesay, you were about to put to your
17 witness the evidence of TF2-154.

18 MR SESAY: Yes, Your Honour.

19 PRESIDING JUDGE: So are you ready to proceed ahead with
11:35:44 20 that part of your cross-examination?

21 MR SESAY: Very well, Your Honour.

22 PRESIDING JUDGE: Please do so now.

23 MR SESAY:

24 Q. Now, Mr Witness, I want you to listen carefully to what I
11:35:53 25 am reading to you now and I'll ask you questions on it. It says:

26 "We heard that ECOMOG was coming, ECOMOG was coming and
27 everybody was happy to see ECOMOG because by then we were
28 just by ourselves in the town. Yes, we knew that the
29 Kamajors dressed -- how the Kamajors dressed. They wore

1 these cotton clothes and it had talisman and cowries on
2 them. They had guns and some had sticks and some had
3 cutlasses. Everybody was happy, including myself. I was
4 happy because we said our saviors had come. So we went to
11:37:06 5 welcome them. There were about -- thousands. It was on
6 the Sunday morning. Well, when we went to greet them we
7 are standing by the street side and we were happy and we
8 were jubilating with them and the Kamajors said they did
9 not come for politics. We had palm fronds in our hands and
11:37:46 10 green leaves. We were jubilating and they said we should
11 drop all of those leaves and go back to our houses. Yes, I
12 didn't reach my house. When we were standing somebody came
13 and told me that my father was a junta. They said my
14 father was a junta and that the Kamajor were here to burn
11:38:11 15 our house and kill us, that if I have a way of escaping I
16 should, but I shouldn't go back to the house. I entered in
17 that house that was close to us. When the Kamajors came
18 they went directly to our house. When they came they
19 surrounded the house. We had tenants as well in our house
11:38:49 20 because it was a large house. Our house was surrounded and
21 the Kamajors said we had come for this person who owns this
22 house. We have come for himself and his family. We are
23 going to kill all of them and burn the house. And the
24 Kamajor launched an RPG right in the front of the house.
11:39:18 25 Before he did so, he launched the RPG, two young boys who
26 were tenants to us who had stayed there because their
27 brother had rented the house, they joined us, but they too
28 didn't know that was the plan the people had. They came
29 and joined us. We were in the house together, but because

1 they came -- they had come to their brother, but they did
2 not know what had happened because we too did not know what
3 was going to happen to us. I couldn't go back to my house
4 to go and tell anybody what I have heard. As soon as the
11:40:11 5 Kamajor launched the RPG when they were in the compound,
6 they rushed to go outside. The first one who came out and
7 met the Kamajor, he was shot, and he said this is one of
8 his children. He said he was my father's son because he
9 didn't know that he was a tenant."

11:40:43 10 Now my question to you in relation to this piece of
11 evidence: did any such thing happen, as far as you know?

12 A. Where's that? Where's that?

13 Q. In Kenema?

14 A. I did not see that. I did not see that. That did not
11:41:07 15 happen.

16 PRESIDING JUDGE: You did not see it?

17 THE WITNESS: Yes, I did not see that and it did not even
18 happen.

19 MR SESAY: Now, My Lords, I refer to the testimony of
11:41:36 20 TF2-021. A testimony of 2 November 2004, commencing page 67, 68,
21 69, 70 and 71.

22 Q. Now, I will read again this piece of evidence.

23 "It was not just me, it was all of us who were present. So
24 Kamoh Brima convened a meeting, together with the Kamajors
11:42:38 25 whom he had initiated to get our -- including us who were
26 Kondewa's Kamajors."

27 MR KAMARA: My Lord, I'm sorry to interpose my learned
28 friend. I'm a bit concerned with the evidence that my learned
29 friend is posing to the witness. This was done in closed session

1 and I also believe that the learned Presiding Judge did caution
2 both sides last week about the use of evidence that was adduced
3 in closed session.

4 PRESIDING JUDGE: I didn't. You did that. I just
11:43:17 5 cautioned as to how it was to be used and certainly not used in a
6 way that would allow the identification of a particular witness
7 whose identity is protected. That's basically what I'd said.

8 MR KAMARA: Yes, My Lord. In that case I'll leave it as a
9 caution because evidence that was adduced in closed session being
11:43:38 10 given out in public, if we can put it in the transcript or
11 paraphrase it correctly, I think it's a better approach. But I
12 will take the cue from the Bench and advise that it's a caution
13 in place.

14 MR SESAY: My Lord, I want to assure my learned friend that
11:43:54 15 I am quite aware of the caution and I'll do my utmost best to
16 comply with the order of this Court in relation to that.

17 Q. Mr Witness, I will go over it again.

18 "Kamoh Brima said, 'Well you have gone and seen Kenema
19 yourself; policemen have turned against you.' He said,
11:44:28 20 'Any time you go there, any young man that you catch or
21 they say he's a collaborator, we should capture him. And
22 we do not kill him, we'll be killed by bullet.'"

23 "We have heard Papay Norman say that anybody whose against
24 us, when we capture that person, we should kill him."

11:45:00 25 "After the meeting, they distributed the arms. The arms
26 which we're supposed to take along to Kenema to attack
27 Kenema?"

28 Now what is your reaction to that which I have just read,
29 Mr Witness?

1 A. All these that you've read and I have heard, I did not see
2 that happen. I did not even hear it and nobody even ever told me
3 that that was what happened.

4 Q. I will refer to another piece of evidence and I want your
11:46:01 5 response to that.

6 PRESIDING JUDGE: The same witness?

7 MR SESAY: Yes, My Lord, the same witness.

8 PRESIDING JUDGE: What page?

9 MR SESAY: This is at page 70 and 71, My Lord.

11:46:21 10 Q. "We had another group which was called the Yamorto."

11 "Well, the Yamorto, it was a group that was meant to eat
12 people".

13 "Well, the commander who was leading the group, I was with
14 him."

11:46:44 15 "He was with the Yamorto squad."

16 "When we entered Kenema, when we caught the collaborators,
17 we tie them with an FM and we would ask them -- say, 'You
18 were with the rebels'" --

19 MR KAMARA: My Lord, I'm sorry, I don't believe that is the
11:47:08 20 correct witness he's referring to.

21 PRESIDING JUDGE: You may have the wrong indication because
22 I've been following what counsel is reading and, by the way, it's
23 in open session, not closed session.

24 MR KAMARA: Yes, it's the witness, but that cannot be 21,
11:47:25 25 My Lord.

26 PRESIDING JUDGE: It is 021?

27 MR KAMARA: 022 - 3, I'm suspecting.

28 PRESIDING JUDGE: No, I am reading from the transcript of
29 021.

1 MR KAMARA: I'm sorry, My Lord, I thought it was 201.
2 PRESIDING JUDGE: 021, and counsel is indeed reading from
3 page 70, 71.
4 MR KAMARA: Yes, My Lord. I'm sorry.
11:47:48 5 PRESIDING JUDGE: Carry on, Mr Sesay.
6 MR SESAY:
7 Q. "'You were with the rebels,' and you were doing business
8 with them; and they would deny that, and they would say
9 they were just with them in the town. As time went on,
11:48:07 10 after we had tied them with that FM, as we tie them, we'd
11 tell them to tell us the truth. And they would tell us
12 that they were with the rebels, but they weren't carrying
13 guns. After they told us that, we would take them to the
14 base, which was the Yamorto base."
11:48:29 15 "It was in Kenema, Nyandeyama."
16 "When we took them there, in most cases it was to eat them
17 at the base."
18 "We caught the people to take them to the base -- would all
19 be there to take them to the base."
11:48:52 20 MR SESAY: My Lord, I confine my question to that portion.
21 Q. Now, Mr Witness --
22 JUDGE ITOE: What did you call that base again?
23 MR SESAY: Yamorto, My Lord.
24 PRESIDING JUDGE: The base. Yamorto is a group. The base
11:49:07 25 where they were taken to.
26 MR SESAY: It was Nyandeyama. It was, "Where was the
27 Yamorto base?" The question, My Lord. It says, "It was in
28 Kenema in Nyandeyama."
29 Q. Now, Mr Witness, were you aware of any group in the Kamajor

1 known as the Yamorto squad?

2 A. I didn't see such a group. What do you know? What
3 language is that, Yamorto? I don't know that. And I didn't see
4 a group called so.

11:49:57 5 Q. Was there any place in Kenema called Nyandeyama?

6 A. Yes, there is a Nyandeyama in Kenema. It's not even in the
7 corner, it's one of the sections of Kenema. It's a big place.

8 Q. Was there any group based in Kenema called the Yamorto
9 group -- the Yamorto squad or group based in Nyandeyama?

11:51:09 10 A. I did not hear that name, let alone having a group there in
11 Kenema.

12 MR SESAY: My Lord, that is all for this witness.

13 PRESIDING JUDGE: Thank you. Counsel for the second
14 accused, do you have any cross-examination of this witness?

11:51:47 15 MR PESTMAN: Yes, Your Honour.

16 PRESIDING JUDGE: Are you ready to proceed?

17 MR PESTMAN: Yes, I am.

18 PRESIDING JUDGE: Please do so.

19 CROSS-EXAMINED BY MR PESTMAN:

11:52:00 20 Q. When you were in Gendema who was in command of all
21 Kamajors?

22 A. Mr Eddie Massallay, he was the overall leader. He was
23 co-ordinating between the government and the Kamajors in Gendema.

24 Q. Did you ever see Moinina Fofana at Gendema?

11:52:43 25 A. No.

26 Q. Do you know whether he was actually there during your stay
27 in Gendema?

28 A. I didn't know that.

29 Q. Who were you reporting to when you were in Gendema?

1 A. My commander was Eddie Massallay.

2 Q. Were you reporting to anyone else?

3 A. No.

4 Q. Did that stay -- the situation, did that remain the same
11:53:38 5 during the war after you left Gendema? Did you continue
6 reporting to Eddie Massallay?

7 A. The command that Eddie Massallay gave to us was what I was
8 working with till I came to Kenema, even when I left Kenema. It
9 was the same instruction that I was working with.

11:54:16 10 Q. You had a group of Kamajors under your command. Who
11 assigned them to you?

12 A. The Kamajors with whom I was working, that battalion was
13 organised by Eddie Massallay and he made me the commander. He
14 gave me the Kamajors to be working with them.

11:54:56 15 Q. Earlier this morning you were talking about SS Camp. I'm
16 just curious, do you know why it was called SS Camp?

17 A. I wasn't there when the name was given to that quarters,
18 but what we heard -- what we heard the place being called, the
19 soldiers were there initially and they were calling it SS Camp.

11:55:39 20 I didn't know what the first S was for, what the other S was
21 standing for and what even the C was standing for.

22 Q. Do you know who gave SS Camp its name? Was it the Kamajors
23 or was it some other group or person?

24 A. The soldiers. They were at SS Camp even before we the
11:56:06 25 Kamajors went there.

26 Q. To your knowledge, as far as you know, was Mr Fofana given
27 any official position within the CDF?

28 A. Yes, I used to hear that, that he was national something.
29 They gave him a position but I don't know how to call the name in

1 English. Something like someone who organises something. That
2 is the position.

3 Q. Did he have a title in Mende as well?

4 A. I said yes, someone who would organise or settle disputes.

11:57:19 5 Q. Would you tell us what the word is in Mende?

6 A. If it's a Mende situation, we would call the person a head
7 man, the head of a household.

8 Q. During your period as a CDF commander did you ever see
9 Moinina at work in that particular role of head man?

11:58:12 10 PRESIDING JUDGE: Maybe he doesn't know one by the name of
11 Moinina, so maybe you should ask him if he knows Moinina first.
12 Up to now his evidence is --

13 MR PESTMAN: That's right. You're right, Your Honour.

14 Q. Do you know a person called Moinina Fofana?

11:58:29 15 A. I said yes. I know him.

16 Q. And that's the person you've been talking about all the
17 time? There's no confusion about the person you're talking
18 about.

19 A. What sort of talk?

11:58:49 20 Q. As far as you know there's only one Mr Moinina Fofana
21 within the CDF, of course?

22 A. Yes.

23 Q. So I will go back to my original question.

24 A. Yes, proceed.

11:59:18 25 Q. Did you ever see Mr Moinina Fofana at work as head man
26 within the CDF?

27 A. No. I said that the name you asked me to call, I said in
28 Mende they call him the head man. That was not the job that he
29 was even doing.

1 Q. Do you know Chief Hinga Norman?

2 A. Yes.

3 Q. Did you ever see him at Gendema?

4 A. I did not see him there at all. Except if he went there in
12:00:22 5 my absence, but I didn't see him.

6 Q. When did you first see Mr Moinina Fofana?

7 A. Yes, Mr Moinina Fofana, I used to hear his name. Before I
8 saw him was when we fought all the fight. It was in Kenema that
9 I saw him personally, that I saw his physical self. At the CDF
12:01:08 10 office, the Kamajors who were there, and he was there, and one of
11 my colleague Kamajors pointed at him and said "This is Moinina
12 Fofana they used to talk about." We didn't even speak to each
13 other. So that is the way I knew him. And they passed.

14 Q. And when was that, do you remember?

12:01:34 15 A. It was in '97 after we had captured Kenema and we were
16 resting and we were in our various offices.

17 Q. Was that before or after the restoration of the government?

18 A. Yes, the government had come back, we had fought. It was
19 after the restoration of the government when the elders had come
12:02:07 20 out. It was then that I saw him.

21 Q. Did you ever receive orders from Mr Fofana?

22 A. No. We didn't meet anywhere where he gave me orders. That
23 is the only time I saw him that I have explained here. That one
24 time.

12:02:43 25 Q. Not even indirectly through other people?

26 A. No, that did not happen.

27 Q. Did you ever report to Mr Fofana, directly or indirectly
28 through other people?

29 A. No, I did not do that. I did not even talk to Mr Moinina

1 Fofana or even wrote a letter to him through some other person
2 even. Not to talk about talking to him directly.

3 MR PESTMAN: Your Honours, I would like to show this
4 witness the infamous calendar.

12:03:49 5 JUDGE ITOE: It's not infamous, please. Would you mind
6 that adjective, Mr Pestman.

7 MR PESTMAN: Exhibit 112.

8 JUDGE ITOE: There is no exhibit, either tendered by the
9 Defence or the Prosecution, which should be given an adjective
12:04:09 10 that has not been given to it by the Court.

11 MR PESTMAN: The well-known Exhibit 112.

12 Q. Mr Witness, I would like you to go to what I think is
13 page 3 of the calendar, where there is a photo of Mr Moinina
14 Fofana at the top of that page. Have you ever seen this calendar
12:05:23 15 before?

16 A. Never. Never have I seen this thing in the rest of Sierra
17 Leone except today that I'm seeing it on this table.

18 Q. I would like to read out part of the text under the photo
19 of Mr Moinina Fofana and would like you to know what your

12:05:54 20 reaction --

21 A. It's up to you. Read it.

22 Q. Okay, thank you. Part of the text says the following -- I
23 would like to quote and then I would like to know what you think
24 about that quote. It's all about Mr Moinina Fofana. "As far as
12:06:16 25 the Sierra Leone Civil Defence Forces are concerned, they don't
26 say war unless he" - Moinina Fofana - "says they say war." To
27 your knowledge, as a CDF commander, is that statement correct?

28 A. You said what? What did they write? Go over that again.

29 Q. It says: "As far as the Sierra Leone Civil Defence Forces

1 are concerned, they don't say war unless he" - and that's Moinina
2 Fofana - "says they say war."

3 A. There's no truth in that. Mr Moinina Fofana never was
4 involved in the war.

12:07:18 5 Q. Okay. There's another quote I would like to read out. The
6 calendar says that Mr Fofana was, "The man who oversees the
7 mobilisation and deployment of the volunteer fighters of the
8 CDF." Is that statement correct?

9 A. There's no truth in that. I have said Mr Moinina Fofana
12:08:07 10 had no business with the war. I didn't see him there. And he
11 even tell me anything, whether instructed me to do something and
12 I said no, he didn't do that.

13 MR PESTMAN: Your Honours, I would like to refer again to
14 witness TF2-008. I've mentioned him before, last week. His
12:08:41 15 statement given on 16 November 2004 at page 47.

16 Q. Mr Koroma, there is a witness who gave a statement in this
17 Court some time ago and he said that Mr Fofana was in charge of
18 all CDF fighting forces. In your experience as a CDF commander
19 is that statement correct?

12:09:36 20 A. I don't know about that. There's no truth in that. If
21 anybody said that he would be telling a lie. Mr Moinina Fofana
22 never commanded the CDF. Never did he give any command to the
23 CDF.

24 MR PESTMAN: Your Honours, I would like to go to another
12:10:06 25 witness, TF2-005, who testified on 15th February 2005 at page 94.

26 Q. Mr Koroma, there's another witness who testified here in
27 Court who said that Mr Fofana was one of those people responsible
28 for deciding and planning how the war was to be fought. What is
29 your own experience as a CDF commander?

1 A. I didn't see that. What did this witness say, that
2 Mr Fofana and whom were doing the organisation? Because I did
3 not see that and it did not even happen.

4 Q. Let me ask you a concrete question. How did you decide and
12:11:27 5 plan how the war was to be fought?

6 A. We did the planning amongst ourselves, the commanders.
7 Moinina Fofana was not a commander. We, the commanders, were
8 doing the planning as to how to fight the war.

9 MR PESTMAN: Your Honours, those are my questions.

12:12:05 10 PRESIDING JUDGE: Thank you. Mr Court Officer, can you get
11 your exhibit back. Mr Margai, do you have any questions in
12 cross-examination?

13 MR MARGAI: Yes, My Lord, just a few.

14 PRESIDING JUDGE: Very well. You may proceed.

12:12:23 15 CROSS-EXAMINED BY MR MARGAI:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon, grandfather.

18 Q. Now the coup which removed President Kabbah from power was
19 in May 1997; is that correct?

12:12:54 20 A. I did not -- I did not look at a calendar, I don't know.
21 But his overthrow is correct.

22 Q. Now, you've told the Chamber that the Kamajors took over
23 Kenema in February of 1997, you said.

24 A. Yes, yes.

12:13:40 25 Q. Did this takeover of Kenema by the Kamajors occur long
26 after President Kabbah's overthrow?

27 A. After the overthrow, we went into the bush. All of us were
28 in the bush when we, the Kamajors, captured Kenema, we fought
29 against the juntas.

1 Q. Now what I want to know is did the taking over of Kenema by
2 the Kamajors occur the year after the overthrow of President
3 Kabbah?

4 A. I did not get that clearly. Go over that again.

12:15:03 5 Q. Do you know the year when President Kabbah returned to
6 Sierra Leone from Guinea?

7 A. No, I did not write the date.

8 Q. Not the date, the year.

9 A. I don't know. I don't even know the year.

12:15:31 10 Q. Okay. Now what I want to know is after the overthrow of
11 President Kabbah by the junta, the AFRC, was it that same year
12 that the Kamajors took over Kenema or was it the year after?

13 A. No, it was after one year. It was not in that year.

14 Q. Thank you very much. Now, who initiated you into the
12:16:25 15 Kamajor society?

16 A. Kamoh Brima Bangura.

17 Q. During the time when you were initiated into the Kamajor
18 society, did you fight outside of Kenema District?

19 A. Yes.

12:17:17 20 Q. Where did you fight outside of Kenema District?

21 A. Even that Gendema where we were came into fire, Jimmi.

22 That is not Kenema District, it is Pujehun District.

23 Q. Thank you. Now do I take it that apart from Kenema
24 District the only other district in which you fought was Pujehun
12:17:58 25 District?

26 A. Yes.

27 Q. Thank you. Now in these two districts, Pujehun and Kenema
28 where you fought, did initiators take part in fighting?

29 A. No.

1 Q. In these two districts, Pujehun and Kenema where you
2 fought, did initiators take part in the planning of the war?

3 A. No.

4 Q. Thank you very much.

12:19:07 5 A. I did not see that. It did not happen.

6 MR MARGAI: Thank you very much. That will be all for the
7 witness.

8 PRESIDING JUDGE: Thank you, Mr Margai. Mr Prosecutor, any
9 cross-examination of this witness?

12:19:30 10 MR BANGURA: Yes, Your Honour.

11 CROSS-EXAMINED BY MR BANGURA:

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon.

14 Q. Mr Witness, you have testified to this Court that you were
12:19:50 15 a battalion commander; correct?

16 A. Yes.

17 Q. You say you were appointed by Eddie Massallay; is that
18 correct?

19 A. Yes.

12:20:14 20 Q. Mr Witness, in Kenema where you fought, there were also
21 other battalion commanders; is that not so?

22 A. When we captured Kenema, all of the commanders, we were
23 there. But in Kenema, I captured there.

24 Q. There were other battalion commanders there. That is the
12:20:48 25 question, Mr Witness; is that correct?

26 A. Previously even before I captured the place, no.

27 PRESIDING JUDGE: Ask him the question again, I guess.

28 MR BANGURA:

29 Q. Let me put it in another way, Mr Witness. Apart from

1 yourself, who was a battalion commander operating within Kenema
2 District, there were also other battalion commanders operating
3 within that district; is that correct?

4 A. Yes.

12:21:36 5 Q. Mr Witness, could you name any one of those commanders?

6 A. One of the battalion commanders that I know, we used to
7 call him base battalion commander. He was called Mohamed Swaray.
8 He was based in Kenema.

9 Q. Let me help you, Mr Witness. Did you have a battalion
12:22:18 10 commander called Bockarie Lansana within Kenema District?

11 A. Yes.

12 Q. Did you also have a battalion commander called Bockarie
13 Fatoma within that district?

14 A. Yes.

12:22:43 15 Q. Did you have another one called Bockarie Lansana?

16 PRESIDING JUDGE: You just asked that question.

17 MR BANGURA: Bockarie Lansana, I'm sorry.

18 Q. Mr Witness, these other commanders that I've mentioned, do
19 you know who appointed them as battalion commanders?

12:23:17 20 A. No.

21 Q. Would you agree with me that they were not appointed by
22 Eddie Massallay as battalion commanders?

23 A. I didn't know. We used to call them battalion commander,
24 but I wasn't there when they gave them their appointment.

12:23:48 25 Q. Mr Witness, were you the only battalion commander appointed
26 by Eddie Massallay?

27 A. Yes.

28 Q. Are you suggesting that Mr Eddie Massallay's powers of
29 appointment were only limited, because you were the only one that

1 he appointed?

2 A. I know about mine. Where I met him, Gendema, was where he
3 gave me the appointment, when he appointed me battalion
4 commander. That is what I know. I wasn't there when he

12:24:44 5 appointed any other person --

6 Q. And you do not know --

7 A. -- as battalion commander.

8 Q. You do not know that he appointed any other person as
9 battalion commander?

12:25:00 10 A. Yes, I don't know. Even if it happened, I wasn't there.

11 Q. In fact, Mr Witness, I'm suggesting to you that Mr Eddie
12 Massallay did not appoint any other person, assuming he appointed
13 you -- he did not appoint any other person as a battalion
14 commander?

12:25:35 15 A. That's what I've said. I said I know about mine. I did
16 not see him appoint any other person.

17 JUDGE ITOE: That is what the witness has said.

18 MR BANGURA: Thank you.

19 Q. Mr Witness, when you were at Gendema, did you use to have
12:25:57 20 visitors at Gendema who came to visit you there?

21 A. Like what sort of visitors?

22 Q. Like big men who were in government. Did they come to
23 visit Gendema to see how the Kamajors were doing?

24 A. That overthrown government of Tejan Kabbah's?

12:26:34 25 Q. Yes, Mr Witness.

26 A. The big men?

27 Q. Did you have anybody from the --

28 A. I did not see any big man from that government ranging from
29 minister -- no, no, I didn't see anyone. Even the President

1 Kabbah, I didn't see him there.

2 Q. Did you know of any other big man or senior person, not
3 necessarily in government, who came to visit you while you were
4 at Gendema?

12:27:16 5 A. I said I didn't see such a person. The only senior person
6 we had at Gendema was Eddie Massallay. He was our boss working
7 with us.

8 Q. Mr Witness, how long did you say you stayed at Gendema?

9 A. Gendema, I spent up to two weeks there. Then I was in my
12:27:44 10 own station. He transferred me to Fairo. I was there.

11 Q. How far was Fairo from Gendema?

12 A. Seven miles.

13 Q. After two weeks in Gendema you went to Fairo. How long
14 were you in Fairo?

12:28:14 15 A. I was in Fairo for over three months. We were there, the
16 Kamajors.

17 Q. During that period you were at Fairo you would come to
18 Gendema occasionally; is that correct? Once in a while?

19 A. Yes.

12:28:33 20 Q. When you came to Gendema, you would learn about what was
21 happening, what was going on. You would be informed about what
22 was going on; is that correct?

23 A. Who are you talking about giving us information?

24 Q. Okay, let us put it this way: when you came to Gendema
12:29:04 25 from Fairo, what would be the reason for you coming? What were
26 the reasons for you coming to Gendema? I've suggested to you
27 that you would come occasionally and you have agreed. For what
28 purposes would you come to Gendema?

29 A. That's fine. Firstly, I wouldn't just be sitting at Fairo

1 and come to Gendema. Eddie Massallay would have to order me,
2 call me, to Gendema before I went there.

3 Q. When you came to Gendema, what would be the purpose? What
4 would Eddie Massallay call you for?

12:29:56 5 A. At times, if the ration was finished I would come for some
6 more and take it back.

7 Q. So you would as well get news from Eddie Massallay when you
8 came to Gendema about what was happening; is that correct?

9 A. When I went, he would call me. He would explain first to
12:30:28 10 me. I'd be at the front and he'll say, "Come for ammunitions."
11 When I went he would only give me the ammunitions. I would not
12 be going there for any other thing, asking for other things.

13 Q. Mr Witness, as a senior commander at that time, you were
14 informed about progress that was being made in the fighting by
12:30:55 15 Eddie Massallay. I'm suggesting that to you.

16 A. He was not actually explaining it. There was one --

17 THE INTERPRETER: Your Honours, may -- okay. Your Honours,
18 may the witness go over what he has just said?

19 PRESIDING JUDGE: Mr Witness, can you repeat your answer,
12:31:35 20 please, again.

21 MR BANGURA:

22 Q. Mr Witness, you've just said that he was not telling you
23 but you were going to say somebody else was telling you. Can you
24 repeat that answer, please?

12:31:51 25 A. I did not say an extra person. I said no other person
26 would invite me besides Eddie Massallay. He would call me. When
27 I would go to the war front, if my ration was finished, I would
28 go back, and when I go to him, he would give me my ration.

29 Q. Mr Witness, did you not mention a name Mohamed? I did not

1 get the rest of the name. Did you not mention a name, somebody
2 who was telling you something - just before now, just before your
3 last answer?

4 A. No, no, I never mentioned a Mohamed.

12:32:40 5 MR BANGURA: Your Honours, I stand corrected on this but
6 may I respectfully ask to have the records indicate what was --

7 PRESIDING JUDGE: It will not be done in five seconds, so
8 if that is important, you may have to get back to it after the
9 break.

12:33:01 10 MR BANGURA: Thank you.

11 Q. Mr Witness, I suggest to you that in fact every time you
12 came to Gendema from Fairo you were informed about what was
13 happening?

14 A. Regarding what?

12:33:29 15 Q. Regarding, for example, persons who came to visit Gendema?

16 A. Did anyone explain this to you that such a thing happened?

17 Q. Mr Witness, please answer the question. You're here to
18 answer questions.

19 A. But you asked me and I told you that no senior person met
12:33:53 20 me at Gendema. No government official visited me at Gendema, nor
21 was it even explained to me that such a person visited here.

22 Q. Mr Witness, were you at Gendema when Hinga Norman visited
23 on one occasion?

24 A. I wasn't there.

12:34:16 25 Q. Were you told that Hinga Norman visited Gendema on one
26 occasion?

27 A. I did not hear that from anyone. They did not tell me
28 that. Even if he went there, I was not told.

29 Q. Mr Witness, at the time that you were at Gendema did you

1 know Hinga Norman at all? Had you known him by that time?

2 A. I knew Hinga Norman even before I went to Gendema.

3 Q. And when you were at Gendema did you hear anything about
4 Hinga Norman?

12:35:16 5 A. I did not hear anything about Hinga Norman the time that I
6 was there. But I knew him before I went to Gendema.

7 Q. What did you know him as before you went to Gendema?

8 A. Don't double the questions. I told you I knew him before
9 going to Gendema. I did not say they said it before. I said I

12:35:58 10 knew him before going to Gendema.

11 Q. I have not doubled the question, Mr Witness. The question
12 I asked you after that was what did you know him as before you
13 went to Gendema?

14 A. Hinga Norman was in the government. He was the deputy
12:36:22 15 defence minister. That was how I knew him. I knew him to be in
16 that position.

17 Q. Did you also know him then as the national co-ordinator of
18 the CDF?

19 A. Yes. He was liaising between the government and us, the
12:36:59 20 Kamajors. That was his position.

21 Q. And it did not surprise you that the whole period you were
22 at Gendema you did not hear about Hinga Norman, nor did you see
23 him? Did that not surprise you?

24 A. Yes, I did not see him. I was not there when he went
12:37:31 25 there. I was not there even when he sent a message to me. Say,
26 for example, Hinga Norman said you should do this; no, that did
27 not happen to me.

28 Q. Mr Witness, you have said that at Gendema you were shown
29 some supplies - ammunition, food - by Eddie Massallay; is that

1 correct?

2 A. That was what I said.

3 Q. You did not know where these materials came from?

4 A. I know. Eddie Massallay told us how he got them. He
12:38:22 5 explained it to me.

6 Q. Of course you were not there when he got them?

7 A. He got them before he called me to hand them over to me.

8 Q. Mr Witness, in answer to a question by counsel for the
9 second accused, you said that you know Moinina Fofana. You were
12:38:55 10 not so clear about the position which he held. I am putting it
11 to you that Mr Moinina Fofana was the director of war of the CDF,
12 the Kamajor CDF. I'm putting that to you. Do you agree?

13 A. That name, yes, he had it.

14 Q. So that's the name you were trying to tell the Court; is
12:39:32 15 that it?

16 A. They used to call him so.

17 Q. Mr Witness, you have said that you attacked SS Camp some
18 time before you actually attacked Kenema; is that correct?

19 A. Yes. I rested there before I even went to attack Kenema,
12:40:15 20 SS Camp.

21 Q. You say that the instructions, the orders you had to attack
22 SS Camp and even Kenema came from Eddie Massallay; is that
23 correct?

24 A. Yes. The order he gave to me at the Waterside was the same
12:40:48 25 order he used until I captured Kenema, Eddie Massallay's order.

26 Q. Did you know that, in fact, there were other battalion
27 commanders who were operating under instructions from -- let me
28 rephrase it. Do you know whether other battalion commanders were
29 getting instructions from anybody else other than

1 Eddie Massallay.

2 A. What battalion commanders?

3 Q. Was your battalion the only battalion that attacked and
4 took SS Camp?

12:41:46 5 A. Yes.

6 Q. But it was not your battalion the only one that took
7 Kenema?

8 A. My battalion entered Kenema. We were the first people to
9 enter Kenema. I captured Kenema.

12:42:08 10 Q. Other battalions came to Kenema after you; is that correct?

11 A. After the capture of Kenema when we were based there, our
12 colleague fighters were coming. Whether they were battalion now,
13 but Kamajors, they all came.

14 Q. And these commanders who came with their battalions did not
12:42:37 15 take instructions from Eddie Massallay like you did. They took
16 instructions from some other person. I'm suggesting that to you.

17 A. I was commanding them. If a fighter captures a ground and
18 a colleague fighter comes, whosoever comes, you would have to
19 command, you would have to say do this or do that. I was

12:43:11 20 commanding them. All of the Kamajors when we captured Kenema,
21 they were under my command.

22 Q. So you had overall command for the Kamajors in Kenema; is
23 that what you're saying?

24 A. Yes.

12:43:26 25 JUDGE ITOE: Not only for the Kamajors but also for the
26 commanders you are alleging.

27 MR BANGURA: Thank you, Your Honour.

28 JUDGE ITOE: Is that right? Am I interpreting the witness
29 properly?

1 THE WITNESS: Which commanders?

2 MR BANGURA:

3 Q. Mr Witness, you have said that you were the first commander
4 who entered Kenema but you would also direct -- I'm just
12:43:58 5 paraphrasing what you say. You would also direct what the other
6 commanders should do when they came and met you there. Is that
7 what you're --

8 MR BOCKARIE: Your Honour, he didn't say the other
9 commanders. He said colleague Kamajors.

12:44:13 10 MR BANGURA: Thank you.

11 Q. Mr Witness, could you just tell me what was your position
12 when you took Kenema in terms of command?

13 A. That same position, battalion commander, that I came with
14 from Bo Waterside was the same position I came with to Kenema.

12:44:40 15 Q. And was your control limited to just members of your
16 battalion?

17 A. The Kamajors, yes.

18 Q. So that control did not extend over other battalion
19 commanders?

12:45:06 20 A. I did not say other battalion commanders. I said my
21 Kamajors and my battalion, I used to control them.

22 Q. Thank you. Mr Witness, you have said that SS Camp was in
23 the hands of the junta forces before you attacked and took it
24 over; is that correct?

12:45:38 25 A. Yes, after some very long time they were there, yes.

26 Q. You will agree with me that, in fact, in the history of the
27 war SS Camp has been in the hands of various factions before even
28 the Kamajors came and attacked it?

29 A. Yes. Initially the government soldiers themselves in

1 Sierra Leone, just when the rebels came into this country, they
2 went there and captured the SS Camp. Before they went there they
3 prepared Waterworks, going to Kenema. When the soldiers entered
4 there, they gave that name to SS Camp. They were there.

12:46:35 5 Q. Thank you, Mr Witness. Mr Witness, you will agree with me
6 that each time -- I'm not talking about the Kamajors here, but
7 each of these factions used SS Camp as a base where they would
8 execute prisoners, captured prisoners?

9 A. Which groups?

12:47:22 10 Q. The soldiers.

11 A. The soldiers. The soldiers in their groups, I can't say
12 anything about that because I wasn't there. The juntas in their
13 times, I was not there with them. The Kamajors, when we
14 dislodged the juntas from the SS Camp, it was then that I settled
12:47:44 15 there. If you ask me anything about that within that area about
16 Kamajors I will explain to you very well, honestly.

17 Q. The SS Camp was very important in the war; is that correct?
18 It was very important, it had a very --

19 A. Yes, for the whole of Sierra Leone. The SS Camp is located
12:48:09 20 by the Moa River. Gofor is on the other side and SS Camp is on
21 this other side. So that bridge -- whichever fighter would get
22 that bridge would go to Liberia, go to Kailahun. You would have
23 been settled.

24 Q. From which direction did you attack the SS Camp? Was it
12:48:29 25 from the Kenema end or from the other end across the bridge?

26 A. We came from the Jimmi end, Gendema.

27 Q. From across the bridge; is that correct?

28 A. Yes.

29 Q. Mr Witness, when you captured the SS Camp did you find --

1 apart from the ammunition and the food stuff which you say you
2 found there, did you find anybody there? Did you meet anybody
3 there who was not a soldier?

4 A. We did not meet anyone there. We did not meet anyone
12:49:30 5 there.

6 Q. Mr Witness, before you attacked Kenema you stayed at the SS
7 Camp for -- how long was it? After you captured it you stayed
8 there and then you came on to attack Kenema; is that correct?

9 A. When I captured SS Camp I was there for eight days. When
12:50:02 10 you spend the whole of the day and you sleep there till the next
11 morning, that's one day. I was there for eight days.

12 Q. During that period what was going on at the SS Camp?

13 A. We were there, when the juntas were in Kenema they used to
14 come and attack us. We would fight and they would return. But
12:50:31 15 they didn't dislodge us. Because they also wanted SS Camp as we
16 did. They wouldn't dislodge us and they'd returned.

17 Q. Mr Witness, after you moved from SS Camp, you took Kenema,
18 did you come back to SS Camp? After you had moved from SS Camp,
19 you went to take Kenema, did you come back to SS Camp, did you
12:51:03 20 come to the base there?

21 A. Yes, after we had captured Kenema and ECOMOG had come,
22 ECOMOG/Kamajors were based at SS Camp working, because it's a
23 crossing point going to Liberia, is where SS Camp is located.
24 ECOMOG/Kamajor returned there and based at SS Camp. I was not
12:51:32 25 there again.

26 Q. ECOMOG did not come and be based at SS Camp immediately
27 after it was taken. It was mainly the Kamajors who had control
28 of it for some time; is that correct?

29 A. Yes, I said we were there for eight days.

1 Q. Do you know who was the commander at the SS Camp?

2 A. Yes.

3 Q. What's his name?

4 A. Mohamed Bhonie Koroma. This one testifying here now.

12:52:22 5 Q. But, Mr Witness, you have said that you did not stay at the
6 SS Camp for very long, so who became the commander after you?

7 A. That was what I explained. We had captured SS Camp, the
8 Kamajors were based there, and we went and captured Kenema.

9 ECOMOG was behind us coming, we were coming. They were at
12:52:52 10 Gegbema [phon]. We came and captured Kenema.

11 Q. Mr Witness, I simply just want you to tell me who became
12 commander after you at the SS Camp?

13 A. I said ECOMOG/Kamajor were based there. We based them
14 there after I left there.

12:53:20 15 Q. Who was the Kamajor commander there?

16 A. After I had left there, Kamajor/ECOMOG were working there.
17 I didn't know the commander then who was there. But Kamajor and
18 ECOMOG was there working. They were at the river.

19 Q. Do you know one Steve Biko? Steve Biko, it's an alias,
12:53:57 20 that's a commander.

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

22 Q. Mr Witness, before you even attacked SS Camp it had some
23 reputation; are you aware?

24 A. Say it clearly so I would answer you.

12:54:34 25 Q. SS Camp had a reputation as a place where captured enemies
26 were executed. You knew about that - is that not so? - even
27 before you attacked Kenema? I'm not saying when you attacked
28 Kenema -- SS Camp. Even before your attack you heard, or you
29 knew that SS Camp was a place known -- reputed widely to be a

1 point where captured prisoners were executed?

2 A. I don't know that. That didn't happen there.

3 Q. I am not saying that you did it. I am suggesting at this
4 point, Mr Witness, that that was a name for which SS Camp was

12:55:33 5 known. Did you know about that? The soldiers were there before
6 you, the rebels were there before you. Did you know in fact that
7 soldiers were executing enemies there, captured enemies?

8 A. If anybody told you that he would be telling a lie. SS
9 Camp was not a place for cannibalism. That was not the place for

12:56:14 10 that, no. No soldier did that there besides Kamajors even. No
11 soldier did that.

12 Q. Mr Witness, I'm not asking about cannibalism here. We'll
13 get to cannibalism, okay. Let us talk about --

14 A. That did not happen.

12:56:31 15 PRESIDING JUDGE: Well, maybe try to change your word
16 because maybe "execution" has been communicated as being
17 "cannibalism." I don't know.

18 MR BANGURA: I will try to rephrase it.

19 PRESIDING JUDGE: I say this based on the answer we just
12:56:44 20 got. So there might be a misunderstanding or misinterpretation
21 of something.

22 THE INTERPRETER: Your Honours, it was communicated as
23 "execution," as "killings".

24 JUDGE THOMPSON: I take it the point of the question was
12:56:58 25 really putting it to the witness that this was a place with a bad
26 reputation, not a good one.

27 MR BANGURA: Exactly, Your Honour.

28 JUDGE THOMPSON: And of course when you went further to be
29 so specific, then he more or less tried to be reactive here. Try

1 again.

2 MR BANGURA:

3 Q. Mr Witness, apart from being renown for a place where they
4 executed captured prisoners, it was also known to be a place
12:57:33 5 where the enemies were kept under arrest. Whoever had control of
6 SS Camp would keep their enemies under arrest there?

7 MR JABBI: My Lords, I mean, the question is quite knotted
8 and maybe it can be broken up and we will be able to go forward.

9 JUDGE THOMPSON: Perhaps really we should begin in a kind
12:58:00 10 of step by step way that it was a bad place, then fill in the
11 details as you go along. Probably that will elicit -- as I say,
12 it might. Otherwise, if you have an answer that's convoluted and
13 doesn't come out factually, then the Tribunal is not assisted in
14 terms of how it evaluates a convoluted answer. But I know what
12:58:29 15 you are trying to elicit and we can trust your creativity as
16 Prosecution.

17 MR BANGURA: Thank you, Your Honour. I will try to
18 simplify as much as I can.

19 Q. Mr Witness, the soldiers kept prisoners at SS Camp, as far
12:58:52 20 as you know; is that correct?

21 A. I can't explain that to you, the soldiers were doing that.
22 I was not with the soldiers at the SS Camp. I did not see that.

23 Q. And you did not hear that the rebels did that either?

24 A. No. In fact, rebels were not at the same place. I did not
12:59:27 25 see that.

26 PRESIDING JUDGE: The junta, the junta. Did you hear about
27 the junta doing this?

28 THE WITNESS: That they did what?

29 MR BANGURA:

1 Q. That they kept prisoners at SS Camp?

2 A. No, I did not hear that.

3 MR BANGURA: Thank you, Mr Witness. Your Honours, I'm
4 about getting into a new episode. I realise that we're just
13:00:02 5 close to --

6 PRESIDING JUDGE: So you're not finished with your
7 cross-examination?

8 MR BANGURA: I'm not. Certainly not.

9 PRESIDING JUDGE: Very well. The Court will adjourn to 3
13:00:11 10 o'clock this afternoon. Not 2.30, 3 o'clock. Court is
11 adjourned.

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

13 [CDF22MAYC - CR]

14 [Upon resuming at 3.36 p.m.]

15:36:49 15 PRESIDING JUDGE: Yes, Mr Pestman.

16 MR PESTMAN: Good afternoon, Your Honours. I just want to
17 mention I have a note from the doctor at the detention centre.
18 Mr Fofana has raised blood pressure and is unable to come to
19 Court this afternoon.

15:37:03 20 PRESIDING JUDGE: For the time being it is only for this
21 afternoon?

22 MR PESTMAN: I don't know. He is unable to attend the
23 afternoon session.

24 PRESIDING JUDGE: We thank you very much. We take note of
15:37:12 25 that and we appreciate being informed. Thank you.

26 JUDGE ITOE: Mr Kondewa will represent all of them.

27 PRESIDING JUDGE: We are back to the completion, hopefully,
28 of the cross-examination by the Prosecution of this witness.
29 That is where we were when we adjourned, for longer than we

1 expected, but we are back at it. Please proceed, Mr Bangura.

2 MR BANGURA:

3 Q. Mr Witness, just so we have it on the record, SS Camp,
4 apart from whatever reputation it had, what was the purpose or
15:38:17 5 what use was it put into when you were there?

6 A. SS Camp, it was not for us. We met it there, and we
7 settled there.

8 THE INTERPRETER: Your Honours, can the witness please take
9 it again.

15:39:08 10 PRESIDING JUDGE: Mr Witness, can you just repeat your
11 answer slowly, please. You said that the SS Camp was not for you
12 and you settled there. What did you say after that, please?

13 THE WITNESS: Ask your question again.

14 MR BANGURA:

15:39:38 15 Q. The question, Mr Witness, is what purpose or what use did
16 you make of SS Camp while you were there?

17 A. Those are the two things I have not understood. What we
18 were doing with it, what we were doing there. I have not
19 understood that.

15:40:20 20 PRESIDING JUDGE: You took SS Camp from the junta. Did
21 you?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: So what did you do with SS Camp once you
24 took control of it?

15:40:38 25 THE WITNESS: We were based there.

26 MR BANGURA:

27 Q. While you were based there, what activities did you engage
28 in there?

29 A. What we were doing there, we were settled there, looking

1 after the place so that our enemies would not dislodge us. So
2 they would come and attack us and we would attack them, so we
3 used it as a base.

4 Q. Mr Witness, you are familiar with the facility at SS Camp;
15:41:18 5 is that not so?

6 A. All of what?

7 Q. You know SS Camp very well?

8 A. Yes.

9 Q. This was a former water treatment plant; is that correct?

15:41:49 10 A. Yes.

11 Q. At the time you took SS Camp, it was no longer used for
12 that purpose; is that correct?

13 A. No, they had stopped doing that work, the waterworks. They
14 were not doing it there. But the buildings are still there.

15:42:17 15 Q. So there were empty reservoirs within the facility; is that
16 correct?

17 A. No, there is no tanker there.

18 Q. I am talking about the part of the plant which used to hold
19 water. It no longer held water; is that correct?

15:42:51 20 A. Water was not where? I have not understood that properly.
21 This is the question you are asking. Ask your question clearly.

22 JUDGE THOMPSON: Why not put your own theory of the alleged
23 utilisation of that particular facility at the time they were
24 there. Do you have your theory on that?

15:43:22 25 MR BANGURA: Certainly, Your Honour.

26 JUDGE THOMPSON: Why not put that to him, otherwise it
27 seems we will go on and on and on ad infinitum.

28 MR BANGURA: I will put that to him, but there are certain
29 basic facts which I --

1 JUDGE THOMPSON: All right, I will restrain myself.

2 MR BANGURA:

3 Q. Mr Witness, apart from the parts of the plant which held
4 water, there were also areas where you had deep pits in that
15:43:59 5 facility?

6 A. I did not see deep pits there.

7 Q. Mr Witness, is there an office block within the facility?

8 A. Those buildings which they had built, they are still there.
9 They are still there.

10 Q. At the back of the facility is there a tree?

11 A. That's the Mende country. There are so many trees there.

12 Q. I am talking about within the plant facility.

13 A. There is no machine at SS Camp. Those houses which they
14 had built there are still there.

15 Q. Mr Witness, I put it to you that when you held SS Camp, you
16 used the facility to detain civilians whom you call
17 collaborators, and you tortured them there.

18 A. We didn't do that. That did not happen there.

19 Q. You carried out executions at SS Camp of civilians whom you
15:46:06 20 allege to be collaborators of the junta.

21 A. We did not do that. No Kamajor did that for me to see. I
22 did not see it happen, we did not do it, and it did not even
23 happen there.

24 Q. Mr Witness, I asked you earlier about a person called Steve
15:46:36 25 Biko. Do you know the name -- are you familiar with the name
26 Murrie Vangahun?

27 PRESIDING JUDGE: What's the name again?

28 MR BANGURA: Vangahun, V-A-N-G-A-H-U-N.

29 THE WITNESS: I do not know that person.

1 MR BANGURA:

2 Q. I suggest it is the same person as Steve Biko, whom I asked
3 you earlier about.

4 A. At first today, I do not know him and I do not know that
15:47:24 5 Steve Biko person.

6 Q. I suggest to you, Mr Witness, that Murrie Vangahun, who was
7 also called Steve Biko, was a commander at the SS Camp.

8 A. Among the soldiers or among --

9 Q. I am talking about the Kamajors.

15:47:48 10 A. When?

11 Q. After you -- after the Kamajors had taken SS Camp, just
12 after you had taken SS Camp.

13 A. We did not have that kind of commander there.

14 Q. Mr Witness, you kept records of events that took place at
15:48:22 15 SS Camp; is that not so?

16 A. No, I did not write anything down there. It was only in my
17 brain what I saw.

18 Q. I am not talking about yourself personally, but the CDF
19 kept records of events that took place that were occurring at SS
15:48:46 20 Camp when it was under your control.

21 A. I do not know that. I did not see that.

22 Q. Mr Witness, you have testified to this Court that you
23 attacked Kenema on 15th February; is that correct?

24 A. Yes.

15:49:23 25 Q. This was on a Sunday; is that correct?

26 A. Yes.

27 Q. Indeed, there was no fighting between yourselves and the
28 junta forces on that day?

29 A. Not at all.

1 Q. Mr Witness, you have also testified that there were people
2 in Kenema -- civilians in Kenema who were not friendly with the
3 junta; is that correct? There were people there whom the junta
4 did not like?

15:50:32 5 A. It even was the Kamajors. No, the Kamajors -- the juntas
6 did not like us, the Kamajors. That's what I said today.

7 Q. They did not like you, the Kamajors. They also did not
8 like your relatives. Is that not so?

9 A. That's true. They didn't like our people.

15:50:55 10 Q. Mr Witness, when you took over Kenema, one of the first
11 things you did was to find out who the junta relatives were; is
12 that not so? That Sunday that you took Kenema, one of the first
13 things you did was to find out who were the junta relatives.

14 A. No.

15:51:33 15 Q. The junta did not like your relatives, so when you came to
16 Kenema that day, the first thing you did was to find out who were
17 their relatives and their supporters.

18 A. No. We did not do that.

19 Q. You will agree with me, Mr Witness, that once you were able
15:52:03 20 to identify those persons who were supporters of the junta, you
21 then went on to deal with them as the junta had done to your
22 people.

23 A. I said we did not investigate any junta people. We did not
24 do that. We did not find out who junta people were. We did not
15:52:50 25 do that.

26 Q. On that day, Mr Witness, that Sunday, police officers were
27 killed in Kenema police barracks; is that not so?

28 A. I did not see that. To kill them -- Kamajors to kill them?
29 No, Kamajors did not kill anybody. I did not see them kill

1 anybody, we, the Kamajors.

2 Q. You were, as you have said, in charge of the battalion that
3 entered Tongo -- sorry, Your Honour, I keep going to Tongo --
4 Kenema. All the Kamajors that came to Kenema were also under
15:53:39 5 your control. Are you saying that you were not aware that on
6 that Sunday policemen were killed at the police barracks?

7 A. Yes. Kamajors didn't do that. They did not kill any
8 policemen.

9 Q. Is it your answer that policemen were killed, but not by
15:54:16 10 Kamajors?

11 A. I did not see any police corpse. I did not see any corpse.

12 Q. You did not see corpses, but did you know that policemen
13 were killed on that day?

14 A. No.

15:54:46 15 Q. And you did not hear about that afterwards?

16 A. It did not get into my ears. Never. I've never heard that
17 they killed any policeman on Sunday in Kenema.

18 Q. And you've never heard that they killed any policemen on
19 any other day after you had taken Kenema?

15:55:13 20 A. No, I didn't hear that.

21 Q. Mr Witness, when you took Kenema your men went about the
22 town; is that correct?

23 A. I was leading them and we were going around to where we
24 were putting checkpoints so that anything bad would not happen
15:56:01 25 there. Yes, we did that.

26 Q. In fact, you marched along Hangha Road that day; is that
27 correct?

28 A. Very, very well. Yes, we were there.

29 Q. And you marched on to the police barracks, as you did along

1 Hangha Road; is that correct?

2 A. We reached up to the police barracks.

3 Q. And your men actually went into the police barracks?

4 A. Yes.

15:56:52 5 Q. Did you get any report from them about anything that had
6 happened in the police barracks that day?

7 A. On Sunday?

8 Q. On Sunday, Mr Witness.

9 A. No.

15:57:12 10 Q. Did you get any reports about anything that happened in the
11 police barracks on any other day, apart from that Sunday?

12 A. I myself was there. When we captured Kenema on Sunday,
13 there was no fighting there. On 15th, the following day, 16th,
14 that was when AFRC attacked us, on 16th. It was at that time

15:57:50 15 that fighting was in Kenema, on that day. We dislodged the
16 rebels. They were shooting at the police barracks at Hangha
17 Road.

18 Q. My question for now is limited to 15th. Mr Witness, on
19 that day --

15:58:15 20 A. Okay, on 15th, that did not happen. I did not get such a
21 report.

22 Q. On that day, Mr Witness, there were corpses lying around
23 the streets of Kenema; is that correct?

24 A. That's not correct. I did not see any corpse there.

15:58:32 25 Q. There were burnt ashes at different places, different
26 spots, along the streets of Kenema that day.

27 A. What ashes? Why is there ashes? What do you mean?

28 Q. You could see the remains of dead persons who had been
29 burnt.

1 A. I did not see that.

2 Q. Did that kind of incident occur at any other time, apart
3 from the Sunday?

4 A. That did not happen at all. Till then in Kenema, that did
15:59:36 5 not happen for me to see, and it didn't happen for me to hear. I
6 did not even get a report.

7 Q. I put it to you, Mr Witness, that civilians were killed in
8 Kenema following the capture of Kenema by Kamajors?

9 A. Are you saying that's what you heard? Well, I don't know;
16:00:06 10 I did not see that.

11 Q. Mr Witness, I also put it to you that houses were burnt in
12 Kenema after it was taken over by the Kamajors.

13 A. I had explained to that once, when you say "they", I cannot
14 answer that. They burnt houses when Kamajors entered. I cannot
16:00:44 15 answer that. "They", "they". I did not see a Kamajor burn a
16 house in Kenema.

17 Q. Mr Witness, just as you had targeted persons who were
18 related to junta forces and had killed them, so you also burnt
19 houses where the junta forces had stayed in Kenema?

16:01:22 20 A. That did not happen.

21 Q. Mr Witness, do you know one Alhaji Kuyateh [phon]?

22 A. I know Alhaji Kuyateh.

23 Q. His house was burnt in Kenema on 15th February, the day you
24 entered; is that correct?

16:01:56 25 A. I do not even know where his house is, but I know him. But
26 I don't know where his house is.

27 Q. Do you know Moisia Street in Kenema? Moisia is
28 M-O-I-S-I-A.

29 A. Moisia Street, I know there. It's close to my house, even.

1 Q. The house of one Mr Touray was burnt in Kenema on the day
2 you entered Kenema.

3 A. It's a lie. That did not happen. I did not see it, and I
4 did not hear it.

16:03:00 5 JUDGE ITOE: Let's have the name of the person.

6 MR BANGURA: Mr Touray.

7 Q. Mr Witness, it is a fact that as the Kamajors settled in
8 Kenema, after you had taken Kenema, you then took civilians who
9 you suspected to be collaborators for interrogation at the SS

16:03:36 10 Camp?

11 PRESIDING JUDGE: Mr Witness, please look in this
12 direction. Mr Witness. Mr Witness.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: When you answer the question, please look
16:03:49 15 in this direction. It is here that you need to talk to, not the
16 public gallery. Take your question again, please.

17 MR BANGURA:

18 Q. Mr Witness, I am putting it to you that after you had taken
19 Kenema, you rounded up persons whom you accused to be
16:04:15 20 collaborators of the junta and took them to the SS Camp where you
21 interrogated them and you tortured them there.

22 A. We did not do that. That did not happen at all.

23 Q. Mr Witness, in your earlier testimony you mentioned that
24 you had seen Moinina Fofana in Kenema; is that correct?

16:04:50 25 A. Yes.

26 Q. If I'm not mistaken, that was the first time you knew him?

27 A. Yes.

28 Q. This was just after you had taken Kenema; is that correct?

29 MR BOCKARIE: Your Honour, that is not the state of the

1 evidence, I'm sorry. His answer was, "After the restoration,"
2 which is quite different from just when you took over Kenema.

3 PRESIDING JUDGE: Thank you, Mr Bockarie.

4 MR BANGURA: Your Honours, I will stick to the restoration.

16:05:40 5 Q. You saw Moinina Fofana in Kenema after the restoration of
6 the government; is that correct?

7 A. Yes, that's when I saw him.

8 Q. What was he doing in Kenema at that time?

9 A. I didn't know what he was doing. I said I saw somebody
16:06:07 10 point at him, just like I answered my question today. I said we
11 were hearing about him. But when we captured Kenema and we
12 reached there, somebody pointed at him and said that was
13 Moinina Fofana. That is how I knew him. I didn't know the work
14 he was doing.

16:06:21 15 Q. When did you see him in Kenema?

16 A. At the CDF office. In front of the CDF office.

17 Q. Was he inside the office or outside?

18 A. Outside, in front. There is a road going down towards
19 Hangha Road. Down towards Hangha Road, that is where they were
16:06:50 20 going. We were standing on the steps, the CDF steps.

21 Q. Where was he coming from?

22 A. He was coming from the SLPP office, going down.

23 Q. Who was he with at that time?

24 A. Those with who he was going, I did not know them. That was
16:07:16 25 the first time I had seen them. He was the only person whom they
26 showed to me.

27 Q. Mr Witness, how long did you say you stayed in Kenema after
28 the takeover, after the Kamajors took Kenema?

29 A. When we captured Kenema, I said I spent two weeks there,

1 then I returned to my home town. The Kamajors were there, and
2 ECOMOG, they were working together.

3 Q. So you saw Moinina Fofana in Kenema within that two-week
4 period; is that correct?

16:07:51 5 A. No.

6 Q. So when did you see Moinina Fofana in Kenema then?

7 A. After the fighting has finished and there was peace, when
8 the Pa came back, that was the time I saw him in Kenema.

9 Q. How long would this be after you had gone away after you
16:08:21 10 had taken Kenema?

11 A. I do not know the time. I did not record it on paper.

12 Q. You may not have recorded it, but, Mr Witness, you may be
13 ready to help the Court. Was it one month?

14 A. I don't want to tell lies to the Court. What I saw is what
16:08:51 15 I have explained.

16 Q. Was it just after the government had been restored?

17 A. Then what happened?

18 Q. Mr Witness, you said you saw Moinina Fofana in Kenema after
19 the restoration of the government. Was it just after the
16:09:20 20 restoration of the government that you saw him in Kenema?

21 A. It's not so. It took some time before I could see him.

22 Q. Was it one year?

23 A. It took a long time. I do not know exactly whether it is
24 two or three or four months or one year.

16:09:54 25 Q. I suggest to you, Mr Witness, that you do not want to be
26 helpful to the Court.

27 A. No. I'm saying the truth. What I saw is what I'm saying.
28 What happened and what I saw is what I'm telling you.

29 Q. From what you say, Mr Witness, it appears then that you did

1 not just go away from Kenema and never came back. You kept
2 coming into Kenema after you'd left. After two weeks you went
3 away and then you kept coming in and out of Kenema. Is that
4 correct?

16:10:44 5 A. Kenema, it was our headquarters. My home town is called
6 Joru. It's 18 miles. Whenever I want to come there, I would
7 come. That is how I was doing in between. It was not because of
8 that fighting that I returned and settled.

9 Q. Mr Witness, before you saw Moinina Fofana in Kenema at this
16:11:08 10 time, what did you know about him?

11 A. The day that I saw him, should I know why I saw him there?
12 I have not understood it.

13 Q. What did you know about Moinina Fofana before this date
14 that you saw him there? You said that this was the first time
16:11:36 15 you were seeing him. What did you know about him before that
16 day?

17 A. I did not know anything he was doing.

18 Q. You did not know he was a member of the CDF?

19 A. I can answer that question. He was CDF.

16:12:17 20 Q. You knew he was a member of the CDF? You knew that he was
21 one of the senior bosses in the CDF?

22 A. Yes, indeed, I know this. I cannot deny that.

23 Q. So when you saw him in Kenema on that day, did you then not
24 try to find out why he was there?

16:12:49 25 A. No.

26 Q. Mr Witness, when you came to Gendema, on to SS Camp and
27 then on to Kenema, about that time where was Eddie Massallay?

28 A. I left Eddie Massallay at Gendema.

29 Q. So when you came to -- up until the time you came to

1 Kenema, who were you reporting to?

2 A. Relating to what?

3 Q. Relating to the war. You were having successes. You hit
4 SS Camp, you took it, the soldiers tried to take it back from
16:13:44 5 you, you repelled them so many times. Then on to Kenema. So, as
6 you were making this progress, who were you reporting to?

7 A. I sent message to Eddie Massallay that we've reached Gofor.
8 I am at SS Camp. It was to Eddie Massallay that I will send that
9 message.

16:14:10 10 Q. How long would it take for a runner to go to SS Camp -- to
11 Gendema from Kenema?

12 A. What message?

13 Q. You said you sent reports to -- you would report to
14 Eddie Massallay --

16:14:38 15 PRESIDING JUDGE: Send message.

16 MR BANGURA: Message. The question was report actually.

17 Q. You said you sent messages to Eddie Massallay about the
18 progress you were making. The question is how long would it take
19 a message to get on to Eddie Massallay? From Kenema, SS Camp,
16:14:59 20 how long would it take?

21 A. That's not what you asked me. What I understood was that
22 you said if I want to send a report, to whom would I send a
23 report? And I said I would send my report to Eddie Massallay.
24 Whatever I want, I will send to him.

16:15:21 25 Q. The question is not answered, Mr Witness.

26 A. Repeat it. Summarise it.

27 Q. How long would it take to send a message from Kenema to
28 Gendema?

29 MR JABBI: That question is subjunctive and it is better

1 posed in the categorical sense. Thank you, My Lords.

2 MR BANGURA: If only my learned friend can come down to my
3 level, Your Honours.

4 PRESIDING JUDGE: The objection is denied. The witness can
16:16:08 5 answer that question.

6 JUDGE ITOE: There are subjunctive questions which have
7 answers, Mr Jabbi.

8 MR BANGURA:

9 Q. Mr Witness, the question remains unanswered. How long
16:16:19 10 would it take a message to get on to Eddie Massallay in Gendema
11 from Kenema?

12 A. Sometimes the day I send a message, he would receive it.
13 Sometimes the very day I would send a message, the person will
14 reach there and he will hear about it. Sometimes two days.

16:16:46 15 Q. How does that message get to him?

16 A. I am at Gendema. Eddie Massallay's at Gendema. He and
17 ECOMOG are coming. We are at SS Camp, they are at Jimmi, and
18 it's a main road. So I will send somebody to go and tell Eddie
19 that we have reached there. That's how we're working. It is on
16:17:14 20 foot. Person will be walking.

21 Q. Mr Witness, are you aware at the time you took Kenema there
22 was a CDF administration set up there? Or just about that time
23 there was an administrative set-up there?

24 A. Yes.

16:17:45 25 Q. Do you remember who was the head of that administration in
26 Kenema?

27 A. Yes. Arthur Koroma. He was our administrator.

28 Q. Did you make reports of your progress to Arthur Koroma?

29 A. I did not make any reports to him because nothing disturbed

1 me that warranted me to report to him.

2 Q. Why was he not one of your authorities for Kenema where you
3 were fighting at that time?

4 JUDGE ITOE: Did the witness say nothing obliged him to
16:18:41 5 report to Arthur Koroma? What did he say? Mr Interpreter, can
6 you get back to the witness, please?

7 THE INTERPRETER: Can the question be repeated to the
8 witness, My Lord?

9 MR BANGURA:

16:18:52 10 Q. The question was: Did you make any reports to
11 Arthur Koroma?

12 JUDGE ITOE: He said he made no report to Arthur Koroma and
13 then he continued.

14 MR BANGURA: He continued, he gave a rider to the answer.
16:19:08 15 I don't think I asked the supplemental question to that.

16 JUDGE THOMPSON: I think you asked him why he did not and
17 he said nothing disturbed me. I think that is the word I got.

18 MR BANGURA:

19 Q. Mr Witness, I will ask you the question again. Why did you
16:19:24 20 not make any reports to Arthur Koroma about the progress you were
21 making in the fighting, he being the administrator for Kenema at
22 that time?

23 A. That administrator role, by the time Arthur came in, the
24 war had been over. The office was there. The plight of the war,
16:19:44 25 we reported everything to Eddie. It was I and Eddie that were
26 fighting the war.

27 Q. Mr Witness, I believe the question was asked of you this
28 morning whether you knew an area in Kenema called Nyandehun; is
29 that correct?

1 PRESIDING JUDGE: Nyandeyama.
2 MR BANGURA:
3 Q. Nyandeyama.
4 A. Yes, they asked me that.
16:20:41 5 Q. Were there Kamajors based at this point, Nyandeyama?
6 A. No, Kamajors were not based there.
7 Q. Did you have a checkpoint there?
8 A. No.
9 Q. Did Nyandeyama have any significance for the CDF during
16:21:09 10 that time at all?
11 A. Repeat it.
12 Q. I will give you an example. The SS Camp was important
13 because it gave you an opportunity to stop soldiers or enemy
14 infiltrating into Kenema; is that correct?
16:21:53 15 A. This Nyandeyama that you have asked me about, I have asked
16 you to repeat the question about Nyandeyama.
17 Q. Okay, let me take it in another way. Nyandeyama from SS
18 Camp, how far is the distance between these two places?
19 A. What I know is from SS Camp to Kenema Town, it's five
16:22:30 20 miles, but the distance from town to Nyandeyama, from Kenema, to
21 SS Camp, I've not talked about that. I don't know. But from SS
22 Camp to Kenema, it's five miles.
23 Q. Mr Witness, you were not aware at all that Kamajors had a
24 base at Nyandeyama in Kenema? Is that what you're saying?
16:22:55 25 A. No. I don't know that Kamajor base was there. I did not
26 see them based there.
27 Q. Mr Witness, the word --
28 JUDGE ITOE: Mr Witness, you should be careful with your
29 replies. "I do not know that Kamajors were based there. I did

1 not see them based there." Be careful with the way you reply to
2 questions which are put to you, because we want to be very clear
3 on record as to what you're saying.

4 MR BANGURA:

16:23:40 5 Q. Mr Witness, earlier in your testimony, you were asked about
6 a group of Kamajors called Yamorto; is that correct?

7 A. I said today that I do not know a group called Yamorto. I
8 did not see it in Kenema.

9 Q. You also even questioned in what language that word is,
16:24:16 10 "yamorto"; is that correct?

11 A. Yes, I asked that. I said I don't know.

12 Q. If I suggest to you that that word is a word in Mende,
13 would you agree with me?

14 A. I don't know if that's a Mende word, "yamorto".

16:24:55 15 Q. Mr Witness, if I suggest to you that "yamorto" means that
16 part of the body which is soft, would you agree with me, in
17 Mende?

18 A. Now that you have said it, you want me to accept it. I
19 don't know anything about it. I don't know.

16:25:30 20 Q. Mr Witness, there was a group -- I am putting it to you
21 that there was a group of Kamajors called Yamorto based in Kenema
22 at Nyandeyama.

23 A. I don't know about that. I do not know a Kamajor group
24 called Yamorto in Nyandeyama in Kenema. It was not there. There
16:26:00 25 was no group in Nyandeyama. There was no Kamajor group called
26 Yamorto. I did not say it, I did not even hear it and nobody
27 told me, even.

28 Q. I'm suggesting to you, Mr Witness, that the name Yamorto
29 that this group had was derived from a certain practice which

1 they engaged in. Did you get the question, Mr Witness?

2 A. What I heard was not a question, that was why I was sitting
3 down.

4 Q. Let me put it to you again, Mr Witness, that the Yamorto
16:26:59 5 group of Kamajors derived their name from a certain practice
6 which they were engaged in.

7 PRESIDING JUDGE: Do you agree with that, Mr Witness?

8 THE WITNESS: I don't know. I said I don't know anything.
9 I don't know any Yamorto group at all. Even the name I don't
16:27:19 10 know.

11 MR BANGURA:

12 Q. Mr Witness, you have testified to this Court that you were
13 a battalion commander of the CDF; correct?

14 A. Very well.

16:27:32 15 Q. You have also testified that you led the Kamajors that
16 captured SS Camp; correct?

17 A. Indeed. Very, very well, indeed.

18 Q. You led your men on to Kenema eight days later and took
19 Kenema; is that correct?

16:28:03 20 A. Yes, indeed.

21 Q. You left Kenema after two weeks, but kept coming in and out
22 of Kenema afterwards, still a commander; is that correct?

23 A. Yes.

24 Q. And you want this Court to believe that you know nothing
16:28:32 25 about imprisonment of civilians and torture of civilians at the
26 SS Camp? You want this Court to believe that, seriously?

27 A. Yes, that's why I took an oath. I'm telling the truth to
28 the Court.

29 Q. You also want this Court to believe that you knew nothing

1 about the killing of policemen in the police barracks in Kenema
2 on 15th February? You want this Court to believe that?
3 A. Yes, I don't know anything about that. I want the Court to
4 believe that. I don't know anything about that. I don't know
16:29:22 5 anything about the killing of policemen.
6 Q. Also you want this Court to believe that you know nothing
7 about the existence of a Kamajor unit called Yamorto which was
8 based in Kenema?
9 A. No, no, not in the least. I don't know.
16:29:41 10 Q. I'm suggesting to you, Mr Witness, that you're not a
11 truthful witness. What do you say?
12 A. I am saying the truth. That's why I took an oath before
13 the Court, that all that I'm saying is the truth.
14 Q. Mr Witness, earlier you were asked about the dates of the
16:30:07 15 event -- the date of the taking over of Tongo --
16 PRESIDING JUDGE: Kenema.
17 MR BANGURA: Kenema. I must apologise.
18 JUDGE ITOE: I don't want to suggest something to you, but
19 I remember that Kenema is a very important place. Let's leave
16:30:31 20 it -- or, rather, Tongo is a very important place.
21 MR BANGURA: I would appreciate it if it were left lying.
22 Q. Mr Witness, you have said here that on the date you took
23 Kenema was 15th February and you were not sure if it was '96 or
24 '97. You gave that evidence before this Court initially; is that
16:31:09 25 not so?
26 A. I did not know whether it was 1997?
27 Q. Yes.
28 A. It was '97.
29 Q. You're now sure it was 1997. Mr Witness, the summary of

1 your testimony which was provided to us by counsel for the Norman
2 team indicates that you took Kenema on 15th February of 1998.
3 Now, which are we to believe?

4 A. What two things did I say?

16:32:06 5 Q. When you spoke to the lawyers who brought you here --

6 PRESIDING JUDGE: He also said in cross-examination to
7 Mr Margai that it was 1998. So it is not only in the statement,
8 it is in Court as well.

9 MR BANGURA: Your Honours, my recollection is that he ended
16:32:23 10 up saying it was after the restoration.

11 PRESIDING JUDGE: Mr Margai, if I'm not mistaken, in
12 cross-examination had the witness to say it was in 1998. Am I
13 right, Mr Margai?

14 MR MARGAI: Correct, My Lord.

16:32:39 15 MR BANGURA: I abandon the point, Your Honour.

16 PRESIDING JUDGE: If you are trying to show contradiction
17 between the statement and the witness has already clarified that
18 matter in cross-examination, I don't mean this to preclude you
19 from leading in that direction. I am just saying the witness is
16:32:53 20 already on record to have changed that.

21 MR BANGURA: That was the direction I was going, but then
22 it doesn't help any more. I believe I can still pursue the
23 point, Your Honour.

24 Q. You now say again that it was in 1997. You've just said a
16:33:18 25 short while ago that it was in 1997. So which is the correct --

26 JUDGE ITOE: Maybe he has misunderstood you. Maybe he
27 misunderstood you. I mean, the issue of the date I think is a
28 settled issue.

29 MR BANGURA: I will move on.

1 JUDGE ITOE: The witnesses, as tense as they are there,
2 they are bound to maybe make some miscalculations as to certain
3 dates. I think he corrected it during Mr Margai's
4 cross-examination.

16:33:53 5 MR BANGURA:

6 Q. Mr Witness, I will put to you some evidence which is
7 already before this Court about incidents in Kenema and then ask
8 you questions; okay?

9 MR BANGURA: Your Honours, may I ask that the witness be
16:34:21 10 shown Exhibit 89.

11 Q. Mr Witness, are you literate?

12 A. I can see a paper, but what is written on that paper, I do
13 not know.

14 Q. Can you read and write English?

16:35:09 15 A. No. I'm a Mende man.

16 Q. Mr Witness, the document before you is an exhibit of this
17 Court in which is a letter written by ECOMOG, complaining about
18 the behaviour of a Kamajor called KBK Magonna. Do you remember
19 that name?

16:35:48 20 A. Where was he?

21 Q. He was in Kenema, Mr Witness. KBK Magonna; do you remember
22 him?

23 PRESIDING JUDGE: Maybe you can ask him if he knows that
24 name before he remembers?

16:36:03 25 MR BANGURA:

26 Q. Do you know that name?

27 A. I do not know that person. I do not know him. I don't
28 know him.

29 Q. Do you know that at one point in time in Kenema, after the

1 Kamajors have taken Kenema, there were reports of Kamajor
2 victimisation of civilians?

3 JUDGE ITOE: This witness has said -- look, I don't want to
4 waste time. This witness has said Kamajors did nothing wrong in
16:37:01 5 Kenema. You have been through that, you know, round and round,
6 for a very long time. Is it now you expect him to admit what? I
7 think you had better go to all the basics.

8 MR BANGURA: There is all this evidence before the Court
9 which could be put to him as well in addition to what
16:37:28 10 examination --

11 PRESIDING JUDGE: That's fine. The document in question,
12 I'm looking at it, is 26 November 1998. The witness has said it
13 is a few weeks after they captured Kenema. I know he came back
14 after a while, but he is no more in a position to comment. He
16:37:45 15 tells you he doesn't know. You can pursue that but -- it will
16 not preclude you from using these documents as arguments in due
17 course. I'm not sure. We're really moving ahead with this now.

18 MR BANGURA: Your Honour, I take the point. There may not
19 be much purpose, especially when he cannot read. I was going to
16:38:10 20 ask a few questions on it, but he also already said he doesn't
21 know the name.

22 PRESIDING JUDGE: That's what I mean.

23 JUDGE ITOE: Maybe if he could decipher the KBK, he may be
24 able to recognise all of the names.

16:38:42 25 MR BANGURA: May I confer?

26 PRESIDING JUDGE: Maybe you can ask him if -- the
27 particular document says he was the national task force commander
28 based in Kenema. Maybe he knows of that without even knowing the
29 name.

1 MR MARGAI: Whilst my learned friend is conferring, My
2 Lords, I wish to draw Your Lordships' attention to the date on
3 Exhibit 089: 26 December 1998.

4 PRESIDING JUDGE: I know. This is what I've just pointed
16:39:19 5 out to the Prosecutor.

6 MR BANGURA: Your Honours, we must not forget the fact that
7 the witness has admitted to coming back to Kenema after he had
8 left.

9 PRESIDING JUDGE: I know. We have been through that two
16:39:32 10 minutes ago.

11 MR BANGURA: In as much as I do not intend to pursue
12 further this point, but it is in evidence that he kept coming
13 back.

14 Q. Mr Witness, the person mentioned in that document, KBK
16:39:51 15 Magonna, you say you do not know the name. But do you know who
16 was the task force commander in Kenema at all?

17 A. No.

18 MR BANGURA: Your Honours, that will be all for this
19 witness.

16:40:15 20 PRESIDING JUDGE: Any re-examination, Mr Sesay?

21 MR SESAY: None, Your Honour.

22 PRESIDING JUDGE: Thank you, Mr Witness, that concludes
23 your evidence in this Court. You will assisted out of the Court.
24 We thank you for coming. We wish you a safe trip back home.
16:40:43 25 Thank you very much.

26 [The witness withdrew]

27 PRESIDING JUDGE: Mr Sesay or Dr Jabbi, are you ready to
28 proceed with your next witness, which, according to the list, is
29 number 16, Brima Moriba.

1 MR SESAY: Yes, My Lord. Before I proceed, I want to draw
2 the Court's attention to the number in which they appear. This
3 witness is 20, but it should be 21, My Lord.

4 PRESIDING JUDGE: I agree with you. It had been drawn to
16:41:32 5 my attention, too, the witness who just left was number 21.
6 Obviously the witness before was 20. I think it was after
7 witness 18 that we made a mistake.

8 MR SESAY: Yes, My Lord.

9 PRESIDING JUDGE: The witness to come will be witness 22.

16:41:47 10 MR SESAY: Yes, 22, Your Honour.

11 PRESIDING JUDGE: While the witness is being brought in,
12 we'll break shortly - for five minutes.

13 [Break taken at 4.44 p.m.]

14 [CDF22MAY06A - EKD]

16:51:03 15 [Upon resuming at 4.53 p.m.]

16 PRESIDING JUDGE: Mr Sesay, you are ready to proceed with
17 this witness.

18 MR SESAY: Yes, Your Honour. Before I proceed, My Lord, in
19 the summaries that were provided, his testimony should be in
16:53:47 20 Mende. My Lord, I have been informed that he would prefer to
21 testify in Krio.

22 PRESIDING JUDGE: In Krio?

23 MR SESAY: Yes, Your Honour.

24 PRESIDING JUDGE: Based on past experience that should not
16:54:00 25 be a problem. We will just make sure with the interpreters they
26 can do it now.

27 THE INTERPRETER: Yes, Your Honours, that shouldn't be a
28 problem.

29 PRESIDING JUDGE: That is not a problem so we can proceed.

1 Thank you, Mr Sesay.
2 MR SESAY: Thank you, Your Honour.
3 JUDGE ITOE: Are you saying this is the 22nd witness?
4 MR SESAY: Yes, Your Honour.
16:54:34 5 WITNESS: BRIMA MORIBA [Sworn]
6 [The witness answered through interpreter]
7 EXAMINED BY MR SESAY:
8 Q. Good afternoon, Mr Witness.
9 A. Good afternoon, sir.
16:55:06 10 Q. Before you commence your testimony, I will appeal to you
11 that you talk very slowly for your evidence to be interpreted.
12 A. Okay, sir.
13 Q. And you also wait; when I ask, then you answer. Okay? You
14 wait for the question.
16:55:30 15 A. Yes, sir.
16 Q. Your names in full?
17 A. Brima Moriba.
18 Q. Where do you live?
19 A. I was born in Majihun, Nongowa Chiefdom, Kenema District.
16:56:13 20 Q. How old are you?
21 A. I am 37 years old.
22 Q. Are you married?
23 A. Yes, I'm married.
24 Q. How many children?
16:56:33 25 A. I have three children.
26 Q. What is your occupation?
27 A. I am a contractor, a building contractor.
28 Q. Where have you been doing the trade of building contractor?
29 A. In Kenema.

1 Q. Are you a Kamajor?
2 A. Yes, I was a Kamajor.
3 Q. In what year did you join the Kamajor society?
4 A. 1997, in January.
16:57:47 5 Q. Where was that? Where?
6 A. In Kenema. In Kenema.
7 Q. What motivated you to join the Kamajor society?
8 A. When the war came in Sierra Leone I was in my village.
9 Q. Speak slower?
16:58:32 10 A. Okay. So I was in my village, but at that time the
11 soldiers were there to protect us. But it reached a time they
12 started harassing we, the civilians, to such an extent that each
13 time we left to go for our living, when we came back, some times
14 they will take it from us by force.
16:59:06 15 Q. Yes.
16 A. Then any time you have something that is good, they will
17 ask you for it and, if you don't give, they will take it from you
18 by force.
19 Q. Yes.
16:59:39 20 A. So if you have a beautiful wife and a soldier happened to
21 see her, he will remove her from you by force.
22 Q. Yes.
23 A. So all these things were things that really happened with
24 me. So that when I heard about a Kamajor, I told my chiefs so
17:00:08 25 that I could join to protect myself and my family, together with
26 my property.
27 Q. What did you do after that?
28 A. What?
29 Q. [Overlapping speakers] that you'll join the Kamajor

1 society, what did you do after that?

2 A. Well, we were in our village. Then we heard that people
3 have come from Bo and they've come to Kenema, who initiated
4 people into the Kamajor society. So I went and told my chiefs,
17:00:46 5 because by then, that time, the chiefs were the people who could
6 recommend it. The town chiefs --

7 Q. [Overlapping speakers] and please be slow, okay.

8 A. Yes, sir.

9 Q. Go over it again.

17:01:04 10 A. At that time we were in our village when I heard that
11 people have come from Bo and they're in Kenema, who initiated
12 people into the Kamajor society. By that time the chiefs were
13 the people who recommended people, people with good character.
14 So I was willing, and I went and told my chiefs, and they know
17:01:33 15 that I have a good character, and I was an indigent of that
16 place, and I proved it. I was taken to the section chief. He
17 too -- he looked into the information that I gave to him and he
18 approved of it.

19 Q. Now who was that section chief?

17:01:56 20 A. The chief's name was Foday Kemoh Vahun [phon].

21 Q. Yes.

22 A. So we were brought to Kenema to the paramount chief.

23 Q. Now, can you remember the year?

24 A. 1997, January, that was the time we came to Kenema.

17:02:35 25 Q. Who was the chief?

26 A. The paramount chief was PC Amara Bunya Vangahun [phon].

27 Q. You said you were brought to Kenema. What happened after
28 that?

29 A. Now we were initiated into the Kamajor society.

1 Q. Who initiated you?
2 A. It was late Kamoh Brima Bangura.
3 Q. After you were initiated, where did you go?
4 A. After our initiation, we were given time during which we
17:03:41 5 could leave the Kamoh. We were given 18 days, but we spent 17
6 days. Then we returned to our village.
7 Q. So you came back to your village where?
8 A. In Majihun.
9 Q. From your village, did you go anywhere?
17:04:22 10 A. Well, I was in my village but we used to go to Segbwema and
11 return. But all along when the war started, we were settled in
12 Segbwema.
13 Q. Yes.
14 A. I was there up to the time when the junta overthrew the
17:04:48 15 elected government, the SLPP, in 1997, May 25th.
16 Q. What happened after the overthrow?
17 A. After the overthrow, it was announced that the Kamajors
18 have been disbanded. Wherever we were we were to take our
19 weapons and uniforms and hand them over to the nearest police
17:05:41 20 station.
21 Q. Did you comply with that?
22 A. We refused. Then they called rebels from the bush to join
23 them.
24 Q. Did the rebels join them from the bush?
17:06:05 25 A. Yes, they came and joined them. They were looking out for
26 us; we were their targets.
27 Q. Who were they looking for?
28 A. They were looking out for Kamajors. In fact, they mounted
29 checkpoints. So when you went there you were undressed,

1 especially if you were a young man. They would undress you and
2 watch over your body for marks.

3 Q. Where was this checkpoint?

4 A. To come to my village, the river which is the boundary
17:07:07 5 between Kailahun Districts and the Kenema Districts, so few yards
6 off, that is where my village is. And behind the river, towards
7 Segbwema, there the checkpoint was erected, so there the soldiers
8 were.

9 Q. What were these body marks that they were looking for?

10 A. Well, I don't know the type of marks they were looking for,
11 but that was what they did.

12 Q. What else did they do?

13 A. So with me, I did not wait. Wherever they knew me, I left
14 there. I went to places where I was not known.

17:08:18 15 Q. Where did you go from there?

16 A. I went to a village called Giehun Kuju [phon] in the
17 Malegohun Chiefdom, Kenema District.

18 Q. Did you have any particular reason for going to a place
19 where you say they don't know you?

17:08:51 20 A. Yeah, because when they were looking out for Kamajors, and
21 where I had settled people knew me to be a Kamajor. That is the
22 reason why I left and went to a place where I was not known to be
23 a Kamajor.

24 Q. Thank you. What happened in the village you said where you
17:09:39 25 went for that reason which you have just stated? What happened
26 in that village?

27 A. While I was in that village one -- a friend called Kiehun,
28 he was a native of the village. So he asked me to go to Tongo.

29 Q. To do what?

1 A. He said we should go there to mine.
2 Q. Did you go?
3 A. Before I went I asked him. I said, "Well, friend, I have
4 left my village, I'm hiding from the juntas. Then you've ask me
17:10:38 5 to go to Tongo. If I should go there, is that place safe for
6 us?" And he said, "Yes." He said it was controlled by Kamajors
7 and the police. There was no junta there.
8 Q. What did you do?
9 A. I joined him to go there. We went there, we went to Tongo.
17:11:07 10 We were based there.
11 Q. Can you assist the Court in respect of the time that you
12 went to Tongo?
13 A. We went there in June.
14 Q. June, which year?
17:11:32 15 A. 1997.
16 Q. You said you were in Tongo; not so?
17 A. Yes.
18 Q. What happened?
19 A. Yes. When we went there in June, July, August, 11th, that
17:12:01 20 was the time when juntas came from Kenema in large number and
21 attacked Tongo. But before they reached Tongo, there was a place
22 there where we made a checkpoint.
23 Q. Slowly, please. Can you go over that again?
24 A. Before they reached Tongo we had information that they were
17:12:25 25 coming. There was a place called Mano Gieya.
26 Q. Yes?
27 A. That was where Kamajors were based.
28 Q. Yes?
29 A. The CO who was there, he rush and came to Tongo and told us

1 that rebels were coming, the juntas. That they were so many,
2 they were coming to take over Tongo Field.

3 Q. Who was this CO? What is the name of this CO?

4 A. He was CO Abdul. 1997 it was the time that it happened;
17:13:34 5 August.

6 Q. What happened when you had that information, that the
7 juntas were coming in large number to attack Tongo? What
8 happened after that?

9 A. So we too left Tongo. We came to Lalehun and that was
17:13:56 10 where we blocked, until we saw the men, they were coming. And
11 they were so many.

12 Q. Which men did you see?

13 A. The juntas. They were coming. They were coming and
14 shooting.

17:14:39 15 Q. Where was Lalehun located?

16 A. Lalehun is before you get to Tongo from the Kenema end.
17 Before you enter Tongo. That was the last town into Tongo.

18 Q. Whilst in Lalehun did anything happen?

19 A. Yes. When we saw that the rebels force was very -- they
17:15:12 20 were overpowering, we withdrew and went back to Tongo, because by
21 then we were together with the SSDs there. We were working
22 hand-in-hand. So we went right to their headquarters and
23 explained to them that they were coming. That it was good that
24 we engaged them.

17:15:43 25 Q. Yes?

26 A. They told us that they were not going to fight the
27 government of the day. So let us don't tell them that, that they
28 were not going to fight.

29 Q. Yes?

1 A. Then I myself, the sergeant who was talking to me, I told
2 him, "You feel that this is the type of government that you are
3 serving as a police officer?" He said, "Yes." Any government in
4 power they were ready to serve that government.

17:16:22 5 Q. Slow, a little more slowly, please.

6 A. The sergeant who was talking to us, I asked him --

7 Q. Your testimony will have to be interpreted and the judges
8 will have to write. So if I say you should go slowly, I hope you
9 will understand what I mean.

17:16:46 10 A. Okay.

11 Q. Thank you. So what happened after that?

12 A. After I have spoken to the sergeant, that that is how these
13 people were coming, he said that they were not going to fight the
14 government of the day.

17:17:19 15 Q. Yes?

16 A. Then I asked him, "Do you feel that this is the type of
17 government, these juntas, you as a policeman, a well-trained
18 police officer, you'll say you could serve?"

19 Q. Yes?

17:17:36 20 A. He said they were ready to serve any government, so he was
21 not ready to talk to us again.

22 Q. What did you do after that?

23 A. So I told my colleagues that let us don't waste time here.

24 Q. Yes?

17:18:11 25 A. I said, "If we stand here with the SSDs, they were not
26 ready to assist us and they were not ready to fight those people
27 in our own interest, so it's good we leave the place." And we
28 withdrew, because we hadn't enough ammunition.

29 Q. Did you in fact withdraw?

1 A. We withdrew at once. As we left them, it was not even up
2 to 30 minutes, then the juntas entered.
3 Q. They entered where?
4 A. They entered the SSD camp where they were based in Tongo.
17:19:23 5 JUDGE ITOE: He said how many minutes?
6 PRESIDING JUDGE: Thirty.
7 THE WITNESS: Thirty. It was not up -- when we left the
8 SSD camp, it was not up to 30 minutes when we heard the juntas
9 enter. I would not be able to show the time, the minutes.
17:19:41 10 MR SESAY:
11 Q. 30 minutes according to you?
12 A. At all.
13 Q. You said you came to the SSD headquarters. What happened
14 there?
17:19:57 15 A. When they got there, we were in Labour, looking towards
16 where the SSDs were. So they turn their weapons to us and
17 started shooting.
18 Q. Where is this Labour?
19 A. Labour is in Tongo Field. There is a swamp between them,
17:20:34 20 to where the SSDs were and up to Labour. It is an NDMC quarter.
21 Q. You said they fired towards you; not so? From the SSD
22 headquarter; not so?
23 A. Yes, sir.
24 Q. What happened?
17:21:07 25 A. We too withdrew, because we hadn't enough ammunition. So
26 we went to Giehun Kuju, where we had come from.
27 Q. As a result of the firing, which you said they fired
28 towards you, where you people were at the Labour, from the SSD
29 headquarters, did anything happen to any of your men?

1 A. No, I could not tell, because I did not see anything
2 happen. We ran away from there.
3 Q. You said you came to Giehun Kuju?
4 A. Yes, that was where we came and settled there.
17:22:27 5 Q. What followed after that?
6 A. While we were in Giehun Kuju, at one time the Kamajors who
7 had left from the Kenema end and were going towards Bo Njala, one
8 of them called Eddie Massallay, he announced that --
9 Q. Slowly. Slowly, please.
17:22:58 10 PRESIDING JUDGE: This is one Kamajor that called Eddie
11 Massallay or Massallay that called Kamajor?
12 THE WITNESS: Eddie Massallay, he was a Kamajor.
13 MR SESAY:
14 Q. What did he say?
17:23:24 15 A. He said that wherever Kamajors were, they were all to
16 regroup to fight against the juntas and remove them in the places
17 they have occupied so that everybody should go back to his
18 village.
19 Q. Yes?
17:23:49 20 A. So that day we were so happy, because the time when the
21 government was overthrown our people, our government, they were
22 all in Guinea. So when we heard that man spoke in the interests
23 of the Kamajors, we were so happy that indeed we have seen the
24 road on how to handle the juntas.
17:24:26 25 Q. Did you answer to his call, to Eddie Massallay's call for
26 all the Kamajors to go to their respective villages and to pursue
27 the junta?
28 A. Yes. Yes.
29 Q. What happened?

1 A. As we got that information, where we were, the commander
2 there called Bockarie Lansana, the other one CO Mambu Saffa, so
3 they told us to try to drive away the juntas from Wima and we
4 were at the back of Wima in Giehun Kuju. So we came, we fought
17:25:27 5 against them in Wima, and we dislodged them from there.
6 Q. Who led that attack on Wima?
7 A. It was CO Bockarie Lansana and CO Mambu Saffa.
8 Q. In what district can you find Wima?
9 A. In the Kenema District. But that particular town occupies
17:26:11 10 two chiefdoms. It's in the Lower Bambara and the Malegohun
11 Chiefdom.
12 Q. You said you succeeded - not so - in driving the junta from
13 Wima?
14 A. Yes.
17:26:32 15 Q. Did you go back anywhere?
16 A. We deployed there for some time while we were looking -- we
17 were making up our minds to advance to Tongo.
18 Q. Can you give a rough estimate as to how long you stayed in
19 Wima?
17:26:59 20 A. We came to Wima, we were there for about two months.
21 Q. After you took over Wima, you said you stayed there for two
22 months. What else happened after that?
23 A. Eddie Massallay sent to our commanders. They left and went
24 to Bo Njala, where they were. So when they were coming, they
17:27:54 25 told them that "When you are going, we are advancing to Zimmi and
26 we are trying to capture Zimmi. You too try as much as possible
27 to capture Tongo."
28 Q. Did it go as planned?
29 A. So when they came, they come and explain to us. We were

1 all happy and then we arrange how to attack Tongo.

2 PRESIDING JUDGE: Who's the "we"?

3 MR SESAY: As My Lord please.

4 THE WITNESS: We, the Kamajors.

17:28:39 5 MR SESAY:

6 Q. How did you go about this planning to attack Tongo?

7 A. We called a meeting at Wima. The other men who were there
8 in Dodo, they called them --

9 Q. Who called a meeting at Wima?

17:28:52 10 A. CO Bockarie Lansana, because it was they who left Bo Njala
11 to come, together with Musa Junisa.

12 PRESIDING JUDGE: Who called the meeting at Dodo?

13 THE WITNESS: It was not in Dodo. It was in Wima. In
14 Wima.

17:29:15 15 PRESIDING JUDGE: At Wima who called the meeting?

16 THE WITNESS: Bockarie Lansana. CO Bockarie Lansana.

17 MR SESAY:

18 Q. Apart from CO Bockarie Lansana was any other person present
19 at that meeting, any other commander?

17:29:37 20 A. Yes, there were many.

21 Q. Can you name some?

22 A. Chief Musa Junisa came to the meeting, CO Mambu Saffa was
23 there, CO Dugbe. All of them were there.

24 Q. What happened at that meeting?

17:30:11 25 A. So when they came, we fixed a time. Because it was not
26 only we. We at Wima based, there were others at Dodo, there were
27 others at Panguma.

28 Q. Slowly, please. Yes?

29 A. So we plan it. It was not only Wima that was a base. We

1 had a base at Panguma and another at Dodo. And all their
2 commanders came to the meeting. So they took the information
3 back and we'll time to attack Tongo. That was in January.

4 Q. January what year?

17:31:00 5 A. 1998.

6 PRESIDING JUDGE: Mr Sesay, is this a proper time to
7 adjourn. It is 5.30.

8 MR SESAY: Yes, My Lord. I am about to go into a new phase
9 of his testimony.

17:31:30 10 PRESIDING JUDGE: So this will be a suitable time?

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

12 PRESIDING JUDGE: Very well. The Court is adjourned to
13 9.30 tomorrow morning. Thank you.

14 [Whereupon the hearing adjourned at 5.32 p.m.,
17:31:58 15 to be reconvened on Tuesday, the 23rd day of
16 May 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

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| WITNESS: MOHAMED BHONIE KOROMA | 3 |
| EXAMINED BY MR SESAY | 4 |
| CROSS-EXAMINED BY MR PESTMAN | 32 |
| CROSS-EXAMINED BY MR MARGAI | 38 |
| CROSS-EXAMINED BY MR BANGURA | 40 |
| | |
| WITNESS: BRIMA MORIBA | 80 |
| EXAMINED BY MR SESAY | 80 |