

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

THURSDAY, 01 JUNE 2006
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Mr Mohamed Bangura Ms Wendy van Tongeren
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai Mr Ansu Lansana

1 [CDF01JUN06A - ED]
2 Thursday, 01 June 2006
3 [The accused present]
4 [Open session]
09:35:48 5 [Upon commencing at 9.47 a.m.]
6 WITNESS: LANSANA BOCKARIE [Continued]
7 PRESIDING JUDGE: Mr Margai.
8 MR MARGAI: Yes, My Lord.
9 PRESIDING JUDGE: Can you see what your client is up for,
09:47:27 10 please?
11 MR MARGAI: My Lords, what he is saying is that he wants to
12 seek permission from the Court to have discussions with the
13 defence team representing him.
14 PRESIDING JUDGE: Before we proceed this morning?
09:48:10 15 MR MARGAI: Yes, My Lords.
16 PRESIDING JUDGE: We are now at cross-examination by the
17 Prosecution, so I wonder if that cannot wait until we finish with
18 the Prosecution and then we'll allow that to happen. He is your
19 client, Mr Margai.
09:48:31 20 MR MARGAI: I came in this morning. I really have no idea.
21 PRESIDING JUDGE: I know. That's why I saw him standing up
22 and I asked you if you could find out what is the problem, if
23 any. We don't want to cause any difficulties, certainly not to
24 you. What is your suggestion, that we adjourn for five minutes
09:48:56 25 so you can consult your client and we come back?
26 MR MARGAI: Yes, My Lords.
27 PRESIDING JUDGE: Very well. So the Court will adjourn for
28 five minutes.
29 [Break taken at 9.49 a.m.]

1 [Upon resuming at 10.04 a.m.]

2 PRESIDING JUDGE: Yes, Mr Margai.

3 MR MARGAI: Thank you, My Lords. His concern related to an
4 in house matter, which is being addressed.

10:04:33 5 PRESIDING JUDGE: Very well.

6 MR MARGAI: Thank you.

7 PRESIDING JUDGE: Thank you very much. Mr Prosecutor, good
8 morning. Good morning, Mr Witness.

9 THE WITNESS: Good morning, old one.

10:05:09 10 PRESIDING JUDGE: Mr Kamara, you are ready to proceed with
11 your cross-examination of this witness?

12 MR KAMARA: Yes, My Lord.

13 PRESIDING JUDGE: Please do so.

14 CROSS-EXAMINED BY MR KAMARA:

10:05:20 15 Q. Good morning, Mr Lansana.

16 A. Good morning, sir.

17 Q. The Prosecution is not disputing to a lot of things you
18 said yesterday, but we have a few things that I would like to get
19 from you which you may not have said before the Court. I will

10:05:53 20 start with the Tongo attack. Mr Lansana, where were you when
21 Tongo was attacked and captured, the last attack?

22 A. Giehun Kojo, Malegohun Chiefdom, Kenema District.

23 Q. How far is this Giehun Kojo place to Tongo?

24 A. It could be 15 miles.

10:06:42 25 PRESIDING JUDGE: Fifteen miles from Tongo?

26 THE WITNESS: Yes, it could be 15 miles.

27 MR JABBI: My Lord, I heard your question as to 50 miles.

28 PRESIDING JUDGE: Fifteen.

29 MR JABBI: Fifteen. Thank you, My Lord.

1 JUDGE ITOE: I heard 15.

2 MR KAMARA:

3 Q. What were you doing at Giehun Kojo?

4 A. While I was explaining, I said after I had travelled I had
10:07:25 5 sores under my feet and when I reached Giehun I couldn't walk on
6 foot any longer. That's why I stayed in Giehun.

7 Q. So you were not there as a back-up to the other groups that
8 had attacked Tongo; is that correct?

9 A. I was not there, or we were not there?

10:08:03 10 Q. I'm saying your group was not at Giehun Kojo as a back-up
11 to those that had already launched the attack on Tongo?

12 PRESIDING JUDGE: Did you say "your group was not"? I
13 think you were intending to say that his group was.

14 MR KAMARA: Was there not as a back-up. In other words --
10:08:23 15 let me put it again, My Lord, I'm sorry.

16 Q. Your group was not at Giehun Kojo as a stand-by team to
17 support those who had launched the attack on Tongo?

18 A. It was not the question of stand-by team. I have explained
19 to you that all the chiefdom provided people. Even Malegohun
10:08:48 20 people went.

21 JUDGE ITOE: Is the question answered?

22 MR KAMARA: Not at all, My Lord.

23 PRESIDING JUDGE: I am not sure I understand your question
24 either.

10:09:00 25 MR KAMARA: Yes, My Lord. The question is if he was at
26 Giehun Kojo as a stand-by in support of those that were
27 already --

28 PRESIDING JUDGE: That's not his evidence. He says he was
29 there because he couldn't walk any more and he had sore feet.

1 MR KAMARA: Yes and I am putting it to him now that whether
2 being in that position was as a result of being a stand-by to
3 those that had launched the attack and he's denying that.

4 JUDGE ITOE: That is not just himself, but others.

10:09:28 5 MR KAMARA: Others, yes. The group with whom he was.

6 PRESIDING JUDGE: What do you mean by "the group"? We'll
7 come to you, Dr Jabbi.

8 MR KAMARA: The group that came from collecting the
9 ammunition.

10:09:40 10 PRESIDING JUDGE: Because you seem to be talking of two
11 different groups, because, as the witness has been testifying
12 about, there was a group of Kamajors from his own village that
13 was part of the Tongo attack, and now you are talking of a
14 subgroup rather than a group. You are talking of a group that
10:09:58 15 went to collect the weapons and ammunitions and came back.

16 MR KAMARA: Yes, and when they came they were tired.

17 PRESIDING JUDGE: That's what I mean. Your question to me
18 is confusing because I am not sure what you are talking about.

19 MR KAMARA: I will break it down, My Lord.

10:10:12 20 MR JABBI: My Lord, it was partly that I wanted to raise.
21 But the assumption in the question is that all those who went to
22 collect the ammunition were with him in Giehun Kojo and that has
23 been to be established before --

24 PRESIDING JUDGE: That too. That's why I said -- thank
10:10:31 25 you, Dr Jabbi.

26 MR KAMARA:

27 Q. Mr Witness, you told this Court that you moved with a team
28 from, was that Selu where you collected the arms and ammunition
29 to Giehun Kojo; is that correct?

1 A. Yes.

2 Q. And when you got to Giehun Kojo did you have any
3 communication with the other groups that had attacked Tongo?

4 A. Yes, because on that day they captured Tongo and we knew
10:11:17 5 about it.

6 Q. Thank you. Mr Witness, do you know any Siaka Lahai?

7 A. Yes.

8 Q. Who is he?

9 A. He was a commander in Lower Bambara.

10:11:46 10 Q. Was he one of the commanders that launched the attack on
11 Tongo, the final attack, do you know?

12 A. Yes.

13 Q. Siaka Lahai gave evidence before this Court, Mr Lansana,
14 that you yourself entered Tongo together with him and
10:12:12 15 Arthur Lebbie; is that correct?

16 A. I don't know about Arthur Lebbie, but all of them knew
17 that -- all of them know that I stayed at Giehun, because when I
18 had travelled on that road I had sores on my feet.

19 MR KAMARA: My Lord, I am referring to the transcript of
10:12:31 20 17th May 2006 at page 6 and page 8.

21 Q. So you are disputing the fact that you did not enter Tongo
22 together with Siaka Lahai and Arthur Lebbie; is that so?

23 MR JABBI: My Lord --

24 THE WITNESS: No.

10:13:08 25 MR JABBI: -- I believe a double negative has been used in
26 that question and it can lead to confusion. You are disputing
27 the fact that you did not enter Tongo with so and so and so.

28 PRESIDING JUDGE: Mr Kamara.

29 MR KAMARA: My Lord, the question is simple. I posed the

1 preliminary question to him as to the state of the evidence
2 before the Court, and now I'm further putting it to him whether
3 he is disputing the state of that evidence and he has answered.

4 JUDGE THOMPSON: Actually the difficulty was that when he
10:13:40 5 answered the question the way you put it, he did not really
6 answer it, and then you virtually put it in a different way.
7 That's what I gather. I mean, you asked him whether he agrees or
8 he agrees with -- you cited a particular piece of evidence and
9 put it to him and invited him to indicate whether he agrees with
10:14:14 10 that. Then he gave an answer which more or less began with, "I
11 do not know about Arthur Lebbie, but all of them knew that I
12 stayed at that particular place, Giehun Kojo, because of sore
13 feet." And I didn't quite think that answered the question, but
14 then --

10:14:39 15 MR KAMARA: I rephrased it.

16 JUDGE THOMPSON: Yes and that was what worried me, why you
17 rephrased it, not having had an answer to what was, to me, a
18 precise question. Then that creates a problem here. Perhaps the
19 best thing is to go back to the original question.

10:14:56 20 MR KAMARA: Yes, My Lord.

21 Q. Mr Witness, I presented the state of evidence to you as we
22 have it before this Court and that is Siaka Lahai gave evidence
23 that you, Arthur Lebbie and himself entered Tongo together. That
24 is the state of the evidence.

10:15:30 25 JUDGE THOMPSON: Is that true? That is what you are trying
26 to elicit. Is that true? I mean, it would have been simple. Is
27 that true?

28 MR KAMARA: Yes, thank you, My Lord.

29 Q. Is that true?

1 A. No. If I went there I would have accepted that I went
2 there, but I didn't.

3 Q. And Siaka Lahai also stated further that your team was the
4 stand-by team and that you were supposed to have come from the
10:16:23 5 Gelema end. Is that true?

6 A. Gelema is where?

7 Q. Gelema or Gelama, something like that. I may be
8 pronouncing it wrongly.

9 A. Well, if you do not call the town properly for me to
10:16:44 10 answer, how would I answer?

11 Q. Well, help us.

12 A. How can I help you? They have said it in my absence. Had
13 I known the town and you say that's the town, I would have
14 answered. But I don't know the town, how could I?

10:16:58 15 Q. Are you aware of a Gelema Town? Do you know of a Gelama
16 Town close to Tongo?

17 A. No.

18 Q. Mr Witness, do you read and write English at all?

19 A. I went to school. I can write my name.

10:17:18 20 Q. Take a look at this spelling. Will you pronounce it for
21 the Court? G-E-L-A-M-A, how would you pronounce that?

22 A. You are literate more than I am. You have called it
23 Gelama, what I can say? Let me take it to the lawyers. Gelama.

24 Q. Thank you. Do you know that town near Tongo?

10:18:01 25 A. No, there is no town near Tongo that is called Gelama.

26 Q. So it is not true that you were a stand-by team to
27 Siaka Lahai?

28 A. No, there is no stand-by thing there.

29 Q. Mr Witness, the question is were you a stand-by team to

1 Siaka Lahai? Team?

2 A. No.

3 Q. Thank you. You gave evidence before this Court that you
4 did not enter Tongo until almost at about eight days after it was
10:19:10 5 captured; is that correct?

6 A. Yes.

7 Q. And when you entered Tongo there was a lot of civilians
8 still; is that correct? Still in the town?

9 A. Yes, civilians were being there. It was just on the first
10:19:38 10 day that they left, but after that the Kamajors were going out
11 for them, bringing them to the town.

12 Q. Were you at a meeting summoned by BJK Sei at the Labour
13 camp?

14 A. No, I was not there at his own meeting.

10:20:16 15 Q. Were you present in any meeting summoned by BJK Sei?

16 A. No, I did not attend BJK Sei's meeting, but I went there,
17 we met.

18 Q. Did you attend any meeting in Tongo after its capture?

19 A. That's what I explained. I did not go at a meeting
10:20:53 20 convened by them, but when I went there we met.

21 Q. Who did you meet?

22 A. BJK Sei and others, Siaka and others. Most of the
23 commanders and some civilians.

24 Q. Where was that meeting that you referred to?

10:21:34 25 A. It was not a formal meeting because we met at where the
26 headquarters was. There was a headquarter in Tongo, security
27 headquarters.

28 Q. Yesterday you gave evidence that BJK Sei summoned a meeting
29 of the chiefs and then spoke about food and other logistics. Do

1 you recall that?

2 A. That was the meeting. That's the meeting I was at, but it
3 was not BJK Sei when I went there.

4 Q. Okay. So you were not at that Labour camp meeting?

10:22:11 5 A. No, I was not there. I was not there.

6 Q. Now, when you went to Tongo, did you see any corpses?

7 A. At the time that I went there, no.

8 Q. Now, this headquarter that you referred to, is it the same
9 as the NDMC headquarter?

10:22:42 10 A. Yes, NDMC, it had a security headquarter that had that
11 name, headquarters.

12 Q. And that is where this meeting was held?

13 A. Yes, that's where we met.

14 Q. And you'll agree with me that there were civilians in that
10:23:00 15 meeting; is that not so?

16 A. Yes.

17 Q. How many people were there in all in that meeting, would
18 you be able to tell?

19 A. We were about 15 or 16. It was not a large meeting. It
10:23:25 20 was not a large chiefdom meeting. It's just like you'll come to
21 a place and you wanted to know what had happened in your absence.

22 Q. Was Siaka Lahai in attendance?

23 A. Yes, he was there.

24 Q. And Kamabotie?

10:23:41 25 A. Kamabotie was not present on that day.

26 Q. Now, Mr Witness, did you ever lead a team of Kamajors to
27 attack Wima?

28 A. No.

29 Q. Do you know one Mohamed Bhonie Koroma?

1 A. I don't know him.

2 Q. That Mohamed Bhonie Koroma gave evidence before this Court
3 on behalf of the defence of the first accused - I am referring to
4 23rd May 2006 at page 9 - that you, Bockarie Lansana, led a team
10:24:58 5 of Kamajors to attack the town of Wima. Is that true?

6 A. No, indeed. I know that Kamajors went to Wima, but even
7 there I was not there.

8 Q. Thank you very much. Mr Witness, who was your immediate
9 boss between the period of 1997 to 1999?

10:25:37 10 A. Where we were?

11 Q. Within the Kamajor structure, yes.

12 A. Well, the chiefdoms were arranged. There was a chiefdom
13 chairman, he was the boss. And the paramount chief, the chiefdom
14 speaker, section chiefs, they were the bosses.

10:26:06 15 Q. Was Musa Junisa --

16 JUDGE THOMPSON: When you said "immediate," were you
17 thinking of some particular office-holder, because now he has
18 given you a multiple-choice answer.

19 MR KAMARA: Yes, My Lord. I am going to the specifics with
10:26:32 20 him.

21 JUDGE THOMPSON: Quite.

22 MR KAMARA: Thank you, My Lord.

23 Q. Do you know any Musa Junisa?

24 A. Yes.

10:26:39 25 Q. Was he ever your boss between the period of 1997 to '99?

26 A. Yes.

27 Q. Did you report to him as to activities of Kamajors between
28 that period?

29 A. Oh, yes, but all the positions that were given to those

1 people, it was at the time that ECOMOG was here. We were
2 reporting to them as well as ECOMOG.

3 Q. Leave ECOMOG out for the time being. I am talking about
4 Musa Junisa. We will get to ECOMOG, all right. Did you report
10:27:33 5 to Musa Junisa?

6 A. Yes.

7 Q. Thank you. Do you know a BJK Sei?

8 A. Yes.

9 Q. Was he your boss at any point in time between 1996 to 1999?

10:27:54 10 A. He was a boss for Lower Bambara Chiefdom, boss.

11 Q. All right. Now, let's go --

12 PRESIDING JUDGE: What does that mean?

13 MR KAMARA: That he was a chief for the
14 Lower Bambara Chiefdom which is --

10:28:19 15 JUDGE THOMPSON: Don't explain it, counsel. Let him
16 explain it. You're got giving evidence.

17 JUDGE ITOE: And you should follow your questions
18 logically.

19 MR KAMARA: I will restrict him, My Lord.

10:28:33 20 Q. Now, you said BJK Sei was your boss for the
21 Lower Bambara Chiefdom.

22 JUDGE ITOE: No, he didn't say he was his boss.

23 PRESIDING JUDGE: No, he says he was in
24 Lower Bambara Chiefdom. That's all he said.

10:28:48 25 JUDGE ITOE: He was the chief, not that he was his boss.

26 MR KAMARA:

27 Q. Mr Witness, was BJK Sei your boss at any point in time
28 between 1996 to 1999? That was my question.

29 A. No.

1 Q. He was not?

2 A. He was not.

3 PRESIDING JUDGE: So you see that your understanding of his
4 answer was not the same as ours.

10:29:12 5 MR KAMARA: Very well, My Lord.

6 Q. Now, at the time Tongo was captured --

7 JUDGE ITOE: Between 1996 and?

8 MR KAMARA: And 1999.

9 JUDGE ITOE: And/or to 1999? '96 and '99, just those two
10:29:28 10 years?

11 MR KAMARA: '96 to '99; yes, My Lord.

12 Q. At the time Tongo was captured, who was your boss?

13 A. Musa Junisa.

14 Q. Are you aware who was -- do you know the boss of
10:30:02 15 Musa Junisa?

16 A. Yes.

17 Q. Who was his boss?

18 A. Arthur Koroma.

19 Q. And who is this Arthur Koroma?

10:30:21 20 A. He was leading the Kamajor arrangements for the
21 Kenema District.

22 Q. He was the administrator from Kenema District; correct?

23 A. Yes.

24 JUDGE ITOE: What administrator? Do you mean to say he was
10:30:43 25 the CDF administrator?

26 MR KAMARA: Yes, My Lord, the CDF administrator for
27 Kenema District.

28 JUDGE ITOE: We have to be precise on the times, not just
29 administrator.

1 MR KAMARA: Yes, My Lord, obliged.

2 Q. Do you know to whom Arthur Koroma was answerable --

3 JUDGE ITOE: He has not answered your question. Put it
4 again, please.

10:31:04 5 MR KAMARA:

6 Q. Was Arthur Koroma the CDF administrator for Kenema?

7 A. Yes.

8 Q. Do you know if he had a boss, someone above him?

9 A. Yes.

10:31:19 10 Q. And who was that?

11 A. They said that those who have been made CDF bosses, they
12 were answerable to the chiefs, chiefdom, paramount chiefs. You
13 would not take anything from your chiefdom without the land
14 chiefs knowing. You first present it to them.

10:31:44 15 Q. Who was Arthur Koroma's boss? That's the question.

16 A. The paramount chiefs.

17 Q. Do you know the first accused, Chief Sam Hinga Norman?

18 A. Yes.

19 Q. You'll agree with me that he was the national co-ordinator
10:32:16 20 for the CDF; correct?

21 A. Yes, that's what they told us later, but there is something
22 more I can explain.

23 Q. At the time Arthur Koroma was the CDF administrator for
24 Kenema, you will agree that Chief Hinga Norman was the CDF

10:32:44 25 National Co-ordinator; is that not so?

26 A. Yes.

27 Q. You'll also agree with me that the position of national
28 co-ordinator was superior to that of the CDF administrator in
29 Kenema; is that not correct?

1 A. Well, we just heard those names but there was a War Council
2 in between so they reported to it. They created a council that
3 was called National War Council for the war, so they were
4 answerable to it.

10:33:49 5 Q. Thank you. Mr Witness, did you attend any meeting for the
6 planning of Tongo where the discussions were about the attack for
7 Tongo, where plans were made for the attack on Tongo?

8 A. Yes, they met in Giehun when we brought the bullets.

9 Q. Did you attend a meeting at Taiama that was summoned by
10:34:20 10 Musa Junisa?

11 A. No, I did not go there. I was not there.

12 Q. Did you attend a meeting at Panguma, summoned by BJK Sei?

13 A. No.

14 Q. We have evidence before this Court, Mr Witness, that you
10:34:53 15 attended a meeting at Taiama, the one summoned by Musa Junisa, by
16 Kamabotie.

17 MR KAMARA: My Lords, I am looking at the transcript of
18 18th May 2006, starting page 19 to 21.

19 Q. Is that not true?

10:35:11 20 A. It's not true.

21 JUDGE ITOE: Evidence from?

22 MR KAMARA: Kamabotie, My Lord, Keikula Amara.

23 JUDGE ITOE: Yes, I know.

24 PRESIDING JUDGE: This is the evidence at page 19 to 21?

10:35:25 25 MR KAMARA: Yes, My Lord, 18th May 2006.

26 Q. And, Mr Witness, you gave evidence before this Court that
27 you, together with one George Jambawai, were appointed to make a
28 visit to Guinea; is that not correct?

29 A. Yes, we went to Guinea.

1 JUDGE ITOE: I don't think -- I don't know whether he has
2 given a response to your question. You said that Kamabotie - his
3 evidence on 18th May 2006 on pages 19 and 21 - said he attended
4 the meeting in Taiama. What was his response?

10:36:32 5 MR KAMARA: He said no, that cannot be true.

6 JUDGE ITOE: He said no?

7 MR KAMARA: Yes, My Lords, he said that is not correct.

8 JUDGE ITOE: Sorry, you may proceed.

9 MR KAMARA: Thank you, My Lord.

10:36:49 10 Q. You gave evidence that when you went to Guinea you met the
11 ambassador; is that so?

12 A. Yes.

13 Q. Subsequently you were introduced to one Teacher Lagawo?

14 A. They introduced us to Teacher Lagawo. We were two who
10:37:18 15 went.

16 Q. Did you ever meet with the President on that visit?

17 A. No, we slept only once. I slept only once so we did not
18 meet.

19 Q. You never met the President; yes or no?

10:37:44 20 A. No, I did not see him.

21 Q. Thank you. Also, when you went to collect the ammunitions
22 you said that -- is that Sandaru, or what was the place again?

23 A. Penguia.

24 Q. That's the chiefdom. The town? Penguia is the chiefdom.

10:38:19 25 The town you went and collected the ammunition from Dugbe?

26 A. I don't know. Mr Lawyer, you know you are confusing me a
27 little. I made the statement yesterday. Don't force me to be
28 giving the name of this town and that other town and that other
29 town. You tell me the town, if it is correct I will accept it.

1 That's what I spoke yesterday.

2 PRESIDING JUDGE: Mr Witness, please do your best to answer
3 these questions. You may have testified to that yesterday but
4 they are entitled to ask you the same questions. This is the way
10:38:54 5 the system works. So just try to do your best.

6 THE WITNESS: Salu [phon].

7 MR KAMARA:

8 Q. That's the name of the town?

9 A. Yes.

10:39:18 10 Q. Thank you. You'll agree with me that you did not meet this
11 George Jambawai at that place?

12 A. Yes, that was what I said yesterday.

13 Q. Thank you. All you met were these ammunitions; correct?

14 A. Yes, and the message, the person who brought the message.

10:39:50 15 Q. Thank you. Now, Mr Witness, I am putting it to you that
16 those ammunitions came from Base Zero and not anywhere else.

17 A. You want me to reply?

18 Q. Yes.

19 JUDGE THOMPSON: Counsel, ask him whether he agrees or
10:40:25 20 disagrees.

21 MR KAMARA: Quite.

22 Q. Do you agree with me that those ammunitions came from
23 nowhere else but Base Zero? Do you agree with me?

24 A. We cannot argue about that because that place that you
10:40:45 25 mentioned in Base Zero up to Sandaru, Penguia -- if you know that
26 distance, except if it was brought there by an airplane.

27 Q. You have not answered my question. Do you disagree with
28 me? Say yes, you disagree; if not, you agree with me.

29 A. I said the person who brought the bullets was called

1 Mr George Jambawai. He brought it from Guinea. He brought them
2 from Guinea and left them to CO Dugbe and CO Dugbe sent for me
3 and said, "Mr Jambawai has brought the bullets and has said we
4 should give it to you so you will distribute it out," and I left
10:41:29 5 him in Guinea when I came back.

6 Q. Mr Witness, I will suggest to you that at that relevant
7 time Mr Jambawai, Vandi Soka and Mr Samai were all at Base Zero
8 responsible for the distribution of ammunitions. Would you agree
9 with that?

10:42:06 10 A. I don't know. We were not -- we were not all there
11 together. I went with him to Guinea.

12 Q. Thank you. You gave evidence before this Court that you
13 started fighting as a Kamajor some time in 1991 or thereabouts;
14 is that so?

10:42:35 15 A. We started joining it, yes.

16 Q. I am particularly interested in the period between 1997 to
17 1999 and so this question is premised on that. During that
18 period of 1997 and 1999 did you engage child soldiers in combat?

19 A. I was not providing Kamajors. It was the chiefdom people
10:43:15 20 who provided Kamajors.

21 Q. You have not answered the question. Did you, as a
22 commander, engage the use of child soldiers in combat? Leave the
23 chiefs alone.

24 A. No, that was not a fighting for children.

10:43:45 25 Q. Did children assist you to carry luggage for the Kamajors?

26 A. Like what?

27 Q. Loads, foodstuff, weapons, ammunition boxes, things like
28 that?

29 A. No, you the Kamajor would carry your own load for yourself.

1 So it would be hanging on you -- on us as we went along.

2 Q. Were children used as spies to spy on the enemy and report
3 back to you?

4 A. No.

10:44:35 5 Q. Are you aware whether children were also initiated as
6 Kamajors between this period which we are discussing?

7 A. No.

8 Q. Mr Witness, I am suggesting to you that you and your team
9 engaged the use of child soldiers in combat. Do you agree or

10:45:34 10 deny?

11 A. I disagree.

12 Q. Thank you. Do you know the second accused?

13 A. What's his name?

14 Q. I didn't hear that. Do you know the second accused?

10:46:05 15 PRESIDING JUDGE: He is asking you what is his name.

16 MR KAMARA:

17 Q. Moinina Fofana, I'm sorry.

18 A. Yes.

19 Q. How do you come to know him?

10:46:15 20 A. When ECOMOG captured Kenema and we went there, one day we
21 saw him and they said he has been made the director of war.

22 Q. Did you see him in Kenema between 1997 to 1999?

23 A. When ECOMOG came to Kenema, that's when I saw him.

24 Q. Leave ECOMOG. Did you see him or not?

10:47:01 25 MR JABBI: My Lord --

26 THE WITNESS: I wouldn't leave ECOMOG alone. I said forget
27 about the dates as far as I'm concerned, because if I say I'm
28 going to be exact about the dates I would miss that, but I would
29 explain things and you would place it to the dates. But if I

1 said I would name dates now, I would miss it because the dates
2 are not recorded -- I have not recorded the dates.

3 MR KAMARA:

4 Q. The question is not about dates.

10:47:27 5 PRESIDING JUDGE: Just a moment, please. Dr Jabbi?

6 MR JABBI: My Lord, the witness's comment just now has
7 taken care of what I wanted to say.

8 PRESIDING JUDGE: I thought that was what you were about to
9 raise about that issue, so that's okay.

10:47:42 10 MR KAMARA:

11 Q. Mr Witness, take your time and listen to the question,
12 okay. I did not ask you about dates. Did you see Moinina Fofana
13 in Kenema between 1996 and 1997; yes or no?

14 A. How can I agree or disagree, it's that date that confuses
10:48:07 15 me. That's why I said a while ago that it was when ECOMOG came
16 that he shown to us.

17 Q. All right. I'll take that.

18 PRESIDING JUDGE: Mr Prosecutor, that has been his evidence
19 all along. He doesn't know about dates. He refers to events
10:48:20 20 rather than dates.

21 JUDGE THOMPSON: Quite. He makes that linkage.

22 MR KAMARA: I'll take that, Your Honours.

23 Q. Now, ECOMOG came to Kenema and when you saw Moinina Fofana
24 was he introduced to you?

10:48:41 25 A. Yes.

26 Q. How was he introduced to you?

27 A. That he has been made the director of war.

28 Q. Who made the introduction, do you remember?

29 A. Arthur Koroma.

1 Q. Was that done at the CDF headquarters at 27 Kaisamba
2 Terrace?
3 A. Yes.
4 Q. After the Tongo attack did you yourself move on to Kenema?
10:49:32 5 A. Yes.
6 Q. For how long were you based in Kenema?
7 A. We'll go and return.
8 Q. So you were still based at Malegohun; is that so?
9 A. Yes, yes.
10:50:01 10 Q. So when you go to Kenema, you'll go to the CDF headquarters
11 usually; is that correct?
12 A. Yes.
13 Q. What was going on at this CDF headquarters when usually you
14 get there?
10:50:19 15 A. At that time there was ceasefire and that we should stop
16 shooting. Whatever complaint we had about the rebels, we'd come
17 and make it too. Whatever they did, whether they captured
18 civilians or they beat up somebody, we'll come and report that.
19 Q. You'd also report about captured combatants and supporters
10:50:50 20 of soldiers; is that not so?
21 A. Repeat it.
22 Q. Amongst the things that are reported is the fact of
23 captured soldiers or people that supported the soldiers?
24 A. During the ceasefire, no, that was not happening.
10:51:34 25 Q. Before the ceasefire was it happening?
26 A. Like what?
27 Q. Like the capture of soldiers, capture of people that
28 support the soldiers, collaborators. Were such reports being
29 made to that office?

1 A. Well, I, in my own area where we were, that was not
2 happening there, because we were not harassing civilians, because
3 we knew that they had forced them.

4 JUDGE ITOE: They did not ask you about the area where you
10:52:12 5 are. It is the headquarters there. It is not in the area where
6 you are. Focus your mind on the question.

7 MR KAMARA: Thank you, My Lord.

8 THE WITNESS: I'm not disputing that but you cannot talk
9 about something that you did not witness. If I had -- I had been
10:52:32 10 in Malegohun I did not report about Malegohun, how could I report
11 about Blama?

12 MR KAMARA:

13 Q. What is it you're not disputing?

14 A. Pardon me?

10:52:44 15 JUDGE THOMPSON: Don't get carried away by that response
16 otherwise you get into an argumentative kind of exchange here
17 which does not help us. Go back to your question and see if you
18 can formulate it in a more precise way. Because once you give
19 him this kind of latitude he engages you in a merry-go-round.

10:53:11 20 MR KAMARA:

21 Q. Mr Witness, on your visit to the headquarter were reports
22 made about the capture of combatants and supporters of rebels?

23 JUDGE THOMPSON: Does he know or doesn't he know?

24 THE WITNESS: I was not present.

10:53:30 25 MR KAMARA:

26 Q. You were not present. Are you aware of such reports?

27 A. I know. No, I was in the bushes. That's what I am
28 explaining. I was not there.

29 Q. In reply to my question you made mention of something that

1 you were disputing before the learned justice interposed. I
2 still want to know what it is you are disputing to my question.
3 Do you remember?

4 A. No, maybe you should explain.

10:54:11 5 Q. Yes, I will do that again. You do not dispute with me that
6 reports were made to the CDF headquarters about captured
7 combatants and civilian supporters of soldiers?

8 A. I said I was not there.

9 Q. Are you aware of such reports?

10:54:45 10 A. I can't say that.

11 Q. Thank you. Mr Witness, within the times that you fought as
12 a Kamajor were children captured from the enemy at any point in
13 time?

14 A. That happened only once, but it was not me. It was at
10:55:26 15 Zogoda, during the Zogoda attack.

16 Q. Okay. Zogoda?

17 A. Yes.

18 Q. Could you please explain that to us?

19 A. During the Zogoda attack Mr Foday Sankoh's daughter, Amie
10:55:45 20 Sankoh, it was at that time that she was captured. They brought
21 her and she was handed over to the government. She and the
22 President even greeted each other, right in Kenema at the
23 football field. The President went there and the child was
24 handed over to him. He saw her, Foday Sankoh's daughter, girl
10:56:09 25 child.

26 JUDGE ITOE: What is her name again?

27 MR KAMARA: Amie.

28 THE WITNESS: Amie Sankoh.

29 MR KAMARA: Amie Sankoh.

1 Q. And this incident happened before the overthrow of the
2 President; correct?

3 A. Yes.

4 Q. Thank you. You're not aware of any other incidents of
10:56:39 5 children being captured from the enemy?

6 A. The way you are asking this question it is making it
7 difficult to answer it. Kamajors didn't take civilians as
8 rebels. We knew that they had only captured them by force.
9 Wherever you captured all those civilians there, you would bring
10:57:01 10 them because they were your people. That's what I know, but to
11 say that you've captured that civilian and the civilian is your
12 enemy, no, it was not like that. Wherever you went, whichever
13 civilians you got there, you'll bring them. They were your
14 people, they were your brothers, children or adults. They were
10:57:22 15 your siblings, your brothers and sisters.

16 Q. That's very helpful. Now tell us about those civilians
17 that were captured by the Kamajors. What happened to those
18 civilians? How were they treated?

19 A. When we brought the civilians -- when they brought those
10:57:47 20 civilians they would take them. At that time the soldiers with
21 whom we were fighting, they would take them to the brigade
22 headquarters and they would interrogate them and they would hand
23 them over to ICRC. When ECOMOG came, if a Kamajor captured
24 anybody, they would take them to the ECOMOG, they would
10:58:03 25 investigate them and brought them to the agency that they wanted
26 to hand over that person to. That was what was happening.

27 Q. Let us go to the period that you have evaded. That is,
28 after the overthrow of the government and before ECOMOG came.
29 Are you comfortable with that period? Do you know now the period

1 I am interested in? After the government has been overthrown and
2 before ECOMOG came, between that period what happened to captured
3 civilians?

4 A. Kamajors. Well, they were pushing us to get out the
10:58:50 5 civilians. When you captured a civilian, where would you take
6 that civilian? They've captured the -- they've overthrown the
7 government and they've pushed the Kamajor aside. If you captured
8 civilians where would you take the civilian? The government that
9 was in power didn't want to see Kamajors, so if you captured a
10:59:05 10 civilian would you take the civilian to that person? No, they
11 pushed us and the civilians away.

12 [CDF01JUN06B - CR]

13 Q. Let me help you. Let's take Tongo specifically. Were
14 civilians captured --

10:59:18 15 A. Yes.

16 Q. -- during that attack by Kamajors?

17 A. It's not capturing. They opened the road for them to go
18 out. We did not capture them. They knew that civilians were
19 there, but they opened the road, a large crowd. I was in Giehun
10:59:39 20 Kojo, so many of them went that end and they went to Kono and to
21 their hometowns. No, they were not being captured.

22 Q. Were soldiers captured by Kamajors?

23 A. I did not see a soldier being captured. In fact, it was a
24 war, everybody ran away. If you went on an attack and you find
11:00:03 25 out that they are stronger than you were, you run away.

26 Q. Was anyone killed - I'm still on the Tongo attack - to your
27 knowledge?

28 A. I can't explain that, because I didn't go there. Had I
29 gone there, if somebody had died I would have said somebody died.

1 But, because I didn't go there, I don't want to say anything
2 about it.

3 Q. You went eight days after. You still were there eight days
4 after.

11:00:35 5 A. Yes.

6 Q. At the time you were there, was anyone killed?

7 A. I did not find any corpse.

8 Q. You still have evaded the question. Was anyone killed?
9 It's not about corpses this time.

11:00:55 10 A. If they killed anybody?

11 Q. Yes.

12 A. Yes, they pointed three Kamajors out to me who were killed.
13 It looks like they were killed.

14 Q. Thank you. Are you suggesting to this Court that during
11:01:15 15 that attack --

16 JUDGE ITOE: Three Kamajors were killed where? In Tongo?

17 MR KAMARA: In Tongo, yes, My Lord.

18 THE WITNESS: Yes, that's what they said.

19 JUDGE ITOE: You said it looked like they were killed. Is
11:01:33 20 that what you said?

21 THE WITNESS: I did not say so. They said that they were
22 killed, three Kamajors were killed.

23 MR KAMARA:

24 Q. Mr Lansana, are you suggesting to this Court that during
11:02:01 25 that Tongo attack no soldier was captured, no soldier was killed;
26 is that what you're telling us?

27 A. Capturing of soldiers is something I cannot talk about
28 because they did not show any soldier to me that they said they
29 captured. No, they didn't explain that to me.

1 Q. What about the killings of the soldiers, or the rebels
2 together, the junta. Let's use the junta.

3 A. This war was a confusing war, because it was difficult to
4 distinguish soldiers from rebels and civilians. All of them who
11:02:42 5 went to Tongo were in civilian dress. So whether you saw that
6 civilian dress on somebody there, you would just say that person
7 is a civilian. You couldn't distinguish whether he was a junta
8 or a civilian or junta.

9 Q. So apart from those Kamajors you saw killed, no one else
11:02:53 10 was killed?

11 A. I wouldn't dispute that.

12 JUDGE ITOE: He did not say he saw the Kamajors killed. He
13 said he was told.

14 THE WITNESS: They told me. I went there eight days after.

11:03:09 15 MR KAMARA: Yes, My Lord, the corpses that he saw. You're
16 correct, My Lord.

17 Q. Now listen carefully. My question again to you is: Other
18 than those three Kamajors you saw the corpses of, was anyone else
19 killed?

11:03:28 20 MR SESAY: I object, My Lord. There is no evidence before
21 this Court that he saw the killing or he saw corpses, My Lord.
22 He said he heard. I don't know where this evidence is coming
23 from, My Lord.

24 PRESIDING JUDGE: You are right in part. I have in my
11:03:47 25 notes that they had pointed to three Kamajors, so whether it
26 means. But it is true that in his evidence he didn't refer to
27 say, "I saw three corpses." There is no such evidence, to my
28 knowledge. So I have to sustain the objection.

29 MR KAMARA: My Lord, I am putting to this witness that

1 apart from the three you said -- let me rephrase that.

2 Q. You're suggesting to this Court that you're not aware of
3 the killings of any soldiers; is that so?

4 A. I can't say that at all for sure.

11:04:38 5 PRESIDING JUDGE: He just told you that he could not
6 distinguish when he saw a corpse if it was soldiers, junta,
7 civilians.

8 MR KAMARA: Yes, I've taken that answer, My Lord.

9 Q. Mr Witness, there is evidence before this Court from
11:05:00 10 Chief Hinga Norman himself - My Lords, I'm looking at the
11 evidence of the transcript of 31st January 2006 - wherein he
12 acknowledged in part --

13 PRESIDING JUDGE: Page?

14 MR KAMARA: Page 52, lines 10 to 29 and page 53, lines 16
11:05:24 15 to 20.

16 Q. This is what he had to say that there were children under
17 15 who were involved in the war or the conflict, but this was
18 where chiefs and elders of the chiefdoms sent their people for
19 initiation and sometimes immunisation for the defence of their
11:05:52 20 various chiefdoms. Would you agree to that?

21 A. Where I came from, no, I don't know, because maybe he knows
22 that that happened somewhere, but as for us, we hadn't any child.
23 No, that was not a war for children. That was not a child's war.

24 Q. Mr Witness, were you in attendance at a meeting in Kenema
11:06:36 25 in April 1999?

26 A. Now you have brought a date again. But maybe if you could
27 explain what happened there I could say something about it.

28 Q. All right. This was a meeting summoned by the War Council
29 in Kenema. It was a big meeting. Members of the War Council

1 were present and a lot of civilians were invited. Do you
2 remember that meeting about two months after the capture of
3 Kenema?

4 A. They used to hold meetings there. If something happened
11:07:16 5 there and you ask me, maybe if I know I would answer.

6 Q. All right. At that meeting -- My Lords, I'm referring to
7 Exhibit 28. I would have given it to you, but I think you have
8 difficulty in reading, so I will read it for you. Exhibit 28,
9 dated 21st April 1998 and on page 3, paragraph 7.

11:08:08 10 PRESIDING JUDGE: This is the minutes of the War Council?

11 MR KAMARA: Yes, the minutes of the War Council and the
12 conclusions arrived at that meeting.

13 PRESIDING JUDGE: What's the page you're making reference
14 to more specifically?

11:08:22 15 MR KAMARA: Page 3, paragraph 7. Sorry, My Lord, before
16 going to that, it's on page 2, "Junta Collaboration". The rubric
17 "Junta Collaboration," paragraph A.

18 Q. The War Council at that meeting admonished all CDF members
19 to put faith in the due process of law as the universally
11:09:19 20 acknowledged way of bringing collaborators to book. "The council
21 therefore gives orders to all fighting forces to stop all forms
22 of reprisal" --

23 THE INTERPRETER: Can learned counsel please take it
24 slowly.

11:09:35 25 MR KAMARA: Sorry. I will do that.

26 Q. "The council therefore gives orders to all fighting forces
27 to stop all forms of reprisal killings, urging them to
28 refer all cases of junta collaboration to the police or to
29 ECOMOG."

1 What I've read to you was a finding of that meeting of the
2 War Council. Now the question to you is this: During your
3 sojourns to Kenema - that is, going in and out of Kenema - were
4 you aware of any form of reprisal killings done by Kamajors?

11:10:43 5 A. No.

6 Q. Were you also aware of any lootings done by Kamajors?

7 A. Where?

8 Q. In Kenema. I'm still in Kenema.

9 A. Well, I was not in Kenema when it was captured.

11:11:10 10 Q. Mr Witness, you gave evidence to this Court that you were
11 going in and out of Kenema - is that not so? - within that
12 period.

13 A. Yes.

14 Q. On those visits, are you aware of any such reports of
11:11:28 15 reprisals or lootings? Reprisal killings or lootings?

16 A. No, no. That town was under the control of ECOMOG. It was
17 ECOMOG and it was under the control of ECOMOG and police were
18 there.

19 JUDGE ITOE: The question is are you aware? Are you aware?
11:11:49 20 You, as an individual going in and out of Kenema, are you aware?
21 If you're not aware, feel free to say so. If you are aware, then
22 give the details of what you are aware of.

23 THE WITNESS: The reason why -- okay, I've heard, but the
24 reason why -- even if I accepted that I was there, somebody might
11:12:17 25 ask me what did I hear, where did it happen? You would hear
26 something that something is happening; where it is happening; who
27 is doing it and you don't know and you say, yes, and they ask
28 you, how would you answer that? If I say I heard it, and they
29 say, "From whom."

1 JUDGE ITOE: [Microphone not activated] say you do not
2 know, and we end it there. Is that all right?

3 THE WITNESS: Well, that's why I said no, because I can't
4 depend on what the people are saying on the airwaves and I say
11:12:46 5 yes, and they asked me who did it, where did it happen, I
6 wouldn't be able to testify to that.

7 MR KAMARA:

8 Q. If I get you rightly, Mr Witness, you're denying this
9 question, not because you do not know, but because of the
11:13:01 10 subsequent questions that might follow; is that correct?

11 JUDGE ITOE: What does that mean, Mr Prosecutor, when the
12 subsequent questions have not been put to him already? How do
13 you link that with questions which have not been put?

14 MR KAMARA: My Lord, he's saying that he's worried about
11:13:19 15 the issues that might come as a result of him saying that he has
16 knowledge or awareness about these issues. That's what I get
17 from the interpreter. I may be wrong.

18 JUDGE ITOE: Please proceed. He said no, he's not aware of
19 any reports of reprisal killings and looting in Kenema, even
11:13:35 20 though he came in and out several times.

21 MR KAMARA: Yes, My Lord.

22 Q. My question to you again is: are you saying no to this
23 question, not because you do not know; is that so?

24 PRESIDING JUDGE: I'm not sure I understand your question
11:13:52 25 now.

26 MR KAMARA: I will rephrase it.

27 Q. Are you saying no to my question, not as a result of lack
28 of knowledge, but as a result of not wanting to be in a complex
29 situation with regards to that question?

1 A. That's not it. When you - hearsay and knowing are not the
2 same. You would get it by hearsay, but you do not actually know.
3 So if you even talk about it, you cannot answer it.

4 PRESIDING JUDGE: The question, Mr Witness, is quite
11:14:27 5 simple. You are being asked if you are aware, not whether you
6 saw it; if you are aware. You may be aware because somebody told
7 you about it. You become aware.

8 THE WITNESS: That's what I said. We used to hear, even
9 when the rebels go to some place, they would say they killed so
11:14:48 10 many people, they've done so and so there, but you only hear with
11 your ears.

12 PRESIDING JUDGE: The question that you are being asked is
13 not did you see it. The question was: Are you aware. How you
14 became aware is not the question. The question was: Are you
11:15:00 15 aware of - whatever the question was. The answer to that is yes
16 or no. It's not whether you saw it. It may be that somebody
17 told you, somebody told somebody, who told you. This is not the
18 question. The question is: Are you aware. How you became aware
19 might be another question. The question is a very simple one:
11:15:18 20 Are you aware of it or not?

21 THE WITNESS: I used to hear. I used to hear, that's why I
22 was not answering about knowing. Knowing and hearing are not the
23 same. I used to hear.

24 JUDGE ITOE: You used to hear what?

11:15:37 25 MR KAMARA: Thank you, My Lord.

26 THE WITNESS: The question that he asked me, whether you
27 were hearing that they were looting property. I said I was
28 hearing. He asked me if I know. I said I don't know. I did not
29 answer to that, but I used to hear. I was hearing.

1 MR KAMARA:

2 Q. You used to hear about lootings. Did you hear about
3 killings?

4 A. Yes, I used to hear.

11:16:00 5 Q. About killings by Kamajors?

6 A. No, that one, I was not hearing that one that Kamajors were
7 killing people apart from the attack. Killing - no.

8 Q. Did you hear about Kamajors killing people by burning tyres
9 on their neck? Did you hear about that?

11:16:26 10 A. I did not hear that, that's why I told you that we were in
11 the bushes. I did not hear that. I did not see it.

12 Q. Thank you. You gave evidence to this Court that reports
13 were made to ECOMOG by Kamajors that you report to ECOMOG once
14 ECOMOG was in town, in Kenema, particularly; am I correct?

11:16:59 15 A. Yes.

16 Q. You will agree with me, also, that civilians made
17 complaints to ECOMOG, as much as Kamajors would?

18 A. I heard the grumbling, but it's not on one side.

19 Q. Are you also aware that ECOMOG was very much alarmed and
11:17:36 20 concerned at the rate of atrocities committed by Kamajors in
21 Kenema? Are you aware of that fact?

22 A. No.

23 Q. Would it surprise you to know that it had reached the point
24 that ECOMOG filed a report against one KBK Magonna?

11:18:11 25 MR KAMARA: My Lords, I'm looking at Exhibit 89.

26 Q. By the way, do you know KBK Magonna?

27 A. Yes.

28 Q. Good. Who was he?

29 A. He too was involved in the Kamajor organisation.

1 Q. He was the national task force commander based in Kenema;
2 you agree with me on that, right?

3 A. Those are the positions that they were given.

4 Q. Yes.

11:18:56 5 This is the report of ECOMOG against KBK Magonna.

6 MR KAMARA: My Lords, I'm looking at page 2 under the
7 rubric "Findings", paragraph 7.

8 Q. It states that KBK Magonna is a CDF national task force
9 commander based in Kenema. "Mr Magonna took up appointment" --

11:19:37 10 JUDGE ITOE: Sorry, that is exhibit what again?

11 MR KAMARA: 89.

12 Q. "Mr Magonna took up appointment as the national task force
13 commander of the CDF in September 1998."

14 JUDGE THOMPSON: Slash.

11:19:58 15 MR KAMARA: "/SL". Obliged, My Lord.

16 Q. "Since then, law-abiding citizens of Kenema have seen no
17 peace."

18 MR KAMARA: Further, My Lords, on page 3, paragraph L --

19 JUDGE ITOE: You're referring to the witness, not to us.

11:20:26 20 MR KAMARA: Yes, My Lord.

21 Q. Mr Witness, I hope you're following me, because I'm going
22 to ask you a question at the end of the --

23 JUDGE ITOE: You are not going to answer your question.

24 MR KAMARA:

11:20:37 25 Q. Mr Witness, paragraph O:

26 "Even though Mr Magonna denied killing anybody at the SS
27 Camp, there are strong evidences, even been the Kamajor
28 groups, that he committed the act."

29 I will restrict myself only to those two portions I've read

1 to you of Exhibit 89. What's your reaction to that allegation
2 about KBK Magonna?

3 A. I used to know him. I've accepted that; not so? Where did
4 he do those things?

11:21:26 5 Q. SS Camp. Let me put this question to you again: are you
6 aware of these activities done by KBK Magonna?

7 A. No.

8 Q. Were you aware of any complaints against him in any form?

9 A. No. No, I don't know.

11:22:12 10 Q. Do you know any Kamajor commander by the name of
11 James Kallon?

12 A. No. I'm not sure. That name is queer a little.

13 Q. All right, I'll leave that. You used to visit Kenema very
14 often after the attack on Tongo; is that not so?

11:22:41 15 A. No, we captured Tongo first before Kenema. In Kenema, it
16 was occupied by the juntas, so I did not go there at that time.

17 Q. The question again, Mr Witness, you visited Kenema often -
18 often. I'm not saying that you were based there.

19 A. At what time?

11:23:04 20 Q. After Tongo has been captured.

21 A. That is what I'm saying. We captured Tongo, but Kenema was
22 still under the control of the juntas. So when did I go there
23 frequently? That's why I have not accepted.

24 Q. After Kenema was captured.

11:23:21 25 A. Uh-huh.

26 Q. We agree on that?

27 A. Yes, every month I would go there.

28 Q. To do what?

29 A. It was there that our headquarters was and it was during

1 the period of ceasefire, so we would go there. So whatever we
2 encountered or we run short of food, we'll come and tell them,
3 because at that time there was no war. We would want to know
4 whether there were disturbances in our own areas, so we would go
11:23:49 5 and make monthly reports. So you go and say there is no
6 disturbance, and you'll return. If there was a disturbance,
7 you'd report and you'd return.

8 Q. You would report to Arthur Koroma; is that not so?

9 A. Musa Junisa.

11:24:03 10 Q. Good. I'm suggesting to you, Mr Lansana, that you'd often
11 go to Kenema to collect arms and ammunition, not just to report.
12 You collected supplies from the Kenema CDF office; you will agree
13 with me on that?

14 A. Yes, when the war was on, yes, they would give us bullets.

11:24:32 15 Q. How often do you go and collect those bullets?

16 A. You cannot go frequently because they are limited. You
17 cannot go and bring them frequently.

18 Q. Is it weekly? Is it monthly? Tell the Court.

19 A. It could be maybe after two months. If you are attacked
11:25:03 20 and you go and report, if there is some, then they'll give it.

21 Q. You would collect, for example, 200 rounds of ammunition
22 for AK-47 weapons; correct?

23 A. Where?

24 Q. From the CDF office in Kenema.

11:25:25 25 A. Well, ECOMOG were giving us those. Those CDF only had the
26 single barrel.

27 Q. Mr Witness, I'm suggesting to you that you collected
28 ammunition from the CDF office in Kenema and not from ECOMOG.
29 Are you denying that?

1 A. Well, the bullets, even if it were ECOMOG, when you gave
2 the CDF, when we went there, they would give us -- if it were
3 ECOMOG, they would give us, that is what was happening.

4 Q. Answer the question. You collected ammunitions directly
11:26:10 5 from the CDF in Kenema District. I'm restricting it just to the
6 CDF in Kenema District; is that not correct?

7 A. I would receive bullets from bullets, yes, and from CD --

8 Q. And food as well?

9 A. Yes.

11:26:38 10 Q. That will also include several other commanders who would
11 come for their own supplies from this same source, the CDF office
12 in Kenema?

13 A. Yes.

14 Q. Thank you. That includes Musa Junisa?

11:27:00 15 A. We got them from him. They were given for the district, so
16 we'd get it from him.

17 Q. Thank you. Mr Witness, do you know the third accused
18 Allieu Kondewa?

19 A. Yes.

11:27:29 20 Q. How did you come to know him?

21 A. When Kenema was captured, they showed him to us too, on
22 that same day that Moinina Fofana was shown to us, it was on that
23 same day he was shown to us that he was also initiator -- chief
24 initiator.

11:27:52 25 Q. When Kenema was captured?

26 A. Yes.

27 Q. Was it also at the same place?

28 A. Yes.

29 Q. CDF headquarters?

1 A. Yes.

2 Q. Was there a meeting that was held by the top Kamajors at
3 that time?

4 A. No, I did not know about a meeting, because I just went
11:28:21 5 there and met them and they showed them to us. It was not a
6 meeting. I just met him there. It was an opportunity and they
7 showed him to me.

8 Q. Yesterday in response to a question from my learned friend,
9 you mentioned that had it not been for the initiation, you would
11:28:45 10 not have been involved in the fighting. Did I put it correctly?
11 Is that what you said?

12 A. That's not what I said.

13 Q. What is it that you said?

14 A. They said -- what the difference was before you were
11:29:08 15 initiated -- when you are fighting before the initiation, and
16 when you are fighting after the initiation, what the difference
17 was, that's what they asked me and that's what I explained.

18 Q. Your answer was: After the initiation, had it not been for
19 that initiation, you would not have the spirit to fight, or
11:29:26 20 something. Can you explain what your response was so that we get
21 it straight?

22 A. That's what I said, that before the initiation, we were not
23 very brave to enter into the war, but when we were initiated, we
24 were brave enough and we were strengthened by the medicines that
11:29:49 25 were in us.

26 MR KAMARA: My Lord, that is all for this witness.

27 PRESIDING JUDGE: Thank you.

28 MR KAMARA: Thank you, Mr Witness.

29 PRESIDING JUDGE: Dr Jabbi, any re-examination of this

1 witness?

2 MR JABBI: None, My Lord.

3 PRESIDING JUDGE: Thank you. We thank you, Mr Witness.

4 That concludes your evidence in this Court. You may proceed back

11:30:30 5 to your home town. We thank you for coming and we wish you a

6 safe trip back home. Thank you.

7 [The witness withdrew]

8 PRESIDING JUDGE: Back to you, Dr Jabbi.

9 MR JABBI: My Lord, we have another witness waiting to be

11:31:00 10 taken this morning.

11 PRESIDING JUDGE: Which witness is it?

12 MR JABBI: Number 22 on the core list.

13 PRESIDING JUDGE: This is the one that you had

14 difficulties --

11:31:18 15 MR JABBI: To get into town, My Lord. Twenty-two is here.

16 PRESIDING JUDGE: Witness 22 is ready now?

17 MR JABBI: Yes, My Lord.

18 PRESIDING JUDGE: That's the information that has been

19 disclosed before, so that's not an issue. Dr Jabbi, my

11:32:42 20 hesitation is that this is the normal time for the recess. At

21 the same time, I wish to inform you that we were to adjourn at 12

22 today rather than 1.00. So rather than call the witness now, we

23 will adjourn now to 2.00 and we will take the witness at 2.00.

24 MR JABBI: As Your Lordship pleases.

11:34:07 25 [Luncheon recess taken at 11.35 a.m.]

26 [CDF01JUN06C - CR.]

27 [Upon resuming at 2.55 p.m.]

28 PRESIDING JUDGE: Good afternoon, we are starting a bit

29 later than expected. This was, as you know, due to a technical

1 breakdown that would not allow us to come back at the time we
2 were hoping for. I guess this is life with advance technology.
3 At times it fails. We have been informed it is back in order and
4 functioning. So it will allow us to move ahead, hopefully, for
14:55:29 5 the remaining of the afternoon.

6 Dr Jabbi, you're ready with your witness now?

7 MR JABBI: Yes, My Lord.

8 PRESIDING JUDGE: This is a witness who will testify in
9 which language?

14:56:02 10 MR JABBI: My Lord, on record it's in Mende, but the
11 witness has indicated a preference to testify in English.

12 PRESIDING JUDGE: In English?

13 MR JABBI: Yes, My Lord.

14 PRESIDING JUDGE: The option is the witness's option, so if
14:56:21 15 it is English we will go with English.

16 MR JABBI: Fortunately it does not create any
17 interpretation problems.

18 PRESIDING JUDGE: I would not think so, hopefully. I'm not
19 talking for the Bench, I'm talking for the accused, for example.

14:56:54 20 Can we proceed to take the oath of this witness, please.

21 WITNESS: JOSEPH ALI-KAVURA KONGOMOH [Sworn]

22 PRESIDING JUDGE: So, Dr Jabbi, this was your witness that
23 was listed as witness 22?

24 MR JABBI: 22, My Lord.

25 PRESIDING JUDGE: And you're now at witness --

26 MR JABBI: 27.

27 PRESIDING JUDGE: 27 or 28.

28 MR JABBI: 27, My Lords.

29 PRESIDING JUDGE: Please proceed.

1 MR JABBI: Thank you.

2 EXAMINED BY MR JABBI:

3 Q. Good afternoon, chief.

4 A. Good afternoon.

14:57:36 5 Q. If I may just say before we start that you please talk as
6 slowly as possible?

7 A. All right.

8 Q. And before you make successive statements, you allow time
9 for some interpretation to be done and also, of course, for each
14:57:51 10 to be written down. The pens on the high table will be a guide.

11 A. Okay.

12 Q. Can you tell the Court your full names?

13 A. I am Paramount Chief Joseph Ali, A-L-I, hyphen, Kavura,
14 K-A-V-U-R-A, Kongomoh, K-O-N-G-O-M-O-H, the second.

14:59:06 15 Q. Thank you. Are you a justice of the peace?

16 A. Yes.

17 Q. Of which chiefdom are you paramount chief?

18 A. I am paramount chief for Fakunya Chiefdom of the Moyamba
19 District.

14:59:32 20 Q. Chief, do you mind telling the Court when you were born?

21 A. I was born on 23rd September 1937.

22 JUDGE ITOE: Chief, you were born on the same day like I
23 was on 23rd September.

24 THE WITNESS: Thank you.

25 MR JABBI: The same year, My Lord?

26 JUDGE ITOE: Not the same year. He is a grandpa.

27 MR JABBI:

28 Q. Where were you born?

29 A. KweLu, Fakunya Chiefdom.

1 Q. Where do you live?
2 A. I am living at the chiefdom headquarters right now, named
3 Gandorhun.
4 Q. Chief, before coming to give evidence here, have you spoken
15:01:08 5 to any groups from the Special Court?
6 A. Yes. The first group I spoke to came from the Defence
7 wing.
8 Q. When was that?
9 A. That was on 29th May 2005.
15:01:47 10 Q. Did you make a statement to that team?
11 A. I wrote a statement myself and gave it to them.
12 Q. You said the first group you spoke to.
13 A. Yes.
14 Q. Did you talk to any other group?
15:02:19 15 A. The second group went to me from the Prosecution and that
16 they did not find me in my chiefdom.
17 Q. Where did they find you?
18 A. I was at Rotifunk on a workshop.
19 Q. Where is Rotifunk?
15:03:06 20 A. Rotifunk is in the Bumpé Chiefdom of the Moyamba District.
21 Q. Do you remember the date when the Prosecution spoke to you?
22 A. It was on 23rd March 2006.
23 Q. By that time, did you know you were billed to be a witness
24 for the Defence?
15:04:05 25 A. There was no approval then. I didn't know I was coming to
26 testify. But I knew that the way I wrote my statement myself
27 that the Defence will call me to testify.
28 Q. Now --
29 A. Excuse me, please.

1 Q. Yes, carry on, please.

2 A. I want to add to something in connection with my talking to
3 the Prosecution.

4 Q. Yes.

15:05:11 5 A. It was too late and they found me very busy, so I didn't
6 make any statement. I was only interviewed.

7 Q. You did not make a statement, but you were interviewed?

8 A. Yes.

9 Q. Do you know if what you said in that interview was being
15:05:38 10 written down as you were talking?

11 A. As I was talking, they were jotting points. They jotted
12 down points.

13 Q. Now, were the jotted points read over to you at all?

14 A. No. They were not read over to me and I don't know whether
15:06:20 15 they were written in statement form.

16 Q. Since that interview on 23rd March 2006, have you had any
17 opportunity to see the jottings of your interview with them?

18 A. No.

19 Q. Now, Chief, the statement to the Defence, which you say you
15:07:35 20 wrote yourself, did you sign it?

21 A. Yes. I signed every page.

22 Q. Since the interview with the Prosecution, have you had
23 opportunity to sign anything as a result of that interview?

24 A. No.

15:08:16 25 Q. Now, Chief, I would want us to look at the various events
26 you are testifying to in some time slots, and I would just
27 suggest a few to you. The first time slot I want us to deal
28 with, I want to call the NPRC years - that is between 1992 and
29 1996, the early part of 1996. The second time slot I want us to

1 deal with is - I will call it is the first SLPP period, from the
2 year 1996 to the year 1997. That is from the time the SLPP came
3 into office to the time they were overthrown. The third time
4 slot I would want us to deal with I will call the AFRC years, or
15:10:30 5 the AFRC period. That is from May 25, 1997 to March 1998. And
6 the fourth and final time slot I want us to deal with, I will
7 call the second SLPP period from March 1998 to December 1999.
8 The questions I'm asking you and the events that we'll deal with
9 will fall within those periods that I have just suggested.

15:11:45 10 Now first of all, Chief, between 1992 and 1996, where were
11 you living?

12 A. I was partly in my chieftom and partly in Freetown.

13 Q. That is to say you were in Sierra Leone throughout that
14 period; is that correct?

15:12:25 15 A. Yes.

16 PRESIDING JUDGE: Dr Jabbi, you can proceed. You can
17 proceed.

18 MR JABBI: Sorry, My Lord, I just wanted to give time.

19 PRESIDING JUDGE: We have the time.

15:12:58 20 MR JABBI:

21 Q. Now, Chief, in terms of the war in Sierra Leone, and the
22 first period that I have suggested, the NPRC period, do you know
23 of any interaction between the NPRC and you as a paramount chief,
24 or the paramount chieftaincy institution?

15:13:40 25 A. Yes.

26 Q. Yes, please.

27 A. In 1994, between December and January 1995, one Captain
28 Idriss Kamara was Secretary of State for local government,
29 interior development. Well, I have named all, interior

1 development and internal affairs.

2 Q. That is local government, internal affairs and development?

3 A. Yes.

4 Q. Yes, carry on. What about him?

15:14:58 5 A. At that period, he went to visit Moyamba District and in
6 Moyamba Town, he called all paramount chiefs to a closed door
7 meeting.

8 Q. That is all paramount chiefs of where?

9 A. Of Moyamba District.

15:15:17 10 Q. Yes, carry on.

11 A. But only few of us were present. He disclosed in that
12 meeting that the NPRC's pleading with the paramount chiefs to
13 mobilise talented groups, talented people with supernatural
14 powers to join them to fight and conclude the war once and for
15:16:04 15 all.

16 Q. That is the ongoing rebel war at the time?

17 A. At the time, yes.

18 Q. Yes, carry on.

19 A. He gave us time to prepare ourselves. That, we did, at
15:16:26 20 chiefdom level. We came to Moyamba as a district and got
21 ourselves prepared, got some supernatural-powered people, but
22 there was no response afterwards, so they did not come back to
23 get us.

24 Q. Now, chief, when you say some supernatural-powered people,
15:16:53 25 what do you mean?

26 A. People with powers connected with leaves which are
27 traditional societies and the like.

28 Q. Did you, in fact, get any of such people at your meeting?

29 A. We went -- in my own chiefdom, I had -- even now I have a

1 Wunde society. We prepared our own in that little way, in our
2 own little way and the other chiefs prepared their own people in
3 their own way. But nobody was ready to disclose the secret.

4 Q. You said you got together in Moyamba, but there was no
15:18:00 5 follow-up?

6 A. At all. So that matter died down there.

7 Q. Did the chiefs --

8 A. But later, we heard of a powerful group from the Northern
9 Province called the Tamaboros and they were fighting alongside
15:18:29 10 the Sierra Leone Army.

11 Q. What was the Tamaboro?

12 A. They were a society. As I said, a society with
13 supernatural powers, a magical power. I cannot tell you much
14 about them, because they do not belong to my chiefdom.

15:19:07 15 Q. Do you know what sort of activity in which they engaged?

16 A. They used magical powers to fight so that no bullet can go
17 through them. They can mysteriously be missing, nobody can see
18 them. But all I am saying, I was told; I never witnessed one.

19 Q. Thank you. Is that the sort of group you wanted to
15:19:41 20 assemble?

21 A. Exactly so.

22 Q. Was there any follow-up of the chieftaincy meetings?

23 A. Yes, there were follow-ups of the chieftaincy meetings to
24 see what we would do, whether to go to the provincial headquarter
15:20:10 25 to ask, but conscientiously we said we should sit down and wait
26 until they come, they who came to us come again, but they never
27 came.

28 Q. That is the military government?

29 A. The military government did not turn up at all until I left

1 my chiefdom for Freetown.

2 Q. When did you leave your chiefdom for Freetown at that time?

3 A. I left in February 1995 for Freetown to attend to a UMC
4 conference.

15:21:09 5 Q. UMC, did you say?

6 A. UMC conference.

7 Q. When did you go back?

8 JUDGE ITOE: Chief, UMC standing for?

9 THE WITNESS: United Methodist Church conference. I did
15:21:43 10 not go back. I stayed here, because the war reached my own
11 territory, so I was trapped in Freetown. So every morning we
12 went to --

13 MR JABBI:

14 Q. Chief, take your time, please.

15:21:59 15 PRESIDING JUDGE: That's okay. If we have problems, we'll
16 tell you.

17 THE WITNESS: Sorry.

18 MR JABBI:

19 Q. Yes, you got trapped in Freetown?

15:22:11 20 A. In Freetown. During that period, every morning, we, the
21 chiefs, went and met in the George Street building, ministerial
22 building, George Street.

23 Q. George Street?

24 A. Yes. At that time, Chief Sam Hinga Norman was a regent
15:22:39 25 chief.

26 Q. Of what chiefdom?

27 A. Of Jiama Bongor Chiefdom, Bo District.

28 Q. Do you know Chief Sam Hinga Norman?

29 A. Yes. We stayed together. We were all together during that

1 period.

2 Q. In Freetown?

3 A. In Freetown. We were all trapped in Freetown.

4 Q. Would you be able to identify him if you saw him in this
15:23:17 5 courtroom?

6 A. Yes, if I can see him.

7 Q. Can you look around a bit.

8 A. He is the man with the black cap just behind you.

9 Q. Thank you. There is only one black cap behind me. You can
15:23:37 10 sit down, please. Yes, he used to hold meetings at George Street
11 as chiefs when you were trapped in Freetown. Can you tell us --

12 A. During that period, Sam Hinga Norman and Madam Ella Koblo
13 Gulama of Moyamba, of the Kaiyamba Chiefdom, Moyamba District,
14 revealed to me --

15:24:06 15 JUDGE ITOE: Madam?

16 THE WITNESS: Madam Ella Koblo Gulama.

17 MR JABBI: Gulama, My Lords.

18 THE WITNESS: Paramount chief.

19 MR JABBI:

15:24:21 20 Q. Of?

21 A. Of Kaiyamba Chiefdom, Moyamba District.

22 MR JABBI:

23 Q. Yes.

24 A. Revealed to me that a powerful and very wonderful group has
15:24:45 25 emerged in our region, the Southern Region.

26 Q. Yes.

27 A. With mystical power, and the group was called the Kamajors.

28 Q. Yes.

29 A. As a district, we called a meeting, this time not as a

1 general chiefdom meetings, but we called the district meeting,
2 Moyamba District meeting, and organised ourselves.

3 Q. When you say we called meetings, who called the meeting?

4 A. We, the paramount chiefs of Moyamba District, called a
15:25:51 5 district meeting.

6 Q. Thank you. In Freetown?

7 A. In Freetown.

8 Q. Yes, carry on.

9 A. And organised ourselves to join Bo, Bonthe and other areas
15:26:14 10 to recruit Kamajors to defend Moyamba District.

11 Q. Can you tell the Court around what time this meeting was
12 called?

13 A. Beginning my -- beginning February.

14 Q. Of what year?

15:26:46 15 A. 1995 onwards.

16 Q. Thank you.

17 A. Can I proceed?

18 Q. Yes, please.

19 A. We met and organised ourselves at district level as well as
15:27:08 20 chiefdom level. We came to a consensus that each chiefdom - we
21 have 14 chiefdoms in Moyamba District - each chiefdom should
22 recruit 20 Kamajors and out of the 20 Kamajors, five were to be
23 sent to the district headquarter, per chiefdom.

24 Q. Five Kamajors from each chiefdom to be sent to the district
15:27:43 25 headquarter town?

26 A. Yes, to form the district troop.

27 Q. For what purpose?

28 A. To defend the district. The fact the rebel war was on --
29 all I'm saying, the rebel war was still on.

1 Q. Yes. You said 20 Kamajors from each chiefdom, five to be
2 sent to the district headquarter town. What about the others?

3 A. And 15 remained at the chiefdom. So in case of any attack,
4 the 15 Kamajors may not be able, if they are attacked -- attack
15:28:35 5 one chiefdom, all the district quota would join the 15 to fight.
6 The arrangement was the chiefdoms were to cater, to contribute,
7 to sustain the chiefdom Kamajors. We catered at district level
8 again. We went to well-wishers, and then residents of the
9 Moyamba District in Freetown and Bo also contributed to sustain
15:29:20 10 the district Kamajors. To add to that, the structure was put in
11 place at a district meeting. The command structure was put in
12 place, headed by Pa RP Kombe-Kajue. Of Mano Dasse Chiefdom,
13 Moyamba District.

14 MR JABBI: My Lords, it is hyphenated, Kombe-Kajue.

15:30:33 15 THE WITNESS: He was assisted by Tejan Sankoh, now
16 Honourable Tejan Sankoh.

17 MR JABBI:

18 Q. Thank you.

19 A. Of Kangahun, Kaiyamba Chiefdom, Moyamba District.

15:30:41 20 Q. Where was Kombe-Kajue from if Sankoh was from Kangahun?

21 A. I said Mano, Dasse Chiefdom, Moyamba District.

22 Q. Thank you.

23 A. And their secretary was Mr Jonathan Dambo, now
24 Honourable Jonathan Dambo. He also hails from Njama Kowa, Kowa
15:31:12 25 Chiefdom, Moyamba District.

26 MR JABBI: Njama, My Lords, is N-J.

27 [CDF01JUN06D - SV]

28 THE WITNESS: This structure was based in the district
29 headquarter town of Moyamba.

1 JUDGE ITOE: What name did you give to this structure
2 again?

3 THE WITNESS: They called it command structure. That was
4 the name given to it.

15:31:44 5 JUDGE ITOE: Command structure?

6 THE WITNESS: Yes.

7 MR JABBI:

8 Q. Can you say what their functions were?

9 A. They were to guide and then give command to the Kamajors,
10 or mobilise them whenever there was any attack elsewhere,
11 elsewhere within the district, as I first said.

12 Q. Now, what about at the chiefdom level?

13 A. At the chiefdom level, there were commanders high up, from
14 the old and experienced Kamajors from the first area, that is
15 Bonthe area and Bo area, where this society started. Even now
16 that I am talking, I do not know the origin. But I only brought
17 in the Tamaboros and Idriss Kamara's incident that to me, that
18 was the beginning of the CDF.

19 Q. What do you mean by "CDF"?

15:33:43 20 A. Civil Defence Force as it is now called.

21 Q. Now, did you have requirements --

22 A. Yes.

23 Q. -- for membership of this Kamajor group?

24 A. That's where I'm coming now. At district level, as well as
15:34:18 25 chiefdom level, we put in place criteria for recruitment, and one
26 of it was the person to be recruited, to be initiated into that
27 society, should be a citizen of the chiefdom and should be 18
28 years and above and should not have any criminal record. He
29 should be respectful to elders and his colleagues. He was to be

1 nominated or screened by a special committee set -- I mean, put
2 in place by the chiefdom community. I repeat: Community, not
3 committee. The chiefdom community.

4 Q. Yes, any other criterion?

15:35:56 5 A. That the person willing to be initiated and recruited
6 should be willing to stay within the community until the crisis
7 was over. And the third one -- I mean the eighth, sorry the
8 eighth, was any community represented by a Kamajor that has
9 qualified to be recruited, the community people were to work for
15:36:36 10 him to do communal labour for him while he is on the war. I
11 mean, he is at war front, fighting. Those were the criteria set.

12 Q. Thank you. And did initiations in fact take place?

13 A. Yes. They did the first initiation according to the
14 criteria and they were fighting. But then I left in February
15:37:53 15 1997. They were initiating according to the criteria until I
16 left this country in 1997 for the United States.

17 Q. February 1997, do you say?

18 A. Yes.

19 Q. How long were you away?

15:38:24 20 A. I was there for one year three months.

21 Q. In the United States?

22 A. Yes, because when I was just about to come back in July --

23 Q. Of what year?

24 A. I was to come back in July, then the coup took place in
15:38:48 25 May, so the United States did not allow us to come at all. They
26 gave us protected status.

27 Q. May of what year did the coup take place?

28 A. May 1997.

29 Q. And what was the effect of that on your desire to return to

1 Sierra Leone?

2 A. That one, in fact, was hard on me because I didn't like it
3 at all, but I had to obey for my life.

4 Q. In the end you came.

15:39:32 5 A. Okay. So --

6 Q. When was it? When did you come back?

7 A. I came back May 25, 1998 and around December, I cannot
8 exactly quote the date now, but it was around
9 November/December --

15:40:00 10 Q. Of what year?

11 A. Of 1998. While I was doing some work at home I heard an
12 announcement that all paramount chiefs and all parliamentarians
13 of Moyamba District should meet at the vice-president's office,
14 Vice-President Joe Demby's office at the time.

15:40:39 15 Q. Was the meeting held?

16 A. Yes, we went to the meeting and the vice-president
17 disclosed that Maxwell Khobe had told him that there was a plan
18 for the rebels to attack the city.

19 Q. Which city?

15:41:06 20 A. Freetown city, the capital city here. And that they said
21 they were going to converge in the Moyamba District before they
22 took off to attack the city. So he was encouraging --

23 JUDGE ITOE: That is the rebels --

24 THE WITNESS: The rebels, yes.

15:41:34 25 JUDGE ITOE: -- were to assemble?

26 THE WITNESS: To assemble.

27 JUDGE ITOE: -- in Moyamba.

28 THE WITNESS: Not Moyamba Town, in Moyamba District.

29 Somewhere in the Moyamba District.

1 JUDGE ITOE: Before attacking Freetown.

2 THE WITNESS: To come and attack Freetown.

3 JUDGE ITOE: Thank you.

4 THE WITNESS: So he said he was encouraging all paramount
15:42:01 5 chiefs and parliamentarians to go back to their different
6 chiefdoms and their constituencies to mobilise Kamajors to come
7 and assist defend the city, Freetown city.

8 MR JABBI:

9 Q. Yes, you were to go back to your chiefdoms and
15:42:49 10 constituencies and mobilise Kamajors to come and assist in
11 defending the city?

12 A. So they formed a committee to go ahead and I was one of the
13 members of that committee. I cannot tell where the fund was from
14 but I know it was from government because they gave me 500,000
15:43:16 15 for the operation. That is, to mobilise the Kamajors at chiefdom
16 level. To go to all the 14 chiefdoms in the district to mobilise
17 the Kamajors to come and defend.

18 Q. 500,000 what?

19 A. 500,000 leones.

15:43:36 20 Q. And did you go?

21 A. I went and went to about eight chiefdoms and then I ran out
22 of the money and then I went back to my chiefdom and stayed
23 there. And I was just to inform the chiefs to mobilise Kamajors
24 to go to the district headquarter where the command structure
15:44:12 25 was, so that they can be taken to Freetown.

26 Can I go ahead?

27 Q. Yes, please.

28 A. The Kamajors were taken by helicopter. But in fact I was
29 9 miles away from the chiefdom -- I mean, the district

1 headquarter. I did not even witness how they mobilised them, how
2 they transported them. They ferried them across. Not too long
3 and the way to the city here and upland was closed, was blocked,
4 by the rebels.

15:45:09 5 Q. Now, can you tell the Court what time frame you are now
6 dealing with; the time when these Kamajors were airlifted to come
7 and assist in defending Freetown?

8 A. That was -- the airlifting was done after Christmas,
9 between January and December.

15:45:35 10 Q. Between December and January?

11 A. Yes. Not too long then the January 6th invasion took
12 place.

13 Q. January 6th what year?

14 A. January 6th, 1999.

15:45:50 15 Q. So the Kamajors were flown in just before 6th January 1999?

16 A. Yes.

17 Q. Thank you.

18 A. From Moyamba District.

19 Q. From Moyamba District?

15:46:08 20 A. All I am saying is for Moyamba District.

21 Q. Thank you.

22 A. Okay. During that period the initiation went on. When we
23 were now trapped at the -- we were now on the other side of the
24 country. That is, we were separated from the city by that

15:46:35 25 blockade.

26 PRESIDING JUDGE: Mr Witness, the period you're talking
27 about is the period after January 6, 1999? What you're talking
28 about now?

29 THE WITNESS: Yes, the period between -- I mean, between

1 the invasion onwards until the end of the war.

2 PRESIDING JUDGE: Thank you.

3 MR JABBI:

4 Q. So where were you?

15:46:59 5 A. I was at Nyandehun, my chiefdom.

6 Q. Yes?

7 A. So initiation went on and at that time even myself, I
8 allowed myself to be initiated for protective reasons. I did not
9 join the society to go and fight. I also joined two of my own

15:47:35 10 children, one eight years, the other seven years.

11 Q. Into what?

12 A. Into the Kamajor society. I am not saying they were
13 recruited. They were initiated for immunisation only.

14 Q. Now, Mr Witness, you had said earlier on that you set
15:48:05 15 certain criteria?

16 A. Yes, I'm coming. I did that because the chiefdom people
17 came to me before the initiation started that they were pleading
18 and all the young men were pleading that they are now vulnerable,
19 so let us allow them, they can pay for themselves to be
15:48:38 20 initiated, to be immuned for fear of stray bullets and I --

21 Q. Allow some time, please.

22 A. Okay.

23 Q. Yes, carry on.

24 A. And I, as paramount chief, had gone into the society to
15:49:13 25 protect my body. These are my subjects. Whom am I to say no to
26 them? So we came together, the chiefs - I mean my local chiefs -
27 and we agreed as long as you had your money. The initiators in
28 fact refused. But we had to beg them and gave reasons and they
29 saw with us and accepted the fact. Even women were initiated

1 just for protective reasons. They did not join the society for
2 fighting, to go and fight. And I cannot remember any commander
3 assigning children in my chieftdom and in that district to go to
4 war, but all the same --

15:50:25 5 Q. Just before that, you said the initiators were reluctant --

6 A. They were reluctant.

7 Q. -- to immunise, to initiate?

8 A. Out of the criteria set.

9 Q. Out of the criteria set. What reasons did you give them to
15:50:42 10 persuade them otherwise?

11 A. The reason is while I am running away with my child I am
12 immuned, but the child is not immuned. That child may be very
13 unfortunate and catch a stray bullet and then the child will lose
14 a life. So that is the reason the young men and all the elders
15:51:11 15 advanced and I saw with them. So we allowed them to immunise
16 themselves because the mystical power in the Kamajors, and the
17 discipline in fact connected with the Kamajors at that time,
18 raised their fame. They became so famous. So every body knew if
19 I am a member of this society, then I'll be respected. So we had
15:51:49 20 to allow them -- and I would be safe again from bullet, from any
21 stray bullet. So we had to allow them to be immuned, to be
22 initiated.

23 I want to emphasise here initiation is quite different from
24 recruitment. In fact, those who were initiated, all those were
15:52:15 25 fit to be recruited were separated from the others and they were
26 trained special.

27 Q. Who were trained specially?

28 A. Those who are eligible to fight. Those who are fit to go
29 to war front were trained. They gave them special training and

1 that is the recruitment.

2 PRESIDING JUDGE: Can you explain that again, Mr Witness?

3 You say all of them were initiated?

4 THE WITNESS: Yes, including me.

15:52:45 5 PRESIDING JUDGE: Including you.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: But those that were --

8 THE WITNESS: Were fit to fight.

9 PRESIDING JUDGE: Those were recruited?

15:52:53 10 THE WITNESS: They were recruited and you can't be
11 recruited until you undergo the training.

12 PRESIDING JUDGE: So the difference you make in your
13 evidence between initiation and recruitment is that many would be
14 initiated but not all would be recruited to go and fight.

15:53:10 15 THE WITNESS: Yes, exactly.

16 PRESIDING JUDGE: They had to be fit for fighting.

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: Thank you. Sorry, Dr Jabbi.

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

15:53:23 20 Q. Now, were children fit for fighting and recruitment?

21 A. No. No child below 18 was allowed. They were allowed to
22 be initiated but they were not allowed to be recruited.

23 Q. What about women? You spoke about women. Were they fit to
24 be recruited for fighting?

15:53:56 25 PRESIDING JUDGE: I think he did testify --

26 THE WITNESS: No women in my chiefdom in Moyamba District
27 was recruited. No woman, no child was recruited as far as I
28 know.

29 PRESIDING JUDGE: That's in your chiefdom, Chief?

1 THE WITNESS: In my chiefdom.

2 MR JABBI:

3 Q. Now, was this change in the criteria in respect of
4 immunising men -- I mean, young people and women, was that
15:54:33 5 confined to your chiefdom?

6 A. Well, I am talking -- it was not confined. It was confined
7 to the district. But I know more about my chiefdom.

8 Q. Thank you. Now, Chief, you have so far gone up to 1996 --
9 sorry, 1999.

15:55:26 10 A. Yes.

11 Q. Was there a time when you felt safe to leave your chiefdom
12 after the invasion of Freetown?

13 A. We were there until on Sunday, but I cannot remember the
14 date, when the President went to the Pebu site, the new army
15:56:00 15 barracks in Moyamba. There he declare "'di wa dan dan"; that
16 the war is over.

17 Q. So from the time of the invasion of Freetown up to "'di wa
18 dan dan" you were in your chiefdom?

19 A. Yes, in my chiefdom, until, in fact, after that
15:56:24 20 declaration. A month after that declaration before I had the
21 courage to come to Freetown.

22 Q. Now, Chief --

23 A. What I want to say -- I'm sorry.

24 Q. Yes, carry on.

15:56:51 25 A. What I want to say here is I was there until the time of
26 disarmament; I was there until the time they went and destroyed
27 the arms and ammunitions; until the time the President visited
28 Moyamba District and declared that "di wa dan dan". That was the
29 word he used.

1 Q. Thank you. Now, in all these Kamajor activities did you
2 witness Kamajors in battle operation yourself?

3 A. That is where I praise my God. I did not witness any
4 attack. I did not witness any war -- I mean, confrontation with
15:57:48 5 anybody. Only that each time they went to war, they reported
6 back. And I want to add here that it was said around that power
7 was seized from chiefs, but I cannot say no, I cannot deny that.
8 But my own subjects, my own Kamajors, remained loyal and they
9 remained respectful to me until the time the war ended. I can
15:58:36 10 give --

11 Q. Yes, carry on. Carry on.

12 A. I can give you an instance. Why I am saying this, if they
13 had no respect for me, when I came back, when there was an attack
14 on one village, Rogboya, I cannot remember the date.

15:58:52 15 Q. But that was after you came back from the United States?

16 A. Yes, after the invasion.

17 Q. After the invasion?

18 A. Yes, after the invasion.

19 Q. Yes?

15:58:58 20 A. They caught one rebel named Abdul. Abdul. I cannot
21 remember the surname clearly.

22 Q. Yes?

23 A. And that Abdul, they said, "The commander said our own
24 chief said when we catch anybody in war, let us take that person
15:59:21 25 to him." So they took him to me. With all the threats, threats,
26 threats, they brought him and handed him over to me. I handed
27 him over to the district officer, and in return he handed that
28 man over to the ECOMOG base in Bo. And that man was flown, as I
29 was told -- was flown to their military headquarter as they used

1 to do.

2 Q. Where? Military headquarter where?

3 A. In Freetown.

4 Q. Here in Freetown?

16:00:04 5 A. Here in Freetown. I was told. All I did, I handed the man
6 over. I was with him until I placed him in a vehicle with some
7 elders to take him to the district officer, and the district
8 officer also took him straight to Bo to ECOMOG base, and ECOMOG
9 flew that man. So that was respect enough for me.

16:00:32 10 Q. Now, Chief, did you in fact used to give any orders to the
11 Kamajors of your chiefdom?

12 A. No. Well, you have made it a little ambiguous. You said
13 "any order". Orders, like what? I'm sorry, you cannot answer a
14 question with a question, but --

16:01:13 15 Q. Well, did you used to give instructions to your Kamajors?

16 A. There also, I did not instruct them. The commanders did -
17 had command structure. I found it after my return.

18 Q. To whom were those --

19 A. Like, for example, I was told Sam Hinga Norman was in
16:01:44 20 control of the national something. He was the national
21 controller of the CDF. I didn't know. All I know, he was
22 appointed after the general election. He was appointed deputy
23 defence minister before I left. But when I came back, I didn't
24 know how he got that post, how the command structures were put in
16:02:24 25 place. But when you meet, all elders have done something, it is
26 not in your place to destroy it. So there were command
27 structures. There were chiefdom commanders. There were
28 battalion commanders. There were other commanders.

29 Q. Thank you.

1 A. So they gave instruction, not chiefs. All we do, we were
2 to mobilise resources to sustain the fighters.

3 PRESIDING JUDGE: You just provided the people? You
4 provided the people?

16:03:05 5 THE WITNESS: Yes, we provided the people and we provided
6 food for them. We provided some logistics. But when you are
7 testifying, it is better you say all you know. During that
8 period again, after the invasion, sometime within that period,
9 we, the paramount chiefs, were getting one bag of rice and
16:03:34 10 20,000.

11 MR JABBI:

12 Q. From?

13 A. From government.

14 Q. For what purpose?

16:03:40 15 A. They were sustaining us. They were helping us with food.
16 And they helped again because there was -- I mean, the
17 contribution was too much. So they were helping to feed the
18 Kamajors. I don't know. I don't know the quantities.

19 JUDGE ITOE: You said a bag of rice and how much money?

16:04:10 20 THE WITNESS: I said 20,000.

21 PRESIDING JUDGE: But this is after 1999 you're talking
22 about?

23 THE WITNESS: Yes.

24 JUDGE ITOE: And this was monthly?

16:04:17 25 THE WITNESS: Monthly.

26 JUDGE ITOE: Monthly?

27 THE WITNESS: Monthly. But what beat our imagination, they
28 stopped it without informing us.

29 PRESIDING JUDGE: Dr Jabbi, any more questions of your

1 witness?

2 MR JABBI:

3 Q. Now, Chief, did you leave Fakunya after the invasion of
4 Freetown?

16:04:54 5 A. I have already said I did not leave. I stayed there. I
6 was in Fakunya until --

7 PRESIDING JUDGE: He's explained all of that.

8 THE WITNESS: -- they said, "Di wa dan dan". And one month
9 after, before I even ventured to come to Freetown.

16:05:13 10 PRESIDING JUDGE: He was there for disarmament and until
11 the President came to Moyamba.

12 THE WITNESS: Yes.

13 MR JABBI: Yes.

14 JUDGE ITOE: You talked of a new army building in that area
16:05:23 15 where the President came and addressed you.

16 THE WITNESS: Yes, that was the army -- the new army
17 barracks. That was the meeting place. That was where we met.

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

19 PRESIDING JUDGE: Thank you. Counsel for second accused,
16:05:46 20 any questions in cross-examination, or it's a common witness?

21 MR BOCKARIE: No, it's not a common witness. No questions,
22 My Lord.

23 PRESIDING JUDGE: No questions. Thank you. Mr Margai, any
24 questions?

16:06:01 25 MR MARGAI: None, My Lords.

26 PRESIDING JUDGE: Thank you. Prosecution, any questions in
27 cross-examination?

28 MR KAMARA: Just a minute, My Lord.

29 PRESIDING JUDGE: Thank you. Do I take it that you do have

1 questions?

2 MS VAN TONGEREN: Yes, thank you, My Lord.

3 PRESIDING JUDGE: You're ready to proceed?

4 MS VAN TONGEREN: Yes, thank you, My Lord.

16:06:48 5 JUDGE ITOE: May we be reminded of the name again, please?

6 MS VAN TONGEREN: My name is Wendy van Tongeren, V-A-N

7 T-O-N-G-E-R-E-N. Thank you, My Lord.

8 JUDGE ITOE: Thank you.

9 CROSS-EXAMINED BY MS VAN TONGEREN:

16:07:26 10 Q. Mr Witness, it's now the opportunity of the Prosecution to
11 ask you some further questions in relation to what you have said.

12 A. Okay.

13 Q. I understand from your evidence that you are the paramount
14 chief of Fakunya Chiefdom in Moyamba District and you have been

16:07:41 15 in that position for some time?

16 A. Yes.

17 Q. For how many years, sir?

18 A. For how many years as paramount chief?

19 Q. That's correct.

16:07:50 20 A. Since 1994, November 18. November 18, 1994.

21 Q. You've indicated to the Court that in February of 1997 it
22 was your decision to leave your home and go to the United States
23 for a period of time. Sir, did you go alone or did you go with
24 your family?

16:08:22 25 A. No, I went alone. I did not go with my family.

26 Q. Did your family then stay at the home in Fakunya?

27 A. Some stayed here. Some who were with me here stayed here.
28 The others stayed upcountry in Fakunya.

29 Q. So by "here" you mean Freetown?

1 A. Here, Freetown, yes.

2 Q. Was the reason that you left initially yourself to go to
3 the United States for reasons of safety or other reasons?

4 A. I was invited by the son of my cousin for sightseeing.

16:09:16 5 Q. So what was the original intention in terms of the length
6 of your stay in the United States?

7 A. Because of the overthrow. The government was overthrown
8 here before the time of my return.

9 Q. So initially you intended to stay for how long?

16:09:38 10 A. For six months.

11 Q. You've already told us that in the end you stayed for 15
12 months?

13 A. Yes, if you take it so.

14 Q. Are you indicating to the Court that the reason you did not
16:09:57 15 return earlier is because the United States would not allow you
16 to return?

17 A. For my safety.

18 Q. Was it the United States' government that was making this
19 decision, are you suggesting?

16:10:14 20 A. Well, partly, because I went through the Embassy of
21 Sierra Leone and they advised that I should stay.

22 Q. I'm sorry, I didn't hear that last part, sir?

23 A. I said I went through the embassy, the Sierra Leone Embassy
24 and I was advised that I stay as it was unsafe for me to come.

16:10:44 25 Q. So you, is it fair to say, made a decision based on advice
26 given to you rather than being held back by the United States?

27 A. That's partly, and the other additional one is that there
28 was sanction on Sierra Leone. No planes came in, no ship came
29 in. There was sanction on the country.

1 Q. So, in your evidence, when you say that -- I'm just going
2 to go to the note. You suggested in your evidence that was
3 difficult for you to come back to Sierra Leone but you had to
4 obey for your life.

16:12:01 5 A. Yes.

6 Q. So, sir, are you suggesting in that answer that you had to
7 obey the United States for your life?

8 A. When I said United States, I did not say United States'
9 government. But those of my family connection in that place,
16:12:21 10 those in United States, said it was unsafe, and even friends who
11 were Americans, like those in the church of Saint John's Lutheran
12 Church.

13 Q. Yes, and I responded to you respectfully, sir. I just
14 wanted to clarify that when you said in your previous testimony
16:12:44 15 that you had to obey for your life, you were not suggesting that
16 somehow you were being held in the United States?

17 A. Not against my wish.

18 Q. Thank you, sir.

19 JUDGE THOMPSON: Learned counsel, is that line of
16:13:05 20 cross-examination -- what's the purpose of it? Is it a
21 suggestion of misconduct or a suggestion of anything improper?

22 MS VAN TONGEREN: It's foundational, contextual
23 cross-examination related to the decision that was made in
24 returning ultimately to Sierra Leone.

16:13:23 25 JUDGE THOMPSON: Yes, because the line is very thin when
26 you suggest to a witness some impropriety and that kind of
27 direction in which you're going, you may be sort of getting into
28 an area which is impermissible. Generally you don't put
29 questions to a witness suggestive of impropriety or misconduct in

1 cross-examination unless they're material and can reasonably be
2 supported. You get my point?

3 MS VAN TONGEREN: Yes, thank you, My Lord.

4 JUDGE THOMPSON: Generally when you're cross-examining a
16:14:06 5 witness, it is not permissible to put suggestions of impropriety
6 or misconduct unless they are material to the issues and can
7 reasonably be supported.

8 MS VAN TONGEREN: Thank you, My Lord. It was not the
9 Prosecution's intention to suggest impropriety. I was merely
16:14:26 10 seeking a clarification of why he came back to Sierra Leone at
11 the time that he did on the basis of the description that he had
12 given.

13 JUDGE THOMPSON: Not why he overstayed?

14 MS VAN TONGEREN: That's right.

16:14:40 15 JUDGE THOMPSON: Right. Well, that's why my own thinking
16 was probably -- the emphasis was more overstaying and the reason
17 for overstaying which, of course, would suggest -- well, I want
18 to leave it at that.

19 MS VAN TONGEREN: Thank you, My Lord.

16:15:03 20 Q. Mr Witness, while you were away in the United States, did
21 you manage to maintain contact with the people that you knew and
22 loved in your home district of Moyamba?

23 A. Initially, before the sanction.

24 Q. How were you able to make that or maintain that contact?

16:15:26 25 A. By telephone.

26 Q. So the contact, I take it, was from February of 1997, and
27 then when did that end?

28 A. After May. I mean, a month after May; June. Around
29 June/July.

1 Q. So what availability did you have at your temporary home in
2 the United States to discover in fact which activities were going
3 on in your home and in Sierra Leone while you were away?

4 A. Through internet.

16:16:24 5 Q. That would be through the regular media channels, would it,
6 or through connection with people in Sierra Leone?

7 A. Well, I always went to the embassy to find out. Through
8 the internet, they gave us some documents to read, not from a
9 particular person here.

16:16:47 10 Q. So were these rather general accounts of what was
11 transpiring based on observations that people had made, perhaps
12 not as detailed as, obviously, you would be receiving from people
13 directly that you knew in the district?

14 A. I didn't get you. I didn't understand.

16:17:10 15 Q. The reports that you were receiving and the communication
16 that you were getting through the internet were quite general; is
17 that correct?

18 A. Yes.

19 Q. Mr Witness, are you aware roughly of how many people there
16:17:40 20 were in your chiefdom in Fakunya in 1998 and 1999 when you lived
21 there?

22 A. I cannot tell offhand at all. In fact, when I was in the
23 States, they asked me the same question because they wanted to
24 help. The church there wanted to help. But I had to deduce
16:18:03 25 figures, but incorrect, from the number of councilors because for
26 every one councilor, you have 20 taxpayers, and among the
27 taxpayers -- I mean this is a polygamous home. We had to work
28 that out. I didn't know the exact number of people.

29 Q. Now obviously the war in the many years that passed cost a

1 great deal to your chiefdom, did it not?

2 A. Exactly. A great deal of harm was done there.

3 Q. Did that include loss of life?

4 A. Yes.

16:18:47 5 Q. Did the loss of life include men, women and children?

6 A. Yes.

7 Q. Are you able to say, for example, what the loss of life was
8 in 1997 and 1998?

9 A. Well, 1997/1998 I cannot give you. I told you I did not
16:19:13 10 witness any attack and those periods you have stated, no serious
11 death occurred.

12 Q. Do you recall --

13 A. It was before that time. The only very serious death that
14 occurred there was caused by uniformed people. I cannot name
16:19:36 15 them.

16 Q. So by uniformed people you're talking about people --

17 A. Combat.

18 Q. In combat.

19 PRESIDING JUDGE: Mr Witness, can you explain what you mean
16:19:49 20 by serious death? You mean large number? That's what you mean?

21 THE WITNESS: What I mean there, there were natural death.
22 People were dying of illness, so I can't take that. I am
23 thinking she's asking me about people dying as a result of the
24 fighting. So I did not -- I cannot tell anyway.

16:20:18 25 PRESIDING JUDGE: I know, but you've said that during these
26 periods that she had mentioned there were no serious deaths, but
27 that before that there were serious deaths. My question was:
28 what do you mean by the words "serious death"? You mean death
29 was caused other than by sickness? Is that what you mean?

1 THE WITNESS: Some people were captured. That is before
2 the period she has stated. Some people were captured and put in
3 a house and they took them out one by one and killed them.
4 Killed them. I mean, I don't want to remember it, in fact. I
16:21:02 5 did not witness it. They gave me a report. I was here. At the
6 time I was already in Freetown. So they gave me a situation
7 report and that I took to the interior minister.

8 PRESIDING JUDGE: Very well. Thank you.

9 MS VAN TONGEREN:

16:21:24 10 Q. Mr Witness, I need your clarification, please, sir, on what
11 you meant by serious deaths caused by uniformed people. Can you
12 help, please?

13 A. I said a combat -- there were soldiers attached in Moyamba,
14 but I cannot say because there's no evidence to show that they
16:21:53 15 were soldiers or they were rebels. The rebels wore the combat
16 and then the soldiers were the combat, and I was not there. The
17 people only reported that people in soldier uniform went and
18 caused that havoc.

19 Q. My question was specific to February 1997 to May 1998 when
16:22:17 20 you were actually in Sierra Leone.

21 A. I was in Freetown.

22 Q. Right, and so your answer was responsive to that question?

23 A. Yes.

24 Q. Are you familiar or do you have any knowledge of any people
16:22:34 25 from your chiefdom who were killed at the hands of a Kamajor?

26 A. No.

27 PRESIDING JUDGE: Are you still talking of the same period,
28 February 1997 to May 1998?

29 MS VAN TONGEREN: Yes.

1 Q. I'm asking about that period because you were actually in
2 Sierra Leone at that period --
3 A. Yes.
4 Q. -- and that would be a time that that type of information
16:23:02 5 would be accessible to you; would it not, sir?
6 A. Yes.
7 Q. Now, you have described in your testimony that there were
8 some Kamajors who would be sent away and others would actually
9 stay in the chiefdom to help protect the chiefdom; is that
16:23:29 10 correct?
11 A. Well, that came up in the interview, that's correct. The
12 director of war, as I came back to know that name, announced to
13 us that there was a ban on Kamajor initiation. So a group of
14 Kamajors went with the intention to initiate in my chiefdom. So
16:24:03 15 I said no. So I had to turn them back.
16 Q. All right. Why was that that you had to turn them back?
17 A. I had to say no. I had to say they should go back where
18 they came from, and they did.
19 Q. Was the reason for that because the initiation was quite an
16:24:23 20 expensive process?
21 A. No. I mean, it was banned.
22 Q. It was banned?
23 A. Yeah, they said no more initiation because the war was
24 coming to an end.
16:24:31 25 Q. I see.
26 A. There was no reason again for that.
27 Q. So you were respecting the ban?
28 A. Yes.
29 Q. Who was it who actually announced the ban? Who was the

1 director of war who announced the ban?

2 A. Moinina Fofana.

3 Q. During the time that you were back in your home after 1998,
4 you became familiar, did you not, with the fact that in your
16:25:18 5 hometown there were Kamajors who were from Fakunya and there were
6 others who were from other areas?

7 A. Yes.

8 Q. Was it to your observation, sir, that the Kamajors from
9 your particular area were respectful to you and to the elders?

16:25:39 10 A. I didn't get you there.

11 Q. Was it to your observation in that period that you came
12 back after having been in the United States, so that was May 1998
13 until December of 1999, that the Kamajors who were from your
14 district, from your chiefdom, were actually respectful towards
16:26:01 15 you and the elders?

16 A. Yes.

17 Q. Was it equally your observation that those Kamajors who
18 were from different areas were not as respectful?

19 A. They were not as respectful but not to me. I heard it that
16:26:19 20 they were not respectful. So I did not allow them to do that to
21 me, so I did not allow them to settle in my chiefdom.

22 Q. Did you find, however, that there were complaints from
23 other members of your chiefdom, from civilians, about the
24 treatment by these Kamajors?

16:26:35 25 A. No.

26 Q. There were no complaints?

27 A. No, no official complaint. I mean, I don't want to come
28 and tell you -- I mean, give you what I heard by rumour.

29 Q. Well, by rumour, are you suggesting that this is something

1 that somebody has told you?

2 A. Yes, that they called them jembui, jembui Kamajoisia. The
3 Kamajors from down river. That's the way they named them. They
4 did not name a particular person. That they had no respect for
16:27:15 5 elders, so I should not allow them to settle any more.

6 Q. Now, at that particular time who had control of Fakunya?

7 A. Who had control of Fakunya? Me, the paramount chief,
8 because I left a representative.

9 Q. You were the chief administrator, were you not?

16:27:42 10 A. Those are different names. I am not chief administrator.
11 I am paramount chief.

12 Q. Was your job, however, the main person who was responsible
13 for the administration?

14 A. For the administration of the chiefdom?

16:27:58 15 Q. Of the welfare of your people?

16 A. Of the chiefdom?

17 Q. Yes.

18 A. Yes. I am the head of the administration. That's why I'm
19 called paramount.

16:28:09 20 Q. Was there a period of time in your chiefdom that the police
21 did not maintain the stability that they had had before the war?

22 A. The police?

23 Q. The police.

24 A. I didn't get you.

16:28:21 25 Q. The native administration. In other words, who was the
26 body in 1998 to 1999 who ensured that the laws were obeyed and
27 law and order was maintained in your chiefdom?

28 A. I should but I was helped by -- because we had the police
29 at Moyamba and the ECOMOG was there and during that period - part

1 of that period, UNAMSIL was already there.

2 Q. So would you agree with me that in terms of the role of the
3 police, it had not totally returned to how it may have been
4 before the war?

16:29:07 5 A. Yes, but the civil police of the UNAMSIL are police.
6 That's what I'm saying. I am not saying the national police.
7 But even that time, they were there. During that time, the
8 national police, they were there. They had returned.

9 Q. Well, for example, were there still checkpoints at your
16:29:31 10 particular location and chiefdom in 1998/1999 when you returned?

11 A. Yes.

12 Q. Were those checkpoints manned by Kamajors?

13 A. Yes.

14 Q. And the Kamajors would stop people who were going in and
16:29:48 15 out of the town, would they not?

16 A. They were, but vehicles. Those in vehicles, not
17 pedestrians and not Hondas -- motor vehicles.

18 Q. Was that not a symbol to you and others that the Kamajors
19 had some control over the chiefdom?

16:30:10 20 A. Over the chiefdom?

21 Q. Yes.

22 A. No, they were not controlling the chiefdom, my own
23 chiefdom.

24 Q. But they claimed to have had jurisdiction to be stopping
16:30:20 25 these vehicles that went through the checkpoints?

26 A. But when I said the checkpoints should be removed, they
27 removed them.

28 Q. When did you say that?

29 A. Midway -- towards the end of 1999.

1 Q. All right. So that means from the time that you returned
2 to your home to the time that you've described here, the end of
3 '99, these checkpoints were there and they were manned by the
4 Kamajors?

16:30:56 5 A. Yes.

6 Q. And they were manned by Kamajors both from your particular
7 chiefdom as well as those from other towns and other villages and
8 districts?

9 A. The reason why I am talking and you are talking, I know and
16:31:12 10 I was -- I mean, I heard that during my absence they were even
11 stopping pedestrians. I heard that, but I did not witness that.

12 Q. Was that a matter of concern and complaint that you were
13 told that at these checkpoints they were even stopping
14 pedestrians?

16:31:43 15 A. I said they did not. When I was there they did not stop
16 pedestrians. They were stopping vehicles because the war was
17 still on. They checked and then they left the people. And no
18 driver complained and no traveller complained to me.

19 Q. I may have misunderstood your evidence, Mr Witness, but I
16:32:06 20 thought I heard you say that you were told that there was a time
21 that pedestrians also were stopped at the checkpoints?

22 A. When I came back I heard that just in passing.

23 Q. And when you heard that just in passing, was that by nature
24 of a complaint about the way that pedestrians were being treated?

16:58:55 25 [CDF01JUN06E - RK]

26 A. Well, I didn't take it so, but that's no official
27 complaint.

28 MS VAN TONGEREN: May I indulge Your Lordships in terms of
29 the time that it may be the time for the afternoon break if Your

1 Lordships so please.

2 PRESIDING JUDGE: It is now, yes. Thank you for reminding
3 us about that.

4 JUDGE ITOE: We were taken up by your incisive
16:58:55 5 cross-examination. So we lost track of our timing. Thank you.

6 PRESIDING JUDGE: Thank you, Madam Prosecutor. We will
7 recess. Thank you.

8 [Break taken at 4.34 p.m.]

9 [Upon resuming at 5.08 p.m.]

17:00:13 10 PRESIDING JUDGE: Madam Prosecutor, are you ready to resume
11 and end your cross-examination of this witness?

12 MS VAN TONGEREN: I am, My Lord.

13 PRESIDING JUDGE: Please do so.

14 MS VAN TONGEREN: Thank you.

17:08:46 15 Q. Mr Witness, there are three areas that I will cover with
16 you, which I anticipate will not take very long. This is almost
17 completed. My first questions relate to a topic we have already
18 covered somewhat and that is the checkpoints that were in and
19 around Fakunya in 1998 to 1999. How many checkpoints were there
17:09:16 20 that you were aware of at that time?

21 A. I cannot tell.

22 Q. Were you ever stopped at a checkpoint yourself?

23 A. Yes, but not by the Kamajors, checkpoints of the police.

24 Q. Okay. Were you stopped then at checkpoints of the
17:09:37 25 Kamajors?

26 A. No.

27 Q. You, however, were aware of the presence of those
28 checkpoints of the Kamajors, were you not?

29 A. I want to clear that point. You said if I was stopped. I

1 was not stopped by Kamajors at any point, but I was in a vehicle
2 that was stopped by Kamajors.

3 Q. Thank you for clarifying that.

4 A. So that's why make your questions clear and I will be able
17:10:08 5 to answer it clearly.

6 Q. Thank you, sir, I will do that. As a result of having been
7 stopped while you were in a vehicle by Kamajors at a checkpoint,
8 you were able to see, sir, that they were in fact armed?

9 A. If they were armed before they stopped the car?

17:10:22 10 Q. The Kamajors who stopped the vehicle, they were armed with
11 weapons?

12 A. No.

13 Q. They had no weapons?

14 A. No.

17:10:30 15 Q. Were there children at the checkpoint?

16 A. Children?

17 Q. Yes.

18 A. Yes. Ordinary children?

19 Q. No, I'm talking about children who were assisting in the
17:10:47 20 business of checking people at the checkpoints?

21 A. No.

22 Q. During the process of being stopped yourself were you
23 actually required to leave the vehicle?

24 A. No.

17:10:58 25 Q. Had your --

26 A. In fact, when they saw me they gave that respect and the
27 vehicle moved. They knew there was nothing bad in it because I
28 was there.

29 Q. Was it your understanding and did you receive information

1 that, in fact, when other civilians were stopped and they were
2 not given that respect that they would be expected to leave the
3 vehicle?

4 A. I cannot remember for Kamajors, but like Roke1 -- Roke1
17:11:36 5 checkpoint, that was controlled by the police. So we had to come
6 down, then you identify yourself before you cross the checkpoint.
7 That's what I know.

8 Q. So in terms of the treatment of the civilians of your
9 particular chiefdom, although you may have been spared some of
17:12:01 10 the -- the civilians may have been spared some of the disrespect
11 or abuses, did you hear from fellow paramount chiefs of
12 complaints they made about the Kamajors in their chiefdoms?

13 A. No.

14 Q. You did not?

17:12:17 15 A. No.

16 Q. In 1998 or 1999?

17 A. I have earlier told you we have 14 chiefdoms. I am talking
18 of Moyamba District.

19 Q. And in Moyamba District did you hear from any of the --

17:12:29 20 A. Paramount chiefs?

21 Q. -- paramount chiefs of disrespect shown to the chiefs or
22 the elders or the civilians by the Kamajors?

23 A. No.

24 Q. Now, is it true sir -- I'm turning to a different area now.

17:12:55 25 A. Yes.

26 Q. Is it true, sir, that you have one or more grandchildren?

27 A. Hmm?

28 Q. You have grandchildren?

29 A. Yes.

1 Q. One of the grandchildren, does he hold the name of
2 Njagbandi?
3 A. Yes. I want to clarify that.
4 PRESIDING JUDGE: What is the name again, please?
17:13:19 5 THE WITNESS: Njagbandi. N-J-A-G-B-A-N-D-I.
6 PRESIDING JUDGE: So you were to explain something about
7 it.
8 THE WITNESS: Yes, in Mende, we don't have much nephews and
9 nieces and all the others. The person she is talking of is the
17:13:45 10 son of my niece. The son of my niece. So put it the way you
11 want to put it now, but in Mende, we call, and he is my
12 grandson - in Mende.
13 MS VAN TONGEREN:
14 Q. If you are content, sir, I will still refer to him as your
17:14:12 15 grandson, although it may not be technically correct.
16 PRESIDING JUDGE: It is technically correct in Mende.
17 MS VAN TONGEREN:
18 Q. Now, was Njagbandi actually a Kamajor?
19 A. He was not a Kamajor.
17:14:30 20 Q. Was he immunised?
21 A. Excuse. Excuse. I mean, he was a Kamajor. He was
22 immunised as Kamajor, but he was not a fighting force.
23 PRESIDING JUDGE: To use your own description, he was
24 initiated but not recruited?
17:14:50 25 THE WITNESS: Not recruited.
26 PRESIDING JUDGE: That is the term you have used.
27 THE WITNESS: Yes.
28 MS VAN TONGEREN:
29 Q. At the time that he was initiated, but not recruited, was

1 he 15 years old?

2 A. He was 17 plus, 17 four months.

3 Q. I see. Was there a time that he was at a location of one
4 grain timi [phon] and shouted to the rebels and scared them off?

17:15:26 5 A. My Lord, I want to plead that except you allow that. That
6 was an example I said to Prosecution that went to me to interview
7 me. I told them I did not witness any attack. I did not see any
8 attack, but I was told. They asked me to tell an instance which
9 was told me, and that was the example I set. But if you can take
17:15:54 10 that in evidence, a hearsay evidence, if you can take it, then I
11 can go ahead to answer those questions. Without which --

12 PRESIDING JUDGE: Mr Witness, we want to reassure you we
13 have accepted hearsay a lot. This is admissible. If it is
14 relevant for us, then it is admissible. How we'll assess that is
17:16:17 15 a different issue, but it is admissible, so you can speak about
16 it.

17 THE WITNESS: Okay, fine. Ask your questions.

18 JUDGE ITOE: This said, are you exploring and exploiting
19 the statement of interview notes which you took from this
17:16:33 20 witness? If you are at that level, I think we need to know
21 whether you are using those interview notes.

22 MS VAN TONGEREN: The basis of my knowledge comes from
23 those notes, My Lord.

24 JUDGE ITOE: The basis of your knowledge is from those
17:16:49 25 notes?

26 MS VAN TONGEREN: Yes.

27 THE WITNESS: Go ahead.

28 MS VAN TONGEREN: It is not the intention of the
29 Prosecution to seek to enter the notes or anything related to

1 that as an exhibit, of course.

2 PRESIDING JUDGE: You may proceed.

3 MR JABBI: My Lord, we need guidance on this. There is, at
4 present, a pending decision --

17:17:20 5 PRESIDING JUDGE: It is not out yet.

6 MR JABBI: I believe it has been said that any questioning
7 in respect of such interviews be suspended until a decision is
8 made. I don't know whether, in those circumstances --

9 PRESIDING JUDGE: Of that particular witness at the time.
17:17:41 10 I do not think it was a general statement applied to any and
11 every witness. I don't have that recollection, Dr Jabbi.
12 Certainly the witness that was in the witness box at that time,
13 yes.

14 MR JABBI: My understanding at the time was that it was
17:17:58 15 both that witness at the time and any other witness in respect of
16 whom the same situation might arise.

17 PRESIDING JUDGE: I won't argue with you because I say to
18 you this is my recollection. I may be wrong. I stand to be
19 corrected on this. That was not my recollection.

17:18:21 20 JUDGE THOMPSON: The Prosecutor has said that there is no
21 intention to tender the interview notes as an exhibit. Doesn't
22 that make a difference, because the issue which is pending for
23 ruling would seem to be slightly different. It is as to the
24 propriety of - if I do recollect correctly, and you can correct
17:18:54 25 me here -- of the Prosecution approaching persons who have
26 already been identified as Defence witnesses for the purposes of
27 obtaining statements from them, which they may want to use or not
28 use in the proceedings without having notified the Defence of
29 such intention, and without the Defence having been given the

1 opportunity of providing for certain safeguards. I think that's
2 the issue that's pending.

3 MR JABBI: Yes, My Lord.

4 JUDGE THOMPSON: In this particular case, this witness has,
17:19:37 5 in examination-in-chief, admitted on your own prompting that he
6 made -- he gave an interview to the Prosecution, because the
7 interview was not translated into a statement form in the form of
8 a written statement, and what is the rule of impermissibility
9 which prevents the Prosecution from cross-examining on something
17:20:04 10 which you yourself had introduced in examination-in-chief.

11 MR JABBI: My Lord, I'm only inquiring --

12 JUDGE THOMPSON: She has given us the caveat that, in fact,
13 she is not intending to tender the document and I would think,
14 from my perspective, that neutralises the issue and separates and
17:20:23 15 distinguishes it from the matter which is pending for ruling.

16 PRESIDING JUDGE: Dr Jabbi, I can add to what I said. I
17 have just informed here of my comments at the time, and the
18 direction was in respect of witnesses appearing on new -- or on
19 witness lists at that time and the Prosecution shall suspend
17:20:45 20 interviewing these witnesses. That is what it was. When you
21 said you thought it was prohibited while the evidence that you
22 yourself led through this witness, although the witness said it
23 was obvious that he would become a witness for the Defence, there
24 was no witness statement at the time when he was seen by the
17:21:01 25 Prosecution. So the direction, as it was, does not apply to that
26 scenario. This is over and above what Justice Thompson just
27 said.

28 MR JABBI: As Your Lordship pleases. I just wanted to draw
29 your attention to it so that it would be taken into account.

1 PRESIDING JUDGE: Thank you. It is noted.

2 MS VAN TONGEREN: My Lords, the Prosecution has been
3 cautious in this regard in light of the matter that is pending.
4 That matter, as I understand it, was argued on May 11, and the
17:21:35 5 date of the statement was March 23, 2006 and, as well, the
6 Prosecution provided to my friend --

7 JUDGE ITOE: You would admit that the statement was after
8 the Defence had recorded the statement from him.

9 MS VAN TONGEREN: The argument was after the statement --

17:21:54 10 JUDGE ITOE: Your statement was recorded after the Defence
11 had recorded a statement from him.

12 MS VAN TONGEREN: Yes, it was.

13 JUDGE ITOE: That is when he was approached for this
14 interview.

17:22:04 15 MS VAN TONGEREN: Yes, it was. Similarly, in an abundance
16 of caution, we provided Mr Jabbi and counsel for accused two and
17 three a copy of the statement that was given to the Prosecution
18 to ensure that there was fairness to the accused.

19 PRESIDING JUDGE: Thank you. You may proceed. We were at
17:22:36 20 the stage where the witness had asked if he speak of hearsay and
21 I indicated yes, he could. We will make the appropriate
22 assessment of this evidence, Mr Witness.

23 THE WITNESS: Yes.

24 MS VAN TONGEREN:
17:22:55 25 Q. Now, the grandson that you have named, did he inform you,
26 or others inform you, of an incident where he met the rebels at
27 one grain timi [phon] and actually as a result of shouting to
28 them, that there were 200 Kamajors from the left and 200 ECOMOG
29 soldiers from the right that that intimidated the rebels, and

1 they took flight?

2 A. He did not inform me. Those who bring back situation
3 report reported that to me.

4 Q. Is it your evidence that this occurred when this young man
17:23:46 5 was 17 plus?

6 A. Yes. When I went back, I told them I cannot remember -
7 when they were interviewing me, I cannot remember the age. When
8 I went back home after the workshop, I interviewed the mother
9 and, at that time, they said he was 17 years, four months.

10 Q. Now, was there a time that you thought he was only 15 when
11 this event occurred?

12 A. I told them I didn't know the number. They guessed that.
13 I didn't.

14 Q. Now when one hears those facts, sir, it suggests, perhaps,
17:24:31 15 that he was conducting the duties of a Kamajor fighter or
16 soldier. Would you agree with that?

17 A. Yes.

18 Q. So was he in fact, and was it known to you that at the age
19 of 17 years, four months that he was actually a Kamajor soldier?

17:24:51 20 A. He was not. I have told you. In fact, I don't want to
21 start all over again as a statement, but I was a boy who was
22 denied. They drove him but all of a sudden when they came to
23 report, they said it was Njagbandi who played that trick because
24 only seven of them -- seven Kamajors were within the area. He
17:25:18 25 really played that trick so that the numerous rebels that were
26 about to come across and then threaten them to run away. They
27 told me that, and later I sent for him, said, "They said you
28 should not go to that place. Why did you go?" He was punished
29 by their own way. They have a disciplinary committee.

1 Q. So only seven of them that you have described to the Court,
2 was that seven Kamajor soldiers?

3 A. Kamajors, yes, militia.

4 Q. This young man was with them, you were saying?

17:26:08 5 A. Yes.

6 MS VAN TONGEREN: Thank you, Mr Witness, I have no further
7 questions.

8 PRESIDING JUDGE: Dr Jabbi, any re-examination?

9 MR JABBI: Yes, a very short one, My Lord.

17:26:22 10 RE-EXAMINED BY MR JABBI:

11 Q. Now, Mr Witness, you have referred to 17 years, four months
12 as the age of Njagbandi.

13 A. Yes.

14 Q. At what point was he 17 years, four months; at the point of
17:26:34 15 initiation or at the point of this incident?

16 A. At the point of initiation.

17 Q. At the point of initiation?

18 A. And he was initiated in my absence. I was in the States
19 when he was initiated.

17:26:50 20 MS VAN TONGEREN: My Lords, with respect, the Prosecution
21 does object to that line of questioning as re-examination. The
22 question in cross-examination was quite specific to that being
23 the age when he was experiencing that episode, and now for my
24 friend to stand up and to ask the question in re-examination as
17:27:14 25 if clarification was required, but rather in an effort, the
26 Prosecution says, to rehabilitate him, that that, with respect,
27 is not proper re-examination.

28 PRESIDING JUDGE: Dr Jabbi?

29 MR JABBI: My Lord, I don't think it was clear as to what

1 point.

2 PRESIDING JUDGE: I would say that I have to agree with the
3 Prosecution on this matter because the question was at the time
4 of the incident that was being described. At the time the
17:27:45 5 incident that was described how old he was and the answer has
6 been at that time. The question had nothing to do with the
7 initiation at that time that he was 17 plus and the witness added
8 to that that when he got back he went to see the mother to verify
9 the age and she confirmed to him, the witness, that he was 17
17:28:05 10 plus at the time the of the incident.

11 MR JABBI: My Lord, my own recollection of the questions
12 and answers is that there was a general question of whether
13 Njagbandi was initiated.

14 PRESIDING JUDGE: There has been a question about
17:28:27 15 initiation, I agree with you, but not the incident. The incident
16 was not in relation to the initiation --

17 MR JABBI: No. The incident was not in relation to
18 initiation. My question is whether the age that was given is in
19 relation to the initiation or to the incident.

17:28:45 20 PRESIDING JUDGE: This is the objection and that question
21 need not to have any clarification because the question and the
22 answer are quite clear. If you want to ask the question about
23 what age he had at initiation is a different issue, but that
24 question asked of the witness and the answer given is quite
17:29:03 25 clear. The question was simple, how old he was at the time and
26 the time of the incident, not the initiation.

27 JUDGE THOMPSON: Perhaps I can put it more specifically.
28 What ambiguity is there that you now -- which was cast on the
29 evidence by cross-examination that you now seek to remove for us,

1 or the Court, what is the disadvantage that the Court is in now
2 as a result of that answer which you now seek to remove?

3 MR JABBI: The ambiguity was the point of reference as to
4 the age. You see, the child was 17 years, four months. At what
17:29:46 5 stage in relation to the various incidents are you giving that
6 age, because I do not think it was clear.

7 PRESIDING JUDGE: I support the objection, Dr Jabbi. It
8 was quite clear to me what -- the age was referring to the
9 incident and how old he was at that time.

17:30:01 10 MR JABBI: Thank you very much, My Lord.

11 Q. Mr Witness, how old was Njagbandi when he was initiated?

12 A. The mother told me Njagbandi was 17 years, four month when
13 he was initiated because they denied him. They said he was not
14 of the age for the initiation. I said we only lifted the ban
17:30:32 15 when I came back, but they said six months for him to be 18, so
16 they allowed him to be initiated, not recruited. Not recruited.

17 MR JABBI: Thank you very much. My Lord, that is all for
18 the witness.

19 PRESIDING JUDGE: Thank you. Thank you very much,
17:30:53 20 Mr Witness. This concludes your evidence in this Court. We do
21 thank you for having come today to give you evidence and we wish
22 you a safe trip back to your chiefdom. Thank you very much.

23 THE WITNESS: I too thank you also for the good work you
24 are doing for our country and the work is ours. Thank you.

17:31:14 25 PRESIDING JUDGE: Thank you.

26 Dr Jabbi, it is 5.30 so we will not ask you if you have
27 another witness this afternoon, but do you have one ready for us
28 tomorrow morning?

29 MR JABBI: Yes, My Lord.

1 PRESIDING JUDGE: Can you give us an indication? Us
2 meaning the Bench and the parties as well.
3 MR JABBI: Yes, 41 on the backup list, My Lord.
4 JUDGE ITOE: Can you help the witness, please.
17:31:56 5 PRESIDING JUDGE: Yes.
6 [The witness withdrew]
7 PRESIDING JUDGE: Yes, 41 on your backup list.
8 THE WITNESS: Yes, My Lord.
9 PRESIDING JUDGE: This is one that you brought forward
17:32:13 10 instead of -- I don't remember which number, but this is a
11 witness that you had informed the Court that you were to recall.
12 MR JABBI: Yes, My Lord.
13 PRESIDING JUDGE: So you have given and provided the
14 summary of his witness. This is witness called Kini Torma.
17:32:41 15 MR JABBI: Kini Torma, My Lord, and the summary has been
16 filed.
17 PRESIDING JUDGE: Very well. What about the other
18 witnesses, 25 and 26, Carpenter? Are they available because you
19 were to speak to at least your witness Carpenter if you were to
17:33:00 20 call him or not or just produce --
21 MR JABBI: My Lord, I have gone to parliament two times in
22 the last two days but I have not had a chance to speak to them.
23 I intend to do that again tomorrow, My Lord.
24 PRESIDING JUDGE: Your witness number 25 that you also --
17:33:22 25 Manna.
26 MR JABBI: He also has not been available by telephone, but
27 I will pursue that and report tomorrow.
28 PRESIDING JUDGE: This is the witness that you said was not
29 available because of the district being visited by the

1 vice-president but --

2 MR JABBI: Yes, My Lord. The visit ended on Monday.

3 PRESIDING JUDGE: I ask you to see what is the situation
4 with respect to that witness so we know if you are calling him or
17:34:00 5 proceeding otherwise.

6 MR JABBI: By tomorrow.

7 PRESIDING JUDGE: Thank you very much.

8 JUDGE ITOE: If I understand you very well, you filed a
9 summary for Kini Torma.

17:34:18 10 MR JABBI: So far, yes, My Lord.

11 JUDGE ITOE: I hope the Prosecution will be very satisfied
12 with the detailed summary that has been provided this time by
13 Dr Jabbi.

14 MR KAMARA: My Lord, we have worked with the Defence on the
17:34:33 15 issue of summaries and we are comfortable with what it is now.
16 My lord, there is an issue with 24. I understand Kini Torma is
17 replacing 24 on my -- I'm not sure. I want to be guided.
18 Abu Bawote since he is from the same Moyamba base.

19 PRESIDING JUDGE: Yes, 41 instead of 24. My question was
17:35:03 20 not 24. It was 25 and 26.

21 MR KAMARA: Yes, I want to be sure about 24 that we are not
22 expecting 24 any more.

23 PRESIDING JUDGE: It was done reluctantly by Dr Jabbi, but
24 it was my understanding that he was replaced by witness 41.

17:35:19 25 MR KAMARA: Thank you, My Lord.

26 PRESIDING JUDGE: You may not agree with my qualification
27 of reluctantly, Dr Jabbi.

28 JUDGE ITOE: Because he still held on to that witness,
29 remember.

1 MR JABBI: My Lord, I had to succumb to your restrictive
2 interpretation of back-up list.

3 PRESIDING JUDGE: Very well. The court is adjourned to
4 9.30 tomorrow morning. Thank you.

17:35:49 5 [Whereupon the hearing adjourned at 5.36 p.m.
6 to be reconvened on Friday, the 2nd day of
7 June, 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: LANSANA BOCKARIE 2

CROSS-EXAMINED BY MR KAMARA 3

WITNESS: JOSEPH ALI-KAVURA KONGOMOH 40

EXAMINED BY MR JABBI 41

CROSS-EXAMINED BY MS VAN TONGEREN 64

RE-EXAMINED BY MR JABBI 85