

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

FRIDAY, 26 MAY 2006
9.52 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 Miatta Samba Ms Wendy van Tongeren
For the Principal Defender:	NO APPEARANCE
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay
For the accused Moini na Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Yada Williams Mr Ansu Lansana

1 [CDF26MAY06A - EKD]
2 Friday, 26 May 2006
3 [The accused present]
4 [Open session]
09:37:09 5 [Upon commencing at 9.52 a.m.]
6 WITNESS: MOHAMED KINEH SWARAY [Continued]
7 PRESIDING JUDGE: Good morning, counsel. Good morning,
8 Mr Witness. Good morning, Dr Jabbi.
9 MR JABBI: Good morning, My Lord.
09:53:44 10 PRESIDING JUDGE: Dr Jabbi, when we adjourned yesterday you
11 were trying to complete your examination-in-chief of this
12 witness. Are you ready to resume his examination-in-chief?
13 MR JABBI: My Lord, we came to the point of
14 cross-examination.
09:54:01 15 PRESIDING JUDGE: I'm sorry. Yes, I just see that in my
16 notes.
17 MR JABBI: My Lord, just before --
18 PRESIDING JUDGE: Yes, Dr Jabbi.
19 MR JABBI: Just before that, My Lord, I have a
09:54:16 20 communication here for Your Lordships from the first accused in
21 respect of the requirement advice yesterday, My Lord.
22 PRESIDING JUDGE: About his absence in court yesterday?
23 MR JABBI: Yes.
24 PRESIDING JUDGE: You want to read that, or you want to
09:54:38 25 file it?
26 MR JABBI: I can read it.
27 PRESIDING JUDGE: I think you should read it and then we're
28 going to file it.
29 MR JABBI: As My Lordship pleases.

1 PRESIDING JUDGE: You know what is in it.

2 MR JABBI: My Lord, may I read it?

3 PRESIDING JUDGE: Yes.

4 MR JABBI: From: Chief Sam Hinga Norman, Detention
09:55:28 5 facility, to the judges of Trial Chamber I. Copies to
6 Court-appointed counsel for Norman; two, chief prosecutor; three,
7 other defence teams.

8 "This is to inform Your Lordships that my absence from
9 court proceedings in the current CDF trial in the afternoon
09:55:54 10 yesterday, 25th May 2006, was due to a request by
11 Dr Harding that I avail myself for a medical procedure to
12 be conducted at the same time as I was to return to court
13 in the afternoon. I believe that he communicated to the
14 Court or Court-appointed counsel for Norman to the effect,
09:56:17 15 whilst the Court was already in its afternoon session. As
16 I was not then able to communicate with the said counsel
17 before the afternoon session, I now hereby so inform the
18 Court and seek waiver of my guarantee of presence at my
19 trial for the said afternoon session.

09:56:46 20 "Let me note here that similar reasons of health
21 necessitated my absence for some three or four days
22 previously, for which I did make communication for the
23 information of the Court, and for which I do hope that due
24 waiver was impliedly accorded.

09:57:09 25 "I also hereby assure the Court that I am anxious that the
26 most requisite expeditiousness be accorded my current
27 trial, especially as evidence being called in my defence is
28 now drawing to a close, and also that any decision to be
29 taken soonest on my medical treatment and possible surgery

1 will not interfere unduly with the progress of proceedings
2 in the matter. With my continued co-operation as usual."
3 Signed Chief Sam Hinga Norman, first accused, 26/5/06.
4 Thank you, My Lords.

09:58:04 5 PRESIDING JUDGE: I have a question on this document signed
6 and prepared by first accused, Chief Norman. It may be in the
7 understanding of the waiver requirement, what the Court is
8 expecting is not that the first accused seeks a waiver of his
9 guarantee. We want him to waive his right to be present at the
09:58:31 10 Court.

11 MR JABBI: For the future, My Lord?

12 PRESIDING JUDGE: Well, for the future, if that is the
13 case, that he's not attending. What we were requesting is that
14 there was a clear statement by the first accused that he was
09:58:46 15 waiving his right. The right to be present in court is the right
16 of the accused and it is not the right of the Court to say he
17 should be there. The right is his right and he is not seeking
18 permission of the Court to waive his right. He has to clearly
19 inform the Court that "I, Chief Hinga Norman, hereby waive my
09:59:11 20 right to be present at that particular session," or the sessions
21 and so on. This is what we want. It is not the first accused
22 seeking permission from the Court to waive his right. It is the
23 other way around. If he waives his right, then we say we are
24 satisfied he has indeed waived his right. I say this so there is
09:59:31 25 no misunderstanding. Because the right to be present in this
26 trial is a fundamental right. It is recognised that the accused
27 may waive that right to be present and this is what we are
28 requesting: the clear unequivocal waiving of his right to be
29 present for the circumstances. We are not disputing the reasons

1 behind the waiving of this right. It is just the language used
2 to ensure there is no ambiguity, Dr Jabbi. They're my comments
3 on this.

4 JUDGE THOMPSON: I join the Presiding Judge in making that
10:00:07 5 position because, clearly, it is a very important legal
6 distinction that the waiver, the right to waive belongs to the
7 accused person and there must be an unequivocal express waiver,
8 and when, of course, the question of implied waiver would be
9 equally unequivocal. The only control the Court has over that,
10:00:33 10 according to the rule, is that the Court will indicate whether it
11 is satisfied that a waiver, in fact, has been made. But it is
12 not for the Court to give leave, as it were, to waive. That is a
13 right of the accused person. That is what I understand the law
14 to be.

10:00:59 15 JUDGE ITOE: I think this position is in conformity, in a
16 sense, with the decision that was cited yesterday by the
17 Prosecution in the Krstic case, where counsel for Krstic - from
18 the readings that were given to us by counsel for the
19 Prosecution - said that the right to waive is that of the
10:01:29 20 accused. It is a right to be exercised personally by the accused
21 person, because the right to be tried in his presence is his
22 right. So also is his personal right. So also is the right to
23 waive that presence. I think we would be very far from having
24 fulfilled the legal requirements if we did not have such a waiver
10:01:55 25 from him personally. Yesterday I took the position that counsel
26 could do it for him, but I think I feel safer in these
27 circumstances to take the stand that the waiver -- the right not
28 to appear or not to be present at his trial should be exercised
29 or, rather, should be delegated only by the accused himself. So

1 that is my personal stand on this issue.

2 PRESIDING JUDGE: To avoid any ambiguity, we would ask that
3 you confer with your client make sure this matter is clarified.
4 As I say, we are not disputing the reasons behind, and we accept
10:02:46 5 what the Chief is saying as to the reasons why he is not
6 attending. This is not the issue. The issue is the intention to
7 waive his right is not clearly expressed. That is basically what
8 we are saying. So it is a matter of more than just semantics.
9 The language used is not the one that is compliant with the
10:03:11 10 requirements.

11 MR JABBI: I was just going to request that I confer
12 briefly.

13 PRESIDING JUDGE: Please.

14 [Defence counsel and accused conferred]

10:06:27 15 MR JABBI: My Lords, sorry for the lull. My Lords, the
16 first accused wishes to seek leave from the Court to amend his
17 letter as follows --

18 JUDGE ITOE: No. I think some letter should be written.
19 We want a document which is clean. That is my stand on this. We
10:06:55 20 can't be amending and amending. It will be filed after this and
21 I think we need a clean copy.

22 MR JABBI: My Lord, it is just --

23 JUDGE ITOE: No, it is not just.

24 PRESIDING JUDGE: Chief Norman is present in court this
10:07:09 25 morning, so there is no requirement of a waiver from him this
26 morning for his attendance; he's here. This is really for
27 yesterday and the previous days. We are quite prepared to accept
28 that as a notice to the Court that he intends to file a formal
29 waiver and we'll accept, later on, a formal waiver of his rights.

1 So let's use it that way and that will make it a much neater and
2 clearer way of dealing with this matter, rather than amending
3 this document. So we take the second paragraph to be, "I now
4 hereby so inform the Court," that he intends to file a waiver and
10:07:46 5 we will wait for the waiver to be filed.

6 JUDGE THOMPSON: Dr Jabbi, it makes for legal tidiness that
7 this document does not in law amount to a waiver. It is not
8 sufficient for that purpose, but it is sufficient by way of
9 notification of explanations why the first accused was not in
10:08:09 10 court on Thursday. I would join my colleagues in saying that let
11 us have an entirely different document that conforms with the
12 requirement of a waiver. I am sure this is not a problem.

13 MR JABBI: That will be no problem, My Lord, it will be
14 duly done.

10:08:31 15 JUDGE ITOE: Dr Jabbi, I would suggest that in drawing up
16 the fresh document you take into consideration the eventuality of
17 his non-attendance in subsequent --

18 MR JABBI: For the future.

19 JUDGE ITOE: Yes, for the future, because this is
10:08:47 20 important. We should not only look at the present, we should
21 also look at the future and make sure that the document is
22 comprehensive for all purposes and at all times for the duration
23 of this trial. Just in case he is unable to attend at one time
24 or the other, it's good to take note of this in drafting the
10:09:13 25 document.

26 MR JABBI: However, My Lord, in the case of possible future
27 absences, since we cannot say for sure the reasons for that
28 absence, we would prefer to wait for such absence and do a
29 similar exercise in respect thereof as we are now being required

1 to do in respect of the past absences.

2 PRESIDING JUDGE: Indeed. Let's proceed with the one that
3 you have suggested for the past. Future, we hope and expect that
4 he will be able to attend. If he can't, then we'll expect from
10:09:51 5 him a duly completed waiver for his absence, if that is the case
6 that he feels unable to attend for medical reasons. You know the
7 procedure, he has been properly informed from what we can see now
8 and we will proceed that way for the future.

9 MR JABBI: Finally, My Lord, on this, may the accused
10:10:14 10 person be allowed to make a short statement in respect of this
11 required waiver for the records of the current proceedings?

12 PRESIDING JUDGE: Yes.

13 MR JABBI: Without any prejudice of the requirements to
14 file as already explained.

10:10:30 15 PRESIDING JUDGE: Yes.

16 MR KAMARA: My Lord, the Prosecution takes exception to the
17 application.

18 PRESIDING JUDGE: What application?

19 MR KAMARA: For the first accused to make a statement
10:10:40 20 again. My Lord, the first accused --

21 PRESIDING JUDGE: We have said yes and we are not
22 allowing -- I am not allowing you to object to this.

23 MR KAMARA: As My Lord pleases.

24 PRESIDING JUDGE: Yes, Mr Norman, you may proceed.

10:11:09 25 THE ACCUSED NORMAN: Thank you, My Lords. My Lords, I
26 hereby affirm waiver for my absence from the sittings yesterday
27 and I also affirm waiver for my previous absences. Thank you,
28 My Lords.

29 PRESIDING JUDGE: Mr Norman, if I may just ask you one

1 question. When you say "affirm waiver," you mean to say that you
2 are hereby confirming that you are waiving your right to have
3 been present in court during those sessions?

4 THE ACCUSED NORMAN: Precisely, My Lord. I will accept
10: 12: 34 5 your correction.

6 PRESIDING JUDGE: I am not trying to correct you. I just
7 want to make sure that this is exactly what you intended to say.

8 THE ACCUSED NORMAN: You have beautifully put it for me,
9 My Lords.

10: 12: 45 10 PRESIDING JUDGE: Thank you. Thank you, Mr Norman.

11 THE ACCUSED NORMAN: Thank you.

12 PRESIDING JUDGE: So we are back to your cross-examination,
13 Mr Bockarie.

14 MR BOCKARIE: Yes, Your Honour.

10: 13: 19 15 CROSS-EXAMINED BY MR BOCKARIE:

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

17 A. Yes.

18 Q. Have you met him? Have you met Moinina Fofana before?

19 A. No.

10: 13: 51 20 Q. How did you come to know Moinina Fofana?

21 A. It came to time when the President went to Kenema. We were
22 standing at Hangha Road and we were -- it was a large crowd
23 standing there. They came and they went up to the SLPP office.
24 That's where I knew him.

10: 14: 50 25 Q. Mr Witness, can you please tell us when was that? Was it
26 after the restoration of Tejan Kabbah's government?

27 A. Yes.

28 Q. Mr Witness, are you aware of whether Mr Fofana was given
29 any official title within the CDF?

1 A. I used to hear, but I did not see it. They said
2 director of war, but I did not see it and I did not hear.
3 JUDGE ITOE: What is all this emphasis?
4 JUDGE THOMPSON: Let him try again, because I got --
10:16:01 5 THE WITNESS: I did not see it.
6 JUDGE THOMPSON: Just a minute. Please take control of
7 your witness. He began by saying, "I used to hear, but I did not
8 see it", but then, "I did not hear it." I mean, try and direct
9 him, control him. The question is clear.
10:16:26 10 MR BOCKARIE:
11 Q. Just answer the question.
12 A. Ask it.
13 Q. The question is a simple one. Was Moïni na Fofana given any
14 official position within the CDF?
10:16:48 15 A. I heard.
16 JUDGE THOMPSON: That?
17 MR BOCKARIE:
18 Q. What was that position he had?
19 JUDGE THOMPSON: Had what?
10:16:57 20 THE WITNESS: They said director of war.
21 MR BOCKARIE:
22 Q. Thank you, Mr Witness. Mr Witness, you were a senior
23 Kamajor fighter; am I correct?
24 A. Yes.
10:17:23 25 Q. And you actively participated in the attack on SS Camp;
26 correct?
27 A. Yes.
28 Q. Thereafter Kenema; correct?
29 A. Yes.

1 Q. Let's come first on the attack on SS Camp. The planning on
2 the attack on SS Camp, where was it done?
3 A. When we went to our mine, Tigbema --
4 Q. Where was the planning done?
10: 18: 42 5 A. That's where we did it.
6 JUDGE ITOE: Tigbema, is it?
7 MR BOCKARIE:
8 Q. Can you please call the name of the town again?
9 A. Tigbema. Tigbema.
10: 19: 05 10 PRESIDING JUDGE: So it is in that place that you planned
11 the attack on SS Camp; is that what you are saying?
12 THE WITNESS: Yes.
13 PRESIDING JUDGE: And you also planned, at that time, the
14 attack on Kenema?
10: 19: 24 15 MR BOCKARIE: No, I have not asked any question on Kenema
16 yet, Your Honour.
17 PRESIDING JUDGE: Just SS Camp.
18 MR BOCKARIE: Yes, Your Honour.
19 PRESIDING JUDGE: Sorry.
10: 19: 27 20 MR BOCKARIE:
21 Q. After the planning on the attack of Kenema who ordered that
22 attack on SS Camp -- sorry, after the planning on the attack of
23 SS Camp who ordered it?
24 A. We planned it.
10: 19: 50 25 PRESIDING JUDGE: That's not the question.
26 JUDGE THOMPSON: Take him back. You talked about ordered.
27 MR BOCKARIE:
28 Q. Who then ordered the attack on SS Camp?
29 JUDGE THOMPSON: Unless he is not getting the

1 interpretation right.

2 THE WITNESS: Those of us who planned it were the very
3 persons who went and captured there. Nobody gave us orders.

4 MR BOCKARIE:

10:20:29 5 Q. Mr Witness, let's come to Kenema. You told this Court that
6 you also participated in the attack on Kenema. The planning for
7 the attack of Kenema, where was it done?

8 A. We planned it at SS Camp.

9 Q. And, after planning, who ordered the attack on Kenema?

10:21:12 10 A. Still those of us who planned it were the people who went
11 and attacked Kenema. Nobody gave us orders.

12 Q. Mr Witness, you told this Court that you heard
13 Moinina Fofana was referred to as director of war. To your
14 knowledge did Moinina Fofana exercise any role in connection with
10:21:54 15 that position?

16 A. No.

17 Q. Mr Witness, did you discuss with Moinina Fofana on matters
18 of policy and strategy for the attack on SS Camp and Kenema?

19 A. At that time I didn't know him.

10:23:04 20 Q. Mr Witness, who was your boss in those attacks? Who was
21 your commanding officer in those attacks on SS Camp and Kenema?

22 A. MB Koroma.

23 Q. Mr Witness, are you aware whether the activities of
24 Mr Koroma were being monitored by Mr Fofana in respect of those
10:23:50 25 two attacks?

26 A. I don't know that.

27 Q. Mr Witness, were you ever given orders by Mr Fofana?

28 A. No.

29 Q. Or you aware whether orders were given to your commander,

1 Mr Koroma, by Mr Fofana?
2 A. No.
3 Q. Mr Fofana [sic], after the fall of SS Camp are you aware
4 whether any report was made to Mr Fofana?
10: 25: 26 5 A. No.
6 Q. Sorry, Mr Witness.
7 MR BOCKARIE: I mistakenly called him Mr Fofana.
8 JUDGE THOMPSON: We heard.
9 MR BOCKARIE: Sorry.
10: 25: 50 10 Q. So, Mr Witness, after the fall of SS Camp, are you aware
11 whether it was reported to Mr Fofana?
12 A. I don't know anything about that.
13 Q. Mr Witness, after the attack on SS Camp, did you return
14 back to SS Camp?
10: 26: 34 15 A. I stayed there.
16 JUDGE ITOE: What is the question?
17 MR BOCKARIE:
18 Q. After the attack and capture of SS Camp, you had cause to
19 return back to SS Camp; correct?
10: 26: 55 20 A. That's where I was.
21 Q. Whilst you were there did you ever see Mr Fofana at
22 SS Camp?
23 A. No.
24 Q. Was SS Camp ever used to keep prisoners of war?
10: 27: 36 25 A. No.
26 Q. Mr Witness, did you ever hear about execution being carried
27 out at SS Camp by Kamajors?
28 A. That did not happen at all. I did not hear.
29 Q. Mr Witness, whilst you were at SS Camp, who was the Kamajor

1 boss at SS Camp at that time?

2 A. When we captured SS Camp, it was Mohamed Bhone who led us,
3 Mohamed B Koroma.

4 PRESIDING JUDGE: I am not sure this is the question you
10:29:02 5 asked.

6 MR BOCKARIE:

7 Q. The question: Whilst you were at SS Camp, you said after
8 the capture of SS Camp you stayed in SS Camp. Whilst you were
9 there who was the Kamajor commander at SS Camp?

10:29:22 10 A. Mohamed B Koroma, he was our boss when we were there.

11 Q. Do you know whether he was later replaced by any Kamajor
12 boss?

13 A. Yes.

14 Q. Do you know his name?

10:29:52 15 A. Yes.

16 Q. Can you please tell us his name?

17 A. Stephen Lahai Fassah.

18 Q. Mr Witness, one prosecution witness - Your Honours,
19 TF2-223, testified on 20th September 2004 at pages 61 and 62 - he
10:30:43 20 testified to the effect that there were a significant number of
21 civilian casualties at SS Camp.

22 A. The Kamajors?

23 Q. Significant number of civilian casualties at SS Camp. Did
24 you ever hear about such casualties at SS Camp?

10:31:10 25 A. No.

26 Q. Do you know any Kamajor called Peter Wundu? Peter Wundu?

27 A. No, no.

28 Q. So you are telling this Court that there was no Kamajor by
29 the name of Peter Wundu who stayed at SS Camp?

1 PRESIDING JUDGE: That was not your question. You asked
2 him if he knew.

3 MR BOCKARIE: Sorry.

4 Q. You said you don't know?

10:32:09 5 A. No.

6 Q. Now, Mr Witness, have you ever heard the term Transport 2
7 Unit, based at SS camp? Transport 2 Unit, based at SS Camp?

8 A. I did not hear that.

9 Q. Mr Witness, you said you heard Moinina Fofana was
10:32:59 10 director of war. This is what one prosecution witness said.

11 Listen carefully. Your Honour, the witness referred to is
12 TF2-008, testified on 16th November 2004 at page 47. This is

13 what he said: That Moinina Fofana as director of war was in
14 charge of all CDF fighting groups. As a fighter in the Kamajor

10:33:42 15 movement, did you consider Moinina Fofana to be in charge of all
16 fighting groups?

17 A. We're not in the same place with Moinina Fofana. I don't
18 know that.

19 Q. But his position as director of war, did it impact your
10:34:19 20 activity in any way?

21 A. No.

22 Q. Mr Witness, another prosecution witness - Your Honour, I'm
23 referring to witness TF2-005, testified on 15th February 2005 at

24 page 94 - and this is what the witness said, Mr Witness: That

10:35:05 25 Mr Moinina Fofana was one of those responsible for deciding and
26 planning how the war was to be fought. Do you agree with what he

27 said in respect of Mr Fofana?

28 A. Not a day did that exist between us.

29 Q. So you'll agree with me that his position as

1 director of war had no impact on you insofar as planning of the
2 war in which you took part was concerned?

3 A. Yes.

4 Q. Mr Witness, do you know how your commander, Mr BM Koroma,
10:36:25 5 was appointed commander?

6 A. Repeat it.

7 Q. You said your commander at SS Camp was Bhonie Koroma.

8 A. Yes.

9 Q. Are you aware whether Mr Fofana was involved in his
10:36:53 10 appointment as commander?

11 A. No, I don't know that.

12 Q. Mr Witness, this same witness said - I'm referring to
13 TF2-005, testified 15 February 2005 at page 101 - that Mr Fofana
14 was responsible for the selection of commanders. Do you agree?

10:37:43 15 A. No, I don't know that.

16 Q. The same witness, 16th February at page 10, said that the
17 decision as to how many Kamajors would participate in any given
18 attack belonged to Mr Moimina Fofana?

19 A. No.

10:38:27 20 Q. You disagree?

21 A. Yes.

22 Q. Mr Witness, are you familiar with ULIMO?

23 A. Except that I'm just hearing it from you, but I don't know.

24 Q. You don't know ULIMO?

10:38:53 25 A. No.

26 Q. Are you aware of any force that came from Liberia that
27 fought along -- did you fight alongside any group from Liberia,
28 the Kamajors?

29 A. I did not fight alongside with any group from Liberia.

1 Q. Mr Witness, are you familiar with the term "Special Task
2 Force"?

3 A. Except that I'm only hearing it from you today.

4 Q. Thank you very much, Mr Witness, that will be all for you.

10:39:52 5 A. Thank you, too.

6 PRESIDING JUDGE: Thank you, Mr Bockarie. Counsel for
7 third accused, any cross-examination of this witness?

8 MR WILLIAMS: Yes, My Lord.

9 PRESIDING JUDGE: Are you ready to proceed now,
10:40:05 10 Mr Williams?

11 MR WILLIAMS: Yes, My Lord.

12 CROSS-EXAMINED BY MR WILLIAMS:

13 Q. Mr Witness, when you testified yesterday you told this
14 Court that on the Monday after you captured Kenema you were
10:40:33 15 attacked by soldiers; is that correct?

16 A. Yes.

17 Q. And fighting took place at Hangha Road, the police barracks
18 and Capitol; is that correct?

19 A. Very, very well.

10:40:59 20 Q. Could you tell the Court something about the attack on the
21 police -- the attack at the police barracks; was it intensive?

22 A. Intensive indeed.

23 Q. Did it last for long?

24 A. We fought for some hours.

10:41:40 25 Q. Could you give the Court an estimation?

26 A. I hadn't a watch, but we fought for quite some time.

27 Q. Would it be correct to say that police officers were
28 involved in that fight?

29 A. Repeat your question so that I'll understand.

1 Q. I said would it be correct to say that policemen fought
2 against you on that occasion?

3 A. Yes, because that's where the shooting came from.

4 Q. A witness came to this Court - that is TF2-042 - and told
10:43:05 5 this Court that --

6 PRESIDING JUDGE: What is the date of his evidence?

7 MR WILLIAMS: 17th September 2004.

8 PRESIDING JUDGE: And the page, if you have it, or pages?

9 MR WILLIAMS: No, My Lord, I will refer to specific pages.
10:43:22 10 Page 109, My Lord.

11 PRESIDING JUDGE: Thank you.

12 MR WILLIAMS:

13 Q. That witness said that she heard that about 36 police
14 officers were killed in Kenema. My question is this, Mr Witness:
10:43:45 15 Could those officers have been killed during that fight? I mean,
16 if that is correct, if what she said was correct, could they have
17 been killed during that fight?

18 JUDGE THOMPSON: Why? It is rolled up, isn't it? You are
19 making an assumption and then you are putting the second part of
10:44:09 20 the question. I think you need to unravel it.

21 MR WILLIAMS: As My Lord pleases.

22 JUDGE THOMPSON: Otherwise you won't get any kind of clear
23 answer.

24 MR WILLIAMS: Most grateful, My Lord.

10:44:35 25 Q. Could those officers have been killed during the course of
26 that intensive --

27 JUDGE THOMPSON: That's the difficulty. The "could". The
28 "could" imports a possibility and it is a kind of assessment, a
29 judgment. How does he help the Court by speculating one way or

1 the other? Assuming that he agrees, as he's done with the fact
2 that it was intense, but how does he come out with this judgment,
3 "Could they have been"? Why not put this thing in a very factual
4 context. I don't know what your instructions are, but these are
10:45:20 5 my own concerns. I will just rest on that. I would not know how
6 to evaluate an answer which comes out with a "could" kind of
7 response.

8 MR WILLIAMS: I will make another try, My Lord.

9 JUDGE THOMPSON: All right.

10:45:36 10 MR WILLIAMS:

11 Q. Mr Witness, would it be right to say that police officers
12 died during that fight?

13 A. Well, I did not see a dead policeman.

14 Q. Did Kamajors target police officers before, on that day or
10:46:07 15 subsequent to that date?

16 A. They were not our targets at all.

17 Q. Could you tell the Court the longest period you spent at
18 SS Camp? What was the longest period you spent at SS Camp?

19 A. Seven days.

10:47:01 20 Q. Did you subsequently return to the camp?

21 A. I used to come there and return to Kenema.

22 Q. How often did that take place?

23 A. Every week I would go there twice or three times.

24 Q. Could you tell the Court whether you were familiar with, or
10:48:13 25 you had knowledge of, what was going on at SS Camp during that
26 particular time?

27 A. Like what things?

28 Q. I mean the day to day affairs at SS Camp, life at SS Camp.

29 Were you aware of all what was going on at SS Camp?

1 A. All I did was when I came, I would greet them, but I did
2 not see anything bad there, nor did I say it.
3 Q. Did you have friends at SS Camp?
4 A. It's my home village.
10:49:21 5 JUDGE THOMPSON: That's a kind of -- he leaves you to imply
6 from your question -- he gives you a kind of envelope to just
7 deduce from. Is that satisfactory for you?
8 MR WILLIAMS: It's not, My Lord. I'll pursue it, My Lord.
9 Q. Please answer my question, Mr Witness. Did you have
10:49:59 10 friends or relatives that were staying at SS Camp at that
11 particular time?
12 A. Yes.
13 Q. Could you name a few, please, of your friends and relatives
14 that were based at SS Camp?
10:50:38 15 A. First, the person whom we sent to SS Camp, Stephen Lahai
16 Fassah, he was my sister's son.
17 Q. Yes, go on.
18 A. There was Mustapha, my son.
19 Q. Go on.
10:51:32 20 A. There is Sahr, my brother.
21 Q. Any more?
22 A. There are many. I can't name all of them at once.
23 Q. On each occasion you went to SS Camp you would interact
24 with these people; is that correct?
10:52:09 25 A. Very, very, very well.
26 Q. These people that you have mentioned, were they permanently
27 resident at SS Camp?
28 A. Yes.
29 Q. On your regular visits to SS Camp did you discuss

1 activities that were going on at the camp with them?

2 A. Like what?

3 Q. I mean generally did you -- I don't want to be specific,
4 but did you discuss activities - I mean things generally - at
10:53:31 5 SS Camp on your visit?

6 JUDGE THOMPSON: The question of fairness would come in
7 here. The generality itself is what creates a problem for the
8 witness. A kind of vague question does not get a precise answer.
9 Doesn't your question call for specificity, if you want to assist
10:54:09 10 the Court?

11 MR WILLIAMS: I thought it was a fair question.

12 JUDGE THOMPSON: In a sense did you discuss generally
13 things with them, "generally" itself is a vague concept.

14 MR WILLIAMS: I restricted it to SS Camp, My Lord.

10:54:23 15 JUDGE THOMPSON: There could be a number of things,
16 dimensions, about what goes on at SS Camp which can be discussed
17 generally. Anyway, I'll restrain myself.

18 THE WITNESS: I will be drinking my water while you're
19 talking.

10:54:42 20 JUDGE THOMPSON: I will restrain myself, but I think vague
21 questions don't help the Court. If we get vague answers, what do
22 we do with them? I wouldn't deflect you from your line of
23 cross-examination.

24 MR WILLIAMS: Grateful, My Lord.

10:55:06 25 Q. Did you inquire of life at SS Camp in general at that time?

26 PRESIDING JUDGE: It is not any more precise but we'll see
27 what the answer is.

28 MR WILLIAMS: As My Lord pleases.

29 Q. Please answer the question, Mr Witness.

- 1 A. Repeat it.
- 2 Q. You had friends, you had relatives at SS Camp. They were
3 permanently based at SS Camp. On your regular visits to SS Camp
4 would you or did you talk to them about what was going on around
10:56:06 5 SS Camp or within SS Camp?
- 6 A. When I went I will just sit with them and we talk.
- 7 Q. Mr Witness, a witness testified in this Court, TF2-223, on
8 28th September 2004, page 125 of the transcript. He had this to
9 say: He said, "There were many, many executions that took place.
10:57:13 10 If I seek to explain, it will take months to talk about it." You
11 heard what the witness said, that if he wanted to explain the
12 number of executions that took place at SS camp, it would take
13 months for him to do that.
- 14 A. That person told lies.
- 10:57:48 15 Q. Why did you say that?
- 16 A. Because I used to go there. I didn't hear that and it
17 didn't happen.
- 18 Q. Your friends, your relatives, your brothers, none of them
19 told you about any killings at SS Camp; is that correct?
- 10:58:10 20 A. Not in the least.
- 21 Q. Mr Witness, you said in examination-in-chief that you
22 fought the war before initiation and after initiation; is that
23 correct?
- 24 A. Yes.
- 10:58:55 25 Q. Would you say that you became a more responsible fighter
26 after your initiation?
- 27 A. Yes.
- 28 Q. Why?
- 29 A. Well, we were chasing the rebels away just so that we'll

1 settle in our land.

2 PRESIDING JUDGE: I don't understand that answer.

3 JUDGE ITOE: He has not answered counsel's question.

4 MR WILLIAMS: As My Lord pleases.

11:00:04 5 JUDGE THOMPSON: Perhaps counsel might want to find a
6 synonym for "responsible". Maybe he -- although we understand
7 it.

8 JUDGE ITOE: I know what counsel wants, but try again.

9 MR WILLIAMS:

11:00:26 10 Q. Mr Witness, I will just ask you the question in another
11 form. You fought the war without going through the initiation.

12 A. Yes.

13 Q. You went through the initiation, you continued to fight.

14 You had stated that you became a more responsible fighter after
11:00:58 15 your initiation.

16 PRESIDING JUDGE: He didn't say that.

17 MR WILLIAMS: He said that, My Lord. I'm sorry, but he
18 said that, My Lord.

19 PRESIDING JUDGE: Yes, you're right.

11:01:09 20 MR WILLIAMS: Grateful, My Lord.

21 PRESIDING JUDGE: I have that in my notes. I should know.
22 Sorry.

23 MR WILLIAMS: It's okay, My Lord.

24 THE WITNESS: Yes.

11:01:20 25 MR WILLIAMS:

26 Q. The laws that you were told about during your initiation,
27 were they responsible for you becoming a more responsible person
28 after that process?

29 A. Very, very well indeed.

1 Q. Mr Witness, did you know Mr Kondewa during the war?
2 A. No, I don't know him.
3 Q. Did you, Mr Witness, ever learn of the practice of -- I
4 mean, this practice that I am going to tell you about of soldiers
11:02:53 5 dressing in Kamajor uniforms, your ronkos, and -- I'm sorry,
6 soldiers and rebels dressing in Kamajor outfit and going out to
7 cause havoc?
8 A. Yes.
9 Q. How did you learn about that?
11:03:39 10 A. I was a commander.
11 Q. That does not answer my question, Mr Witness. I know very
12 well that you were a commander. Let me assist you. Do you know
13 of instances -- let me ask you this question: Was it a
14 widespread practice? Was it a widespread practice of soldiers
11:04:16 15 and rebels using Kamajor outfit and going out to cause
16 atrocities? Was it a widespread practice?
17 [CDF26MAY06B - CR]
18 A. It used to happen. It happened even to me.
19 Q. My question was whether it was widespread. Was it
11:04:52 20 widespread?
21 A. It was happening, and I used to hear. We used to hear it
22 happening in the other towns.
23 Q. So you said it happened to you?
24 A. Yes.
11:05:15 25 Q. Can you tell the Court what exactly happened to you?
26 A. One morning I was in my village in Boabu.
27 Q. Go on.
28 A. I was sitting down when I saw some people appear wearing
29 Kamajor outfit.

1 Q. Go on.

2 A. Then I looked at them. Then I said, "These people are not
3 Kamajors."

4 Q. Go on.

11:06:19 5 A. When that had happened, then they captured our town chief.
6 They said he was a Kamajor. Then we chased them.

7 Q. These people captured your town chief?

8 A. Yes.

9 Q. What is the name of the town chief?

11:06:36 10 A. Chief Foday Mambu Mansaray. Foday Mambu Mansaray.

11 Q. What is the name of the town?

12 A. Boabu.

13 Q. It was after they captured your chief that you chased them
14 away?

11:06:58 15 JUDGE THOMPSON: You didn't let him complete the evidence.

16 THE WITNESS: It was then that we knew that they were not
17 Kamajors.

18 MR WILLIAMS: There shall be no further questions, My Lord.

19 PRESIDING JUDGE: Thank you, Mr Williams. Mr Prosecutor?

11:07:50 20 CROSS-EXAMINED BY MR BANGURA:

21 Q. Good morning, Mr Witness. You have said you were a Kamajor
22 commander; is that correct?

23 A. Yes.

24 Q. When did you become a commander?

11:08:43 25 A. When after the overthrow and we came back, that's when I
26 became a commander.

27 Q. It's not so clear. After the overthrow and you came back
28 where?

29 A. We came back to my home town, Kenema. That's where I got

1 the commander position.
2 Q. How did you get this appointment as a commander?
3 A. Under the person whom I was working gave me that position.
4 Q. Who is this person?
11:09:23 5 A. Musa Junisa.
6 Q. Who was Musa Junisa?
7 A. He was a Kamajor.
8 Q. What position he did he hold himself?
9 A. He was on top of all of us, the fighters.
11:09:52 10 Q. Where?
11 A. Kenema.
12 Q. Mr Witness, you have also said that Mohamed Bhonie Koroma
13 was your commander at some point in time; is that correct?
14 A. Yes, at first, at SS Camp.
11:10:22 15 Q. And even before SS Camp; not so?
16 A. At the time we were at SS Camp, that was when he was my
17 commander.
18 Q. Is it not your evidence that when you attacked SS Camp,
19 Mohamed Bhonie Koroma was your commander who led you in that
11:11:00 20 attack?
21 A. Yes.
22 Q. Is it also not your evidence that you had fought under
23 Mohamed Bhonie Koroma at Gofor?
24 A. Gofor is at the riverside, close to SS Camp.
11:11:18 25 Q. But this was before you attacked SS Camp; that's the point.
26 A. Yes.
27 Q. This Gofor, is it a place close to Gendema?
28 A. No, it is quite a far distance. It's a long distance
29 between them.

- 1 Q. Do you know in which district Gofor is?
- 2 A. Yes.
- 3 Q. Which district is it?
- 4 A. Kenema District.
- 11:11:58 5 Q. Thank you. Mr Witness, when you fought under Mohamed
6 Bhonie Koroma at Gofor, do you know who he was taking
7 instructions from at that time?
- 8 A. No.
- 9 Q. Do you know whether he was taking instructions from anybody
11:12:21 10 at that time?
- 11 A. Him whom?
- 12 Q. I'm talking about Mohamed Bhonie Koroma, your commander?
- 13 A. I don't know whom he was taking commands from.
- 14 Q. Mr Witness, you have just said you in fact had an
11:13:04 15 appointment as a commander by Musa Junisa; is that correct?
- 16 A. Yes.
- 17 Q. Was Musa Junisa based in Kenema himself?
- 18 A. He was in Dodo.
- 19 Q. Did he have anything to do with the CDF administration in
11:13:21 20 Kenema at that time?
- 21 A. He was our boss. Yes, he was our boss.
- 22 Q. So in fact there was a CDF administration set up in Kenema;
23 not so?
- 24 A. Yes.
- 11:13:50 25 Q. Then apart from Musa Junisa, who else was there in the CDF
26 administration in Kenema, as far as you know?
- 27 A. Arthur Koroma.
- 28 Q. Who else do you remember that was there?
- 29 A. Ismail Koroma.

- 1 Q. Do you remember any other person?
- 2 A. Augustine Sannoh.
- 3 Q. Now, the head of that administration was Arthur Koroma; is
4 that correct?
- 11:14:48 5 A. Yes.
- 6 Q. As Kamajors in Kenema and around Kenema -- when I say
7 around Kenema, I'm talking also covering SS Camp. As Kamajors in
8 that area, you were under the command of the administrator there;
9 is that not so?
- 11:15:10 10 A. Yes.
- 11 MR BOCKARIE: Your Honours, should the period be specified?
- 12 PRESIDING JUDGE: I agree, it would make our life easier if
13 it were to be clarified, Mr Bangura.
- 14 MR BANGURA: Thank you, Your Honour. I will get that.
- 11:15:24 15 Q. Mr Witness, the administration in Kenema which we are
16 talking about, when was it set up?
- 17 A. When we came and captured Kenema.
- 18 Q. So we're talking here about the time after you captured
19 Kenema; is that correct?
- 11:15:45 20 A. Yes.
- 21 Q. And it is correct that this administration was set up just
22 after you captured Kenema; not so?
- 23 A. Yes.
- 24 Q. So the Kamajors who fought and who were in Kenema and at SS
11:16:09 25 Camp were subject to the command and control of Arthur Koroma and
26 his administrative office?
- 27 A. All of us were under him, yes.
- 28 Q. Do you know how Arthur Koroma got his appointment?
- 29 A. No, I don't know that.

- 1 Q. Do you know a place called Base Zero? Have you heard about
2 a place called Base Zero?
- 3 A. Just that I'm hearing it from you now, but I don't know
4 there.
- 11:16:54 5 Q. If I suggest to you that Arthur Koroma got his appointment
6 from Base Zero, would you agree with me?
- 7 A. I don't know there. How would I know?
- 8 Q. Do you know the first accused, Sam Hinga Norman?
- 9 A. Yes.
- 11:17:44 10 Q. How do you know him?
- 11 A. I knew him in Kenema.
- 12 Q. When you say you knew him in Kenema, did he live in Kenema?
- 13 A. No.
- 14 Q. So explain the circumstances.
- 11:18:26 15 A. At one time, there was some chaos between the Kamajors and
16 the soldiers.
- 17 Q. Yes.
- 18 A. It was during that time that I saw him together with the
19 boss of the soldiers.
- 11:18:46 20 Q. Was this before you attacked Kenema or after you attacked
21 Kenema?
- 22 A. That happened before the overthrow of the government.
23 That's the time I knew him.
- 24 Q. You knew that he was the boss of the Kamajors? You knew
11:19:21 25 then he was the boss of the Kamajors?
- 26 A. No, I did not know that at that time.
- 27 Q. When did you get to know then that he is the boss of the
28 Kamajors?
- 29 A. Well, when we had captured the country, that was when I

1 heard with my own ears.

2 Q. When you say you had captured the country, what time are
3 you talking about, Mr Witness?

4 A. When we captured Kenema, when we did the overthrow and when
11:19:58 5 we recaptured there, that is when I heard.

6 Q. At this point, how did you get to know that he was the boss
7 of the Kamajors?

8 A. I heard that he was the go-between for the government and
9 the Kamajors. That's what I know.

11:20:18 10 Q. Mr Witness, are you aware that Mr Arthur Koroma, who was
11 head of this administration in Kenema was appointed by Mr Hinga
12 Norman?

13 A. I don't know that.

14 Q. Did you know any of the bosses to whom Arthur Koroma
11:20:47 15 answered?

16 A. No, I don't know.

17 Q. Mr Witness, let us talk about Kenema, the attack. After
18 you entered Kenema on that first day, it was a Sunday; is that
19 correct?

11:21:30 20 A. Yes.

21 Q. Was there any meeting of Kamajors later on after you had
22 taken Kenema. Not on that Sunday, but later on? Was there any
23 meeting of Kamajors there in Kenema?

24 A. No, we, the Kamajors did not hold any meeting. It was
11:22:03 25 ECOMOG that held a meeting. They called us, the meeting.

26 Q. ECOMOG called you to a meeting.

27 A. Yes.

28 Q. When was this meeting that ECOMOG called you to?

29 A. When they came and met us in Kenema, that's when they held

1 that meeting.

2 Q. Was it the same day that they came -- after the same day
3 that they came when you had this meeting?

4 A. That day that they arrived, when they entered, it was on
11:22:36 5 that day that they called us and held a meeting with us.

6 Q. Apart from that meeting, the CDF also had meetings in
7 Kenema, not even one. They had meetings in Kenema after they had
8 taken Kenema; is that correct?

9 A. No.

11:23:05 10 Q. When you took Kenema, apart from what ECOMOG said to you,
11 there was no senior Kamajor person who addressed you, the
12 Kamajors?

13 A. No.

14 Q. Nobody gave you any advice on what to do, what not to do,
11:23:35 15 after you had taken Kenema?

16 A. I don't know that.

17 Q. Mr Witness, do you know one George Jambawai? Have you
18 heard that name before?

19 A. I don't know him.

11:24:10 20 Q. Mr Witness, when you took Kenema in the days following the
21 day you entered Kenema, did you notice any police presence around
22 the town?

23 A. When we entered Sunday, on Monday?

24 Q. Doing normal police work. Did you notice any police around
11:24:44 25 at the time?

26 A. I met policemen in town, at the headquarters, at their
27 office.

28 Q. Doing normal police work?

29 A. They were in their offices. I wouldn't know what they were

1 doing.

2 Q. On what day was it that you met policemen in the office?

3 A. On Monday they were there after we had come on Sunday. On
4 Monday, when they attacked us, Tuesday, they were there.

11:25:19 5 Q. Mr Witness, I suggest to you that between Sunday when you
6 took Kenema and when ECOMOG entered Kenema -- before I put this
7 question, let me ask you, on what day did ECOMOG enter Kenema?

8 A. When we captured Kenema, I believe after three days they
9 entered.

11:25:44 10 Q. I put it to you that between Sunday and the day that ECOMOG
11 attacked Kenema, there were no policemen doing any police duties
12 in Kenema within that period.

13 A. Well, I don't know that, but I used to see policemen in the
14 offices.

11:26:09 15 Q. In fact, the Kamajors had full control of the town during
16 those three days; is that not so?

17 A. No, it did not happen that way. That did not happen that
18 way.

19 Q. In other words, the Kamajors were free to do whatever they
11:26:28 20 liked to do in those three days. There was nobody to control
21 your activities.

22 A. No, that's a lie. We were in control.

23 Q. You were in control?

24 A. We were under control.

11:26:51 25 Q. Who were you subject to then, during that time?

26 A. Our people were telling us not to do anything bad and we
27 were telling our boys, too.

28 Q. Who were your people? When you say, "Our people were
29 telling us," who were your people?

1 A. Those whom we were defending, those are people who were in
2 Kenema, the chiefs.
3 Q. How did the chiefs get to tell you this?
4 A. Some of them were in town, in hiding. When they came, they
11:27:30 5 came to us.
6 Q. So you had meetings; is that not so?
7 A. It was not a meeting, they just came and summoned us and
8 advised us that just as you've come, stay, do not do anything
9 bad. So we did not do anything bad, so we stayed.
11:27:50 10 Q. Mr Witness, you have said in your evidence-in-chief
11 yesterday that there were burnings in Kenema. You said civilians
12 were burning houses of people who had been -- they were kind of
13 retaliating against other civilians who had helped the junta do
14 bad things to them. Is that not so?
11:28:19 15 A. Yes, the civilians did that.
16 Q. You have also just said that there was a police station
17 open and the police were working; not so?
18 A. Yes.
19 Q. Did you, in fact, see anybody make a report to the police
11:28:43 20 about the burning of houses that was going on in Kenema at that
21 time?
22 A. I did not hear that.
23 Q. Did you hear of anybody who was arrested in Kenema for the
24 houses that were burnt there during that time?
11:29:02 25 A. I did not see that.
26 Q. You, in fact, saw corpses in Kenema; is that not so?
27 A. No.
28 Q. Mr Witness, you saw the burnings yourself; not so? You
29 said that you also saw the houses burning; is that not so?

1 A. Not so.

2 Q. Did you make any reports to any police officer or to the
3 police station that there was, in fact, a house burning or houses
4 burning that you saw? Did you do that?

11:29:45 5 A. We chased them away. We were unable to go to the police.
6 No.

7 Q. Mr Witness, the reason why you did not, I suggest to you,
8 is that there was no police authority in Kenema at that time.
9 The Kamajors had supreme control of the situation and they did
11:30:14 10 exactly what they wanted to do, without any question.

11 A. No. The policemen were there and we were there.

12 Q. Did you see corpses in the streets of Kenema? I'm talking
13 about the period --

14 A. No.

11:30:44 15 Q. -- Sunday and when ECOMOG came.

16 A. No.

17 Q. Did you hear that police officers were killed in Kenema on
18 Sunday?

19 A. No, I did not hear that at all.

11:31:08 20 Q. Did you ever hear that any police officers were killed at
21 all, not just Sunday?

22 A. I did not hear that at all.

23 Q. Would it surprise you to know that some of the Kamajor
24 bosses had to address the police on the question of the killings
11:31:37 25 of their colleagues after you had taken Kenema? Would it
26 surprise you to know that?

27 A. I did not hear that even, only that I'm hearing it from you
28 now.

29 Q. Mr Witness, you are familiar with Kenema Town; am I

1 correct? You're very familiar with the township?
2 A. Yes.
3 Q. You know one Alhaji Kuyateh?
4 A. Yes. I used to see him passing by.
11:32:19 5 Q. It is true that his house was burnt on Sunday, the day you
6 entered Kenema; is that not so?
7 A. I do not know his house.
8 PRESIDING JUDGE: Mr Bangura, would this be a proper time
9 to recess for the morning?
11:32:40 10 MR BANGURA: Yes, Your Honour.
11 PRESIDING JUDGE: The Court will recess for the normal
12 morning recess.
13 [Break taken at 11.33 a.m.]
14 [Upon resuming at 12.06 p.m.]
12:07:15 15 PRESIDING JUDGE: Mr Bangura, you may proceed with the
16 cross-examination of this witness.
17 MR BANGURA:
18 Q. Mr Witness, it is a fact that on the Sunday you entered
19 Kenema, police officer Sergeant Mason was killed by Kamajors in
12:07:37 20 the police barracks; is that no so?
21 A. That's no truth.
22 Q. Corporal Vandí --
23 JUDGE ITOE: Hold on.
24 PRESIDING JUDGE: You say this is on the Sunday?
12:07:57 25 MR BANGURA: Sunday 15th, yes.
26 JUDGE ITOE: What was the first name, please?
27 MR BANGURA: Sergeant Mason.
28 Q. Corporal Vandí, another police officer, was also killed on
29 that Sunday by Kamajors?

1 A. I don't know that.

2 Q. Sergeant Momoh Tawul was killed on 15th February, that same
3 Sunday, by Kamajors.

4 A. I don't know anything about that.

12:08:45 5 Q. Mr Witness, the CDF had a headquarter in Kenema; is that
6 not so?

7 A. Yes.

8 JUDGE THOMPSON: Forgive the interjection here. I remember
9 the first name you put to him. He said that is not true. Then
12:09:19 10 when you put the rest of those names, he said, "I don't know
11 anything about that." Wouldn't it be better for us to cover the
12 ground. I don't know whether the answer to one applies to all.
13 It's important for us, and it is important for you, that he may
14 not be denying that this is not within his knowledge. When he
12:09:47 15 says "That is not true" he's virtually taking issue with the
16 Prosecution.

17 MR BANGURA: I take the point, Your Honour.

18 Q. Mr Witness, is it your answer that these people that I have
19 called -- these policemen that I've called were not killed at all
12:10:10 20 by Kamajors on the 15th, or is it that you are not aware that
21 they were killed?

22 A. I don't know anything about the killing of a policeman in
23 Kenema.

24 Q. Thank you. Mr Witness, the CDF headquarters at Kenema was
12:10:33 25 at 27 Kaisamba Terrace; correct?

26 A. Yes.

27 Q. Is that building still used as a CDF headquarter today?

28 A. The people who own the house, it has been given back to
29 them.

1 Q. You will agree with me that it was, for a very long time
2 after you took Kenema, used as the headquarters of the CDF; for a
3 very long time up to disarmament; correct?

4 A. Yes.

12: 11: 23 5 Q. What sort of activities were going on at the CDF
6 headquarters during this period?

7 A. Even our boss stayed there.

8 Q. When you say your boss, who was this?

9 A. Musa Junisa was there.

12: 11: 53 10 JUDGE THOMPSON: Counsel, I don't think you should be
11 enticed by that. Your focus is on activities, not who were
12 living there. When you ask your precise question and you get an
13 imprecise answer, and you more or less just acquiesce, then the
14 witness takes the liberty to veer away from the direct answers.

12: 12: 17 15 Remember, you're trying to elicit facts.

16 MR BANGURA: Certainly, Your Honour. It's just that
17 when --

18 JUDGE THOMPSON: We should not let the idiosyncratic
19 approaches of witnesses govern how the rules require that
12: 12: 32 20 questions be put. That's just my own view.

21 MR BANGURA: I take the point. It's just that when certain
22 issues come up anew and are sometimes worth pursuing --

23 JUDGE THOMPSON: It's not your fault. It is a delicate
24 exercise. It's just to assist the Court. I'm really looking for
12: 12: 51 25 facts, not answers that do not relate to what was asked, that
26 kind of thing.

27 MR BANGURA: I will keep to the mainstream.

28 Q. Mr Witness, the question was what activities went on at the
29 headquarters during this period?

1 A. That's where we stayed. We had our offices; that's where
2 we stayed. Our boss was there.
3 Q. What did you do there on a day-to-day basis?
4 A. Well, we were there when ECOMOG needs us, they will take us
12:13:37 5 and we will go and work together. That was our own office.
6 That's where we were. That's where we would assemble.
7 Q. Mr Witness, did you have offices there in which CDF
8 personnel would sit day to day and do paperwork?
9 A. Yes.
12:14:03 10 Q. Did you have an office there where complaints were made
11 about CDF activities? You had somebody there who would receive
12 complaints about what was going on, what the CDF did; was that
13 not so?
14 A. No, I don't know that.
12:14:34 15 Q. But you did have an office there where CDF would receive
16 complaints about collaborators.
17 A. They would take them to our boss.
18 Q. They would take who, the collaborators?
19 A. They would give them the information, give our boss the
12:15:05 20 information.
21 Q. I do not seem to get your answer correctly, Mr Witness.
22 A. Who is the collaborator you're talking about?
23 Q. There was an office where complaints were received about
24 collaborators. That was the original question. Perhaps we need
12:15:27 25 to get to that.
26 JUDGE ITOE: Can you specify "collaborators" for him? He
27 doesn't appear to get that.
28 MR BANGURA:
29 Q. Junta collaborators, Mr Witness.

1 A. No, I do not know about such office there.

2 Q. Mr Witness, during the period you were doing the fighting
3 in Kenema, took Kenema, and even afterwards, did you capture any
4 enemies?

12:16:15 5 A. No, I did not see it.

6 Q. You did not see it?

7 A. And I didn't hear.

8 Q. When I asked you the question about somebody in the office
9 who would receive complaints, you said they would take them to
12:16:35 10 the boss. Was that not your answer? You said they would take
11 them to the boss.

12 A. Yes.

13 Q. So what was it that they would take to the boss?

14 A. If Kamajor did something wrong to his colleague, they will
12:17:08 15 go and report to him.

16 Q. What if when a Kamajor does something wrong to a civilian?

17 A. I did not hear about such reports.

18 Q. In effect, Mr Witness, you're saying that Kamajors did no
19 wrong to any civilians?

12:17:25 20 A. No.

21 Q. All through the period that you were a Kamajor in Kenema
22 after Kenema was taken?

23 A. Yes.

24 Q. Mr Witness, we're saying if Kamajors did something wrong to
12:18:13 25 civilians, they would have nowhere to make a report about it,
26 then; is that not so? Because the CDF office, the Kamajors did
27 not entertain any complaints from civilians about what Kamajors
28 were doing.

29 A. I did not see that.

1 JUDGE ITOE: What did you not see? Take that question
2 again. You did not see that. What does that mean?
3 MR WILLIAMS: My Lord, he said he did not say that.
4 JUDGE ITOE: I thought he said he did not see.
12: 18: 46 5 MR BANGURA: See, was the word. That's what I heard him
6 use.
7 PRESIDING JUDGE: Take the question again.
8 MR BANGURA:
9 Q. Mr Witness, civilians who had complaints about Kamajors had
12: 18: 55 10 nowhere to take those complaints, because the CDF did not have
11 any office or anybody who would receive complaints from civilians
12 about Kamajors.
13 A. I did not hear a civilian report a Kamajor that this is
14 what the Kamajor has done to me. Where? In fact, it was amongst
12: 19: 24 15 us we were making such reports, but I did not hear it, nor did I
16 see it.
17 PRESIDING JUDGE: He has not answered your question. Take
18 the question again. Listen to the question carefully,
19 Mr Witness. This is not the question.
12: 19: 39 20 MR BANGURA:
21 Q. You have told this Court that Kamajors would report --
22 refer the Kamajors to your bosses when somebody did wrong to
23 another; correct?
24 A. Yes.
12: 19: 51 25 Q. I am suggesting to you that civilians who were wronged by
26 Kamajors had nowhere to take a complaint because the Kamajors did
27 not have any means -- any provision for civilians to make
28 complaints. They had nobody who would listen to civilians when
29 civilians made complaints. I'm suggesting that to you,

1 Mr Witness.

2 A. I said they would give the complaints to our boss. Our
3 boss would receive the complaints.

4 Q. If you say they would give the complaints to your bosses,
12:20:44 5 civilians would make complaints to their bosses about Kamajors;
6 is that not so? Is that what you're saying?

7 A. If somebody did something wrong, if they made a complaint.

8 PRESIDING JUDGE: Ask the witness how long would they make
9 the complaint? I'm not able to follow that.

12:21:04 10 JUDGE THOMPSON: Also, in doing that, stick to civilians.
11 I don't know what the translation is getting. He's now --
12 whenever you say civilians, he says anybody. You really are
13 focusing on civilians.

14 MR BANGURA: Certainly, Your Honour.

12:21:18 15 JUDGE THOMPSON: I don't know how the translation is
16 portraying that. I'm sure he knows who civilians are.

17 MR BANGURA:

18 Q. Mr Witness, how would a civilian -- who was the person --
19 which one of the bosses would a civilian make a complaint to?

12:21:42 20 A. Well, Mr Musa Junisa. He was our boss then.

21 Q. Are you aware of any action which Musa Junisa took against
22 a Kamajor, against whom a complaint was made?

23 A. No.

24 Q. Did you see Musa Junisa punish a Kamajor at any time
12:22:24 25 because a complaint had been made against that Kamajor by a
26 civilian?

27 THE INTERPRETER: Can I learned counsel please take that
28 question again slowly.

29 MR BANGURA:

1 Q. Did you see Musa Junisa punish a Kamajor at any time
2 because a civilian had made a complaint against that Kamajor to
3 him?

4 A. No.

12:22:52 5 Q. I put it to you, Mr Witness, that it did not happen because
6 complaints were never entertained by Kamajors from civilians.

7 A. Pardon me? Repeat it.

8 Q. Mr Witness, complaints were never made to Kamajors by
9 civilians. There was no means for civilians to make those
12:23:22 10 complaints, that's why you did not see any situation where
11 Musa Junisa punished a Kamajor on the basis of a complaint made
12 by any civilian.

13 A. They did not tell me that somebody had made a complaint,
14 that's why I didn't --

12:23:46 15 Q. During the course of your fighting in Kenema, Mr Witness,
16 did you capture the enemy? Did you capture your enemies?

17 A. No.

18 Q. Did you kill the enemies then?

19 A. No.

12:24:15 20 Q. During your attack on SS Camp, no enemies were killed?

21 A. No. We did not kill anybody there.

22 Q. No enemies were captured?

23 A. Yes.

24 Q. When you entered Kenema, you did not kill any enemies?

12:24:34 25 A. Yes.

26 Q. You did not capture any enemies?

27 A. Yes. Yes.

28 PRESIDING JUDGE: Excuse me, was the answer that in Kenema,
29 they did not kill?

1 MR BANGURA: They did not kill any enemies, they did not
2 capture any enemies.
3 PRESIDING JUDGE: Can you put the question about killing
4 again? Capture I understood, but the killing is not clear.
12: 25: 03 5 MR BANGURA: Your Honour, it is a general answer.
6 PRESIDING JUDGE: I know.
7 MR BANGURA:
8 Q. Did you kill any enemies in Kenema when you attacked
9 Kenema?
12: 25: 15 10 A. No.
11 Q. Even after you had taken Kenema, did you, at any point, in
12 later encounters kill any enemies?
13 A. No.
14 Q. And you did not capture any of your enemies during that
12: 25: 36 15 period?
16 A. Yes.
17 Q. Mr Witness, you have testified to the events that led to --
18 rather, the planning for the attack on SS Camp. You said this
19 planning was done by yourselves at Tigbema; is that correct?
12: 26: 14 20 A. Yes.
21 Q. Was your commander, Mohamed Bhonie Koroma, part of this
22 planning to capture SS Camp?
23 A. Yes.
24 Q. Now, where did you get your supplies for this attack?
12: 26: 35 25 A. We did not get any supply. We ourselves went there.
26 Q. How were you armed for the attack?
27 A. The medicines that were used in our body, we used.
28 Q. Mr Witness, do you know CO Sahr?
29 JUDGE ITOE: Let's get this very clear. During that attack

1 on SS Camp, is the witness suggesting that they used no weapons
2 and it is the medicines which they had that gave them victory
3 over the enemy. I want to get that very clear.
4 THE WITNESS: Yes.
12: 27: 30 5 MR BANGURA:
6 Q. What have you answered yes to, Mr Witness. Yes for what?
7 A. That when we went, the medicines we had in our body, we
8 used to capture SS Camp.
9 Q. You were not at all armed?
12: 27: 42 10 A. We had no guns.
11 Q. How many of you took part in that attack?
12 A. We were many.
13 Q. Give a rough number. Were you up to 50?
14 A. I can't tell the number. It was more than that, so I can't
12: 28: 03 15 tell the number.
16 Q. It might have been 100?
17 A. I said we were many. I can't tell the number.
18 Q. None of you had a weapon?
19 A. Except a short stick, then we stayed.
12: 28: 26 20 Q. Did you suffer any casualties in that attack?
21 A. No.
22 Q. Mr Witness, do you know CO Sahr?
23 A. Yes.
24 Q. What was he?
12: 28: 47 25 A. He was a section CO.
26 Q. Did he take part from that attack?
27 A. We went together.
28 Q. Mr Witness, after you had taken SS Camp -- you said you
29 took SS Camp, went on to attack Kenema and then came back, and

- 1 you continued to be there mainly; is that correct?
- 2 A. No. When we captured SS Camp and went and captured Kenema,
3 I stayed in Kenema.
- 4 Q. But you would come to SS Camp very often?
- 12: 29: 44 5 A. Yes.
- 6 Q. Apart from commander Koroma and Mohamed Bhone Koroma and
7 Stephen Lahai, was there any other commander at the camp that you
8 knew?
- 9 A. In what way?
- 12: 30: 14 10 Q. Commander at the camp. Was there any other commander whom
11 you knew that commanded SS Camp?
- 12 A. No. Stephen Lahai Fassah. When we left, it was
13 Stephen Lahai Fassah.
- 14 Q. Stephen Lahai Fassah was a relative of yours; not so?
- 12: 30: 42 15 A. Yes. He was my sister's son.
- 16 Q. So you were familiar with what he was doing at SS Camp
17 while he was there?
- 18 A. Yes.
- 19 Q. Did you used to see any visitors at SS Camp?
- 12: 31: 11 20 A. No.
- 21 Q. Did you know whether visitors came to SS Camp?
- 22 A. The visitors whom I know were ECOMOG, but I didn't know
23 ECOMOG, any person that went there.
- 24 Q. Now when you say the visitors whom you knew, ECOMOG, ECOMOG
12: 31: 35 25 came to visit the camp; is that what you're saying?
- 26 A. They stay there together with the Kamajors.
- 27 [CDF26MAY06C - SV]
- 28 Q. About what time did ECOMOG deploy their men at SS Camp?
- 29 A. Just as they reached Kenema, on that day that they arrived,

1 when everything was settled, in the morning they went there.

2 Q. Mr Witness, what was happening at SS Camp on a day to day
3 basis?

4 A. When the Kamajors were there --

12: 32: 23 5 Q. That's correct.

6 A. -- I used to go there and meet them. They and the
7 Kamajors, ECOMOG and them, they were working as one. They did
8 not give me any report about anything bad, that this bad thing
9 had happened or that bad thing had happened. I did not get that
12: 32: 50 10 kind of report.

11 Q. I have not really asked you whether anything bad was
12 happening. The question was what was happening there on a
13 day-to-day basis?

14 MR SESAY: My Lord, the way the question is being put, that
12: 33: 02 15 is why I believe the witness will have to answer in a way that
16 will appear as though he is not answering the question.

17 PRESIDING JUDGE: Your objection is overruled, Mr Sesay. I
18 think the question was quite clear. The question was on a daily
19 basis what was happening at SS Camp? It is fairly wide open. It
12: 33: 20 20 is not directed in one particular way. What was taking place,
21 this is what's being asked.

22 MR SESAY: My concern, My Lord, if I may be heard further,
23 my concern is that if the question is so wide open it will create
24 a situation where the witness might go in a way which may appear
12: 33: 40 25 that he's not answering the question.

26 PRESIDING JUDGE: The Court will appreciate that. I think
27 the question was quite clear and was not giving any rise to such
28 concerns.

29 MR SESAY: Yes, My Lord.

1 PRESIDING JUDGE: Go ahead, Mr Bangura. Please proceed.

2 MR BANGURA:

3 Q. Mr Witness, the question remains unanswered. What was
4 going on at SS Camp on a daily basis? When you got there -- you
12:34:07 5 said you went there very frequently. You knew what Fassah was
6 doing, you were close to him. So what did you understand his
7 work to be on a day-to-day basis, as well as the other men he was
8 working with?

9 A. What I know that was happening, they were staying there.
12:34:32 10 When we arrived, we would sit together. But no bad thing
11 happened that I knew of.

12 Q. Did you know, for instance, Mr Witness, that they had a
13 checkpoint at SS Camp? Do you know that?

14 A. No, I did not see it.

12:35:04 15 Q. You know that they would go out on the patrol, the Kamajors
16 would go out on patrol, in and around the vicinity of SS Camp?
17 You're not aware of that?

18 A. Yes, together with ECOMOG.

19 Q. And when they went on patrol, they would come back with
12:35:25 20 persons captured as enemy. Are you aware of that?

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

22 Q. Mr Witness, you're aware, are you not, that a record was
23 kept of all the events that were taking place at SS Camp by the
24 commander there?

12:35:56 25 A. I don't know that.

26 Q. Mr Witness, do you remember any of the Kamajor bosses
27 coming to SS Camp at any time?

28 A. Except Stephen Lahai Fassah.

29 Q. Stephen Lahai Fassah was based there; is that not so?

1 A. Yes.

2 Q. But he would go back to Kenema and report on what was
3 happening frequently; is that not so? Did he or did he not,
4 Mr Witness?

12: 37: 02 5 PRESIDING JUDGE: Let the witness answer that question. I
6 don't think it was --

7 THE WITNESS: I don't know that.

8 MR BANGURA:

9 Q. So who appointed Stephen Lahai Fassah to be at SS Camp?

12: 37: 16 10 A. Our boss, Musa Junisa.

11 Q. You would agree with me, then, that he reported back to
12 Musa Junisa on what was happening at the camp; is that not so?

13 A. Well, I don't know.

14 Q. Mr Witness, I suggest to you that in fact senior Kamajor
12: 37: 48 15 bosses visited SS Camp at various times while the Kamajors were
16 there?

17 A. I don't know that.

18 Q. Hinga Norman visited SS Camp, the first accused?

19 A. Not a day did I see that and I did not hear.

12: 38: 20 20 Q. The fighters at SS Camp were encouraged by the bosses who
21 brought them things to keep their spirits alive; is not so? Keep
22 their morale alive?

23 A. No.

24 JUDGE THOMPSON: Learned counsel for the first accused, you
12: 38: 55 25 probably might want to tell the witness much as these rocking
26 chairs are catered for their comfort, yet perhaps he should not
27 overdo it, because it tends to create a kind of melodramatic
28 effect rather than accord with the decorum and the dignity of the
29 Court. We've long abandoned the idea of the Court encouraging

1 melodramatic kind of posturing. So if you can communicate that
2 to him. We do not intend to make him uncomfortable but I'm sure
3 he doesn't really want to transform the seriousness of the
4 proceedings into something less serious.

12:40:02 5 MR JABBI: Thank you, My Lord. Mr Witness --

6 JUDGE ITOE: [Microphone not activated]. I'll say no more
7 than my learned colleague has said, otherwise I would have gone
8 further with some other observations. But let's let the matter
9 rest there.

12:40:22 10 MR JABBI: The Court wants me to tell you to avoid swinging
11 on the chair too much. You can make yourself as comfortable as
12 possible but don't overswing the chair. I hope it is reaching
13 you the way I am saying it. I would have loved to say it to you
14 in your own language.

12:40:53 15 JUDGE THOMPSON: Thank you, learned counsel.

16 JUDGE ITOE: With a certain posturing of his arms and hands
17 and what have you.

18 MR JABBI: And your gesticulations also should be kept to a
19 minimum.

12:41:20 20 JUDGE ITOE: Thank you, learned counsel.

21 MR JABBI: Spreading out your palms and that sort of thing.

22 PRESIDING JUDGE: Mr Bangura, please proceed.

23 JUDGE THOMPSON: I apologise, counsel.

24 MR BANGURA:

12:41:36 25 Q. Mr Witness, I suggest to you that when Hinga Norman came to
26 SS Camp he would bring, for the fighters there, morale boosters?

27 A. I don't know that.

28 Q. In case it's not clear to you by morale boosters, I am
29 referring to cigarettes, alcohol and sometimes food as well.

1 A. I don't know.

2 Q. Mr Witness, the reason why you do not seem to know about
3 all of these facts that I'm putting to you is because you're not
4 being helpful. Because you have said you were a relative of
12: 42: 34 5 Fassah, you frequented the camp three times - about that often -
6 a week and obviously if you did you would have been aware of what
7 was going on there. But if you say you do not know, then it
8 means you're not being helpful to the Court.

9 A. I used to go there and we'll see each other. But I don't
12: 43: 04 10 know that.

11 Q. Or you do not want this Court to know what Stephen Lahai
12 Fassah, who was your relative, was doing at SS Camp?

13 A. No, the truth that I know is what I have said.

14 Q. Mr Witness, do you know KBK Magonna? KBK Magonna?

12: 43: 50 15 A. No.

16 Q. Mr Witness, as a Kamajor of your standing - you were a
17 commander, you had fought in Kenema, you had been part of the
18 group that attacked SS Camp - have you not at all heard this name
19 KBK Magonna amongst other Kamajors?

12: 44: 14 20 A. I used to hear KBK Magonna but I did not see him in person.

21 Q. And where did you hear about KBK Magonna?

22 A. I used to hear that KBK Magonna was in Bo but I did not see
23 him.

24 Q. If I suggest to you that in fact KBK Magonna operated in
12: 44: 37 25 Kenema, would you agree with me?

26 A. No, I did not see him.

27 Q. If I suggest to you that in fact KBK Magonna became so
28 notorious for atrocities against civilians in Kenema that
29 complaints were made against him by ECOMOG, would you agree with

1 me?

2 A. I don't know.

3 Q. Mr Witness, do you know Nyandeyama? I'm sorry, it's
4 Nyandehun. Do you know Nyandehun in Kenema?

12: 45: 42 5 A. There is no Nyandehun in Kenema.

6 Q. Is there any part of Kenema, a section of Kenema, called
7 Nyandehun?

8 A. I don't know Nyandehun in that Kenema District. Nyandehun,
9 I don't know there.

12: 46: 07 10 Q. I am talking of Kenema Town, within the township, perhaps
11 the outskirts of the town, is there a section called Nyandehun?

12 A. There is no Nyandehun in that area that I know of.

13 Q. How long have you lived in Kenema?

14 A. Kenema, I've been there for a long time. That's where I
12: 46: 38 15 was born. I've grown up there.

16 Q. I am suggesting to you, Mr Witness, that there is in fact a
17 section in Kenema called Nyandehun?

18 A. There is no section in Kenema called Nyandehun. They said
19 Nyandeyama, not Nyandehun. Nyandeyama is different from

12: 47: 04 20 Nyandehun.

21 Q. Sorry, my mistake.

22 JUDGE ITOE: Yes, indeed, I was going to say that we have a
23 name which has surfaced here, Nyandeyama.

24 MR BANGURA: I came up with Nyandeyama initially and I
12: 47: 16 25 thought I was calling the wrong name. I'm sorry.

26 Q. Mr Witness, thank you for correcting me. You, in fact,
27 agree that there is a section in Kenema called Nyandeyama?

28 A. Yes.

29 Q. I'm sorry for trying to mislead you there. Did you have

1 Kamajors based at Nyandeyama?

2 A. No, we would just go there and walk around and return.

3 Q. Did you have Kamajors based on the outskirts of Kenema, in
4 areas where main entry points or exit points from the town?

12:48:08 5 A. Yes, but Nyandeyama, there was no Kamajor there. We would
6 go there, walk around and return.

7 Q. And these points, they had checkpoints, yes? They had
8 crossings on the road to prevent people from just coming through
9 in and out of town; is that correct?

12:48:27 10 A. No.

11 Q. So when Kamajors were at these points how would they --
12 what was the purpose for being there? In these outskirts posts
13 that Kamajors maintained, what was the purpose of being there?

14 A. Kamajors and ECOMOG would be there. That's why I said
12:48:57 15 there was no checkpoint there. It was ECOMOG and Kamajors that
16 were in the same place. When they came they were -- Kamajors
17 were under their control.

18 PRESIDING JUDGE: Does that mean they were Kamajor and
19 ECOMOG checkpoints?

12:49:19 20 THE WITNESS: Yes.

21 MR BANGURA:

22 Q. So what happened at those checkpoints, Mr Witness?

23 A. ECOMOG, they were in control of the checkpoints. A Kamajor
24 never brought a report to me that this is what has happened.

12:49:40 25 Q. So you are saying that ECOMOG had control wherever you
26 operated with the Kamajors -- they operated with you, the
27 Kamajors. Is that what you're saying?

28 A. Yes.

29 Q. And is it your position that Kamajors would do nothing

1 which ECOMOG did not approve of?

2 A. Yes.

3 Q. Would it surprise you, then, to know that ECOMOG was
4 complaining about the behaviour of Kamajors?

12:50:29 5 A. Yes, it would surprise me.

6 Q. I specifically put it to you that ECOMOG made a complaint
7 about the behaviour of KBK Magonna in relation to atrocities
8 against civilians at SS Camp and within Kenema?

9 A. I don't know that. I don't know that.

12:50:54 10 Q. I suggest to you that in fact Kamajors had a free hand to
11 do whatever they liked and did not respect the authority of
12 ECOMOG?

13 A. No. I refer to a letter - Your Honours, it's Exhibit 89.
14 Mr Witness, are you able to read and write English?

12:51:28 15 PRESIDING JUDGE: He has testified he does not.

16 THE WITNESS: No, I'm not literate.

17 MR BANGURA:

18 Q. Mr Witness, there is evidence before this Court in a form
19 of a letter - I'm referring, Your Honours, to Exhibit 89 - which
12:51:48 20 is written by ECOMOG addressed to the vice-president of this
21 country at the time it was written, and this was in December of
22 1998.

23 A. I don't know that.

24 Q. I'm coming, Mr Witness. That letter complains -- ECOMOG
12:52:07 25 complained about the behaviour of Kamajors generally, but more
26 specifically about KBK Magonna, in respect of killings at
27 SS Camp.

28 MR WILLIAMS: My Lord, I don't know if I do not have the
29 correct exhibit, but Exhibit 89 does not complain about killings,

1 My Lord. What I have is just a single-page letter and it does
2 not --

3 PRESIDING JUDGE: Mr Williams, this is not your witness.

4 MR WILLIAMS: If somebody is misleading the Court, I think
12:52:43 5 as an officer of the Court I should be able to --

6 PRESIDING JUDGE: Mr Williams, I have said to you that you
7 were cross-examining this witness. This is not your witness.
8 Please sit down.

9 MR WILLIAMS: As it pleases Your Lordship.

10 MR BANGURA: Your Honours, just so that the point about
11 misleading the Court is not left lying, I am just going to make
12 clear the reference to the Court about the allegation of killings
13 at the SS Camp. Your Honours, I'm reading from Exhibit 89; it's
14 a five-page document, not a one-page document. I'm reading from
12:54:13 15 the fourth page of it, numbered page 3 on it, paragraph L. It
16 says:

17 "Even though Mr Magonna denied killing anybody at SS Camp
18 there are strong evidences even within the Kamajor groups
19 that he committed the act."

12:54:31 20 This is part of the exhibit, the letter of complaint that
21 I'm referring to.

22 JUDGE THOMPSON: So you did not mislead the Court.

23 MR BANGURA: Certainly, Your Honour, I did not.

24 JUDGE THOMPSON: And that remark must have been an
12:54:43 25 unfortunate remark and I'm sure the learned counsel would want to
26 withdraw that.

27 MR WILLIAMS: My Lord, I apologise. I prefaced my comment
28 by saying that what I have is a one-page document and he has
29 alluded to a five-page --

1 JUDGE THOMPSON: The word "mislead" was very much
2 pregnant --
3 MR WILLIAMS: As My Lord pleases. I take the cue, My Lord.
4 JUDGE THOMPSON: Could have been inadvertent or something.
12:55:08 5 MR WILLIAMS: I take the cue. I profoundly apologise,
6 My Lord.
7 MR BANGURA: Thank you, Your Honour.
8 Q. Mr Witness, I was putting to you that in fact there was
9 this complaint by ECOMOG about the behaviour of KBK Magonna in
12:55:26 10 relation to killings at SS Camp. And the point I'm making to you
11 is that Kamajors were not actually under ECOMOG control; they had
12 a free hand to do whatever they liked. That's my suggestion to
13 you.
14 A. No. I know that we were working under them.
12:56:02 15 Q. In fact, ECOMOG found it so difficult that the only avenue
16 open to them was to make a complaint to the vice-president at the
17 time. Do you agree with me?
18 A. I don't know that.
19 Q. Mr Witness, you have said that you saw Moinina Fofana in
12:56:34 20 Kenema once when there was a meeting. They went for a meeting to
21 the SLPP office. Am I correct? Is that what you said?
22 A. Yes, that was where I saw him.
23 Q. About what time was this?
24 A. It's taken a long time. I can't tell the date.
12:57:03 25 Q. Was it just after you had taken Kenema?
26 A. The time that the President was restored, that was the time
27 they went there.
28 Q. Was it just Moinina Fofana that you saw at that time, among
29 the Kamajor bosses?

1 A. That was the day I saw him. That was the day he was
2 identified to me that he was Moinina Fofana.
3 Q. Did you also see Hinga Norman on that day?
4 A. Yes, they went together with the President.
12:57:42 5 Q. How about Allieu Kondewa, did you see him on that day?
6 A. I don't know him.
7 Q. In fact, Mr Witness, this was not the first time that you
8 had seen these people in Kenema. I'm talking about
9 Moinina Fofana and Hinga Norman. This was not your first time of
12:57:59 10 seeing them in Kenema.
11 A. Moinina Fofana, that was the first time I saw him in
12 Kenema.
13 Q. Did you get to see him in Kenema after that on other
14 occasions?
12:58:17 15 A. No.
16 Q. Mr Witness, do you know about the War Council? Have you
17 heard the name the War Council?
18 A. Where?
19 Q. Generally just the name the War Council as an organ within
12:58:39 20 the Kamajor society, the CDF. The War Council, have you heard
21 that name before?
22 A. I don't know that.
23 Q. Did you know that at Base Zero there was a War Council?
24 A. I don't know anything about that.
12:59:03 25 Q. Mr Witness, I am putting it to you that the War Council in
26 fact met in Kenema about two months after you had taken Kenema.
27 A. I don't know that.
28 Q. Mr Witness, in earlier testimony you have said that -- you
29 have disagreed with me that Kamajors committed atrocities in

1 Kenema?

2 A. No.

3 Q. You have disagreed with me that Kamajors targeted junta
4 collaborators; not so?

12:59:56 5 A. Yes.

6 Q. Mr Witness, the War Council met in Kenema on 21st April,
7 which is a little over two months after you captured Kenema. I
8 am putting that to you.

9 PRESIDING JUDGE: What's the date?

13:00:19 10 MR BANGURA: 21st of April. Your Honours, at this point I
11 am referring to Exhibit 28.

12 PRESIDING JUDGE: You said 21st of what?

13 MR BANGURA: 21st of April 1998.

14 PRESIDING JUDGE: Thank you.

13:00:46 15 JUDGE ITOE: And what exhibit do you have there?

16 MR BANGURA: Exhibit 28.

17 JUDGE ITOE: Is that the minutes of the meeting of the War
18 Council in Kenema?

19 MR BANGURA: Correct, Your Honour.

13:00:54 20 Q. Mr Witness, at this meeting of the War Council, two months
21 after you had taken Kenema, amongst the issues that they
22 discussed was the matter of junta collaborators; do you agree?

23 A. I do not know about a meeting in Kenema. I do not know
24 anything about that meeting.

13:01:24 25 Q. Mr Witness, I will just read a portion of the minutes from
26 that meeting and put a few questions to you.

27 MR BANGURA: Your Honours, I'm reading from page 2 of that
28 document under the heading "Junta Collaboration."

29 Q. "As the searchlight continues to trace junta collaborators,

1 the War Council admonishes all CDF members to put faith in
2 the due process of law as the universally acknowledged way
3 of bringing collaborators to book. The Council therefore
4 gives orders to all fighting forces to stop all forms of
13:02:40 5 reprisal killings, urging them to refer all cases of junta
6 collaboration to the police or to ECOMOG."

7 Mr Witness, you have heard what the War Council -- one of
8 the decisions or positions reached by the War Council in that
9 meeting of 21st April 1998, which was a little over two months
13:03:22 10 after you had taken Kenema. Mr Witness, I am putting it to you
11 that the reason why the War Council had to address this issue was
12 because it was a problem which was still occurring; CDF personnel
13 were still targeting civilians, accusing them of being junta
14 collaborators and killing them.

13:03:59 15 A. That's your document that you've read, and the holding of a
16 meeting, I don't know anything about them.

17 Q. Mr Witness, I suggest to you that the War Council reached
18 this position because it was clear that either the police or
19 ECOMOG could do nothing about the situation at the time.

13:04:32 20 A. I do not know about that War Council thing. I do not know
21 anything about War Council. I do not know anything about that
22 meeting. I do not know anything about that, your document. I'm
23 only hearing about it here.

24 Q. So are you saying that you're disagreeing with what I'm
13:04:48 25 putting to you, Mr Witness?

26 JUDGE THOMPSON: No, he's not. He has stated that he
27 doesn't know.

28 THE WITNESS: Yes, I don't know.

29 JUDGE THOMPSON: Would the witness keep quiet, please. I

1 don't know whether you can move from "I do not know" to "I
2 disagree". You'd better not go there. His answer is that he
3 does not know anything about that.

4 MR BANGURA: I take the point, Your Honour. Your Honours,
13:05:44 5 I'm aware that we're past the time. Just a couple of questions
6 because I take it that after this witness there's not going to be
7 another witness for today. I think we have that already from
8 Defence.

9 PRESIDING JUDGE: You have what from the Defence?

10 MR BANGURA: From counsel for the first accused that there
11 may not be another witness in the pool today.

12 PRESIDING JUDGE: I don't know that.

13 MR BANGURA: Sorry, I may be letting the cat out of the
14 bag.

15 PRESIDING JUDGE: So what are you suggesting?

16 MR BANGURA: I'm just saying that I have a couple of
17 questions more. We've gone past the time.

18 PRESIDING JUDGE: We're already past the time, but if it's
19 only a few questions we can proceed. If it is a few questions.
13:06:26 20 If you have more than that, then we may have to adjourn.

21 MR BANGURA: No, it's just a few questions.

22 Q. Mr Witness, where were you about April of 1998?

23 A. I was in Kenema.

24 Q. And you were not aware at that time that the War Council,
13:07:04 25 comprising mainly of chiefs, was in Kenema for a meeting?

26 JUDGE ITOE: But, learned counsel, I think the witness has
27 provided answers to these questions. He doesn't know anything
28 about the War Council, he doesn't know about the meeting, and he
29 doesn't know anything about your Exhibit 28.

1 MR BANGURA: I'll take the position then.

2 JUDGE ITOE: It is sufficiently clear on the record I have
3 here with me.

4 MR BANGURA: I'll take the position then. That will be all
13:07:38 5 for this witness, Your Honour. Thank you very much.

6 PRESIDING JUDGE: Thank you. Dr Jabbi, any re-examination?

7 MR JABBI: No re-examination, My Lord.

8 PRESIDING JUDGE: Thank you, Mr Witness. That concludes
9 your evidence in this Court. We thank you for coming and we wish
13:07:53 10 you a safe trip back home. You will be assisted out of the Court

11 and I ask the Witness Protection Unit to assist the witness,
12 please. Dr Jabbi, we've heard that you may not have another --

13 THE WITNESS: I will have a drink first before I go.

14 JUDGE ITOE: Yes, drink. You can take the bottle if you
13:08:24 15 wish.

16 [The witness withdrew]

17 PRESIDING JUDGE: Dr Jabbi, where are you and where are we?

18 MR JABBI: My Lords, as we indicated earlier, we have
19 decided to forego some of the witnesses listed in the interests
13:09:08 20 of not repeating much of the evidence. We had hoped that we
21 would take number 22 after this witness, but I was --

22 JUDGE ITOE: And thereafter to follow up with 24? That is
23 what you said yesterday.

24 MR JABBI: Yes, My Lord.

13:09:30 25 JUDGE ITOE: That you would move from 22 to 24.

26 MR JABBI: Yes, My Lord. However, My Lord, I was informed
27 belatedly that although WVS had made arrangements for 22 to come
28 down from last weekend he had not come down up to today. We have
29 duly informed them and I think they are making arrangements to

1 ensure that he is here over the weekend.

2 Furthermore, My Lord --

3 PRESIDING JUDGE: Yes, but, Dr Jabbi, before you go any
4 further, we had clearly indicated to you that at all times you
13:10:13 5 had to have at least two standby witnesses ready to be heard all
6 the time. I mean, this is not one witness. We had indicated to
7 you two all the time and you had assured the Court and informed
8 the Court that indeed that's what you were doing and there were
9 standby witnesses. Now we're in a scenario where there's none,
13:10:37 10 and not only is there no standby, you're telling the Court that
11 there's none available, period.

12 MR JABBI: My Lord, we have in fact complied with that
13 order for all the time up to this time.

14 PRESIDING JUDGE: Yes, but the order is applicable for the
13:10:54 15 whole of the defence of the first accused. It was not to be up
16 to today only.

17 MR JABBI: Yes, My Lord. I'm not at all implying that the
18 order was only for up to now. What I'm saying, My Lord, is
19 indeed we have complied with up to now and it is circumstances
13:11:14 20 completely and entirely beyond our control that have caused the
21 non-availability of standby witnesses for this afternoon.

22 PRESIDING JUDGE: I don't accept that, Dr Jabbi. I would
23 like to know what steps you have taken to make sure that this
24 witness would be available. The fact that the witness service
13:11:30 25 unit may have been involved, they are there to assist you but
26 they are not the ones, I would understand, to seek witnesses.
27 This is not part of their responsibility. What you and/or your
28 team have done to gather these witnesses and to ensure their
29 presence in court.

1 MR JABBI: My Lord, we had indeed ensured that the
2 witnesses were aware of their being needed this session and this
3 particular week and WVS did go out to get them. In respect of
4 number 22 in particular, my information is that WVS offered to
13:12:14 5 bring him down, but as a paramount chief he said he was not able
6 to come at that time and they left some money for him to travel
7 down by himself. But unfortunately we have not seen him up to
8 this time.

9 PRESIDING JUDGE: Yes, but what follow-up did you do?
13:12:33 10 That's my question to you.

11 MR JABBI: As I said just now, My Lord, we have requested
12 WVS to go for him.

13 PRESIDING JUDGE: The fact that they went to get your
14 witness because you asked them to go and get him and he said he
13:12:48 15 was not prepared to come at that time, what follow-up did you do
16 at that time to ensure that he would be here today?

17 MR JABBI: My Lord, I have said that WVS gave him money to
18 pay for himself to come down immediately.

19 PRESIDING JUDGE: Yes, but did you check yesterday or two
13:13:03 20 days ago or three days ago that he was on his way down? What
21 follow-up did you do? The fact that you leave money, he may
22 never have had the money. What step did you take to ensure that
23 he was coming?

24 MR JABBI: My Lord, I have to say that, as I say, it is a
13:13:23 25 factor beyond our control. I have to say that in certain parts
26 of the country we just have no way of access without using WVS.
27 And that is what we have done in this case. I enquired a couple
28 of days ago about him and I was given that information. But we
29 do not, as a team, have a means of going back to Fakunya to in

1 fact ensure that he's coming. We can only use the WVS in the
2 particular circumstance. We're very sorry that this has
3 happened, but, as I say, it is the only time this has happened at
4 all throughout our leading of evidence and we have taken measures
13:14:10 5 to ensure that he is brought down over this weekend.

6 PRESIDING JUDGE: How do you know this? You say you have
7 no means to know and to get in touch with him. How do you know
8 that he will come down this weekend?

9 MR JABBI: In the circumstance, My Lord, we can only hope
13:14:29 10 that he will come, but it is beyond --

11 PRESIDING JUDGE: If he doesn't, what do we do?

12 MR JABBI: We will report it to the Court and make the
13 necessary application.

14 PRESIDING JUDGE: Of what? What application would you
13:14:42 15 make, that we strike him out of the list?

16 MR JABBI: At this stage I would not want to say, My Lord.
17 But he is not the only witness that we are expecting to come
18 down. I just wanted to give information about the others. After
19 22, My Lord, we intend to take 24.

13:15:11 20 PRESIDING JUDGE: But 24, the last information, what I
21 wrote down on my document here, he had eluded you for some time
22 and you didn't know if he would come. So how can you say that he
23 will be called when you don't even know where he is? It may have
24 changed, I don't know. When you gave information to the Court a
13:15:34 25 few days ago I noted in my paper that he has eluded you. These
26 were the words that you used.

27 MR JABBI: My Lord, that is true, but we have not thereby
28 given up that we can get him. These witnesses, some of them are
29 in very inaccessible areas of the country and because of their

1 mode of occupation, you cannot be sure that they are at one point
2 at any time you go there. We have pursued them in different
3 places, without people knowing where in particular they were,
4 without success so far. But we have not thereby given up. We
13:16:17 5 are hoping that the WVS team will be able to get them.

6 My Lord, at this stage I would also want to give notice
7 that we wish to use certain witnesses from the back-up list to
8 take care of --

9 PRESIDING JUDGE: There's a procedure if you want to have
13:16:42 10 back-up witnesses.

11 MR JABBI: I'm just giving that notice, My Lord. We will
12 follow that procedure. To take care of an area of the
13 allegations which we have so far not covered, and to also take
14 care of the possibility of not getting number 24, who was
13:17:11 15 intended to cover that area. We are thinking of using 40, 41 and
16 42 on the back-up list for that purpose. We have, in the same
17 vein, requested WVS to ensure their presence over this weekend.
18 We will make the necessary application, My Lord. We are very
19 sorry that at this material time we do not have all the witnesses
13:17:42 20 that were needed for a standby for this afternoon.

21 PRESIDING JUDGE: What about Monday?

22 MR JABBI: With the effort of the WVS we are hoping that
23 Monday will be taken care of, My Lord.

24 PRESIDING JUDGE: And if they are unsuccessful to reach
13:18:02 25 these witnesses? Again, as I say, I have difficulties to
26 understand your position and what you seem to be expecting from
27 WVS. That they assist you is one thing, but to do the searching
28 for your witnesses, I am a bit surprised that this is perceived
29 to be part of their duties and functions.

1 MR JABBI: My Lord, we have searched for these witnesses.
2 Up to one and a half weeks ago we sent a team up. But we also
3 have limitations in this regard, My Lord. The witnesses are not
4 necessarily sitting in a spot where they can be met at any time.
13:18:51 5 We make every effort to go there and we have not always succeeded
6 as we have in the case of other witnesses.

7 PRESIDING JUDGE: Very well, but I'm looking at your list
8 again, what you have left on the document that has been filed,
9 and witness 21 is still unclear and undecided, from what I
13:19:23 10 understand. We're going to be informed of that Monday. This is
11 General Abdu-One Mohamed.

12 MR JABBI: Our legal assistant is in fact right now in
13 Nigeria. He has reported back that he has arrived and he was
14 going to go to General One's home to get in touch. I'm sure
13:19:48 15 maybe tomorrow he'll get in touch with us again by phone.

16 PRESIDING JUDGE: And then this is witness listed 21. 22
17 is the one we were discussing earlier.

18 MR JABBI: Yes, My Lord. 23 is in the UK and we are trying
19 to get in touch with him to know when he will be back in the
13:20:11 20 country. We may take a decision about him if it is absolutely
21 impossible to get him back.

22 PRESIDING JUDGE: In the time frame that we are talking
23 about.

24 MR JABBI: Within the time frame that we're talking about,
13:20:23 25 My Lord.

26 PRESIDING JUDGE: 24 is the one that is being still elusive
27 for the time being.

28 MR JABBI: Yes, My Lord.

29 PRESIDING JUDGE: What about 25 and 26 and 27?

1 MR JABBI: My Lord, 25 is not elusive as such, but matters
2 of state have so far made it difficult for him to be available.

3 PRESIDING JUDGE: This afternoon, but what about -- I'm
4 looking at Monday, Monday and Tuesday and the beginning of next
13:21:10 5 week. It seems to be quite clear that we will not have witnesses
6 this afternoon. Fine. I'm trying to see how we organise next
7 week.

8 MR JABBI: My Lord, for what it may be worth, I am hopeful
9 that we will have witnesses for Monday. But considering, of
13:21:38 10 course, the difficulties that we have had, which may well recur
11 with the WVS on the present trip, I cannot be absolutely sure
12 that we will.

13 PRESIDING JUDGE: But in those instances what I am asking
14 you is find suitable replacement from your witness list, and 25,
13:22:05 15 26 and 27.

16 MR JABBI: 25, I have just explained about him. Right now,
17 we got in touch with him earlier and the vice-president is
18 visiting him in Moyamba. We cannot say that he will be released
19 to be available on Monday. He is the district officer and the
13:22:50 20 vice-president is visiting his district right now.

21 PRESIDING JUDGE: These are your witnesses. You're the one
22 calling them, you have to ensure that they are available. We
23 have asked you and this is what we have directed and that's what
24 we expect you to do. If they are not available, see what else
13:23:14 25 you can do, because we're not to delay any further these
26 proceedings because of the unavailability of witnesses. You have
27 26 and 27; I would like to hear from you about them.

28 Again, looking at 26, you may recall some of my comments
29 that if this witness is coming to file documents, it should not

1 take much time. I presume this is what he's coming for. Because
2 I had indicated to you at the time when we agreed to add this
3 witness to your witness list - because he was one of those that
4 you sought to add with the additional witnesses that you sought
13:23:49 5 approval for - I did mention that I think most of what he's to
6 talk about should be in the documents that Parliament has and all
7 we need to do is file copies. He's the secretary to --

8 MR JABBI: Yes, My Lord. My Lord, we have already
9 communicated with Parliament in this regard, and we have, of
13:24:14 10 course, suggested to them that it is a question of either having
11 26 to actually give evidence or to proceed under Rule 92bis in
12 respect of the testimony we intend to have from him. I already
13 have an appointment with them again this afternoon to go and
14 check on that.

13:24:42 15 JUDGE ITOE: If you intend to proceed under 92bis, there is
16 procedure there which we hope --

17 MR JABBI: We will follow that procedure, My Lord.

18 JUDGE ITOE: The end of this session is very much in sight.
19 I do not think time is very much on your side. This is my advice
13:25:06 20 to you.

21 MR JABBI: Yes, My Lord.

22 JUDGE THOMPSON: Am I right in making the assumption,
23 Dr Jabbi, that for the next three or four days, excluding the
24 weekend - we're talking about Monday, Tuesday, Wednesday - that
13:25:18 25 23, 24, 25, 26, 27 are possibilities? I mean, from your
26 presentation is it a fair assumption to make that 22, 23, 24, 25,
27 26, 27 are possibilities with also 40 and 41 from the back-up
28 list in case you need to supplement any deficiency in the core
29 list from the back-up list? Is that a fair assumption, given the

1 constraints that you've been articulating here?

2 MR JABBI: My Lord, it is 23 we cannot --

3 JUDGE THOMPSON: I'm just saying are possibilities. That's
4 what I'm putting it at. In other words, 22, 23, 24, 25, 26, 27
13:26:21 5 are possibilities with also the possible permutation of 40, 41,
6 and 42 in case you have deficiencies in your core list. I mean,
7 I'm thinking of Monday, Tuesday, Wednesday we can get through
8 those witnesses.

9 MR JABBI: My Lord, I would want to exclude 23 from that
13:26:42 10 possibility.

11 JUDGE THOMPSON: 23.

12 MR JABBI: Yes, My Lord.

13 JUDGE THOMPSON: Because if that is the scenario, then of
14 course it's for you to intensify all efforts to make those
13:26:52 15 possibilities realities for the purposes of Monday, Tuesday and
16 possibly Wednesday.

17 MR JABBI: My Lord, we believe we have set that in motion
18 already.

19 JUDGE THOMPSON: That's my own kind of mindset, that we
13:27:07 20 cannot come here and expect to be adjourning because we haven't
21 provided for the kind of workload which we're anticipating every
22 day.

23 MR JABBI: My Lord, to play completely safe in this, in
24 order to take the point you are making, My Lord, may we then
13:27:32 25 perhaps propose that we afford Monday as some additional time to
26 work on the availability of number 1.

27 PRESIDING JUDGE: No. No.

28 MR JABBI: As Your Lordships please.

29 PRESIDING JUDGE: We are not in Court this afternoon. We

1 want to sit on Monday and hear witnesses on Monday.

2 MR JABBI: We will endeavour to --

3 JUDGE THOMPSON: I'm sure that I concur in that, because my
4 kind of interjection was meant to urge you to intensify your
13:28:08 5 efforts and I use the word "intensify" advisedly so that we don't
6 have any of these lacuna or gaps. I mean, we're now having this
7 afternoon free, which of course gives you some time to further
8 intensify your efforts, and it would be unfair on the accused
9 persons to have Monday as a holiday. We do not intend to proceed
13:28:37 10 that way.

11 MR JABBI: I just expected that if we had Monday as a
12 holiday there would be greater assurance of getting number 1.

13 JUDGE THOMPSON: With all due respect, I dissent from that
14 position.

13:28:48 15 PRESIDING JUDGE: I don't think we need your assistance in
16 this respect, Dr Jabbi. I would like to know why now you still
17 haven't addressed the witness number 27. I look at the listing
18 and this witness appears to be from Freetown, Hennessy Street,
19 New England. So why is this witness not available on Monday?

13:29:15 20 MR JABBI: Witness number what, My Lord?

21 PRESIDING JUDGE: 27 on your list.

22 MR JABBI: My Lord, Witness number 27 is one of the
23 witnesses we do not intend to take.

24 PRESIDING JUDGE: In other words, this is one that will be
13:29:33 25 struck off your witness list, is it?

26 MR JABBI: That is what we are contemplating, My Lord.

27 PRESIDING JUDGE: That's fine. I'm not insisting that you
28 call witnesses just for the purpose of calling witnesses. If
29 this is a witness that you intend to dispense with, I would

1 appreciate you informing all parties, including the Bench, that
2 you're not calling this witness so nobody gets to do any
3 preparation. I'm talking of counsel for the second and third
4 accused and the Prosecution.

13:30:03 5 MR JABBI: Latest Monday we will have done that, My Lord.

6 PRESIDING JUDGE: But your position at this time is that
7 this witness is not likely to be called and you will confirm that
8 on Monday?

9 MR JABBI: Yes, My Lord.

13:30:14 10 PRESIDING JUDGE: Very well. Again, Dr Jabbi, we urge you
11 to do the utmost to make sure that we have witnesses available.
12 You have indicated already that you are now contemplating to go
13 to the back-up list. You have to make those decisions. These
14 are not decisions that we can take on your behalf. If these
13:30:34 15 witnesses you are planning to call from Moyamba are not
16 available, well, you have some alternatives on your back-up list
17 and see what if, and so on. As I say, that's your decision, not
18 ours, but our decision is we want to move ahead.

19 MR JABBI: My Lord, we will endeavour to do the very best
13:30:55 20 to ensure that we are not retarded.

21 PRESIDING JUDGE: Thank you.

22 MR KAMARA: My Lord, the Prosecution is working on the
23 assumption that 22 will be the next witness. If we are right --

24 JUDGE ITOE: Why don't you prepare 22 and 24?

13:31:18 25 PRESIDING JUDGE: This is the assumption for the time
26 being.

27 MR KAMARA: Yes, My Lord, if there is a departure from 22
28 and 24, which we're already working on, then we advise that we be
29 notified so that we start working on --

1 PRESIDING JUDGE: I agree with you. You have to be
2 notified the soonest.

3 MR KAMARA: Yes, because come Monday then we don't know how
4 to proceed.

13:31:39 5 PRESIDING JUDGE: Dr Jabbi, we are asking again your
6 fullest cooperation with all parties on this and you will know
7 before we come to court on Monday if these witnesses are there or
8 not, if you have other witnesses, again to avoid unnecessary
9 delays as such. If 22 is not the one who is there on Monday and
13:31:56 10 you have another witness, it is only fair that all parties be
11 properly informed in due course so they can prepare their
12 cross-examination of that witness and we avoid any other delays.
13 So we're just asking your assistance and cooperation in this
14 respect.

13:32:13 15 MR JABBI: We will endeavour to do so, My Lord.

16 PRESIDING JUDGE: Thank you. So the Court is adjourned to
17 Monday morning at 9.30. Thank you.

18 [Whereupon the hearing adjourned at 1.32 p.m.,
19 to be reconvened on Monday, the 29th day of
20 May, 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: MOHAMED KINEH SWARAY	2
CROSS-EXAMINED BY MR BOCKARIE	9
CROSS-EXAMINED BY MR WILLIAMS	17
CROSS-EXAMINED BY MR BANGURA	25