

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

WEDNESDAY, 24 MAY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Andrea Marlowe
For the Registry:	Mr Geoff Walker
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 Yada Williams Mr Ansu Lansana Mr Martin Michael (legal assistant)

1 [CDF24MAY06A - SV]
2 Wednesday, 24 May 2006
3 [Open session]
4 [The accused Fofana and Kondewa present]
09:46:17 5 [The accused Norman not present]
6 [Upon commencing at 9.45 a.m.]
7 WITNESS: FALLAH BINDI [Continued]
8 PRESIDING JUDGE: Good morning, counsel. Good morning,
9 Mr Witness. We were in the cross-examination of this witness
09:47:29 10 yesterday and we were at you, Mr Prosecutor. You had asked for
11 some additional time so you could prepare the cross-examination
12 of the witness. Can I take it that you're ready to proceed now?
13 MR KAMARA: Yes, My Lord.
14 PRESIDING JUDGE: Thank you. You may do so.
09:47:47 15 CROSS-EXAMINED BY MR KAMARA:
16 Q. Good morning, Mr Witness.
17 PRESIDING JUDGE: Mr Witness, do you hear what we are
18 saying in court?
19 THE INTERPRETER: It appears he is not getting what we're
09:48:07 20 saying.
21 PRESIDING JUDGE: We're checking on it now.
22 THE WITNESS: Yes, good morning, old one.
23 PRESIDING JUDGE: So good morning, Mr Witness.
24 THE WITNESS: Yes, good morning, old one.
09:48:26 25 PRESIDING JUDGE: Mr Kamara.
26 MR KAMARA: Yes, My Lord.
27 Q. Mr Witness, let me just remind you that you're still under
28 oath, okay?
29 A. Yes.

1 Q. You said you are currently unemployed?
2 JUDGE ITOE: He said he is farming.
3 THE WITNESS: Excepting the farming that I'm doing.
4 MR KAMARA:
09:49:08 5 Q. Did you say you were farming?
6 PRESIDING JUDGE: This is what he said in chief as well.
7 That he was unemployed but doing some farm work.
8 MR KAMARA: Thank you, My Lord.
9 Q. Do you know the first accused, Chief Sam Hinga Norman?
09:49:28 10 A. Yes, I know him.
11 Q. You know him to be the Deputy Minister of Defence -
12 right? - formerly.
13 A. I did know.
14 Q. You also knew him to be the national co-ordinator of the
09:49:51 15 CDF?
16 A. Yes.
17 Q. Did you get to meet him between the period of 1997 and
18 1999?
19 A. No.
09:50:24 20 Q. Do you know the second accused, Moinina Fofana?
21 A. I don't know him.
22 Q. And you also don't know Allieu Kondewa, the third accused?
23 A. No.
24 Q. Now, Mr Witness, you gave evidence that you entered Kenema
09:51:06 25 on 15th February 1998?
26 A. Yes.
27 Q. Your group, I take it, was the first group that arrived in
28 Kenema of all the Kamajors?
29 A. Yes, together with them we were the first people who

1 entered.

2 PRESIDING JUDGE: Together with whom?

3 MR KAMARA:

4 Q. With whom did you enter Kenema when you said "together with
09:51:47 5 them"?

6 A. The Kamajors with whom we came.

7 Q. All right. And the leader of that unit was Mohamed Bhonie
8 Koroma?

9 A. Yes.

09:52:10 10 Q. When you entered Kenema did you encounter any form of
11 resistance from the junta?

12 A. Yes, they started shooting at us. Then they ran away.

13 Q. Where did this happen? Where in Kenema?

14 A. When we left Kpetema, close to Kenema.

09:53:13 15 Q. And that is before you entered Kenema; is that so?

16 A. Yes, Kpetema is close to Kenema. It's all in the town.

17 Q. It's all in the same township?

18 A. It has been joined to Kenema.

19 Q. All right. And is it correct also to say that once you
09:53:43 20 entered Kenema you met with pockets of resistance?

21 A. When we entered the town, till we reached in the town,
22 there was no exchange of firing until we reached the brigade.

23 Q. I see. So when you got to the brigade, again you
24 encountered some form of resistance; is that not so?

09:54:22 25 A. When we chased them, they did not stand at all. They ran
26 away hastily to leave the town. Then we stayed.

27 Q. Mr Witness, try to narrow your answer to my question. When
28 you got to the brigade you met another form of resistance; yes?

29 A. When we went there they were not there.

1 Q. Now explain to the Court, there was firing just before you
2 got to the brigade from the enemy?

3 A. At the time that we fought at Kpetema they did not -- when
4 we chased them, they did not shoot in the town, we did not see
09:55:24 5 them. They went away straightaway.

6 Q. So what happened at the brigade, tell this Court?

7 A. Well, when we arrived at the brigade, what we met there
8 were the ammunition and some guns and some food. Those are the
9 things we found there. Then we took them.

09:56:00 10 Q. So generally the Kamajors were all happy that the soldiers
11 were retreating; is that not so?

12 A. Yes. If you are fighting with somebody and that persons
13 runs away, you will be happy because that person must have been
14 afraid of you.

09:56:24 15 Q. And after that you all went loose; is that not so?

16 A. We too, we went towards the bushes to set traps because
17 there were so many civilians whom they had come across.

18 Q. The question is, Mr Witness, I said you were happy, you
19 said, "Yes, we were all happy." Then I said you went loose.

09:56:59 20 That is, every Kamajor went his own way?

21 A. No, we did not go loose. We divided ourselves and we
22 stationed ourselves. Because if you have driven your enemy, you
23 should set traps so that they should not return. So we
24 established ourselves in front of them.

09:57:24 25 Q. But even Arthur Koroma, your boss, told this Court that he
26 met you all loosely in Kenema, he had to summon a meeting. Are
27 you disputing that fact?

28 A. Well, for that one, Arthur Koroma at that time when we
29 captured Kenema, I did not see him there even. On that day I did

1 not see him.

2 Q. And, Mr Witness, the civilians too were happy to receive
3 the Kamajors?

4 A. Too much. They were really happy.

09:58:23 5 Q. And they assisted the Kamajors to identify the junta and
6 their supporters; right?

7 A. Well, they were not pointing at -- identifying people for
8 us. What they did was that they were jubilating. In their
9 jubilation they set some houses on fire. They said they were

09:58:48 10 junta's houses, that they had been punishing them before now.

11 Q. And where were you when this was happening?

12 A. I was inside Kenema.

13 Q. And you stood idly by and saw civilians burn houses?

14 A. We did something. We asked them to stop doing it. In
09:59:25 15 fact, we told them that, "Now that we've come to town, you've
16 jubilated for us. How could you be setting houses on fire?"

17 Q. What did you do to those civilians?

18 A. Well, we spoke to them. We told them, "If you say you were
19 going to repay them for what they have done, then no house will
09:59:50 20 remain in Kenema." Then they stopped doing what they were doing.

21 Q. No one was arrested?

22 A. Not one. Well, we did not arrest anybody for that because
23 we didn't want them to say that when they came they were
24 arresting us and beating us up. We just advised them to stop
10:00:11 25 doing it.

26 Q. Mr Witness, I am putting it to you that you did not arrest
27 them because no civilians burnt houses, but you the Kamajors did
28 that?

29 A. Well, I want to tell you too that we do not burn any house.

1 I wouldn't say you are telling lies, but there is no truth in
2 what you are saying.

3 Q. And are you telling this Court that no Kamajor burnt any
4 houses?

10:00:56 5 A. I have told you in the name of God and on the oath that I
6 have taken that no Kamajor burnt any house in Kenema.

7 Q. Are you saying that you do not know or that no Kamajor
8 burnt houses? Try to speak for yourself, Mr Witness?

9 A. I did not see them burning house. In fact, I don't know.

10:01:25 10 Q. Thank you. You don't know. Now, Mr Witness, once you
11 entered Kenema on 15th, for how long were you based in Kenema?

12 A. When we entered Kenema, we were there for two weeks.

13 Q. I'm talking about you. Don't bring other Kamajors into it.
14 You, yourself, for how long were you in Kenema after the entry?

10:02:12 15 A. I myself when we entered Kenema, I was there for full two
16 weeks.

17 Q. During that first day, did you observe any corpses around
18 Kenema?

19 A. On that day that we entered, we went round the town, but I
10:02:44 20 did not see any corpse. But we did not exchange firing. We
21 drove these people away and they went away.

22 Q. What did you use to drive them away?

23 A. The strength that God has endowed in us. So when they saw
24 us, they ran away.

10:03:09 25 Q. Without any exchange of fire?

26 A. On that day itself, when we chased them and they went away,
27 we have chased them and they have gone. How would you waste a
28 bullet?

29 Q. That's interesting. Mr Witness, on the day of 16th, you

1 gave evidence that the juntas counter-attacked; am I correct?

2 A. In the morning, yes, they came and attacked us, early in
3 the morning.

4 Q. You said it was a very serious attack?

10:04:06 5 A. Very serious. It was intensive, right in the centre of the
6 town.

7 Q. Along Hangha Road?

8 A. Hangha Road itself, that was where it was intensive, going
9 towards the police barracks.

10:04:24 10 Q. Yes, and the fighting engulfed the police barracks;
11 correct?

12 A. Well, it went round all of that place. They were shooting
13 from there at us.

14 Q. The Kamajors overran the police barracks; is that correct?

10:04:51 15 A. We did not take it. It was where they were shooting to us,
16 and we were shooting towards them. We continued shooting and
17 they ran away.

18 Q. Yes, and you pursued them beyond the barracks is what I'm
19 saying?

10:05:05 20 A. They went running away, in fact. They left us and we
21 returned.

22 Q. Mr Witness, did you pursue them beyond the barracks? Try
23 to answer the question.

24 A. We chased them. We continued chasing them until they went
10:05:24 25 away.

26 Q. Are you having difficulty with that question?

27 A. I'm answering it just like you're asking. It's not a
28 difficult one.

29 Q. Did you pursue them beyond the barracks? Yes or no?

1 A. Yes, we chased them beyond the barracks.

2 Q. Thank you. You'll agree with me, Mr Witness, that the
3 Kenema police barracks is home to police personnel, their
4 families as well?

10:06:08 5 A. Well, I did not see them there. At that time when we
6 started the fighting, the policemen were among the rebels because
7 they had their uniforms on and they were shooting at us.

8 Q. Mr Again, Mr Witness, listen to the question.

9 A. Ask me and I'll answer you.

10:06:31 10 Q. Nobody has asked you about whether they were shooting at
11 you or not. The question is this -- listen carefully, all right?

12 A. I'm listening very, very carefully.

13 Q. Good. Will you agree with me that the Kenema police
14 barracks is the home of policemen, their children and their
10:06:55 15 wives?

16 A. I cannot explain that to you. At the time that we were
17 fighting, policemen were amongst the rebels, but when we came
18 they all had gone.

19 PRESIDING JUDGE: Yes, but, Mr Witness, the question is not
10:07:20 20 that. It may be that there were policemen with those shooting at
21 you, but this is not the question. The question is: Did you
22 know if the Kenema police barracks was the home for the police
23 personnel, their family and so on? Yes or no? If you didn't
24 know, that's okay.

10:07:41 25 THE WITNESS: No.

26 PRESIDING JUDGE: You don't know or it was not their home?

27 THE WITNESS: It was the police barracks.

28 PRESIDING JUDGE: Yes, but the question is: as part of
29 those police barracks, do you know if it did include the house

1 and the home for their families, the families of the police?

2 THE WITNESS: At first, yes. Yes, that is where they were.

3 But when we started shooting, they were not there; all of them
4 went away. It was only when they attacked us that I saw the

10:08:29 5 policemen.

6 PRESIDING JUDGE: Thank you.

7 MR KAMARA:

8 Q. Thank you, Mr Witness. You are at pains to evade the
9 truth?

10:08:41 10 PRESIDING JUDGE: Mr Prosecutor, no arguments. Just ask
11 your question, please.

12 MR KAMARA: Obliged, My Lord.

13 THE WITNESS: It's a lie. I'm telling the truth.

14 JUDGE ITOE: What is the reply to this question: does he
10:08:59 15 know that families of policemen were in those barracks? I
16 haven't got any clearer.

17 MR KAMARA:

18 Q. Mr Witness, do you know, as a fact, that the barracks was
19 the place for the policemen, their wives and their children?

10:09:27 20 A. That's where they were before. But when we came into the
21 town, all of them went away. It was only when they attacked us
22 that I saw the policemen in the front shooting.

23 Q. How many policemen did you see shoot at the Kamajors?

24 A. They were amongst the soldiers. They were mixed. I did
10:10:02 25 see them. They could be up to 10. There were many. There were
26 many guns in front of us, but only that our strength was more
27 than theirs.

28 Q. What uniforms did the police have when you saw them?

29 A. They had a police uniform on. It was blue.

1 Q. Was it a shirt or an overall?

2 A. A police uniform that has an insignia here on the shoulders
3 and the trousers that they normally wear.

4 Q. Mr Witness, after this firing and the police barracks was
10:11:06 5 overrun, did you see any police corpses?

6 A. No, I did not see any police corpse.

7 Q. Did you see any corpse?

8 A. Corpse, one Kamajor died that I saw, but when we were
9 going -- in fact, they were shooting intensively. We were
10:11:36 10 chasing them away.

11 Q. That is for 16th?

12 A. It was that 16 date indeed that all this happened.

13 Q. Now let me just engage in a reverse gear for a short while
14 and come back to the 15th. Did you Kamajors visit the police
10:12:09 15 barracks on the 15th?

16 A. On that 15th day, I did not go that way. Even if Kamajors
17 went that way, I did not go there because they were deployed in
18 the town, around the town.

19 PRESIDING JUDGE: So you don't know? Is it you don't know,
10:12:33 20 Mr Witness?

21 THE WITNESS: On that day when we captured that town, I did
22 not go up to the barracks.

23 MR KAMARA:

24 Q. Are you aware that seven policemen were killed on that day
10:12:49 25 of 15th, in the barracks, by Kamajors?

26 A. I don't know that one at all. I did not hear it, I did not
27 see it and I did not do it.

28 Q. Mr Witness, are you aware of the general atmosphere of
29 hostility between the Kamajors and the police in Kenema before

1 that attack?

2 A. I want you to ask me a question that I can answer. At what
3 time are you talking about?

4 Q. The period preceding the attack. Let us say 1997, start of
10:14:02 5 1997.

6 PRESIDING JUDGE: 1997 or 1998?

7 MR KAMARA: 1998, My Lord. Sorry, My Lord.

8 THE WITNESS: Ask the question.

9 MR KAMARA:

10:14:18 10 Q. Are you aware of the hostile relationship between the
11 Kamajors and the police? In other words - let me rephrase it -
12 are you aware that Kamajors were accusing the police of
13 supporting the junta?

14 A. That one, even if that one happened, I did not see it.

10:14:43 15 Q. You are not aware?

16 A. If that one happened, I said I did not know.

17 Q. Mr Witness, did you, between the period of 15th to 18th,
18 see civilians being burnt by the use of tyres in Kenema?

19 THE INTERPRETER: Can learned counsel ask the question
10:15:33 20 again?

21 MR KAMARA:

22 Q. Between the dates of 15 to 18 February 1998, were you aware
23 of civilians being killed with fire by the use of tyres being
24 hung over their necks?

10:15:56 25 A. That one, I did not see it happen and I did not hear
26 anybody tell me.

27 Q. Mr Witness, there is evidence before this Court - and I
28 believe it's TF2-201, My Lords - that when ECOMOG came to Kenema
29 on the 18th, one of your commanders was taken on a conducted tour

1 of Kenema and was shown spots wherein civilians had been killed
2 by Kamajors. Are you still saying that you are unaware of those
3 happenings?

4 A. Yes. If I was at a place and something happened and I
10:17:15 5 actually saw it, I wouldn't say I did not see that.

6 Q. Mr Witness, I am putting it to you that these were matters
7 of common knowledge in Kenema.

8 A. Well, even if everybody knew, I did not know. Who are the
9 people who did the work? I said I did not know.

10:17:43 10 Q. Mr Witness, I suggest to you you know but you're refusing
11 to say; is that not so?

12 A. I don't know. That's why I won't say it.

13 Q. Thank you. Now, after the capture of Kenema you'll agree
14 with me that collaborators were caught by the Kamajors?

10:18:24 15 A. At that time that ECOMOG came, they told us that anybody
16 whom you do not believe, whom you do not trust, bring that person
17 to us, we will investigate him, but don't do anything to that
18 person. So we used to bring people to them.

19 Q. The CDF had its headquarters at Kaisamba Terrace; is that
10:18:53 20 correct?

21 A. At that time we had no headquarters. When we came it was
22 there -- it was then created after.

23 Q. So now you agree with me that there was no headquarter and
24 there was no command between you; everyone was free-for-all?

10:19:23 25 MR SESAY: I'll object to that, My Lord.

26 PRESIDING JUDGE: What is your objection, Mr Sesay?

27 MR SESAY: My Lord, the objection is that the question is
28 very general, My Lord, in its context. That there was no
29 command; it was free-for-all. In the light of the context in

1 which the question is being asked, My Lord, command is more
2 generic. It's a generic term, My Lord.

3 PRESIDING JUDGE: This was a question that was asked
4 before. Now it's asked from a different perspective, as such.

10:19:57 5 The witness was asked if the Kamajors were on the loose, if I'm
6 not mistaken. That's what the question was, and he answered that
7 question.

8 MR SESAY: As My Lord pleases.

9 MR KAMARA: I'm obliged, My Lord.

10:20:10 10 Q. At that time you said there was no headquarter for
11 Kamajors?

12 PRESIDING JUDGE: It was created after.

13 MR KAMARA:

14 Q. It was created after; is that what you said?

10:20:20 15 A. When we entered the town, when we entered Kenema, there was
16 no Kamajor headquarters. After ECOMOG had come and we had
17 organised everything and we were not settled, then they gave us
18 an office. At that time I was at Daru.

19 Q. Before that office was created, that is what I'm saying
10:20:41 20 now, that it was a free-for-all for you, the Kamajors?

21 MR JABBI: My Lord, the witness has properly stated the
22 time frame in question.

23 THE INTERPRETER: Can learned counsel please speak into the
24 mic?

10:20:59 25 MR JABBI: My Lord, the witness has specifically stated the
26 time frame in question, when they entered Kenema. If learned
27 counsel continues to ask, "Before that you were on the loose in
28 Kenema," I mean, I don't see how that is relevant. The witness
29 was not in Kenema --

1 PRESIDING JUDGE: This is not the question, Dr Jabbi, with
2 all due respect. The question is before the creation of the
3 headquarters. It's not before they entered Kenema. The question
4 is: When you entered Kenema you were on the loose before the
10:21:44 5 creation of the headquarters.

6 MR JABBI: Which, according to Your Lordship, had in fact
7 been answered earlier on.

8 PRESIDING JUDGE: He's answered the question, but he is in
9 cross-examination.

10:21:52 10 MR JABBI: As Your Lordship pleases.

11 PRESIDING JUDGE: Proceed, Mr Kamara, please.

12 MR KAMARA: Obliged, My Lord.

13 Q. Mr Witness, the question again: Before the creation of
14 this headquarter, Kenema was a free-for-all for the Kamajors?

10:22:12 15 PRESIDING JUDGE: In Kenema.

16 MR KAMARA: In Kenema, yes, My Lord.

17 Q. You were free to do what you wanted?

18 A. I have explained to you that when we captured Kenema we
19 were not loose, we were for ECOMOG. Whatever we did, we did
10:22:33 20 under their instructions. I've explained this to you.

21 Q. Mr Witness, you are in haste to bring ECOMOG.

22 A. Yes.

23 Q. Leave ECOMOG. ECOMOG is not in Kenema. All right? Okay?

24 A. At the time -- is it before they came? Is that what you're
10:22:53 25 asking?

26 Q. Yes, yes, yes.

27 A. When we came, three days after they came.

28 Q. Take your time, Mr Witness. Don't be in a rush to answer.

29 I'm not trying to confuse you, all right. Now, before ECOMOG

1 came - and we are agreed that ECOMOG came at about the 18th -
2 between 15th and 18th Kenema was a free-for-all for Kamajors to
3 do whatever they wanted to do?

4 A. We were not doing bad like you would do, somebody would do
10:23:37 5 it. We were there looking at protecting, defending the town. We
6 were not loose. We were working.

7 Q. In the course of your so-called protection, you were
8 enriching yourself by looting the innocent civilians; correct?

9 A. Father forbid. Those people whom we were protecting, we
10:24:06 10 would find food for them and give it to them and return to loot
11 them? Father forbid.

12 Q. Mr Witness, you created checkpoints --

13 JUDGE THOMPSON: Just a minute, counsel. Let's get the
14 evidence.

10:24:22 15 MR KAMARA: Sorry, My Lord.

16 JUDGE THOMPSON: Continue.

17 MR KAMARA: Thank you, My Lord.

18 Q. Kamajors created checkpoints around the outskirts of
19 Kenema, or even within Kenema; is that not so?

10:25:03 20 A. No, we did not create any checkpoints.

21 Q. No, you did not create checkpoints for the security of
22 Kenema? Is that what you're telling this Court?

23 A. What a checkpoint is is when you put a stick across. We
24 were just sitting there, defending the town. We did not put any
10:25:24 25 rope across to debar people from moving across to the other end,
26 no.

27 Q. Are you aware of the checkpoint that was created at Lago?

28 A. No.

29 Q. So everyone was free to move in and out of Kenema as he or

1 she pleases; is that what you're saying, without any check?

2 A. If there was a checkpoint at Lago, I said I do not know
3 because I didn't went that way -- I didn't go that way, sorry.

4 Q. I have moved from Lago. The question now is: Are you
10:26:18 5 suggesting to this Court that when you captured Kenema from the
6 15th to the 18th, everyone was free to move in and out of Kenema
7 as he or she chooses? That is the question.

8 A. On the 15th when we captured Kenema, on that day, up to the
9 16th, on the third day when ECOMOG came, people were frightened.
10:26:53 10 Who would leave Kenema to go into the bush? Nobody came out
11 until ECOMOG entered. So we were just sitting out, looking ahead
12 of the road to prevent bad people from entering the town.

13 Q. Mr Witness, what do you want this Court to believe? A few
14 minutes ago you said civilians were out in the town dancing and
10:27:13 15 jubilating. Now you're telling this Court they were all afraid.
16 No one was out in the streets. Let us be serious about this.

17 A. They were not afraid to come outside but they did not go
18 into the bush.

19 Q. I never mentioned anything about bushes, Mr Witness. You
10:27:37 20 are confusing yourself. Let's take it back again.

21 A. Yes, go on.

22 Q. You gave evidence that civilians were out, they were happy
23 for the Kamajors; right?

24 A. Indeed, a very big dance right into the town.

10:27:59 25 Q. I asked you about checkpoints and the movement of people.
26 Your response is that people were afraid to be outside.

27 A. It's not for the town that I said that. We did not create
28 checkpoints in towns. If we created any checkpoints it would
29 have been on the road, but on the road at that time, we did not

1 create any checkpoint. We were just sitting, waiting for the
2 ECOMOG. They were the people who would create checkpoints.

3 JUDGE ITOE: There is a question, Mr Witness, which you
4 have not answered. Since there were no checkpoints, the question
10:28:36 5 was put to you: does it mean that people were free to move in
6 and out of Kenema anyhow after you had captured that town from
7 the 15th to the 18th? Were people allowed to move in and out,
8 come in, go out the way they liked after the town was under the
9 control of the Kamajors?

10:29:03 10 THE WITNESS: In those three days, during those three days
11 when we captured that town and it was under our control, I said
12 no civilian went to the bush. They were in the town and we
13 surrounded them, looking after them. We were around the
14 periphery of the bushes. We go and find food and bring food to
10:29:23 15 them. We wouldn't allow them to go out of the town.

16 JUDGE ITOE: The question is not answered. You may
17 continue, please.

18 MR KAMARA: Thank you very much, My Lords. Obligated.

19 MR JABBI: My Lords, there seems to be a distinction which
10:29:43 20 has not been clarified. One, moving in and out of houses within
21 Kenema.

22 PRESIDING JUDGE: No, no, move out of the town.

23 MR JABBI: My Lord, just a minute, please. Just a minute,
24 please. One point is moving in and out of houses within Kenema
10:30:05 25 and the other point is moving in and out of Kenema.

26 PRESIDING JUDGE: So what's your objection?

27 MR JABBI: My Lord, I am not really raising an objection.
28 I'm just pointing to a need for clarification.

29 PRESIDING JUDGE: Dr Jabbi, I don't think there's a need

1 for clarification. I think we can read the evidence without any
2 assistance in this respect. Thank you very much.

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

4 MR KAMARA: Thank you, My Lord. My Lord, I will move
10:30:35 5 further. Since the witness is not answering that question, I'll
6 move to other issues.

7 Q. Mr Witness, when you came into Kenema, did you go back to
8 SS Camp at any point in time? In that two weeks you were in
9 Kenema, did you go back to SS Camp?

10:31:04 10 A. I from -- no, no, I did not go there, to cut long talk
11 short.

12 Q. Thank you very much. Are you aware of a meeting being held
13 in Kenema by the Kamajors immediately after the capture of
14 Kenema?

10:31:38 15 A. At that time that the Kamajors entered Kenema, if they held
16 a meeting in Kenema; is that what you're asking?

17 PRESIDING JUDGE: Yes.

18 MR KAMARA: Thank you, My Lord.

19 THE WITNESS: After ECOMOG had come, we met, they organised
10:31:59 20 us. It was on that day that I knew of a meeting.

21 MR KAMARA:

22 Q. You were at that meeting, were you not?

23 A. Yes, I was there indeed.

24 Q. Arthur Koroma spoke at that meeting?

10:32:14 25 A. Well, at that time he was there because he and ECOMOG came
26 together.

27 Q. Mr Witness, did he speak at the meeting? That's the
28 question.

29 A. Arthur Koroma himself, I did not hear him talk.

1 Q. Arthur Koroma gave evidence in this Court, that is on 4 May
2 2006, and he said he spoke at that meeting and he admonished the
3 Kamajors to treat civilians well at checkpoints. Are you
4 disputing that fact?

10:33:11 5 A. He said that was what he did? He came and said that was
6 what he did? Even if he did that, I did not see it and I did not
7 hear it.

8 Q. Thank you, Mr Witness, that is good. Now, Mr Witness, you
9 said you were a Kamajor since 1991; am I correct?

10:33:57 10 A. Yes, indeed.

11 Q. You've been engaged in several battles since that time?

12 A. Together with the soldiers, yes.

13 Q. Leave the soldiers out for the moment. You have been
14 engaged in several battles since that time until you were
10:34:25 15 disarmed?

16 PRESIDING JUDGE: Until when?

17 MR KAMARA: Until he was disarmed.

18 THE WITNESS: Kamajor fight, yes. When we were disarmed I
19 explained to you yesterday that I did not go fighting. In fact,
10:34:38 20 I was waiting for them when they came. Then, together, we came
21 and captured SS Camp.

22 MR KAMARA:

23 Q. Now tell us about child soldiers that you had.

24 JUDGE ITOE: Is that a question, Mr Prosecutor?

10:35:05 25 MR KAMARA: Yes, My Lord.

26 JUDGE ITOE: You want him to tell you --

27 MR KAMARA: To tell us about the recruitment of child
28 soldiers.

29 JUDGE ITOE: Has he said he recruited child soldiers?

1 MR KAMARA: My Lord, I am putting it to him.

2 JUDGE ITOE: Well, you'd better do.

3 MR KAMARA: Yes, My Lord.

4 Q. Mr Witness, you had child soldiers with you while you were
10:35:27 5 fighting?

6 PRESIDING JUDGE: When?

7 MR KAMARA:

8 Q. Starting 1991. Let's start in 1991.

9 JUDGE ITOE: Are we concerned with 1991?

10:35:39 10 MR KAMARA: My Lord, it's a system. I want to establish if
11 it happened. He will feel comfortable starting in 1991, My Lord.

12 THE WITNESS: 1991, what you would know? When our chiefs
13 were selecting us, if you were not old -- if you were not 30
14 years old, they wouldn't select you -- 35 years old, they
10:36:05 15 wouldn't select you. That's what I said yesterday. I know my
16 age. It's 55.

17 MR KAMARA:

18 Q. Okay. Now let's go to 1997, while you were engaged in
19 Gendema, Kenema, SS Camp and all those places. You had child
10:36:30 20 soldiers with you; is that not so?

21 A. I would not accept that if I do not explain to you. That
22 Gendema that you've called, I do not even know there.

23 Q. While you were fighting, did you not have children carry
24 your loads, such as the ammunition?

10:37:09 25 A. No, mister.

26 Q. Did you use children as spies to go and spy on the enemy
27 junta positions between 1997 and 1999?

28 A. We did not deal with children. We were not moving
29 together. How could you be fighting -- how could you be going to

1 fight and you'll strap a child on your back?

2 Q. You're just confusing yourself. When we were talking about
3 children, I wasn't referring to children that can be strapped on
4 the back.

10:37:49 5 PRESIDING JUDGE: We're not talking of babies here. We're
6 talking of children.

7 MR KAMARA:

8 Q. Yes, let me give an age. Probably that will help you?

9 A. Yes, tell the age. I'm listening.

10:38:01 10 Q. Boys of about 15 years old, and let us agree that those
11 cannot be strapped to your back?

12 JUDGE THOMPSON: Perhaps your line of questioning
13 [overlapping speakers].

14 THE WITNESS: I've explained to you a while ago that --

10:38:14 15 JUDGE THOMPSON: If you leave the questions in that kind of
16 general way, then of course you invite generalities by way of
17 answers. So you gave the witness a licence to ruminate or
18 meander all over the place.

19 MR KAMARA: I take your point, My Lord.

10:38:35 20 Q. Now let's say children of about 15 years old. Did you use
21 children of about 15 years old between the period of 1997 to 1999
22 to carry your load during the fight, such as ammunition?

23 A. No.

24 Q. Did you use children of that age description as spies to
10:39:14 25 seek information from the junta during that period?

26 A. No.

27 Q. Did you use children as persons you can send with letters
28 to inform civilians about attacks?

29 A. No.

1 Q. Now, Mr Witness, did you volunteer to give evidence, to
2 come to court? Did you volunteer by yourself to come to court?

3 A. I volunteered to come and say the truth.

4 Q. You've been receiving allowances since you came; right?

10:40:37 5 A. Yes, they would give me a little -- some money on Fridays.

6 Q. How much is that?

7 A. They would give me 112,000 leones per week.

8 Q. Do you make 112,000 per week in your farm?

9 A. No, I wouldn't get it at all times.

10:41:36 10 Q. Mr Witness, I put it to you that that is your incentive for
11 volunteering to give evidence; yes?

12 A. Well, I'm telling you too that if it were for that money
13 alone, I wouldn't leave my children behind and come and stay in
14 Freetown wasting my time.

10:42:16 15 MR KAMARA: No further questions for this witness, My Lord.

16 PRESIDING JUDGE: Thank you. Any re-examination?

17 MR SESAY: Yes, Your Honour.

18 RE-EXAMINED BY MR SESAY:

19 Q. Now, Mr Witness, I want you to listen very care fully to
10:42:32 20 the question.

21 A. Okay.

22 Q. You remember you were asked by the learned Prosecutor
23 whether you heard about hostilities before 1998 between the
24 police and the Kamajors. Do you remember that question?

10:43:05 25 A. At that time, I can't testify to that because I can't
26 remember. I did not hear.

27 Q. Now, let me ask my question now. Were you in Kenema before
28 1998?

29 A. I was not inside Kenema.

1 Q. Thank you. Mr Witness, you also recall that you were asked
2 by the learned Prosecutor whether, during the first three days of
3 Kamajors taking Kenema, people were free to move in and out of
4 Kenema Town? Do you remember that question?

10:44:14 5 A. He asked me that question and I answered it for him.

6 Q. I want you to wait for my own question now.

7 A. Okay.

8 Q. During that period, were people free to --

9 JUDGE THOMPSON: Counsel, remember that re-examination
10:44:32 10 should be predicated upon the answer that the witness gives.
11 Because if you're trying to establish or trying to rehabilitate
12 the evidence in the sense that there might have been a
13 discrepancy, it must have been between what was said in
14 examination-in-chief and what was said under cross-examination in
10:44:57 15 clarification. So, the question itself cannot be the premise
16 upon which the re-examination can proceed. It's the answer to
17 the question.

18 MR SESAY: I concede, My Lord.

19 PRESIDING JUDGE: What clarification is it that you're
10:45:08 20 seeking from this witness that is such that it needs to be
21 re-examined?

22 MR SESAY: The clarification, My Lord, is in relation to
23 whether it was within the town, movement of people within the
24 town.

10:45:19 25 PRESIDING JUDGE: I will not allow that question. I think
26 it is quite clear. We have well understood. We don't need any
27 clarification on this.

28 JUDGE THOMPSON: That's the point I make. It's the answer
29 that you should remind him of. It's not the question, the

1 answer. It's elementary knowledge that it's your answer, if
2 you're trying to more or less sort of restore some damage.

3 MR SESAY: My Lord, I quite agree on that. I was of the
4 view, My Lord, that the question was a bit pregnant.

10:45:48 5 JUDGE THOMPSON: No, counsel. It's elementary knowledge
6 that what you seek to do in re-examination is in fact to clear up
7 any discrepancy between the examination-in-chief, the aspect
8 which was put in cross-examination and which is now at variance
9 with what was given in cross-examination, or any new matter that
10:46:13 10 comes up.

11 MR SESAY: My Lord, there is no further re-examination.

12 PRESIDING JUDGE: Thank you very much. Mr Witness, that
13 concludes your evidence in this Court. We thank you for having
14 come to this Court to give your evidence and we wish you a safe
10:46:33 15 trip back home. Thank you. So can the witness be assisted,
16 please.

17 [The witness withdrew]

18 [CDF24MAY06B - EKD]

19 PRESIDING JUDGE: Dr Jabbi, you are ready to proceed with
10:48:02 20 your next witness.

21 MR JABBI: Yes, My Lord.

22 PRESIDING JUDGE: Before you do so, just for the record, we
23 have been informed by the Chief of Detention this morning that --
24 and I have a document that I will ask to be filed with the Court.
10:48:02 25 I will read from this document:

26 "I Cardinal, Chief of Detention, hereby certify that Sam
27 Hinga Norman was personally asked by me to state if it was
28 his intention to attend court today, 24th May 2006. His
29 response was that he would not attend. The detainee Norman

1 stated that he will attend court starting tomorrow, 25th
2 May 2006. He stated that his reason for not attending
3 court today is due to the pain that he feels in his right
4 hip and the trouble to move about without the aid of
10:48:03 5 crutches. Otherwise he appears to be conducting himself
6 normally."

7 That was the information that was supplied to the Court
8 today as a result of the Court's direction yesterday. So it will
9 be filed with the Court.

10:48:03 10 Before you proceed, I have a few questions for you,
11 Dr Jabbi, related to some witnesses. Just clarification. I
12 refer you to the Status Conference that we had, the last one,
13 where some information was still missing and you had indicated
14 you would provide that with reference to - and I say this to
10:48:12 15 avoid any delay if possible when we get there - witness 25 and
16 26. You indicated at that time that that information was
17 missing, but you would be providing this identification
18 information that was requested at the time, that you would
19 provide that shortly thereafter.

10:48:37 20 As far as General One Mohamed, he is listed as witness 21,
21 if I am not mistaken, that it was not clear if he would be able
22 to come. You were trying to communicate with him to confirm
23 that. So can you give some information and appreciation as to
24 where all of these matters are at this moment or, if you are
10:49:05 25 unable to, I would ask you to look into that and provide the
26 information tomorrow morning.

27 MR JABBI: My Lord, I can give some information now.

28 PRESIDING JUDGE: Very well.

29 MR JABBI: With respect to number 21, Major General Abdu

1 One Mohamed, we are sending a legal assistant today back to
2 Nigeria to clarify the situation.

3 PRESIDING JUDGE: So for that witness it is still the same
4 status quo, because you were to send a legal assistant the last
10:49:45 5 time. So it is today that it is being done.

6 MR JABBI: It is today he is leaving, because we have not
7 been able to establish contact with him to ensure where he was
8 and where the legal assistant would have to go. But he is
9 leaving by 1.00.

10 PRESIDING JUDGE: So we should know by the end of this
11 week, or early next week, what the status will be for this
12 witness.

13 MR JABBI: By the middle of next week at the latest,
14 My Lord. I have already instructed the legal assistant to keep
10:50:14 15 in touch with us by telephone all the time he is in Nigeria.

16 PRESIDING JUDGE: Very well.

17 MR JABBI: But, by the very latest, by the middle of next
18 week we should be able to have a clear position on that. That is
19 as far as he is concerned.

10:50:38 20 My Lord, as far as the other witnesses are concerned, 25
21 and 26, I believe that the information in respect of 25 has been
22 supplied to the Prosecution either yesterday or today.

23 PRESIDING JUDGE: It was 26 as well.

24 MR JABBI: Yes, for 25, to begin with, that information has
10:51:04 25 been supplied, My Lord.

26 PRESIDING JUDGE: Yesterday, you say?

27 MR JABBI: Either yesterday or today, My Lord. I don't
28 know. I was given a sheet of paper whilst in court having that
29 information and the legal assistant did say that it has been

1 supplied to the Prosecution.

2 PRESIDING JUDGE: Very well. My next question has to do
3 with witness 23 on your list, Hassan Feika. You had informed the
4 Court then that he was out of the country and was expected back
10:51:52 5 by June, he would be out of the country until June, and that they
6 would keep track of that and inform all parties as soon as you
7 knew. As you know, we are getting essentially very close to the
8 end of your list of witnesses and we are getting close to June.
9 That's why I am asking this question, because I would imagine
10:53:02 10 that your witness General Abdu One Mohamed is a witness that you
11 would indeed try to have in this session.

12 MR JABBI: Yes, My Lord. With respect to Hassan Feika,
13 My Lord, we intend to track him where he is and be clear about
14 when he will be available, but he did indicate he was leaving the
10:53:03 15 country for about six weeks. I don't know exactly when he left,
16 but he is still out of the country anyway. But we will endeavour
17 to ensure that we have information on him before next week is
18 out.

19 PRESIDING JUDGE: Because by the end of next week we may be
10:53:05 20 through with your list of witnesses.

21 MR JABBI: Very likely, those that are available to us so
22 far.

23 PRESIDING JUDGE: And those that are not available, what
24 would be your intent? Can we hear what your plan is?

10:53:25 25 MR JABBI: For those that are not yet available to us, like
26 1, His Excellency the President of Sierra Leone, we will be
27 waiting for the Court's decision on the subpoena motion. That is
28 what will tell us broadly what we do in respect of him.

29 PRESIDING JUDGE: The other witnesses?

1 MR JABBI: The Nigerian witness Abdu One Mohamed, we
2 believe that before next week is out, latest by middle of next
3 week, we will have a clear idea of his own availability. I have
4 already spoken about Hassan Feika.

10:54:11 5 PRESIDING JUDGE: My question to you: If these witnesses
6 are not available within the next few weeks, what is your plan?
7 We are certainly not in a scenario now where we are going to
8 postpone indefinitely trials because -- I mean, this is something
9 that has been in place for quite a while. You have been put to
10:54:31 10 your defence for a quite a while now, Dr Jabbi, and we are in
11 May.

12 MR JABBI: My Lord --

13 PRESIDING JUDGE: I will not ask you to respond and give me
14 a definitive answer this morning, Dr Jabbi. I will just ask you
10:54:47 15 that you think about it, because we are getting fairly close to
16 the end of your list of witnesses and certainly decisions will
17 have to be made.

18 MR JABBI: Yes, My Lord. We are actively considering the
19 various possible scenarios.

10:55:08 20 PRESIDING JUDGE: Thank you, Dr Jabbi. Mr Pestman, I can
21 see that you are getting to be active on your chair.

22 MR PESTMAN: I have suddenly realised that something
23 important is being discussed, because we are a bit worried. This
24 is the first time that we understand that maybe the Defence for
10:55:27 25 Mr Norman is going to run out of witnesses before the end of this
26 trial session. We were always led to believe that Defence for
27 Mr Norman would need this entire trial session to hear all the
28 witnesses, and maybe also the beginning of the next trial
29 session, and we have always acted and informed our own witnesses

1 accordingly. I would like to know, and maybe if possible by
2 tomorrow, because I am leaving tomorrow afternoon, what the
3 planning is for this trial session and whether we are actually
4 expected to do something this trial session. None of our
10:56:02 5 witnesses are here and all of them assume that they don't have to
6 do anything until September.

7 PRESIDING JUDGE: Certainly, Mr Pestman, we will not
8 deprive you and/or your client your ability to defend. So if
9 that is the case, we will let you know. But you are saying you
10:56:24 10 are leaving by tomorrow afternoon. We will ask Dr Jabbi to think
11 about what we have just been discussing and if he has any
12 additional information to provide the Court with by tomorrow, we
13 would appreciate being informed of that as to what is your
14 intention with these witnesses. There are two that I can see at
10:56:42 15 this time that are obviously not available; the Nigerian General
16 the other witness, number 21, if I am not mistaken, Hassan Feika
17 who appears to be out of the country.

18 MR JABBI: 23.

19 PRESIDING JUDGE: 23, yes. So if you run out of witnesses
10:57:07 20 by next week, what do you do with these witnesses and what will
21 be your position? I am giving you up to tomorrow. I have told
22 you that. So think about it. I will not ask for an answer.

23 MR JABBI: We will provide an answer tomorrow, My Lord.

24 PRESIDING JUDGE: Very well. For you, Mr Pestman, we will
10:57:29 25 try to give --

26 JUDGE ITOE: Dr Jabbi, is just an advice to the Defence
27 team, that is for you to carry out an assessment of the evidence
28 of these two witnesses, the General and the other one, to see
29 whether, in the light of the evidence that has already been

1 adduced, you still would require to call them. This should be an
2 important factor, because you know what you have adduced and you
3 know what evidence we have before us. So the question is would
4 you need these witnesses? That should help you to make up your
10:58:10 5 mind as to whether you can do with or without them.

6 MR JABBI: My Lord, I can assure Your Lordship that that
7 question as posed is being very actively discussed already by the
8 team.

9 PRESIDING JUDGE: I appreciate that, but what I would
10:58:32 10 really appreciate is the result of these discussions, so we be
11 informed of decisions that have been taken or will be taken as a
12 result of that. So this is what we need to know and I can only
13 encourage you to pursue your discussion actively so that you can
14 come to a conclusion by tomorrow.

10:58:51 15 MR JABBI: We will report any state of decision that we may
16 have reached by tomorrow, My Lord.

17 PRESIDING JUDGE: Thank you, Dr Jabbi.

18 MR JABBI: Thank you, My Lord.

19 MR PESTMAN: Your Honour, I assume that we will be allowed
10:59:09 20 to revisit this topic tomorrow.

21 PRESIDING JUDGE: That's what I said. We will come back to
22 you tomorrow, Mr Pestman, before you go. I have noted that you
23 are leaving in the afternoon tomorrow, we will try to do that
24 before your flight departs.

10:59:22 25 MR PESTMAN: Yes, because this trial takes considerable
26 preparation and the further we can plan ahead the easier it is
27 for us to deal with.

28 PRESIDING JUDGE: Can I suggest you discuss as well with
29 counsel for the first accused, because one of those witnesses, if

1 not two of those witnesses, are common witnesses to your team and
2 the first accused as well. So there might be a common approach
3 to that as well. If I may suggest that you do it between now and
4 tomorrow.

10:59:48 5 MR PESTMAN: We will do our best, Your Honour.

6 PRESIDING JUDGE: Dr Jabbi, we were at your next witness.

7 MR JABBI: My Lord, just before the next witness comes I
8 wish to crave the indulgence of the Court to allow me to make a
9 correction in this summary of witness listed at number 19, not
11:00:21 10 the next witness coming.

11 PRESIDING JUDGE: The one after.

12 MR JABBI: The one after, My Lord.

13 PRESIDING JUDGE: Mohamed K Swaray.

14 MR JABBI: Yes, My Lord.

11:00:32 15 PRESIDING JUDGE: What is the proposed change?

16 MR JABBI: The change proposed, My Lord, is at bullet 4.
17 The one beginning, "How the juntas burning and looting property
18 while retreating", et cetera. An amendment in that, My Lord.
19 The second line of it --

11:00:58 20 PRESIDING JUDGE: "While retreating when attacked by ECOMOG
21 and CDF forces," that's the line you want to modify?

22 MR JABBI: The second line, "By ECOMOG and CDF forces".
23 "ECOMOG and" should be deleted, My Lord.

24 PRESIDING JUDGE: So it should read, "While retreating when
11:01:23 25 attacked by CDF forces."

26 MR JABBI: Yes, My Lord. The second is in the last bullet,
27 My Lord.

28 PRESIDING JUDGE: "How the Kamajors and ECOMOG received" --

29 MR JABBI: Yes, My Lord. The amendment there is to delete

1 "and ECOMOG."

2 PRESIDING JUDGE: In that very first part, first sentence?

3 MR JABBI."

4 PRESIDING JUDGE: So it will read, "How the Kamajors
11:01:54 5 received fire."

6 MR JABBI: Yes, My Lord. Thank you very much, My Lord.

7 MR KAMARA: I am a bit worried about the changes that have
8 been made and I give notice that we shall be seeking an
9 application for this statement, because the change similarly
11:02:19 10 appears to move towards the direction of the evidence as we
11 already have in court.

12 If you look at the last chain, My Lord, it says, "How the
13 Kamajors and ECOMOG received fire from the police barracks." The
14 evidence now that we have in court has suggested that ECOMOG was
11:02:35 15 not there, and now they are taking ECOMOG out of that summary or
16 statement.

17 PRESIDING JUDGE: We will deal with that issue at that
18 time, Mr Kamara. We are not prepared to make a decision on
19 statements or no statements at this juncture with respect to that
11:02:54 20 witness.

21 MR KAMARA: I'm giving notice, My Lord.

22 PRESIDING JUDGE: Well, fine, we are notified. Dr Jabbi,
23 you're next witness, that is witness you have listed as 18, Chief
24 Lahai Koroma.

11:03:13 25 MR JABBI: Yes, My Lord.

26 JUDGE ITOE: That will be your 24th?

27 MR JABBI: Yes, My Lord.

28 [The witness entered court]

29 PRESIDING JUDGE: This is a witness who will give evidence

1 in Mende, Dr Jabbi?
2 MR JABBI: Yes, My Lord.
3 WITNESS: LAHAI KOROMA [Sworn]
4 [The witness answered through interpreter]
11:06:17 5 EXAMINED BY MR JABBI:
6 Q. Mr Witness, good morning.
7 A. Yes, good morning, old one.
8 Q. I will want to admonish you before we start that you talk
9 as slowly as possible. You will see that the judges are writing
11:07:06 10 down what you are saying and also somebody will be interpreting
11 to you and to the Court what is being said. So we allow time for
12 all that to be done before we make one statement after the other;
13 okay?
14 A. Yes.
11:07:41 15 Q. Mr Witness, can you tell the Court your full names?
16 A. My name is Mr Lahai Koroma. They call me now as
17 Chief Lahai, as I am now the regent chief, looking after the
18 town.
19 Q. Did you say you are regent chief?
11:08:18 20 A. I'm looking after the town.
21 Q. What town is that?
22 A. Tiloma.
23 Q. How old are you; do you know?
24 A. Well, my age, I know that is 32.
11:09:20 25 Q. Where do you live?
26 A. Tiloma.
27 Q. What do you do for a living?
28 A. I am a farmer.
29 Q. Are you a Kamajor?

1 A. Yes. Then.

2 Q. When did you become a Kamajor?

3 A. The year called 1996, that is when I became a Kamajor.

4 Q. Were you initiated into that society?

11:10:53 5 A. Yes.

6 Q. Where was that? Where were you initiated?

7 A. It was in Kenema.

8 Q. Who was your initiator?

9 A. He was called Kamoh Brima Bangura.

11:11:43 10 Q. Can you tell the Court, very briefly, please, how you came
11 to become a Kamajor?

12 A. I sitting down here, the reason why I became a Kamajor,
13 there came a time when we heard that the war in Liberia has
14 crossed over here. So when it crossed over here, took our time
11:12:37 15 and we were still in Tiloma. We were there. Then we heard about
16 initiation, that it was a Kamajor initiation. When we heard
17 about this initiation, it went up to Kenema. When that happened,
18 the chiefdom people summoned the chiefs and said, "The Kamajor
19 initiation has reached here." We too would want to provide
11:13:28 20 people who could be initiated in this society so that they would
21 join the soldiers to fight the war so that the war would not
22 displace us. So we were provided by towns. I was among them.
23 After they had provided us, they took us and presented us.
24 After they had presented us, then the chiefdom people took us to
11:14:20 25 the priest. When they took us there, after they had given the
26 subscriptions, the priest initiated us. After he had initiated
27 us, he returned us to the chiefdom people. After he had handed
28 us over to the chiefdom people, we were returned to our villages.

29 Q. You said you were provided by your people to be initiated

1 into the Kamajor society?

2 A. Yes.

3 Q. Did you, yourself, choose to become a Kamajor?

4 A. My people provided me.

11:15:31 5 Q. Did you want to become a Kamajor?

6 A. When they provided me, I accepted it, because we would
7 defend our country.

8 Q. When you were returned to your village after being
9 initiated, were you given any activities or responsibility as a
11:16:06 10 Kamajor?

11 A. I was in charge of distributing food. That is the work
12 that was given to me.

13 Q. What work was given to the Kamajors, generally, in respect
14 of fighting the war at that time?

11:16:46 15 A. Well, the work that was given to us, we were helpers to the
16 soldiers at that time that we knew.

17 Q. How were you supposed to help the soldiers?

18 A. We would be going together. Those routes which they did
19 not know, we would direct them, because we knew the terrain.

11:17:44 20 Q. And at that time did you, the Kamajors, do any fighting at
21 all?

22 A. Yes, at that time, when they brought us, we were handed
23 over to the soldiers at SS Camp and we were working as one. So
24 we were there doing that work together. We would stay with them

11:18:31 25 for the day, we'd sleep together, but there was a time --

26 Q. Mr Witness, just before you proceed, you have mentioned
27 your village Tiloma, and you have also mentioned SS Camp. How
28 far is SS Camp from Tiloma?

29 A. It is the same place. SS --

1 THE INTERPRETER: Your Honours, can the witness take his
2 answer again.

3 MR JABBI:

4 Q. Mr Witness, can you talk slowly, please, and can you begin
11:19:27 5 this answer, the one you have just given? How far is Tiloma from
6 SS Camp?

7 A. That SS Camp and Tiloma, the distance is very short. It's
8 the same town. Because the distance is -- you could be talking
9 there, somebody getting you on the other side; you would be
11:19:56 10 talking on the other side and somebody getting you there. It's
11 the same town.

12 Q. How would you characterise SS Camp itself generally?

13 A. SS Camp, I do not think it's a bad place. I did not see
14 anything bad being done there in my presence that I saw or heard
11:20:52 15 about.

16 PRESIDING JUDGE: Maybe you can ask the question again. I
17 don't think that was --

18 JUDGE ITOE: [Overlapping speakers] asked him if anything
19 bad was being done there.

11:21:04 20 MR JABBI: I don't know how "characterise" was interpreted.

21 Q. I want you to tell the Court what activity normally took
22 place or takes place at SS Camp.

23 PRESIDING JUDGE: When, Dr Jabbi? Maybe you can give him a
24 time frame.

11:21:27 25 MR JABBI: Before, during and since the war.

26 MR KAMARA: That question is too open ended.

27 PRESIDING JUDGE: Before the war, you mean '91? As you
28 know, we are not really interested in what happened in 1991, this
29 is not the subject matter.

1 MR JABBI:

2 Q. Mr Witness, what I want you to tell the Court is the
3 distinctive activity that normally takes place in SS Camp almost
4 at any time.

11:22:09 5 MR KAMARA: My Lord, I object again. That is leading and
6 assuming there was a distinctive activity going on.

7 JUDGE THOMPSON: Yes, quite right, it's a very suggestive
8 question. Counsel will have to reformulate the question. This
9 is examination-in-chief.

11:22:22 10 MR JABBI: I will remove "distinctive," My Lord.

11 Q. Mr Witness, can you tell the Court what activity takes
12 place at SS Camp at any time?

13 A. Things that were happening at SS Camp that I know of, that
14 I saw happen there --

11:22:52 15 JUDGE THOMPSON: Counsel, why do we go to the continuous
16 present? Why is the continuous present necessary? The way you
17 have framed it, you have actually invited an answer on the
18 continuous present and he is giving an answer in the past. So
19 why not realign with him? Are we interested in knowing what goes
11:23:21 20 on -- is it still in existence?

21 MR JABBI: It is just to characterise the place.

22 JUDGE THOMPSON: Why not keep to the past, why not keep to
23 the frame work, because that's more relevant.

24 MR JABBI: As My Lord pleases.

11:23:35 25 Q. Mr Witness, what activity --

26 JUDGE THOMPSON: Let me help you, "normally took place."

27 MR JABBI: I have used "normally" and --

28 JUDGE THOMPSON: "Normally took."

29 MR JABBI: Yes, I get the point, My Lord.

1 PRESIDING JUDGE: Maybe it is much simpler, Dr Jabbi, if
2 you ask him what is SS Camp and take it from there, in 1996. We
3 don't want to know what happened there in 1991. We are
4 interested in what happened in the time frame of the indictment.

11:24:13 5 JUDGE THOMPSON: And my point is that we are not even
6 interested in knowing what happens there now, if anything is
7 happening there.

8 MR JABBI:

9 Q. Mr Witness, what activity normally took place at SS Camp?

11:24:40 10 PRESIDING JUDGE: When?

11 MR JABBI: Before the war.

12 PRESIDING JUDGE: What do you mean by "before the war"?

13 MR JABBI: My Lord, my attempt is actually to get the
14 witness to explain to us --

11:24:54 15 PRESIDING JUDGE: I told you I don't want to hear what
16 happened if it existed, SS Camp, in 1991. I am not interested.

17 MR JABBI: The feature that I am trying to elicit is a
18 feature that is true of all these time periods.

19 PRESIDING JUDGE: Well then, take him to the relevant
11:25:14 20 period of time. You can ask him that question then.

21 MR JABBI: Yes. That is why, My Lord, I am trying to
22 elicit it before the exercise of the war was on, because --

23 JUDGE THOMPSON: Why is the comparative evidence necessary?
24 Unless you are going to persuade me that it is for background
11:25:38 25 purposes. But the point here that we are taking is that that
26 background evidence will multiply the issues. Let's get to the
27 time frame of the war. Isn't that what is relevant for your
28 purposes? I would think so, would you not, counsel?

29 MR JABBI: Indeed, My Lord, but indeed this background is

1 essential.

2 JUDGE THOMPSON: Why? It might multiply the issues. You
3 don't think so?

4 MR JABBI: I assure Your Lordship that it will not. In
11:26:10 5 fact, it will help to crystallise certain aspects of the issues
6 we are interested in.

7 PRESIDING JUDGE: Proceed and we will see what the answer
8 is and if it can be of any assistance.

9 MR JABBI: I will allow the witness to take his drink,
11:26:34 10 My Lord.

11 PRESIDING JUDGE: Yes.

12 MR JABBI:

13 Q. Mr Witness, I will ask this question again. What activity
14 normally took place in the place called SS Camp before the war?

11:27:06 15 A. SS Camp, the soldiers called it that way, but it was --
16 water was coming from there. It was supplying Kenema with water.
17 It was established by the white people. It was a water treatment
18 place.

19 MR JABBI: Thank you, My Lords.

11:27:38 20 Q. You say who gave that name to the place, SS Camp?

21 A. The soldiers called it SS Camp.

22 Q. Roughly when did it begin to be called SS Camp? Roughly
23 when?

24 A. At the time when NPRC took over this country, if I could
11:28:19 25 remember. That was when the soldiers said it is called SS Camp.

26 Q. And you have already said that SS Camp and Tiloma were more
27 or less the same establishment; not so?

28 A. Yes.

29 Q. Now, Mr Witness, can you tell the Court what sort of

1 relationship existed between the soldiers and the Kamajors at
2 SS Camp/Tiloma when you had first been asked to be working with
3 them? What was the type of relationship at the beginning between
4 the soldiers and the Kamajors?

11:29:44 5 A. At the time when Kamoh Brima initiated us and we graduated,
6 they went and presented us to the soldiers so that we would be
7 working as one. So the relationship was between us for long,
8 good relationship. So it was between us until there came a time
9 there was a town work at hand and we told them that on that day

11:30:30 10 we would not work with them on that day because we had work to
11 do. So --

12 Q. Can you tell the Court when that was, what year or what
13 month?

14 A. I can't call the year now to say that was the year or that
11:30:54 15 was the year, no, because I did not record it on paper or it's
16 not even in my head.

17 Q. Yes, what was this town work?

18 A. We were to brush the plantation and that plantation was --
19 masenke plantation was on the way.

11:31:18 20 Q. What plantation?

21 A. Oil palm plantation.

22 Q. Yes, what happened?

23 A. When we were doing the brushing, we were there when our
24 brothers came who had also been initiated to Kamoh Brima. We saw
11:31:51 25 them coming from the Kenema end, going towards Dama, on that same
26 day. So after they passed by --

27 Q. By your brothers whom you say were initiated, are you
28 talking about another group of Kamajors?

29 A. Yes, they had that same uniform when they were passing by.

1 They were going towards Dama.

2 Q. Where were they coming from?

3 A. They were coming from Kenema end.

4 Q. Yes, carry on.

11:32:31 5 PRESIDING JUDGE: Dr Jabbi, before you pursue this, it is
6 our usual time for the morning recess. So before you embark upon
7 that, because I imagine this is only the beginning of that.

8 MR JABBI: Yes, My Lord.

9 PRESIDING JUDGE: So we will recess for our morning recess.

11:32:48 10 Thank you.

11 [Break taken at 11.33 a.m.]

12 [CDF24MAY06C - CR]

13 [Upon resuming at 12.10 p.m.]

14 PRESIDING JUDGE: Dr Jabbi, you're ready to resume the
12:10:30 15 examination-in-chief of your witness?

16 MR JABBI: Yes, My Lord.

17 PRESIDING JUDGE: Please proceed now.

18 MR JABBI:

19 Q. Mr Witness, welcome back. When we broke off, you were at
12:10:30 20 the point of explaining an incident concerning the brushing of an
21 oil palm plantation.

22 A. Yes. I started explaining.

23 Q. Yes, can you carry on, please?

24 A. Just as I started explaining, when we were doing that
12:10:30 25 brushing of the oil palm plantation, during that brushing we saw
26 our brothers putting -- having on a Kamajor uniform, going
27 towards Dama from Kenema. On their way to Dama --

28 Q. Remember to talk slowly.

29 A. So at that time when they were going to Tiloma, we heard

1 gunshots from SS Camp. That gunshot was heavy, coming towards
2 the town, to Tiloma.

3 Q. Please, give time --

4 PRESIDING JUDGE: It's okay, Dr Jabbi. If we get into
12:11:26 5 difficulties, we will slow him down.

6 MR JABBI: Thank you.

7 Q. Carry on, please.

8 A. So, on hearing that gunshot coming from the town going
9 towards Tiloma, it was heavy. Even when we were brushing, we
12:11:50 10 left, we dispersed, we couldn't continue the brushing. The
11 gunshot came from the soldiers end at the camp. When we asked,
12 those of our brother Kamajors who were going said it was the
13 soldiers who had opened fire on them. So we fought that fight
14 until they entered Tiloma.

12:12:15 15 Q. Until who entered Tiloma?

16 A. The soldiers.

17 Q. Yes, carry on.

18 A. So upon entering Tiloma, we couldn't resist them, so we
19 returned to Kenema. When we came to Kenema, we got our
12:12:43 20 colleagues from Kpetema end. Upon getting them, we returned and
21 met --

22 Q. Which colleagues?

23 A. The Kamajors. The Kamajors.

24 Q. So you got more Kamajors from Kpetema area, you said?

12:13:08 25 A. Yes.

26 Q. Then what happened?

27 A. So they came and together with us, we returned to Tiloma
28 and we dislodged the soldiers who initially attacked us. We met
29 about nine houses burnt in that town.

1 Q. When did you dislodge the soldiers from Tiloma?

2 A. On that same day that they attacked us, when we went and
3 returned.

4 Q. Yes. Now, what about your group? Was it under -- who was
12:13:57 5 the leader of the group?

6 A. His name was CO Sahr.

7 Q. Yes, carry on.

8 A. So at the time when we came, when we had those of our
9 brothers from Kpetema, we met about nine houses burnt in Tiloma.
12:14:28 10 Then one of our brothers was there who had gone there for
11 treatment. He had a problem with one of his feet. We met him
12 killed. And all of our relatives had dispersed. They had come
13 to Kenema, because they had burnt all of the town. Upon coming
14 to Kenema, they came and --

12:14:57 15 PRESIDING JUDGE: Slowly, please.

16 MR JABBI: Slowly, please.

17 PRESIDING JUDGE: You're saying that all houses in Tiloma
18 had been burnt when you came back, or 10?

19 THE WITNESS: They burnt up to nine houses that I saw in
12:15:30 20 Tiloma itself.

21 MR JABBI:

22 Q. Upon returning to Tiloma, did anything else happen?

23 A. Yes.

24 Q. Yes?

12:15:44 25 A. When we returned to Tiloma, we met those houses burnt and
26 that of our brother killed, then our relatives had left, they
27 went to Kenema. They put up to our section chief called
28 Chief Brima Kargbo. They put up in his house.

29 Q. Where, in Kenema?

1 A. Yes.

2 PRESIDING JUDGE: What's the name of the chief, please?

3 THE WITNESS: That of our chief was called Chief Kargbo,
4 section chief. Chief Brima Kargbo.

12:16:40 5 MR JABBI:

6 Q. Yes, what happened?

7 A. So after that, when we had returned to Tiloma, those of our
8 relatives came and lodged to him. Upon our return, when they
9 came and put up to him, the following morning, when we had
12:16:52 10 fought, the following morning, they came back at Chief Kargbo's
11 house and attacked there and burnt that very house and killed the
12 three of our relatives.

13 Q. Who came back and did all that?

14 A. These soldiers whom we had fought at Tiloma. They came and
12:17:14 15 attacked our people in Kenema, because they knew they were all
16 staying there together, so they came and attacked them and killed
17 three of them and even burnt their house.

18 Q. Which house did they burn in Kenema?

19 A. Mr Brima Kargbo's house in which our people were staying.

12:17:55 20 Q. Yes?

21 A. So after burning that house, three of our people were burnt
22 there. They were killed and burnt. After that, we went back and
23 we stayed there in Tiloma.

24 Q. Do you know the address of that house in Kenema that was
12:18:18 25 burnt?

26 A. I don't know the number, but what they call the place,
27 Chief's House. That is what we called the place, Chief's House.

28 Q. Do you know the street?

29 A. Yes.

1 Q. Yes?

2 A. We call it Dakeya Street.

3 MR BANGURA: May it please My Lords, could counsel oblige
4 us with dates? It is a little imprecise. We're not sure what
12:18:57 5 period we're talking about here. Your Honours, may counsel
6 oblige us with dates about these events that the witness is
7 describing?

8 PRESIDING JUDGE: Not only you, I would imagine the Court
9 too, because we're still in some difficulty to know not where,
12:19:18 10 but when it is taking place. Thank you, Mr Bangura. Yes,
11 Dr Jabbi.

12 MR JABBI: Yes, My Lord.

13 Q. Mr Witness, can you give the Court the time these events
14 took place, the fighting at Tiloma and the extension to Kenema?

12:19:52 15 A. That time that I can remember was the time this government
16 called SLPP government just had the power. It was at that time
17 that all of this fight were fought. I can't remember that day
18 now, or dates because I can't name any dates now. But that time
19 that Tejan Kabbah's government had just taken up power initially.

12:20:43 20 Q. So by the time you are talking about, the SLPP government
21 of Tejan Kabbah had not yet been overthrown; is that what you are
22 saying?

23 A. Yes, that is it. That is what I mean. At that time, it
24 was before the overthrow.

12:21:11 25 Q. Yes, what happened after the burning of the house in
26 Kenema?

27 JUDGE ITOE: Let's get it clearly. Is it after or, rather,
28 before the overthrow that this burning is taking place?

29 MR JABBI: That is what he's saying.

1 JUDGE ITOE: The burning, the fights between Tiloma --

2 PRESIDING JUDGE: Yes.

3 JUDGE ITOE: And the burning of Brima Kargbo's house, all
4 this is before --

12:21:40 5 MR JABBI: That is what he's saying.

6 JUDGE ITOE: Right. Okay.

7 MR JABBI:

8 Q. Yes, did anything else happen at Tiloma or SS Camp?

9 A. The other thing that happened, when the soldiers had left
12:22:14 10 Tiloma, we were there now, it was then that we heard that the
11 soldiers had taken over the country. So upon taking over the
12 country -- so we who were passing together, we called them our
13 brothers, we left the compound where we were initially and -- we
14 left the compound and went across the river, across the Moa
12:22:45 15 River.

16 Q. Which compound did you leave after the overthrow of the
17 government?

18 A. The same compound called SS Camp.

19 Q. Why did you leave SS Camp after the overthrow of the
12:23:11 20 government?

21 JUDGE ITOE: He said he left SS Camp and went to where?

22 MR JABBI: He went they went beyond the river.

23 JUDGE ITOE: The Moa River?

24 MR JABBI: Yes, My Lord.

12:23:35 25 Q. Can you explain to the Court why you had to leave SS Camp
26 after the overthrow of the government?

27 A. The reason why we left SS Camp, those soldiers who were
28 taking over the country took all the rebels from the bush,
29 brought them to town and were looking for us to be killed. So

1 that is the reason that we hid, we went across the river.

2 Q. Did you do anything upon going to the bush?

3 A. I don't understand you clearly. What do you mean?

4 Q. After you went into the bush because of what you have just
12:24:45 5 explained, did the Kamajors do anything?

6 A. No. I did not know about any other thing after we had gone
7 to the bush. The only thing that happened was, where I was
8 hiding, my brothers regrouped and came to me, said our brothers
9 had come and said we should go back where we had come from, the
12:25:24 10 Kamajors. So, after that, I joined them. And we came together.

11 Q. Back to Tiloma?

12 A. Came back to Tiloma. Having come there, we met the rebels
13 and the soldiers settled there at the Moa, called SS Camp. We
14 didn't fight for long and they left the town. Just when they
12:26:01 15 heard about us, they left the town. Upon settling there --

16 Q. When was your return to Tiloma when you got rid of the
17 soldiers and rebels? Can you place it in time?

18 A. At that time, we came from Tromu, we went to the bush and
19 spent about nine months. After that nine months, it was when we
12:26:38 20 returned.

21 Q. This is nine months after the overthrow of the civilian
22 government; not so?

23 A. Yes.

24 Q. Can you tell the Court who led the group that came back to
12:27:22 25 Tiloma and SS Camp, the group of Kamajors?

26 A. I -- my own commander, because there were several other
27 groups, my own commander was CO Sahr. He was leading me until we
28 came.

29 Q. CO Sahr?

1 A. Yes.

2 Q. Had CO Sahr been with you in the bush after you left
3 Tiloma?

4 A. Yes. We were in the bush with them. Where I was, he used
12:28:15 5 to visit me.

6 Q. In what area were you in the bush? What area?

7 A. By Dama end.

8 Q. You said there were other groups of Kamajors in the attack
9 on SS Camp nine months after the overthrow of the civilian
12:28:54 10 government. Can you name any of those other groups, or any
11 commander in any of the other groups?

12 A. At that time I didn't know much of those commanders, so I
13 can't remember their names.

14 Q. Do you know where the other groups of Kamajors came from,
12:29:31 15 who came to join in the attack on SS Camp?

16 A. Those Kamajor groups came from across the river by Dama
17 end.

18 Q. Now when the Kamajors retook the SS Camp, can you explain
19 what happened?

12:30:20 20 A. When we, the Kamajors, took the SS Camp, we were there
21 until -- in fact, we met those other weapons which they had
22 before and some food stuff. All of them were left there, and we
23 took them. We were there up to a week and even beyond that.

24 Q. Can you go over what you said just now?

12:30:49 25 A. I said when we came and took over the SS Camp, food stuff
26 and some other weapons which the guys had abandoned - they ran
27 away to Kenema - upon settling there for some time, or for up to
28 a week, we left there, went to Kenema one day, wanting to go and
29 capture Kenema as well. The first day that we went, we couldn't

1 capture the town.

2 Q. During your first week in SS Camp after retaking it, before
3 your move to Kenema, during that first week, can you tell the
4 Court if anything happened in SS Camp?

12:31:51 5 A. Yes. They used to come and attack us.

6 Q. Who?

7 A. The rebels and the soldiers.

8 Q. What happened in such encounters?

9 A. They were just making their attacks and retreating again.
12:32:27 10 Nobody was hurt then. We didn't see anyone hurt. They were just
11 doing the attacks and retreating.

12 Q. Do you know how many such attacks took place during that
13 first week?

14 A. No. I can't say the total number now.

12:33:01 15 Q. You were talking about your wanting to go and take Kenema,
16 the Kamajors. Can you explain that?

17 A. When we came and settled at Moala, we planned to go to
18 Kenema and capture there. But before that, we were in the bush
19 and we heard that BS Massaquoi, one of our elders, had been
12:33:34 20 captured, so he was in the hands of the rebels. We heard that
21 whilst we were in the bush. So when we came and settled at that
22 Moala, we planned to go and capture Kenema so we would free him,
23 but the first time we went there we were unsuccessful, so we
24 returned. The second time that we went, we captured the place.

12:33:58 25 Q. The first time that you went to Kenema, can you explain
26 what happened? Take your time, please.

27 A. So for the first time that we went, they opened heavy
28 firing on us. At that time we couldn't even distinguish between
29 the police and the rebels. The firing was coming from every

1 angle. Even for us that went, except the red hats that we used
2 to see on, because the firing was so heavy, we couldn't even
3 distinguish between the police and the soldiers. That is what
4 happened. The second occasion when we actually came and -- went
12:34:58 5 and settled -- when we actually planned to go and attack there,
6 when we went there, we met they had already left the place. In
7 fact, when we went, we didn't even exchanged firing for a long
8 time and we captured Kenema.

9 Q. Can you tell the Court when this capture of Kenema took
12:35:19 10 place?

11 A. What I can remember was on a Sunday that we captured
12 Kenema. That is what I can remember, on a Sunday.

13 Q. Can you remember the month? The year?

14 A. I can't remember. The day I can remember, but not the
12:36:00 15 year.

16 Q. Were you, yourself, among the Kamajors that took Kenema at
17 that time?

18 A. Yes, I was also there.

19 Q. Can you explain what happened in Kenema when the Kamajors
12:36:30 20 took it?

21 A. What happened in Kenema after the Kamajors had taken it,
22 the civilians were happy that those who were there were --
23 because they were being threatened, they were being harassed, so
24 we saw that they were then happy. Besides that, those who the
12:37:02 25 rebels had been --

26 Q. Take your time, please, Mr Witness. When you explain
27 something, give time for it to be written down. Yes, carry on.
28 You said apart from that.

29 A. Apart from capturing Kenema, the civilians were so happy at

1 that time. Because when we left Kenema, they said they were
2 under so much pressure they were being punished. So when we came
3 back, those who the rebels were destroying their houses, their
4 settlements, those civilians themselves who were in town, when
12:38:02 5 the soldiers had gone back, they started destroying their own
6 places again. So when we came, we gave them pieces of advice so
7 that we should stop those atrocities.

8 Q. The next day after taking Kenema, did anything happen?

9 A. Yes.

12:38:40 10 Q. Yes, can you explain?

11 A. The rebels whom we drove came again and attacked Kenema,
12 but they were unsuccessful and they returned.

13 Q. Did you witness that fight, or were you involved in it?

14 A. On that other day when they returned to attack Kenema, when
12:39:14 15 we had captured Kenema, we returned to Tiloma, together with CO
16 Sahr. We were there when we heard that they came back to attack
17 Kenema, because it's a short distance. Our brothers came and
18 told us they had come to attack, but they were unsuccessful and
19 they returned.

12:39:32 20 Q. When did you return to Tiloma after taking Kenema? You,
21 yourself?

22 A. On that first day that we captured Kenema, we returned to
23 Tiloma for us to go and base there.

24 Q. Did anything happen on the third day?

12:40:20 25 A. On the third day, they also came and attacked, but I was
26 not present. Just on that first day we did the attack, I
27 returned. I was at SS Camp, Tiloma.

28 Q. The day after the third day, did anything happen?

29 A. No, not that I can remember now.

1 Q. In Tiloma itself, whilst you were at Tiloma after the
2 taking of Kenema, did any other fighting group come there to
3 Tiloma?

4 A. Yes.

12:41:46 5 Q. Yes, can you tell the Court?

6 A. When we captured Kenema and returned and settled, those
7 ECOMOG that came, came together and we were settled in Tiloma.

8 Q. You say ECOMOG came.

9 A. Yes.

12:42:16 10 Q. Where did they go?

11 A. They came from across the river into Kenema.

12 Q. Did you say they also went to Tiloma, ECOMOG?

13 A. Yes.

14 Q. Did they stay there?

12:42:47 15 A. Yes, we were there together.

16 Q. Do you know any ECOMOG personnel that was in Tiloma or
17 SS Camp?

18 A. Yes, I can name one of them.

19 Q. Yes, please.

12:43:24 20 A. There was one sergeant, he was called Hassan. We were
21 there together, very close together. I can remember him.

22 Q. Do you remember any other?

23 A. There were many there. They could remember -- I cannot
24 remember their names now.

12:44:12 25 Q. Did you continue to stay in Tiloma from then on?

26 A. Yes.

27 Q. Did any other incident take place in SS Camp?

28 A. No.

29 MR JABBI: My Lords, that is all for the witness.

1 PRESIDING JUDGE: Thank you. Counsel for the second
2 accused.

3 MR PESTMAN: I have some questions, yes, especially with
4 regard to SS Camp.

12:44:53 5 CROSS-EXAMINED BY MR PESTMAN:

6 Q. Mr Witness, I am counsel for Moinina Fofana. You just told
7 the Court that ECOMOG settled in SS Camp after Kenema was taken.
8 How long did they stay in SS Camp?

9 A. From the time they were settled in SS Camp until the time
12:45:41 10 of disarmament, they were there.

11 Q. Who was in charge of SS Camp in that period?

12 A. On the side of the Kamajors, CO Sahr was the commander.

13 Q. Was ECOMOG in control of the Kamajors during that period in
14 SS Camp?

12:46:41 15 A. Yes.

16 Q. After you resettled in Tiloma, Mr Witness, how often did
17 you actually visit SS Camp?

18 A. Every day I was there. I would come and say -- I will just
19 come to say hello to my people, but every day I was there -- we
12:47:24 20 were there.

21 Q. After you returned or resettled in Tiloma, you visited
22 SS Camp every day until the disarmament; is that correct?

23 A. No, no. At the time of disarmament, no.

24 Q. Maybe you can be a bit more precise. You said you visited
12:48:08 25 every day. How long did that go on after you resettled in
26 Tiloma?

27 A. What I mean, when we came as Kamajors, every day we were
28 there. After the disarmament, we only used to go there on
29 particular times when we would leave the place. That is what I

1 mean.

2 Q. Did you ever see any prisoners in SS Camp?

3 A. No, I did not see a prisoner.

4 Q. Did you ever hear about prisoners being kept in SS Camp?

12:49:28 5 A. In fact, it did not happen, let alone that I saw it.

6 Q. Did you ever witness any killings in SS Camp?

7 A. No.

8 Q. Did you ever hear about it?

9 A. I did not hear about it.

12:50:11 10 Q. Did you know anyone at SS Camp called Magonna?

11 A. No, I didn't know Magonna.

12 Q. A person called Biko or Steve Biko?

13 A. No, I do not know that sort of person.

14 Q. A person called Peter Wundu?

12:51:10 15 A. I do not know that kind of person.

16 Q. Have you ever heard the term Yamorto or Yamorto group?

17 A. No. In fact, I don't even know the meaning of that word,

18 that thing that you're saying.

19 Q. Have you ever heard of a group or unit of Kamajors called

12:52:06 20 Transport 2 Unit?

21 A. I didn't know about that.

22 Q. Mr Witness, there is another witness who testified here in

23 Court some time ago.

24 MR PESTMAN: Your Honours, that is witness TF2-223,

12:52:58 25 28 September 2004 at pages 61, 62.

26 Q. This other witness who testified here some time ago,

27 Mr Witness, he said that when SS Camp was taken, there was a

28 significant number of civilian casualties at the camp. Did you

29 ever hear, Mr Witness, about civilian casualties at the camp?

1 A. I didn't see that. I also did not hear it.

2 Q. Mr Witness, do you know Chief Hinga Norman?

3 A. Yes, I know him. I don't know him in person. I know his
4 name.

12:54:18 5 Q. Have you ever seen him at SS Camp?

6 A. No. I only hear his name.

7 Q. Mr Witness, do you know Mr Moinina Fofana?

8 A. Yes, by his name, but I have not seen him physically. I do
9 hear his name.

12:55:20 10 Q. You say you have never seen him physically. Does that mean
11 you have never seen him at SS Camp either?

12 A. Yes.

13 Q. You said you've heard the name, Moinina Fofana. Did you
14 ever hear him called director of war?

12:56:03 15 A. Well, that thing that you are saying, the name that I
16 heard, but that English word you've called, I would want you to
17 clarify it. They used to call him so but I don't know the
18 meaning. Just as you called it, but I don't know the meaning.
19 So that is the way I know him.

12:56:31 20 Q. Thank you. I'm still talking about the period of your
21 resettlement shortly after the fall or the taking of Kenema
22 in February 1998. Mr Witness, did you know Mr Fofana, or had you
23 heard about Mr Fofana at that particular time?

24 A. The only time that I knew about him and the name -- the
12:57:22 25 title that you just called was when we -- when this country was
26 overthrown and we went back to Tiloma, that is when I heard his
27 name. And also the title you just called for him, it was then
28 that I knew that title.

29 Q. I'm sorry, Mr Witness, I didn't exactly understand what

1 period you're talking about. Is it before or after the
2 restoration of the government?

3 PRESIDING JUDGE: When the government was overthrown, he
4 said.

12:57:57 5 MR PESTMAN: There are several governments.

6 THE WITNESS: After the restoration.

7 MR PESTMAN:

8 Q. When President Kabbah returned to power?

9 A. Yes. It was at that time.

12:58:21 10 MR PESTMAN: Thank you, Mr Witness. I have no further
11 questions.

12 PRESIDING JUDGE: Any cross-examination by counsel for
13 third accused?

14 MR WILLIAMS: Yes, My Lord.

12:58:41 15 PRESIDING JUDGE: Would that be very long, Mr Williams?
16 Just to know, because we're close to 1.00. If it is to be more
17 than five minutes, we'll adjourn that until tomorrow morning.

18 MR WILLIAMS: It will be more than five minutes.

19 PRESIDING JUDGE: We may as well not start and postpone
12:58:59 20 that to tomorrow morning.

21 MR WILLIAMS: As Your Honour pleases.

22 [Whereupon the hearing adjourned at 1.00 p.m.,
23 to be reconvened on Thursday, the 25th day
24 of May 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: FALLAH BINDI 2

CROSS-EXAMINED BY MR KAMARA 2

RE-EXAMINED BY MR SESAY 23

WITNESS: LAHAI KOROMA 34

EXAMINED BY MR JABBI 34

CROSS-EXAMINED BY MR PESTMAN 54