

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

FRIDAY, 02 JUNE 2006  
9.45 A.M.  
TRIAL

TRIAL CHAMBER I

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

1 [CDF02JUN06A - CR]  
2 Friday, 02 June 2006  
3 [The accused present]  
4 [The witness entered court]  
09:33:42 5 [Open session]  
6 [Upon commencing at 9.45 a.m.]  
7 PRESIDING JUDGE: Good morning, counsel. Good morning,  
8 Mr Witness. Good morning, Dr Jabbi.  
9 MR JABBI: Good morning.  
09:45:42 10 PRESIDING JUDGE: This is your next witness?  
11 MR JABBI: Yes, My Lord.  
12 PRESIDING JUDGE: Can I ask you what language the witness  
13 will be using?  
14 MR JABBI: He will be testifying in Mende, My Lord.  
09:46:04 15 PRESIDING JUDGE: Is he to be sworn on the Bible or the  
16 Koran?  
17 MR JABBI: The Koran, My Lord.  
18 PRESIDING JUDGE: Thank you. Mr Witness, you can hear what  
19 I'm saying; it's been translated to you?  
09:46:26 20 THE WITNESS: Yes, they're interpreting it in Mende.  
21 PRESIDING JUDGE: Thank you.  
22 WITNESS: KENEI TORMA [Sworn]  
23 [The witness answered through interpreter]  
24 EXAMINED BY MR JABBI:  
09:47:16 25 Q. Good morning, Mr Witness.  
26 A. Yes, good morning.  
27 Q. I'm going to ask you a few questions this morning. You try  
28 and talk as slowly as possible.  
29 JUDGE ITOE: I hope there will be very few, indeed.

1 MR JABBI:

2 Q. That will be to allow for what you are saying to be written  
3 down, so wait until it is written down before you say the next  
4 thing.

09:49:35 5 A. Okay.

6 Q. Now, Mr Witness, can you tell the Court your name?

7 A. My name that I had, it was my father who gave me the name.

8 He was called Boakai Kanneh, but they used to call him Kenei

9 Torma, because he didn't want to call his name and that Kenei

09:50:21 10 Torma, I want to show that to the Court so that they can write

11 it. Whatever you want to do you can also write Boakai Kanneh,

12 that's how I got that name, so sometimes they would say Kenei

13 Torma Kanneh.

14 PRESIDING JUDGE: So let's use Kenei Torma Kanneh.

09:50:54 15 THE WITNESS: Yes, that is the name that is known by  
16 everybody.

17 PRESIDING JUDGE: Very well. Thank you, Mr Witness.

18 MR JABBI: So, May Lord, what did we settle for?

19 PRESIDING JUDGE: Kenei Torma Kenei.

09:51:07 20 MR JABBI: Kenei Torma Kenei.

21 JUDGE ITOE: We want to have his full identity.

22 MR JABBI:

23 Q. Do you know how old you are?

24 A. My age, I don't know. But people do ask me and we would  
09:51:33 25 sit together. They take me as somebody who is 75 years old, but  
26 I know from that day to now, it's not like that. But they would  
27 sit and think sometimes and take it as 75. Sometimes you would  
28 not get to that point, it would be more than that, that's how  
29 those things happen.

1 Q. Thank you. Where were you born?

2 A. They gave that to me in Pujehun, but I came and settled in  
3 the Bonthe District, in a town called Mogbeh, in the Jong  
4 chiefdom.

09:52:25 5 Q. Where were you born in Pujehun District?

6 A. Panga-Kabone, in a town called Mandema, Kondugbe [phon].

7 Q. Panga-Kabone. Is that the name of the chiefdom?

8 A. Yes. It's the chiefdom.

9 Q. Mandema, Panga-Kabone chiefdom; not so?

09:53:04 10 A. Yes.

11 JUDGE ITOE: The town?

12 MR JABBI: Mandema, Panga-Kabone.

13 Q. Where do you live now?

14 A. I am in a town called Mogbeh.

09:53:46 15 Q. Mogbeh. What chiefdom is that?

16 A. Jong Chiefdom.

17 Q. In what district?

18 A. It's in the Bonthe District.

19 Q. Do you know the headquarter town of Jong Chiefdom?

09:54:30 20 A. Yes.

21 Q. What is it?

22 A. They call it Matru.

23 Q. What work do you do, Mr Witness?

24 A. I'm a farmer. Up to now, I've not sown my rice even before  
09:54:56 25 I came.

26 Q. You want to go back there as soon as possible; not so?

27 A. Yes, I want to finish and return so that I will sow my  
28 rice.

29 PRESIDING JUDGE: You should be able to do that later

1 today.

2 JUDGE ITOE: If you cannot sow your rice, blame this man  
3 who called you here.

4 THE WITNESS: When I will be going, will the person give me  
09:55:32 5 something so I will give the workers. In fact, that's what I'm  
6 going to attack him with.

7 MR JABBI:

8 Q. Now, Mr Witness, you know of the civil war in Sierra Leone  
9 some time ago, do you?

09:56:01 10 A. Some, those which I know. I know some. There are others  
11 that I did not see. I do not know all.

12 Q. But you know that it was a war brought by rebels into the  
13 country; do you know that?

14 A. Yes.

09:56:25 15 Q. Where were you when that war broke out?

16 A. I was in Mogbeh, in that, my village. That's where I was.

17 Q. Did the war ever reach Mogbeh?

18 A. It's reached Mogbeh, but at that time we had left and gone  
19 to Bonthe.

09:57:16 20 Q. Why did you leave Mogbeh?

21 A. That's the section name and it is called there is a name in  
22 our section called Baiama. We heard that the rebels have come  
23 and reached. There is no town in between us. There is a river.  
24 We crossed that river to go. We have heard that they have  
09:57:39 25 captured people there and they have burnt houses there. The

26 night that we heard this, in the morning, I boarded a boat and --

27 JUDGE ITOE: Learned counsel, please guide the witness.

28 MR JABBI: Yes, My Lord.

29 Q. Mr Witness, I told you at the beginning to talk slowly,

1 because what you are saying is being written down.

2 A. Yes.

3 Q. It is also being translated?

4 A. Yes.

09:58:20 5 Q. Say something short, you wait for some time.

6 PRESIDING JUDGE: But Dr Jabbi, it would be much easier to  
7 intervene rather than just to let him to go on and on.

8 MR JABBI: Yes, My Lord.

9 PRESIDING JUDGE: Ask him a question and then intervene.

09:58:36 10 As you know, the problem he's explaining, to the best of his  
11 ability what was happening, but it's confusing because there are  
12 so many things that come in at the same time.

13 MR JABBI: Yes, indeed, My Lord.

14 Q. Now, you were explaining why you left Mogbeh and you said  
09:58:59 15 because there was a rebel attack on a nearby village or town.  
16 Can you continue?

17 A. That's our section headquarter town. It's called Baiama.  
18 They reached there and captured people and in return burnt the  
19 town and killed one person, the person was called Munda. And in  
09:59:25 20 the morning, and I went --

21 Q. Mr Witness, we are not going into detail about everything  
22 that happened on a certain occasion. What did you do in Mogbeh  
23 as a result of the attack on the rebels on Baiama?

24 A. I told my people -- all my people that we should leave,  
10:00:01 25 let's go into the bushes and establish camps there. So we went  
26 into the bushes and established camps there. That's where we  
27 were. Can I proceed?

28 Q. You spoke about going to Bonthe. Who went to Bonthe?

29 A. We left the bushes and went to Bonthe. That's what I

1 wanted to explain properly.

2 Q. That is okay. Now, how long were you in Bonthe?

3 A. We spent three months in Bonthe.

4 Q. Bonthe Town, do you mean?

10:00:47 5 A. Yes.

6 Q. Why did you have to leave Bonthe?

7 A. We heard that there was one man called Allieu Kondewa that  
8 he was doing the Kamajor initiation in Kalewanjama [phon]. So  
9 when he initiates the Kamajor, when they graduate --

10:01:23 10 Q. Go slowly, please, Mr Witness. Yes, you heard that there  
11 was --

12 A. That these initiated Kamajors are now chasing the rebels  
13 away out of the chiefdoms.

14 JUDGE ITOE: [Microphone not activated] doing the  
10:01:48 15 initiations where?

16 THE WITNESS: Kalewanjama that he was doing the Kamajor  
17 initiation there. That if they immunise you, no bullet would  
18 pierce your body.

19 MR JABBI:

10:02:07 20 Q. Yes.

21 A. Then we heard that those Kamajors who have been initiated,  
22 their chiefs have left them and they are going around chasing the  
23 rebels out of the chiefdoms, for instance, the Yawbeko Chiefdom,  
24 Gbap Chiefdom, Bendu Cha Chiefdom, and Jangeh -- Jong Chiefdom.

10:02:36 25 They said they have chased out all the rebels.

26 Q. What did you do as a result of hearing of these exploits by  
27 the initiates?

28 A. We heard -- there I told my people that we should go to our  
29 own villages, because they said they have chased out those

1 rebels, so we left Bonthe and went to our village. So when we  
2 came there, seven houses had been burnt in that town, so we  
3 reconstructed the place, those whose houses were burnt, we  
4 constructed -- we built huts for them. Mine was burnt, too.  
10:03:27 5 After that, our chiefs -- section chief invited the other chiefs.  
6 When we heard that the fellows have come, we would like every  
7 town in this section to provide five Kamajors, to provide five  
8 people, for them to be initiated into the Kamajor society. It  
9 was the section chief that told the town chiefs, so the town  
10:03:54 10 chiefs --

11 PRESIDING JUDGE: Slowly.

12 THE WITNESS: -- selected these people.

13 MR JABBI:

14 Q. Slowly.

10:04:03 15 A. Okay.

16 PRESIDING JUDGE: So you were saying the chiefs -- what  
17 happened with the chiefs when they met and who was there?

18 THE WITNESS: The section chief invited the town chiefs in  
19 that section headquarter, Baiama. Now that this thing has  
10:04:27 20 happened that way, every town -- you, the town chief should  
21 provide five people. Every town should provide five people.

22 MR JABBI:

23 Q. Yes.

24 A. So they assembled these people, so every time those people  
10:04:55 25 would provide a token for them, a subscription for them. Every  
26 town would provide a subscription for them. So they assembled  
27 us. There were 40 in number. You wouldn't go alone. The town  
28 chiefs who selected you would accompany you to these people.

29 Q. Were you one of those selected yourself?

1 A. Yes. I was the first person who was selected. We were  
2 five in number in that town.

3 Q. Where did you go after the selection?

4 A. We went to a town -- we've heard that this man has crossed  
10:05:41 5 the river to Mokasi. That is where they took us.

6 Q. Is that where you got initiated, Mokasi?

7 A. Yes.

8 Q. Can you name any big town near Mokasi?

9 A. Yes. So, when they go around the town -- but it is a big  
10:06:23 10 town that is close to Mokasi and that town is Talia.

11 Q. Now, Mr Witness, do you have an idea around what time you  
12 were initiated into the Kamajor society?

13 A. Concerning what?

14 Q. The time you were initiated, can you give an idea? Or any  
10:06:59 15 big event around the same time?

16 A. That date, I don't know.

17 JUDGE ITOE: Was he initiated at all? Because he was  
18 chosen and taken to Mokasi where -- I don't know.

19 MR JABBI:

10:07:32 20 Q. Were you initiated?

21 A. Yes, our chief presented us to this person, and he said,  
22 "You have also being willing and you've brought your children for  
23 me to initiate them," and he said, "Yes." Then they initiated  
24 us, then they presented us to those chiefs who had taken us to  
10:07:49 25 him.

26 Q. Where did you go after that?

27 A. We returned to our own home town.

28 JUDGE ITOE: Let's not take things for granted. Who  
29 initiated him? He mentioned a name earlier on. Somebody present

1 somewhere and so on. Who initiated him?

2 MR JABBI: Yes.

3 Q. Now, who initiated you in Mokasi?

4 A. Mr Allieu Kondewa.

10:08:23 5 Q. By the way, do you know Mr Allieu Kondewa?

6 A. If I see him, I would know him.

7 Q. Can you look around this Court to see if you can see him?

8 You can stand up in you like. Look left.

9 PRESIDING JUDGE: No, no.

10:08:53 10 THE WITNESS: I've seen him.

11 PRESIDING JUDGE: Point him out, please.

12 THE WITNESS: Can I point at him? Those people who are  
13 sitting there. The person -- that bulky person. That person  
14 looking very fat. He's the one.

10:09:08 15 PRESIDING JUDGE: Thank you. For the record, the witness  
16 indicates the third accused.

17 JUDGE ITOE: He's wearing a good suit again today.

18 MR JABBI:

19 Q. Now, Mr Witness, still, maybe you can help the Court a bit.

10:09:28 20 A. Yes.

21 Q. I will give you a few events in the history of Sierra Leone  
22 around the time of the war to help you. Now, there was a time  
23 when soldiers were in power before the Kabbah government came to  
24 office. They used to call them NPRC. Was it during that time?

10:10:06 25 PRESIDING JUDGE: Ask him if he [overlapping speakers].

26 THE WITNESS: That time, those soldiers are the same ones  
27 who were called NPRC. NPRC. They were the ones in power. They  
28 were the ones in the chair. Mr Kabbah was not in this country.

29 MR JABBI: My Lord, I didn't get the comment you made.

1           PRESIDING JUDGE: I suggested that maybe you should ask him  
2 if he knows about the NPRC before you ask him about the word  
3 "control" or the word "power". Anyhow, I think the answer has  
4 provided the answer to my question.

10:10:47 5           MR JABBI:

6 Q.    Again, just to be specific, do you know --

7 A.    Yes, to be specific.

8 Q.    Do you know who the leader of the NPRC was at the time you  
9 got initiated? Do you know the name?

10:11:12 10 A.    I don't know that name at all.

11 Q.    Did it take a long time before Mr Kabbah came to office,  
12 the time you were initiated?

13 A.    I was initiated. It took up to one year, going even to the  
14 second year, but I do not know the date.

10:11:46 15 Q.    Thank you.

16 A.    Yes.

17 Q.    After your initiation, Mr Witness, did you and your fellow  
18 initiates play any part in the war?

19 A.    Yes, because we had been initiated so that we could defend  
10:12:21 20 our land. Because in that area that we were, there was no help  
21 that was going there like the soldiers. Nobody was going that  
22 way. Because there was a lot of rain, there was no vehicles, so  
23 we got involved in the war just to defend our land.

24 Q.    Who used to give you instructions in fighting at that time?

10:13:01 25 A.    The chiefs. Whichever section or which chiefdom needed us  
26 would write a letter to our chiefs and our chiefs would give us  
27 orders to go to the other chiefdom.

28 Q.    Thank you. When you had to fight in a particular place,  
29 who did the planning of how you were going to fight?

1 A. They said this is exactly what we should do. Repeat it.

2 Q. If you were going to do some fighting in a particular  
3 place, who would show you or tell you how the fighting was going  
4 to be done? Who planned the fighting?

10:14:38 5 A. If we were going to fight and the chiefs have agreed and  
6 we've bid them farewell and went to go on a patrol, in that  
7 particular part, if they agree, first thing, there was one man  
8 who led us. His name was Muniru. He was the one who would lead  
9 us to go. So, when we go, he was the one who'd say, "This is the  
10:15:04 10 way you should go. This is the way you should go."

11 Q. Thank you.

12 A. Okay.

13 Q. Now, can you name some of the places where your group  
14 engaged in fighting in those early days?

10:15:23 15 PRESIDING JUDGE: But we're still beyond the scope of the  
16 indictment, if I'm not mistaken, Dr Jabbi.

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: I would like you to take the witness  
19 there at some given time.

10:15:34 20 MR JABBI: My Lord, that is why I've asked this particular  
21 question.

22 PRESIDING JUDGE: All right.

23 MR JABBI: To name a few places where they engaged in  
24 fighting, which will take us into our period, My Lord.

10:15:44 25 PRESIDING JUDGE: Very well.

26 MR JABBI:

27 Q. Now, can you name a few places where your group engaged in  
28 fighting? Not the details of the fighting, just a few places  
29 where your group engaged in fighting.

1 A. Yes, yes.

2 Q. Yes, carry on, please.

3 A. First, we received a letter. It came from Sembehun

4 Nestucker, from Chief Junisa Baimba. He sent it our chiefs and

10:16:24 5 our chiefs ordered us and we went there.

6 Q. Any other place where you engaged in fighting without the  
7 details of the fighting?

8 A. Okay. Then we went -- when I went to him and we greeted

9 him and in order that you would understand we would just be

10:16:47 10 sitting in this town, no, we want to be patrolling, and he

11 accepted. And he said we should be patrolling that Moyamba

12 District. In all the chiefdoms, we should patrol there. Because

13 I have told my colleague chiefs. First thing we went to another

14 town.

10:17:02 15 Q. Take your time, Mr Witness. Yes, you went to

16 Sembehun Nestucker and you were supposed to be patrolling. Carry

17 on.

18 A. We went to one town called Dambu. We met a man there

19 called Bawote.

10:17:30 20 Q. In what town?

21 A. Dambu.

22 Q. What chiefdom is Dambu?

23 A. It's in the Bumpe Chiefdom, Rotifunk.

24 Q. What district, do you know?

10:18:08 25 A. They call there Rotifunk. I don't know. I wonder if it's

26 Bumpe, the district, or it's Rotifunk that is the district.

27 Where Tucker is. The district that he is in.

28 Q. Now, did you engage in any other fighting after your

29 engagement in Rotifunk?

1 A. Bumpe.

2 Q. After that, did you engage in fighting anywhere else?

3 A. When we did that fighting, we returned to Sembehun. But  
4 they wounded two Kamajors and killed one, so I collected the  
10:18:48 5 others and returned to Sembehun. That was where we to assemble  
6 to go to the other place.

7 Q. What other place is that?

8 A. Then all the other chiefs came together and they said they  
9 want us to join the soldiers for us to go to another camp called  
10:19:23 10 Camp Fo1-Fo1.

11 Q. This last Camp Fo1-Fo1 you are naming, do you know what  
12 government was in power at that time?

13 A. Yes. That time we were going to Camp Fo1-Fo1, at that  
14 time, so Kabbah was there now. At that time, we had voted.

10:20:04 15 Q. So the election that brought President Kabbah to office was  
16 around that time; not so?

17 PRESIDING JUDGE: Are you suggesting to him or are you  
18 asking him the question?

19 MR JABBI: My Lord, I'm just drawing an inference from what  
10:20:29 20 he has said in order to indicate the time.

21 PRESIDING JUDGE: In your question you asked him who was in  
22 power. He answered that it was Kabbah.

23 MR JABBI: Thank you, My Lord.

24 Q. Now, Mr Witness, do you know whether Mr Kabbah was  
10:20:53 25 overthrown at any stage?

26 A. I heard that he had been overthrown and he was not even in  
27 this country. That's what I heard.

28 Q. Do you know who overthrew him?

29 A. I do not know at all.

1 Q. Now, where were you when you heard that President Kabbah  
2 had been overthrown?

3 A. At that time we were in our town there, Mogbeh. When this  
4 thing started, that's where we were.

10:21:59 5 Q. Do you know whether Mr Kabbah ever returned to power?

6 A. They said that we should vote, so we voted. Then we heard  
7 that Mr Kabbah has returned to power. At that time we were now  
8 in the war and we were progressing, and we were about to go to  
9 Camp Fol-Fol at that time that Pa Kabbah had been in this  
10:22:35 10 country.

11 Q. Do you know anybody by the name of Ella Koblo Gulama?

12 A. Yes.

13 Q. Who is that person?

14 A. Kaiyamba, in the Moyamba District. The district  
10:23:06 15 headquarters, that's the chief.

16 Q. Did that chief ever do anything in connection with the  
17 Kamajors and the war that you know of?

18 A. Yes, he was involved because he was the one -- she. In  
19 fact, she was the one who was leading the efforts to defend her  
10:23:45 20 land.

21 Q. Where was she based?

22 A. At that time that we went there, she was in Moyamba, inside  
23 Moyamba.

24 Q. Were you yourself ever in Moyamba as a Kamajor?

10:24:15 25 A. Yes, but something happened -- it was because of something  
26 that I was there. I was there, but it was because of a reason.

27 Q. Can you explain?

28 A. Okay. When those Kamajors who were there, this Moyamba,  
29 then the rebels came and first attacked them, and they fought,

1 but they couldn't dislodge them out of the town. It was there  
2 that madam, too, was taken to Rutile, to the South Africans. At  
3 that time we were in Sembehun. Later, then they attacked them  
4 again, those Kamajors who were there. And finally they dislodged  
10:25:20 5 them and they took the town. Those civilians who were there,  
6 they ran away into the surrounding villages and it was only the  
7 rebels who were there.

8 Q. Take your time, please. Take your time.

9 A. Yes, I'm taking my time. I'm taking my time. I'm talking  
10:25:42 10 slowly.

11 Q. Yes, the rebels drove the civilians out of town and took  
12 over Moyamba?

13 A. They dislodged the Kamajors and the civilians and they  
14 settled there.

10:26:00 15 Q. Yes?

16 A. And the chiefs, all of them assembled in Sembehun and they  
17 were guests to the other chiefs there and they said, "What is  
18 happening? Our district is being destroyed. Let's provide  
19 Kamajors by chiefdoms so that they can go and dislodge the rebels  
10:26:26 20 from our districts." And they arranged that --

21 Q. Wait a bit, please.

22 PRESIDING JUDGE: So you were to provide Kamajors by towns?

23 MR JABBI:

24 Q. You said Kamajors were to be provided by what?

10:26:49 25 A. By chiefdoms. Those chiefdoms where Kamajors were. Every  
26 chief would -- they would say, "Give us your Kamajors." Every  
27 chief would provide his Kamajors. Now that the district has been  
28 destroyed, they should go and fight to dislodge the rebels,  
29 because they were destroying the district. At that time we were

1 in Sembehun.

2 Q. So what happened then in respect of going to defend the  
3 district?

4 A. So when they accepted, they ordered us, so we too accepted  
10:27:29 5 that we were going to dislodge those guys. Who would be leading  
6 these guys to go and dislodge them? Who would be leading the  
7 Kamajors to go and dislodge these people from Moyamba, and they  
8 appointed me.

9 Q. Who appointed you to lead the Kamajors there?

10:28:11 10 A. It was the chiefs who appointed me, and the leader of them  
11 was Mr Junisa Baimba.

12 Q. Who was Issa Baimba?

13 A. Junisa Baimba was the chiefdom speaker, because at that  
14 time the paramount chief was in this town. At this time he was  
10:28:37 15 ill and he was in this town. So he was the regent. In fact, he  
16 was chiefdom speaker.

17 Q. Issa Baimba, chiefdom speaker of what --

18 MR BOCKARIE: Sorry, Your Honours, I thought I heard Junisa  
19 Baimba.

10:28:52 20 PRESIDING JUDGE: I thought that's what I heard, too.

21 THE WITNESS: Junisa Baimba.

22 MR JABBI:

23 Q. Of what chiefdom was this speaker?

24 A. Kpaku. They called that chiefdom headquarters Sembehun  
10:29:18 25 Nestucker.

26 Q. And did you go to Moyamba?

27 A. Yes, they have ordered us now to go there. And those  
28 Kamajors, all of them, they gave them to me and we organised  
29 ourselves. As we were going to this town, we took two roads and

1 gave them three roads so that it would not be difficult for us to  
2 chase them out.

3 Q. Two roads and one road where?

4 A. We took the other road going towards Mokbanji, Rutile. I  
10:30:02 5 said we should take care of that. And the other road where we  
6 were, the Sembehun Road, I said we should stay there. The other  
7 road going to Freetown, we should leave it to them. The other  
8 one going to Magbenka, Camp Charlie, they should take. The other  
9 one going to Moyamba Junction, we said we should leave those  
10:30:20 10 areas to them. If we do that, it would be easy for them to leave  
11 the town. It would not be difficult us to chase them out.

12 Q. Are those the roads around Moyamba Town you are talking  
13 about?

14 A. Yes, yes. We went. I will tell these others to go and  
10:30:48 15 assemble at Kangahun, and we would come and assemble to a town  
16 called Pewahun. When you leave Moyamba, you would traverse one  
17 town called Mombeh [phon], you would go to that town. So we  
18 assembled at Kangahun. There was another at Kpelehun Gwama.  
19 There was a time that we should go and enter the town to attack  
10:31:11 20 these people, so I told them all of that.

21 Q. And did you attack the town?

22 A. Yes. The hour that I designated, we entered this town. We  
23 hadn't guns. Our sticks that we had in our -- batons that we had  
24 in our hands, as soon as they saw us, they took to the hills.

10:31:35 25 Q. What weapons did you have?

26 A. Cutlasses and sticks, and there is a rope at the edge, like  
27 a baton. Everybody would tie that rope with a baton around your  
28 wrist.

29 MR BOCKARIE: Your Honours, I'm sorry, shall we please be

1 guided as to the time frame, please.

2 PRESIDING JUDGE: Dr Jabbi.

3 MR JABBI: My Lord, I want him to complete the taking over  
4 of the town first.

10:32:13 5 PRESIDING JUDGE: That's fine.

6 MR JABBI:

7 Q. What was the outcome of that attack?

8 A. When we arrived, there was a lot of shooting towards us.  
9 Then we chased them, at the time some of the Kamajors -- those  
10:32:35 10 who had been going against the laws, they were being caught by  
11 the bullets and they were falling, so, but, there was a serious  
12 challenge --

13 Q. Take your time. Did you succeed finally in getting them  
14 out of the town?

10:32:51 15 A. Yes.

16 Q. What did you do on getting them out?

17 A. When we dislodged them, then I shouted, "It's me Kenei  
18 Torma who has captured this town." Those who had gone into the  
19 bushes, for them to identify my voice. So we saw now that the  
10:33:18 20 people started peeping, and they saw us, it was us the Kamajors,  
21 then they started coming and they came and they met us. When  
22 they met us, and I said, "Oh, we've chased out the guys from the  
23 town." But those Kamajors, the last time --

24 Q. Please --

10:33:36 25 A. Yes, I'm doing it properly.

26 MR BANGURA: We're actually struggling to cope with the  
27 pace.

28 JUDGE THOMPSON: Yes.

29 MR JABBI: He keeps saying he's doing it at a good pace.

1 Q. Take your time, please. Don't talk too fast.

2 JUDGE THOMPSON: Perhaps it's the way that he wanted to  
3 more or less present it with the same degree of melodrama that  
4 happened at the time so as to give us a real feel.

10:34:07 5 THE WITNESS: I want to finish today.

6 JUDGE THOMPSON: He tells me now that it's speed. I  
7 thought he was trying to replicate the melodrama.

8 THE WITNESS: I want to finish today.

9 JUDGE THOMPSON: I'm advised now differently.

10:34:24 10 PRESIDING JUDGE: Mr Witness, if you go too fast, you may  
11 not be finished today.

12 THE WITNESS: Okay, I'll summarise.

13 MR JABBI:

14 Q. What they are saying is that if you talk too fast, they  
10:34:36 15 will not be able to get down what you are saying and we will keep  
16 stopping you to go back and say it. Then in the end you will not  
17 finish early, okay? Yes, you came to the town and announced that  
18 civilians --

19 A. Well, let me be organising this -- you organise yourself so  
10:34:58 20 that I will go and ease myself and come back so that I'll explain  
21 the rest of what happened. So the civilians came.

22 MR JABBI: He wants to ease himself, My Lord.

23 PRESIDING JUDGE: Yes, I understood that. We will break  
24 and allow the witness to ease himself. Just a minute,  
10:37:30 25 Mr Witness. Court will recess.

26 [Break taken at 10.37 a.m.]

27 [Upon resuming at 10.44 a.m.]

28 MR JABBI:

29 Q. Now, Mr Witness, when you were going to ease yourself,

1 according to you, Moyamba had just been taken and the Kamajors  
2 were summoning the civilians back into town. Did the civilians  
3 come back into town?

4 A. Yes.

10:44:22 5 Q. Now what was the condition of the town itself when you  
6 retook it?

7 A. We met -- when we went around the town, I counted burnt  
8 houses -- burnt houses completely, 20. There were others that  
9 still had fire. There were 40 houses --

10:45:01 10 THE INTERPRETER: Correction, interpreter. "There were 40  
11 houses that were completely burnt."

12 PRESIDING JUDGE: Yes, and others that were still burning;  
13 is that what you were saying?

14 MR JABBI:

10:45:12 15 Q. And the others, what did you say? Forty houses completely  
16 burnt and the others --

17 A. Were burnt houses. Those who had their towns, they did  
18 register it -- they did record it on paper, the number of houses  
19 that were burnt.

10:45:33 20 Q. Were there any houses still on fire, that were still  
21 burning when you entered?

22 A. Yes. The burnt houses still had fire in them. The others,  
23 the concrete houses, the mud houses, some had zinc, all burnt. I  
24 counted them. Starting from Kebbie Town up to the centre of the  
10:46:02 25 town, I continued counting up to 40.

26 Q. What did you do about the houses that were still on fire,  
27 but not completely burnt?

28 A. Those ones, we summoned the townspeople. Those civilians  
29 who had come, those people who thought -- the person who thought

1 that was his house or her house knew what to do. We had nothing  
2 to do with those fires.

3 Q. Now, can you tell the Court around what time this battle  
4 you are talking about took place? For instance, what government  
10:46:54 5 was in power?

6 A. At that time, it was still Mr Kabbah's power, because he  
7 was the person whom I knew at that time, but he was not in this  
8 country when we had become initiated into Kamajor society. But  
9 we fought and we captured Moyamba town, at that time he was now  
10:47:25 10 in this country.

11 Q. How long did you stay in Moyamba after the capture of the  
12 town?

13 A. At that time, all the chiefs came together again. Those  
14 others went to Mama Ella for her to come so that they could  
10:47:56 15 organise something for us. They called Chief Charles Caulker,  
16 all of them to come together. Now that they've done this, we  
17 wouldn't want them to go away. Now that they've done this for  
18 us, we want them to stay to defend the town for us.

19 PRESIDING JUDGE: Witness, please, please.

10:48:16 20 THE WITNESS: Okay.

21 MR JABBI:

22 Q. You said they sent for Mama Ella. Who is Mama Ella?

23 A. Mama Ella Koblo Gulama, that district's headquarter town  
24 chief. When the war started, they took her to Rutile where the  
10:48:44 25 South Africans were.

26 Q. Who else was summoned to the town?

27 A. I said all the chiefs called one another to come and  
28 assemble in the town. Chief Charles Tucker, Chief Kavura,  
29 Chief Brima and Chief Junisa Baimba; all those chiefs came

1 together and they said that, "Now that we have done this job, we  
2 shouldn't leave the town. They will be feeding us."

3 Q. How long were you in Moyamba after that as the commander?

4 A. I was in Moyamba for up to three years -- up to two years.

10:49:39 5 It could be more than that, but I could remember two years.

6 Q. Now for those nearly two years you were in Moyamba, who  
7 was -- he seems to have a problem with the earphone. Are you  
8 hearing clearly now?

9 A. Yes. You said what long we took in Moyamba.

10:50:22 10 Q. Wait for the question. During those nearly two years that  
11 you were in Moyamba, who was the commander of the Kamajors?

12 A. Okay. Then we came to a time when all the chiefs, they  
13 went to a town called Talia.

14 JUDGE ITOE: Who was the chief? Give us [overlapping  
10:50:55 15 speakers]. Who was your commander?

16 MR JABBI:

17 Q. Who was the Kamajor commander in Moyamba?

18 A. Chuck Norris was appointed, that he should become the  
19 battalion commander, first battalion commander. He brought it  
10:51:13 20 later for us, so he became the commander at that time.

21 PRESIDING JUDGE: Chuck Norris, is it?

22 MR JABBI: Yes, My Lord.

23 THE WITNESS: Yes. Then they said I should become the  
24 deputy.

10:51:32 25 MR JABBI:

26 Q. Where did Chuck Norris get his appointment from?

27 A. The chiefs -- the chiefdom -- the paramount chiefs went to  
28 a meeting and they called it War Council. They went to a meeting  
29 at Talia. They gave him that letter and he brought it and

1 presented it that the chiefs had said that he was the battalion  
2 commander for that district and I was the deputy.

3 Q. Thank you. How long did you work with Chuck Norris?

4 A. We worked -- it was not up to six months when Chief Charles  
10:52:44 5 Caulker came. When he was coming, he brought a letter for me and  
6 said --

7 Q. Please, Mr Witness.

8 A. Chief Charles Caulker brought a letter for me.

9 Q. From whom? Who sent the letter?

10:53:09 10 A. It was Chief Charles Caulker himself who brought it.

11 Q. From whom did he bring that letter?

12 A. He said the letter was given to him by the War Council, War  
13 Council, and I said, "Who is War Council?" He said, "All of us,  
14 the paramount chiefs who are in this district, we are the people  
10:53:35 15 who have come together and have done that arrangement."

16 Q. Did he say where that War Council was?

17 A. That the meeting -- they went to that meeting in Talia.

18 Q. Thank you.

19 A. Because at that meeting --

10:54:12 20 Q. What did the letter say?

21 A. They read that letter out to me, then he said that I was  
22 now the second battalion commander.

23 Q. Second to whom?

24 PRESIDING JUDGE: Second to Talia.

10:54:37 25 THE WITNESS: To Chuck Norris himself. We were working  
26 with Chuck Norris. He said I was the second battalion commander.

27 PRESIDING JUDGE: That's not clear to me. Was he the  
28 deputy to Chuck Norris now or he's still with the first  
29 battalion? Can you clarify that for me, Dr Jabbi?

1 MR JABBI: Yes, My Lord.

2 THE WITNESS: Then there was another man --

3 MR JABBI:

4 Q. Mr Witness, when you say the letter said you are now second  
10:55:08 5 battalion commander, were you second -- to whom were you second?

6 A. For Chuck Norris.

7 JUDGE THOMPSON: So he was not second battalion commander,  
8 he was 2IC.

9 PRESIDING JUDGE: That's right.

10:55:28 10 MR JABBI: I think that is what he's saying, My Lord.

11 According to him, his designation was second battalion commander.

12 PRESIDING JUDGE: Okay.

13 MR JABBI: According to him.

14 Q. Now, how long did you work with that situation? Did you  
10:55:51 15 have anybody to whom you were responsible?

16 A. Yes. At that time we worked up to a point and things  
17 changed, but we'll get to that, but I used to report to  
18 Chuck Norris, and he would report to the chiefs.

19 Q. Yes. What happened next?

10:56:23 20 A. Then we saw another man come, called Ngobebe, then he showed  
21 us a letter. He said War Council has appointed him as overall  
22 boss over Moyamba.

23 Q. What was the name? What was the name?

24 A. Mustafa Ngobebe.

10:57:06 25 Q. Mustafa Ngobebe. What position did he held?

26 A. They said he was the overall boss for all of us in Moyamba  
27 District. He too brought a letter. It came from the War  
28 Council.

29 Q. Did you yourself ever visit Talia, where the War Council

1 was?

2 A. Yes.

3 Q. Can you explain, please?

4 A. At first, when the chiefs went there, those chiefs who had  
10:57:47 5 come from Moyamba District and went there, they sent for me, and  
6 I went. I met a lot of other chiefs there, paramount chiefs  
7 there, but I didn't know them. There were Kenema chiefs there,  
8 Bo chiefs. There were so many other elders whom I met.  
9 Chief Charles Caulker introduced me to them. He said, "Oh, this  
10:58:16 10 is the man who has fought a lot for me."

11 Q. Yes, Chief Caulker introduced you. What happened?

12 A. When that happened, he told me to return and they were  
13 making some arrangements, and he came and told me. When I  
14 returned -- after I had said this, we started seeing commanders  
10:58:46 15 arriving.

16 Q. Now, after the arrival of Ngobea, how long did you work  
17 with Ngobea as overall commander?

18 A. We worked for even more than six months.

19 Q. Now, Mr Witness, I want to put a specific piece of evidence  
10:59:44 20 to you that has been given in this Court before you came.

21 A. Okay.

22 MR JABBI: My Lords, I wish to refer to the evidence of  
23 TF2-165, the transcript of 7 March 2005, at pages 9 to 13, and  
24 pages 35 to 36. My Lord, with your leave, I will now want to  
11:01:22 25 read everything to him.

26 PRESIDING JUDGE: I don't think you need to read  
27 everything. I think you can just put the essence of what it is  
28 is --

29 MR JABBI: To him and ask him to explain, My Lord?

1 PRESIDING JUDGE: Indeed.

2 Q. Now, as I said, a witness gave evidence in this Court  
3 before you came here concerning one Mr Thomas who was, according  
4 to that witness, killed in Moyamba. Do you know a Mr Thomas who  
11:02:16 5 was killed in Moyamba?

6 A. I saw him. Yes.

7 Q. Mr Witness, let us go systematically and answer the  
8 questions just as I pose them.

9 A. Okay.

11:02:34 10 Q. Did you know a Mr Thomas who was killed in Moyamba; yes or  
11 no?

12 [CDF02JUN06B - RK]

13 A. Yes.

14 Q. Thank you. Who was that Mr Thomas?

11:02:58 15 A. I heard that he was the treasury clerk.

16 Q. Were you in Moyamba when he was killed?

17 A. I was in Moyamba, but at the time that he was being killed,  
18 I was not there.

19 Q. Now, one minute, Mr Witness. Can you explain what you know  
11:03:50 20 about the death of Mr Thomas?

21 A. Okay.

22 Q. So, to begin with, what were you? What position were you  
23 holding at the time that the death of Mr Thomas took place?

24 A. At that time I was still in the second battalion  
11:04:27 25 commandership. Chuck Norris was the first and the Mustafa Ngobe  
26 the overall commander, overall boss.

27 Q. Thank you. Now, what do you know about that death?

28 A. It came to a time when Mustafa Ngobe came to me that they  
29 have reported one man to him and that man's name was Thomas.

1 Then I asked what the man had done, then he said --

2 JUDGE ITOE: Please.

3 MR JABBI:

4 Q. Please, give a little bit of time.

11:05:25 5 A. Okay.

6 Q. Yes?

7 A. Then I asked him what the man had done. When they were  
8 attacking this town, he was the secretary in Camp Charlie and for  
9 the rebels who attacked Camp Charlie. And when we have come

11:06:06 10 here, he has written another letter and the civilians have seen  
11 it and taken it from him. So they brought a letter to me and I  
12 investigated.

13 JUDGE ITOE: Please.

14 PRESIDING JUDGE: So he was the secretary to Camp Charlie;  
11:06:24 15 is that what you are saying?

16 THE WITNESS: Yes.

17 MR JABBI:

18 Q. What did Ngobebe explain about Thomas; that he was what? He  
19 was told he was what?

11:06:37 20 A. I asked Ngobebe --

21 Q. Yes, carry on.

22 A. Then I said, "You have investigated."

23 JUDGE ITOE: What?

24 MR JABBI:

11:07:07 25 Q. What did Ngobebe say he had done?

26 JUDGE ITOE: Yes. He said Thomas was what? That was the  
27 story you were narrating.

28 THE WITNESS: That he was a rebel collaborator. That he  
29 was a rebel collaborator. Rebel collaborator, that's what they

1 called it. If you did that kind of job then you were called a  
2 rebel collaborator.

3 PRESIDING JUDGE: What was his job? That is what we are  
4 trying to know.

11:07:36 5 MR JABBI:

6 Q. What job was he doing in Moyamba? Did he hold any position  
7 in Moyamba?

8 A. Thomas himself?

9 Q. Yes.

11:07:48 10 A. They told me he was the treasury clerk.

11 PRESIDING JUDGE: Of what?

12 MR JABBI:

13 Q. The treasury clerk of?

14 A. I do not know. When they say treasury clerk, I don't where  
11:08:03 15 this person was working. Where he was working, I do not know.  
16 That is the name I heard, that he was a treasury clerk, Thomas.

17 PRESIDING JUDGE: But you did mention secretary to Camp  
18 Charlie or something like that. What did you mean?

19 THE WITNESS: That's an information Ngobea told me, that he  
11:08:21 20 was writing a letter to the rebels who would come and attack  
21 Moyamba.

22 MR JABBI: My Lord, I believe, it was an interpreter's  
23 over-interpretation, the secretary aspect.

24 PRESIDING JUDGE: So Ngobea told you that this Thomas was  
11:08:42 25 writing letters to the rebels. That's what you are saying.

26 MR JABBI: To the rebels and soldiers in Camp Charlie.

27 PRESIDING JUDGE: In Camp Charlie. That's what I'm trying  
28 to find out.

29 THE WITNESS: Yes, they have got an information that he

1 would write the letters to the rebels at Camp Charlie and he has  
2 accepted it. And they've even taken one from him, one of those  
3 letters which the rebels were writing to him. That was what  
4 Ngobea told me.

11:09:13 5 PRESIDING JUDGE: Camp Charlie was a rebel camp; is that  
6 what it means?

7 THE WITNESS: Rebels were there. Yes, at the time the  
8 soldiers had not chased them out of there.

9 MR JABBI:

11:09:27 10 Q. Do you know where Camp Charlie was?

11 A. Behind Mile 91 when you are going to Masiaka. It is a town  
12 not far away from Mile 91.

13 Q. And did Ngobea say anything more?

14 JUDGE ITOE: That they had caught one of the letters --

11:09:56 15 THE WITNESS: When he told me this, then I asked him --

16 JUDGE ITOE: Wait, wait, wait. That they had caught one of  
17 letters on him. They had seen one of the letters with him or on  
18 him?

19 THE WITNESS: They said they saw it in his bag, the bag  
11:10:17 20 that he carries around when he goes around. That they saw it in  
21 his bag.

22 MR JABBI:

23 Q. Yes, so then what happened?

24 A. Then I too said, "Where is he?" Then they said, "He's  
11:10:37 25 there to Mr Janneh."

26 Q. Take your time.

27 A. A man --

28 Q. Who was Mr Janneh?

29 A. He was a town elder. When we went, his feeding was his own

1 jurisdiction. So he was the one to whom they gave our feeding  
2 and he would facilitate the cooking.

3 Q. Did you see Mr Thomas yourself?

4 A. I went and saw him to Mr Janneh with my own very eyes.

11:11:28 5 Q. Yes, what did you do?

6 A. Then when I saw him, I returned. When I returned, there  
7 was a gate -- there were five gates in the town.

8 Q. Now, Mr Janneh who was responsible for the feeding, was he  
9 a Kamajor?

11:12:10 10 A. At that time he had not become a Kamajor.

11 Q. At the time of this incident was he a Kamajor?

12 A. No, he was not a Kamajor.

13 JUDGE ITOE: At the time of which incident?

14 MR JABBI: The one about the Thomas death which he is  
11:12:39 15 explaining, My Lord.

16 JUDGE ITOE: He is still in Janneh's house. He saw him and  
17 came back and he took us to five gates.

18 MR JABBI: That is the time I'm asking; at that time when  
19 this Mr Thomas was assigned to Mr Janneh. My question was  
11:13:02 20 whether at that time Janneh was a Kamajor and he has said Janneh  
21 wasn't.

22 THE WITNESS: Yes.

23 MR JABBI:

24 Q. So when you went there, what happened?

11:13:20 25 A. When I went and saw him, then I returned. As I was  
26 returning, I was checking at my gates, because when that kind of  
27 information comes -- it is like they were closing it on us. If  
28 there was an attack, they wouldn't be able to resist. So when  
29 this evening came --

1 Q. Now, what time of night were you checking on your gates, as  
2 you put it? What time of night?

3 A. Okay. In the evening I returned before 3.00. That is when  
4 I get up at my house and go to the gates. I will go to one gate,  
11:14:17 5 I will keep them company and then I will leave. I will continue  
6 doing that until the morning, because at that time --

7 Q. Yes, so you checked on your gates that night?

8 JUDGE ITOE: Is it that morning or that night because when  
9 he saying 3.00, isn't it morning?

11:14:41 10 MR JABBI: Morning might have confused him, that's why I  
11 said night.

12 THE WITNESS: When I was at this place, then it came a time  
13 it was 6.00 and going to 7.00 and I said, "Let me return home to  
14 go and have my bath." Then I saw a large crowd.

11:15:00 15 MR JABBI:

16 Q. Mr Witness, after checking on your gates you decided to  
17 return to your house to rest. So give a little bit of time.

18 A. Yes, it was morning now, for me to go and rest a little, to  
19 have my bath and take a little rest.

11:15:19 20 Q. So what happened?

21 A. Can I proceed? I saw, as I was entering my house, a large  
22 crowd going to Sembehun Road. Then I said, I asked, "What has  
23 happened?"

24 Q. So you saw this crowd going along Sembehun Road. What did  
11:16:02 25 you do?

26 A. Then I too went there for me to go and know exactly what  
27 had happened.

28 Q. And who was in this crowd?

29 A. I wouldn't know all of their distinctions because there

1 were elders there, women, children, youths, women, old men, they  
2 were all in this crowd. I cannot tell their distinction, that  
3 this person was there, this person was there, but there were  
4 women there.

11:16:33 5 PRESIDING JUDGE: They were civilians, were they.

6 THE WITNESS: Yes. At that time all my Kamajors were at  
7 the gates, those with whom I was walking.

8 MR JABBI:

9 Q. Were there any Kamajors among them?

11:16:58 10 A. At that time that kind of crowd, I did not see -- I did not  
11 see any -- I cannot even remember seeing a Kamajor among them.

12 Q. What did you see?

13 A. I saw somebody's head in a wheelbarrow. It was being  
14 carried by these boys and they were singing. Then I went past  
11:17:37 15 them. Then I went to Ngobea.

16 Q. Take your time, please.

17 A. Yes. I'm taking my time.

18 Q. Yes. You left them and went to go to Ngobea. What  
19 happened?

11:18:03 20 A. I said -- I asked, "Why is it that this man that you have  
21 taken the statement from, why have you killed him?" Then they  
22 said, "No, I didn't allow it. It was the civilians who went and  
23 took him out of Jannah's house. He was the one who was causing  
24 the death of their people. It was the civilians who have done  
11:18:26 25 that."

26 Q. Take your time, please.

27 PRESIDING JUDGE: So this is Ngobea who is telling you  
28 that, is it?

29 THE WITNESS: Yes.

1 MR JABBI:

2 Q. Yes.

3 A. Then I too got up, shaken, and I went to Janneh.

4 PRESIDING JUDGE: Yes.

11:19:19 5 MR JABBI:

6 Q. Yes.

7 A. Then I asked Janneh, and Janneh said these young men have  
8 come and they've arrested that guy forcefully and I was coming  
9 out, and that is when they caused that damage; they've killed

11:19:35 10 him.

11 Q. Did Janneh say which young men seized Thomas from his  
12 house?

13 A. That one, if they had shown them at all, then he must have  
14 shown them to Ngobea, but he did not show them to me.

11:20:19 15 Q. Did Ngobea do anything?

16 A. Then I asked Ngobea, "When this happened, what are you  
17 going to do?"

18 Q. And what did he say?

19 A. Then he said, "I am going to summon the chiefs so that I  
11:20:53 20 will tell them."

21 Q. Sorry, what did you say Ngobea did?

22 A. Repeat that.

23 Q. What did you say Ngobea said? What did he do?

24 A. I asked Ngobea what he was going to do and then he said he  
11:21:31 25 was going to summon the chiefs and tell them that this is what  
26 their children have done.

27 Q. Do you know if he did that, what he said he was going to  
28 do?

29 A. Well, when he said that, I, for instance, that kind of

1 thing that had happened, I went to my children and I found out  
2 that the chiefs had not come. Some of them were still in Talia.  
3 They still had not returned because some of them were in hiding.  
4 So I saw him go there. When they came, what they did and what  
11:22:21 5 they did not do, I don't know. Ngobea never told me anything any  
6 longer.

7 Q. Thank you.

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

9 PRESIDING JUDGE: Thank you. Counsel for second accused,  
11:23:03 10 cross-examination of this witness?

11 MR BOCKARIE: Yes, Your Honour.

12 PRESIDING JUDGE: Are you ready to proceed, Mr Bockarie?

13 MR BOCKARIE: Yes, Your Honour.

14 PRESIDING JUDGE: Please proceed.

11:23:26 15 CROSS-EXAMINED BY MR BOCKARIE:

16 Q. Mr Witness, you told this Court this morning that you were  
17 appointed commander; am I correct?

18 A. Yes.

19 Q. Did you lead attacks as commander?

11:23:56 20 A. To lead attacks?

21 Q. Yes.

22 A. Oh, yes. In my own commandership, if I did not go to war,  
23 my Kamajors wouldn't go.

24 Q. Correct. Could I be correct to say that one of those  
11:24:16 25 places attacked under your command was Taiama?

26 A. Yes.

27 Q. Ribbi?

28 A. As for Ribbi, I did not lead this attack -- I didn't start  
29 the attack. It was the rebels who started the attack. I was

1 bringing food. I had left Freetown with the food and it was that  
2 food that was ambushed, so we fought and they took the food. So  
3 that Ribbi attack, it was Bradford. That is where they attacked  
4 me, Bradford, and I said, no, I wouldn't take this from you, and  
11:25:15 5 we fought.

6 Q. Thank you, Mr Witness. Now the attack on Taiama, where was  
7 the planning done?

8 A. It is the same Moyamba District, those chiefs who were  
9 there, and all those others. We had 14 chiefdoms in Moyamba.  
11:25:47 10 This is one of the chiefdoms, Taiama. They said these people are  
11 spoiling our town, so let's tell these people. Now when these  
12 guys told us in Moyamba, now that they've saved Moyamba, let us  
13 go and save our own place, too, then we entered there as well.

14 PRESIDING JUDGE: Mr Bockarie, I just want to be sure that,  
11:26:10 15 again, we're moving in a direction that is covered by the  
16 indictment. I know this witness has testified that he led  
17 attacks. You have not clarified at what time we're talking  
18 about, because he is talking about attacks very much before the  
19 time frame we're concerned about.

11:26:29 20 MR BOCKARIE: Yes, I got the cue.

21 Q. Now this attack on Taiama, when was it?

22 JUDGE ITOE: Time frame, please, because he might remember  
23 the date.

24 MR BOCKARIE:

11:26:45 25 Q. Was it --

26 A. Are you asking the year? The month? The day?

27 Q. At that time, was the government overthrown, the SLPP  
28 government?

29 A. At that time that government was now here. It was now

1 here.

2 PRESIDING JUDGE: You mean President Kabbah was back in the  
3 country?

4 THE WITNESS: Yes, at that time he was now here.

11:27:27 5 MR BOCKARIE:

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

7 A. Mr Moinina Fofana, that one that is in Bo?

8 Q. Yes.

9 A. Yes, I know him.

11:27:56 10 Q. Mr Witness, Mr Fofana was referred to as Director of War;  
11 am I correct?

12 A. That is what I used to hear.

13 Q. Now you said you were battalion commander?

14 A. Yes.

11:28:14 15 Q. Was Mr Fofana involved in any planning in respect of the  
16 attacks undertaken by you?

17 A. I never received any of his letters, let alone to see he  
18 himself. No, he did not even write a letter to me in relation to  
19 any attack.

11:28:51 20 Q. Would I be correct to say that the attacks undertaken by  
21 you were never co-ordinated with him?

22 A. Not in the least, apart from the chiefs whom we were for.  
23 They would say go and dislodge these people from our place. They  
24 would say go and dislodge these people from our place for them  
11:29:15 25 not to spoil our town.

26 Q. Mr Witness, so you are telling this Court that you never  
27 got orders from Mr Fofana in respect of any attack undertaken by  
28 you; correct?

29 A. Not in the least, not in the least, apart from our

1 paramount chiefs who are in those 14 chiefdoms. They were the  
2 ones giving orders.

3 MR BOCKARIE: Thank you, very much, Mr Witness. That will  
4 be all for him.

11:30:09 5 PRESIDING JUDGE: Thank you. Counsel for third accused, do  
6 you have any cross-examination of this witness?

7 MR WILLIAMS: Yes, My Lord.

8 PRESIDING JUDGE: Mr Williams, it is 11.30. We will take  
9 it when we come back.

11:30:24 10 MR WILLIAMS: As My Lord pleases.

11 PRESIDING JUDGE: So the Court will recess.

12 [Break taken at 11.30 a.m.]

13 [Upon resuming at 12.00 p.m.]

14 PRESIDING JUDGE: Mr Williams, are you ready for your  
11:59:59 15 cross-examination of this witness?

16 MR WILLIAMS: Yes, My Lord.

17 PRESIDING JUDGE: You may proceed, please.

18 CROSS-EXAMINED BY MR WILLIAMS:

19 Q. Mr Witness, in answer to Dr Jabbi, you told this Court that  
12:00:07 20 your initiation ceremony took place at Mokasi; is that correct?

21 A. Yes.

22 Q. That initiation was carried out by the third accused  
23 Mr Kondewa?

24 A. Yes.

12:00:49 25 Q. Were you initiated together with others, with other people?

26 A. Yes.

27 Q. How big was the group that initiated with you?

28 A. First that went, we were 40, our own group. We were the  
29 only ones that were initiated at that time. We were 40.

1 Q. How long did the process last?

2 A. Up to this time, is that what you mean? You mean how long  
3 it took when they initiated us? Go over that again. What do you  
4 mean?

12:01:47 5 Q. The initiation process, how long did it go? You went to  
6 see Mr Kondewa for the initiation today. How long did you take  
7 there?

8 A. How long did it take? Just a single day. Just the evening  
9 when we were initiated; the next morning we graduated.

12:02:24 10 Q. Did he admonish you before you left?

11 A. Yes.

12 Q. What did he say to you? I mean, what did he say to your  
13 group?

14 A. What he said to our group, he said when he had -- when we  
12:02:42 15 had graduated, if we went we should take orders from our chiefs.  
16 That was the first thing he told us.

17 Q. Go on.

18 A. Then he said again that at the time we'd be ready when our  
19 chiefs would allow us to go to the war front, we should not shake  
12:03:13 20 hands with women, we should not touch their buttocks, and nothing  
21 should go between us and the women.

22 Q. Yes, go on.

23 A. And again, "You would now be initiated to protect the  
24 civilians, okay."

12:04:07 25 Q. Yes, go on.

26 A. He said, "If your chiefs allow you to go to the war front,  
27 if you go there, don't take a civilian's property from him,  
28 okay."

29 Q. Yes, carry on.

1 A. "If you fight against the rebels and take anything from  
2 them, that is the only thing you will have. Don't take anything  
3 from the civilians. That is what I'm telling you." And so we  
4 returned.

12:05:15 5 Q. All 40 of you that went through the initiation, were you  
6 all from Moyamba?

7 A. All of us started the war there but it came to a time when  
8 some of them returned.

9 Q. Did Mr Kondewa tell you the consequences of breaching the  
12:06:03 10 admonition they gave to you?

11 A. Yes.

12 Q. What was that?

13 A. He said that all the admonitions that he give to us, if we  
14 go against them, you will die in the war. So you would be  
12:06:25 15 careful, very much.

16 Q. How long did you fight for after your initiation?

17 A. Are you asking about where I've -- the places that I've  
18 fought or how long I took in the Kamajor society?

19 Q. No, no, I mean, when you went back -- I'll ask you this,  
12:07:14 20 Mr Witness. When you returned from the initiation, you  
21 subsequently opted to become a combatant; is that correct?

22 A. Yes.

23 Q. How long did you remain a combatant?

24 A. In that position as a combatant, yes, I started -- I  
12:07:44 25 continued fighting until the time of the disarmament.

26 Q. Would it be correct to say that you adhered to the -- all  
27 throughout that period you adhered to the admonition that  
28 Mr Kondewa gave to you at your initiation?

29 A. I adhered to all of the admonitions that he gave to me

1 until the end of the war when we were asked to disarm. That is  
2 why no bullet ever pierced me.

3 Q. Did Mr Kondewa have any business to do with Kamajors after  
4 the initiation?

12:09:09 5 A. No, no.

6 Q. So what do you mean by that?

7 JUDGE THOMPSON: You asked him whether they had any  
8 business. I would have thought that you probably should have  
9 expanded on that. But when he gives the answer no, what else  
12:09:53 10 could he mean?

11 MR WILLIAMS: My Lord, I have my instructions, My Lord.

12 JUDGE THOMPSON: I know, but to me it is a little  
13 problematic if you give him "business", which I thought was a  
14 broad concept, and he answered no.

12:10:12 15 MR WILLIAMS: I will particularise, My Lord.

16 JUDGE THOMPSON: Yes.

17 MR WILLIAMS:

18 Q. Did he, for example, have command or control over Kamajors?

19 A. No, no, he did not go to war front. How could he control  
12:10:34 20 the Kamajor? Just after your chiefs take you to him and after  
21 your initiation he will present you to them. He did not tell us  
22 that. From my own group, he did not tell us that. It was our  
23 chiefs. It was our chiefs who gave us orders to go to the war  
24 front.

12:11:09 25 Q. Mr Witness, did Mr Kondewa have the power to punish  
26 Kamajors that misbehaved in the battle front?

27 A. That of my own group which I was with, I in fact did not  
28 even go to him any more during that fight. I did not see him  
29 punish a Kamajor or that a Kamajor being reported to him.

1 Probably they were reporting to him and probably he was punishing  
2 them, but I did not know that. I don't know if they were making  
3 reports to him.

4 Q. So you never saw -- you never -- did you ever see -- let me  
12:12:32 5 just put it this way, Mr Witness. After the initiation,  
6 Mr Kondewa had nothing to do with you; is that correct?

7 A. Just after he presented us to chiefs, when he came, he  
8 presented us to our chiefs, all our affairs were in the hands of  
9 our chiefs.

12:13:14 10 Q. There is a place at Moyamba called Shenge Park; do you know  
11 that place?

12 A. Shenge, yes, I know the Shenge Chiefdom.

13 Q. No, no. There is a part of a place in Moyamba called  
14 Shenge Park.

12:13:38 15 A. Shenge Park, yes, that's along the very same road.

16 Q. Was that close to where you stayed as a commander?

17 A. There is -- no, there is -- there is a stream at the town.  
18 It was after -- it was across that stream that I stayed. And  
19 Shenge Park is far away from where I was.

12:14:20 20 Q. There was a witness called by the Prosecutor who told this  
21 Court about an incident. I want to put that to you. You are at  
22 liberty to accept or deny what he said.

23 A. What he would say if I had said it --

24 Q. No, I won't ask you the question -- I won't put anything  
12:14:54 25 yet to you.

26 PRESIDING JUDGE: Wait, Mr Witness.

27 MR WILLIAMS:

28 Q. Just hold on, please.

29 A. Okay.

1 PRESIDING JUDGE: What is the witness, Mr Williams?

2 MR WILLIAMS: TF2-165, My Lord. Testified on 7th March  
3 2005, page 14, 15, and 16 of the transcript, My Lord.

4 PRESIDING JUDGE: Thank you.

12:15:37 5 MR WILLIAMS:

6 Q. The witness said three people were brought to Shenge Park,  
7 "along the same Siaka Stevens Street, Langowa Street." You know  
8 Langowa Street? Langowa Street at Moyamba.

9 A. Langowa Street. Okay, Siaka Stevens compound; that area?

12:15:59 10 Q. Yes, he said along the same Siaka Stevens something, yes.

11 A. Yes.

12 Q. "Set fire on a tyre just on Siaka Stevens Street opposite  
13 the court barri. So I started imagining what really was  
14 going to happen. Why should they be burning a tyre here?

12:16:32 15 Few minutes later they brought three men from the NA cell,  
16 hairless men."

17 A. Yes, I saw them brought out three people.

18 Q. He says: "One of the Kamajors were talking in Mende that  
19 'These are the cannibals who killed somebody in Shenge.' A lady,  
12:17:03 20 a woman in Shenge, one of Kamajors. That is we, the public, came  
21 to know that that was the crime they committed?"

22 A. Okay. You want me also to explain that?

23 Q. I have a question [Overlapping speakers].

24 A. You want to know something from me?

12:17:27 25 Q. This witness said [overlapping speakers] one of the men had  
26 a tyre put on his neck and he was burnt to ashes. That is what  
27 the witness said. What is your reaction?

28 A. What I saw there that I said -- I believe, in fact, I was  
29 the person who said that, but what I saw, I saw them brought out

1 from the cell, three of them. Three of them and I saw them put  
2 into a vehicle and they took them to Shenge. They were taking  
3 them to Shenge, but by the time they brought them out, they asked  
4 me: "The time these people were brought out, did you see them  
12:18:26 5 having trousers?" I said: "Yes, but I did not see them with  
6 shirts." "Besides that did you see them having cane marks?" I  
7 said: "No." "Did you see them having knife marks?" I said  
8 "No."

9 Q. [Overlapping speakers] it appears that you are narrating  
12:18:36 10 some interview. Who asked you those questions?

11 A. Those people -- there was a white man there, but I don't  
12 know the white man. They went for me, but I did not tell them --

13 JUDGE THOMPSON: Counsel [Overlapping speakers].

14 PRESIDING JUDGE: Mr Witness,

12:18:59 15 MR WILLIAMS: There was some confusion and I am asking him  
16 to confirm -- I was narrating [Overlapping speakers].

17 PRESIDING JUDGE: I do not necessarily agree with you, but  
18 obviously you're trying to clear up the confusion but it seems to  
19 have caused even more confusion in the witness. Try to take him  
12:19:16 20 back to that particular meeting.

21 MR WILLIAMS: No, no, My Lord, I'm interested in --

22 PRESIDING JUDGE: I know, but take him back.

23 MR WILLIAMS:

24 Q. Before you narrate what transpired between you and those  
12:19:33 25 people who came to take you, I just want you to restrict yourself  
26 to the evidence of this witness. I will not tell you the  
27 witness's name but I will just tell you what he said in this  
28 Court. He said those three people were taken out of the NA cell  
29 and one of them had a tyre put over his neck and he was burnt to

1 ashes by Kamajors.

2 JUDGE THOMPSON: Put your own specific questions, otherwise  
3 we will go the same direction. What are you asking him to do  
4 with that piece of evidence that you have cited to him?

12:20:12 5 MR WILLIAMS: I want his reaction, but [Overlapping  
6 speakers].

7 JUDGE THOMPSON: No. That is the danger. Reactions will  
8 unleash quite a multiplicity of responses. If you are specific,  
9 then, of course, we get the focus. Otherwise we go down that  
12:20:27 10 very road that the Presiding Judge brought you back from.

11 MR WILLIAMS: Most grateful, My Lord.

12 Q. Could that be right what that witness said?

13 JUDGE THOMPSON: Is it true?

14 MR WILLIAMS: Yes.

12:20:39 15 THE WITNESS: What that witness said, what I saw happen  
16 there, I saw those three people brought out from the cell and I  
17 said what were they -- they said they had gone and captured  
18 someone and killed the person and take out his body parts. That  
19 is why they had arrested them and it was then that I saw them put  
12:21:08 20 into the vehicle and about to be taken to Shenge.

21 Q. Thank you very much. These people that you said killed  
22 Mr Thomas, were there any Kamajors amongst them?

23 A. In that crowd, I did not see a Kamajor among them.

24 MR WILLIAMS: My Lord, that will be all for this witness.

12:22:30 25 PRESIDING JUDGE: Thank you, Mr Williams. Counsel for the  
26 Prosecution.

27 MR BANGURA: Yes, Your Honour.

28 PRESIDING JUDGE: Any cross-examination?

29 MR BANGURA: Yes, Your Honour.

1 PRESIDING JUDGE: You are ready to do so, Mr Bangura?

2 MR BANGURA: Yes, Your Honour.

3 PRESIDING JUDGE: You may proceed.

4 MR BANGURA: Thank you, Your Honour.

12:23:02 5 CROSS-EXAMINED BY MR BANGURA:

6 Q. Good afternoon, Mr Witness.

7 A. Yes, good afternoon.

8 Q. Mr Witness, is it a fact that during the period of the war  
9 much of the Moyamba District was under the control of Kamajors  
10 throughout; is that so? Many areas of the district were under  
11 Kamajor control?

12 A. I didn't know some of the places. If I say yes -- you are  
13 supposed to name the places.

14 Q. Let me put it another way. In fact, there were not too  
12:24:16 15 many places where Kamajors and the rebels fought inside Moyamba  
16 District during the war? There were not too many places that you  
17 actually had fight with the rebels?

18 A. There were not too many places?

19 Q. Yes. What is your answer?

12:24:53 20 A. Where I led all the Kamajors and where we fought there were  
21 many. There were many.

22 Q. Mr Witness, apart from Moyamba Town, the battle that you  
23 described when you took Moyamba Town, where else did you fight  
24 battles in Moyamba District?

12:25:26 25 A. We went to a town called Dambu. From that Dambu to come to  
26 a place called Senehun, so in between there, there is a town  
27 called Sahun. In that town we met the guys and we fought there.

28 Q. Thank you, Mr Witness. Mr Witness, you would agree with me  
29 that most of the time the Kamajors had the upper hand over the

1 rebels in all the areas that you fought?

2 A. All our powers were in the chiefs.

3 JUDGE THOMPSON: Perhaps you need to rephrase that  
4 question. I am not sure the interpretation --

12:26:36 5 MR BANGURA:

6 Q. Mr Witness, in all the areas where you fought, the Kamajors  
7 won and they took control?

8 JUDGE THOMPSON: Yes.

9 MR BANGURA:

12:26:48 10 Q. Is that not so?

11 A. Some of the places we took from the rebels, but we were  
12 unable to stay there.

13 Q. For most of the time, Mr Witness, Kamajors had control over  
14 the Moyamba District for most of the time before the overthrow of  
12:27:13 15 President Kabbah and after the overthrow of President Kabbah, the  
16 Kamajors were largely in control Moyamba District, most of the  
17 chiefdoms? Will you agree with me?

18 A. And the chiefs, the chiefs were in the district. All the  
19 chiefs that were here couldn't --

12:27:51 20 Q. Mr Witness [overlapping speakers]?

21 A. The chiefs were in that Moyamba.

22 Q. I have not asked you about chiefs.

23 A. You said we were the only ones that had the power, that is  
24 why I said no. Even if we had the power, the chiefs had the  
12:28:10 25 power. We hadn't our own power.

26 Q. I'm not talking power, Mr Witness. The Kamajors were  
27 throughout most of this war they were the ones in control. They  
28 had made a control. There were the chiefs, yes, but the Kamajors  
29 were the ones who militarily had control over Moyamba District,

1 not the rebels. The rebels may have had a few places where they  
2 were, but the Kamajors were in control in many parts. That is  
3 the suggestion I'm trying to put to you, Mr Witness.

4 A. We were fighting, Kamajors were fighting.

12:28:56 5 Q. Mr Witness, this is very simple and straightforward.

6 PRESIDING JUDGE: It may be a problem of interpretation.  
7 It may be simple, but if it is not properly translated, it may  
8 come out this way.

9 MR BANGURA: I will move on.

12:29:13 10 JUDGE THOMPSON: I think the context is better between the  
11 Kamajors and the rebels in the context of the fighting, maybe  
12 something like that. You see, otherwise, you can see that his  
13 fixation is with the chiefs being in control of the area, but you  
14 must try and move him away from that fixation. Chiefdom or  
12:29:41 15 control to the war itself, the actual -- I mean, he's a commander  
16 and he should be able to give us the answer.

17 MR BANGURA: Just one last try.

18 Q. Mr Witness, in all the places where the Kamajors were, the  
19 Kamajors were the fighters who held the ground, not so much the  
12:30:05 20 rebels; is that correct?

21 A. Yes, they had captured the towns from the rebels and if you  
22 capture a town from the rebels, you would have to stay there for  
23 them not to return there and destroy the place.

24 [CDF02JUN06C - SV]

12:30:31 25 Q. Mr Witness, you were first appointed commander by the  
26 chiefdom people, you said, to come and fight and take Moyamba; is  
27 that correct?

28 A. Yes.

29 Q. After that appointment how many other appointments did you

1 have as a commander?

2 A. At the time Mr Ngobea died, it was then that his position  
3 was given to me and I became the overall commander. So the  
4 chiefdom people came and said, "This man has fought so much for  
12:31:25 5 this land, so let's give him this position," after Ngobea had  
6 done the work so much and he died.

7 Q. And after that did you get any further appointment as a  
8 commander?

9 A. When they said I was the overall commander, after that,  
12:31:49 10 when Ngobea died and they said I was the overall commander, that  
11 was the only position they gave to me.

12 Q. In effect, you're saying you had two appointments as  
13 commander during your career, during your period as a fighter;  
14 correct?

12:32:11 15 A. Yes.

16 PRESIDING JUDGE: I'm not sure that this is -- there might  
17 be some misunderstanding.

18 MR BANGURA:

19 Q. Your first appointment was when you were asked to come and  
12:32:22 20 fight to take Moyamba, you were appointed commander by your chief  
21 and chiefdom people; is that correct?

22 A. It was after we had captured Moyamba. But they gave me the  
23 order for us to take the town from the rebels. After capturing  
24 the place --

12:32:47 25 Q. Mr Witness, it's just the command position that you had at  
26 that time I'm asking about. After that what was your next  
27 appointment as a commander?

28 A. When they said second battalion commander. First battalion  
29 commander was Chuck Norris.

1 Q. Thank you, Mr Witness. Did you have another appointment  
2 after that?

3 JUDGE ITOE: But is this not the appointment he's talking  
4 about?

12:33:20 5 THE WITNESS: They did not give me another position. I was  
6 in that position until the end of the war.

7 MR BANGURA: Your Honours, if you would indulge. He has  
8 said that he got an appointment after Ngobebe died and he has in  
9 evidence already said that he and Chuck Norris were --

12:33:46 10 PRESIDING JUDGE: That's why I told you that you were  
11 putting to the witness he had only two appointments. I said  
12 well, it might not be that simple because, according to his  
13 evidence, he had become a battalion commander or a deputy or  
14 second battalion commander or however you want to put it.

12:34:03 15 MR BANGURA: That's what I'm pursuing.

16 Q. Mr Witness, did any of these appointments --

17 A. Yes.

18 Q. Did you go to Base Zero at any point during your role as a  
19 commander?

12:34:17 20 A. At that time I had not been made a commander when I went to  
21 Base Zero, when I was sent there. It is now that this commander  
22 business is going to be given to me.

23 Q. Mr Witness, when you went to Base Zero was it before you  
24 took Moyamba or after you had taken Moyamba?

12:34:42 25 A. After we captured Moyamba. It was then that all of us  
26 Kamajors were assembled and we were asked to defend the place,  
27 and all the paramount chiefs in Moyamba and other paramount  
28 chiefs assembled and went to Talia.

29 Q. Thank you, Mr Witness. The question is specific - was it

1 before or after - and I have got the answer from you.

2 Mr Witness, did you get an appointment from Base Zero --

3 A. Yes.

4 Q. -- as a commander?

12:35:17 5 A. Yes.

6 Q. You got an appointment from Base Zero as a commander. What  
7 was that appointment? What was the title that you got?

8 A. Chief Charles Caulker, all of them went. It was then that  
9 they appointed Chuck Norris to come and be the first battalion

12:35:44 10 commander and they said he should come and I would be working

11 with him together. At the time he was coming, he came, he

12 brought a letter for me that I was a second battalion commander

13 and his own deputy was Bawote.

14 Q. Thank you, Mr Witness. Did you at any point become overall

12:36:03 15 commander in Moyamba?

16 A. At the time Ngobea died was when I was given that position.

17 Q. Who gave you that position?

18 A. Those paramount chiefs, all of them -- all of them

19 assembled. They didn't go anywhere else. In fact, they

12:36:29 20 assembled in Moyamba Town itself. They said, "Now that Ngobea

21 has died, this man has worked so much, so he's now the overall

22 boss."

23 Q. Mr Witness, there was a CDF administration in Moyamba; is

24 that correct?

12:36:52 25 A. Yes, they had an office, CDF.

26 Q. Who was the head of that office?

27 A. There was a man called Tejan Sankoh. They used to call him

28 in English "Admin". I don't know the meaning of that word in

29 English.

1 Q. Who was the deputy?

2 A. Well, that I don't know. I don't know his deputy.

3 Q. Do you know one Jonathan Dambo? Did you hear the name  
4 before?

12:37:31 5 PRESIDING JUDGE: What was the name again, please?

6 MR BANGURA: Jonathan Dambo.

7 THE WITNESS: Yes.

8 MR BANGURA:

9 Q. Was he part of the administration there?

12:37:40 10 A. Yes, they said he was the clerk.

11 Q. Was he not the deputy to Tejan Sankoh?

12 A. I don't know that. They said he was the clerk and Tejan  
13 Kabbah -- Tejan Sankoh, I don't know his deputy. Probably if he  
14 was the clerk then he was the one writing for him. I don't know.

12:38:06 15 Some of the arrangements they did, they did not invite me.

16 JUDGE THOMPSON: Counsel, clear up that entanglement with  
17 him. It's getting a bit confrontational. Why not accept? I  
18 mean, the terminology "clerk", "deputy", it may well be. In the  
19 context of provincial administration, why are you making this  
12:38:21 20 fine point?

21 MR BANGURA: Your Honour, it was a straightforward question  
22 but I take the answer that he gave. So I'm not going to pursue  
23 that point.

24 JUDGE THOMPSON: It may well be that in the context of the  
12:38:30 25 provisional administration.

26 JUDGE ITOE: This one is Jonathan who?

27 MR BANGURA: Dambo.

28 JUDGE THOMPSON: Perhaps we should ask Dr Jabbi to ask his  
29 witness to be less confrontational. It's a search for a truth.

1 It's not really a fighting match.

2 THE WITNESS: No, I'll never be angry. Never, not in the  
3 least. Apart from what I know, which is the truth, I took an  
4 oath. I will not say things that I don't know. I took an oath  
12:39:05 5 today.

6 PRESIDING JUDGE: Thank you, Mr Witness.

7 MR JABBI: Please talk in a way which does not look like  
8 challenging the lawyer asking you questions. Be calm.

9 THE WITNESS: Let him just ask me. Questions that I am  
12:39:28 10 supposed to answer, I will answer it correctly what I know. If  
11 that is what he asks me.

12 PRESIDING JUDGE: That's all we are asking you to do. Do  
13 your best. Thank you. Go ahead, Mr Bangura.

14 THE WITNESS: That's why I came.

12:39:45 15 MR BANGURA:

16 Q. Mr Witness, as a commander you were answerable to  
17 Tejan Sankoh at the CDF administration; is that not so?

18 A. When I was made the overall, is that the question?

19 Q. Since Tejan Sankoh took over as administrator you became  
12:40:14 20 answerable to him; is that not so?

21 A. No. I did not make any report to him. At that time, that  
22 second battalion position, I was occupying that position, I  
23 reported to Chuck Norris.

24 Q. When you became overall commander, Mr Witness, did you not  
12:40:44 25 become answerable --

26 A. At that time -- may I proceed?

27 Q. Mr Witness, can you wait for my question, please. When you  
28 became overall commander, did you not become answerable then to  
29 Tejan Sankoh?

1 A. I did not report to him. It was in between that. I was  
2 looking forward to Chuck for reports.

3 Q. So what was your relationship with the CDF administration  
4 in Moyamba then, Mr Witness?

12:41:44 5 A. That was their office work. Since I am not literate, most  
6 of the times when they did that work they did not even invite me.  
7 They would just tell me that "This is what we have done." What  
8 would I do? Because when normally they would meet they would  
9 speak English and I don't even understand Krio, let alone

12:42:05 10 English. Whenever they would meet they would just say what they  
11 wanted to say in English and I don't even understand Krio.

12 Q. Mr Witness, are you saying that you had no relationship  
13 with that office as a Kamajor commander, overall Kamajor  
14 commander for Moyamba District at that time?

12:42:22 15 A. Except when if they would bring food there, when Sankoh  
16 would bring food, chiefs would bring food to Sankoh, he would  
17 call me and say, "This is the food that we have brought. I have  
18 presented it to your battalion commander." My own portion that  
19 they would give to me, they would give to me. And the others,  
12:42:40 20 it's left with them.

21 Q. And where was this food coming from?

22 A. Those chiefs who will come to attend a meeting here in  
23 Freetown, they will come for food. It was they that would be  
24 given the money and would buy the food and take it to us.

12:42:57 25 Q. Mr Witness --

26 A. Whether it was given to them or it was they who would buy  
27 it, I don't know.

28 Q. Mr Tejan Sankoh's appointment, you would agree with me that  
29 it was made in Base Zero?

1 A. If I would agree for you to tell me that?

2 Q. Yes, I'm suggesting to you, Mr Witness, that Mr Tejan  
3 Sankoh's appointment was made in Base Zero?

4 A. Even if it was given to him at Base Zero I wouldn't know.

12:43:48 5 But at the time he was given that position Kamajors who were in  
6 Moyamba, they assembled us in the Harford town hall. It was then  
7 that he was -- it was there that the paramount chiefs appointed  
8 him. It was what I saw in Moyamba. But that Base Zero business,  
9 I don't know about it. I was not there.

12:44:15 10 Q. Mr Witness, I suggest to you that Mr Tejan Sankoh came from  
11 Base Zero to take up this appointment as the administrator for  
12 Moyamba District and you know that.

13 A. Where I would be when something happens is what I will  
14 know. But if I was not there it would be difficult for me to  
12:44:47 15 say. If I was there, I would explain something about that. But  
16 if I was not there, no.

17 Q. Thank you. You said he was appointed, according to your  
18 words -- appointed to you by the chiefs at Harford; is that  
19 correct?

12:45:03 20 A. Harford. At that town hall.

21 Q. And who were the chiefs that appointed him to you at  
22 Harford?

23 A. Those chiefs that I saw, the first one is Chief Lars Lamin.  
24 Madam Ella -- Ella's speaker. At that time Ella had come to this  
12:45:37 25 town. Apart from that, Chief Kavura. And, apart from that,  
26 Chief Junisa Baimba. And apart from that as well, one regent  
27 chief - at that time the paramount chief was sick for Kagboro -  
28 AA Lamin. And, apart from that, Chief Banya [phon], Bauya. I  
29 saw them. I cannot remember all of the paramount chiefs that

1 were there.

2 Q. Thank you, Mr Witness. Mr Witness, this occasion that  
3 you're describing, it occurred just after President Kabbah had  
4 been returned to power; is that correct?

12:46:38 5 A. It was there that it happened. Then I knew Kabbah was in  
6 the chair at that time. I knew because it was there that it  
7 happened.

8 Q. Thank you, Mr Witness. Mr Witness, Junisa Baimba -- Baimba  
9 Junisa, whom you mentioned as one of the chiefs that was at this  
12:47:05 10 function, he is a Kamajor; is that not so?

11 A. Junisa Baimba, I did not see him being initiated. I cannot  
12 just say yes.

13 Q. You know, Mr Witness, that he was at Base Zero?

14 A. Yes, all of them went there to make that -- the  
12:47:42 15 arrangements as to how to come and work together with us. All of  
16 those chiefs went there, those chiefs from Moyamba District.

17 Q. Mr Witness, the question is: Do you know or do you not  
18 know that he was at Base Zero, Baimba Junisa was at Base Zero?

19 A. I knew that he went there.

12:48:03 20 Q. Mr Witness, and do you know that Baimba Junisa was not a  
21 member of the War Council at Base Zero?

22 A. I know that when they went, when they formed that War  
23 Council, he came and reported to us that he was the chairman for  
24 Moyamba District.

12:48:33 25 Q. Mr Witness, it would help if you try and answer the  
26 questions very directly. The questions are very straightforward  
27 and direct to you, so please try to give straightforward answers.

28 A. All what I know.

29 Q. You know that he was not a member of the War Council at

1 Base Zero?

2 A. Junisa Baimba. Is that a question?

3 Q. Yes, I'm suggesting that to you, Mr Witness. I'm putting  
4 that to you. Do you agree or not?

12:49:11 5 A. He came and said that that War Council, he was the chairman  
6 for Moyamba District. He came and said that.

7 Q. Mr Witness, the other chiefs that you have mentioned who  
8 you say were at this ceremony were in fact not in Moyamba at that  
9 time; I'm putting that to you.

12:49:43 10 A. They were not in Moyamba when this arrangement was done?  
11 This arrangement where Tejan Sankoh was made Admin? It was then  
12 that I asked, I said, "What do you mean by 'Admin'?" They said  
13 whatever they will have to arrange for us in Freetown, he would  
14 be the person to represent us. That was what I asked and that  
12:50:12 15 was what they said.

16 Q. I suggest to you that Ella Koblo was away from Moyamba  
17 District throughout the period of the war. She was not at this  
18 meeting that you were talking about.

19 A. What I've explained here, please listen yourself and pass  
12:50:39 20 it on to the judge or to the lawyer that is asking me. Listen  
21 carefully.

22 Q. Mr Witness, it's a simple question. I have not asked you  
23 to explain. I am suggesting to you -- I am putting it to you  
24 that Ella Koblo, Madam Ella Koblo, who you say was at this  
12:50:58 25 meeting where Tejan Sankoh was introduced to you was away --  
26 Mr Witness, could you -- [overlapping speakers]

27 A. She was there. Lars Lamin --

28 PRESIDING JUDGE: Mr Witness --

29 THE WITNESS: [Overlapping speakers].

1           PRESIDING JUDGE: Mr Witness --

2           THE WITNESS: Because she was [overlapping speakers]  
3 representing her.

4           PRESIDING JUDGE: Mr Witness, please listen to the question  
12:51:15 5 and answer only to the question that is being asked.

6           THE WITNESS: I'm listening. I'm listening. I've  
7 accepted.

8           MR SESAY: My Lord, the grounds of objection is that there  
9 is no evidence that Ella Koblo was in that meeting, the meeting  
12:51:37 10 which the learned Prosecutor is asking the witness. He did not  
11 refer to the name Ella Koblo.

12           PRESIDING JUDGE: I don't have in my notes the second name.  
13 I know he did refer to Madam Ella.

14           JUDGE ITOE: Madam Ella. There was no Koblo, agreed.

12:52:06 15           MR SESAY: My Lord, he was referring to somebody else  
16 relating to Madam Ella.

17           PRESIDING JUDGE: Well, this is not what I heard the  
18 witness to say, I regret, because to me he was describing, when  
19 he was asked who was present, who were the chiefs present, he  
12:52:22 20 gave a description of various chiefs, Lamin and Banga and so on  
21 and he said Madam Ella. That's what I have.

22           MR BOCKARIE: Your Honour, may I be of assistance, with  
23 your leave. The reference to Madam Ella was in respect of her  
24 deputy which is Lars Lamin. He said Ella was represented by her  
12:52:45 25 deputy speaker Lars Lamin.

26           MR BANGURA: Your Honours, it didn't come to me that way.

27           JUDGE ITOE: He mentioned AA Lamin. That was after Junisa  
28 Baimba and then she came with AA Lamin.

29           MR BANGURA: Thank you, Your Honour.

1 JUDGE ITOE: It is here.

2 MR BANGURA:

3 Q. Mr Witness, I am go on to put it further to you that  
4 Kavura, PC Kavura was also not at that meeting?

12:53:18 5 A. You are saying he was not? That's all you are saying, is  
6 it?

7 Q. That's what I'm suggesting to you.

8 PRESIDING JUDGE: Mr Witness, you have to say do you agree  
9 or do you disagree with that? That's all you're being asked. If  
12:53:32 10 you disagree, fine, just say, "I disagree".

11 THE WITNESS: I disagree. He was there.

12 MR BANGURA:

13 Q. Mr Witness, would you be surprised to know that PC Kavura  
14 has given testimony, evidence in this Court, and has testified to  
12:53:55 15 the fact that he was away from his chiefdom for a period of time  
16 which goes beyond the time that we're talking about now?

17 A. He said he was not there? Is that what he said?

18 JUDGE THOMPSON: Learned counsel, probably since this is  
19 contentious, why not put exactly what the chief said to him.  
12:54:21 20 That would help.

21 MR BANGURA: I do not have the exact words.

22 JUDGE THOMPSON: That's it, you see. I mean, would it be  
23 fair for him to answer a question where perhaps we don't even  
24 know whether the chief said he was there, he was away from his  
12:54:39 25 chiefdom continuously.

26 MR BANGURA: I will put a time frame.

27 JUDGE THOMPSON: Could that be in and out.

28 MR BANGURA: I will put a time frame to that.

29 JUDGE THOMPSON: Yes, I think you ought to give him the

1 correct representation.

2 MR BANGURA:

3 Q. Mr Witness, by April of 1998 Chief Kavura was not -- in  
4 April 1998 Chief Kavura was not in his chiefdom. I'm suggesting  
12:55:11 5 that to you. He was not in Moyamba District.

6 A. He said he was not there? But in this two-days meeting, he  
7 was there. He was there. Probably after the meeting he left,  
8 but I saw him.

9 Q. Mr Witness, you had a number of Kamajors under your  
12:55:38 10 control - is that not so? - as a commander.

11 A. Yes.

12 Q. Who was your deputy?

13 A. At that time we did not make any specific arrangement for  
14 deputy, that someone was deputising me, no.

12:56:14 15 Q. But did you, at the time, as a commander, Mr Witness, and  
16 I'm talking about from the time you became second battalion  
17 commander, did you have somebody called xxxxxxxx under xxxxxx?

18 A. Yes, yes. He was xxxxxx. He was xxxxxxxx.

19 Q. Did you have somebody called Abu Bawote under you?

12:56:53 20 A. Yes, not under me. He was the deputy to Chuck Norris,  
21 Bawote, that Bawote.

22 Q. Were you in a senior position to Bawote?

23 A. Well, that is where I would explain that you will see  
24 whether I was senior for him or he was senior for me. First  
12:57:17 25 battalion commander, he was the deputy to first battalion  
26 commander. Second battalion commander, I was the person.

27 PRESIDING JUDGE: Mr Witness, please, please. Go slowly.  
28 We need to hear what you say.

29 THE WITNESS: Okay.

1           PRESIDING JUDGE: So you were explaining the position that  
2 Bawote had. Can you repeat that again, please, slowly.

3           THE WITNESS: I said I will explain so you will know  
4 whether I was senior for him, then you will know. He was the  
12:57:48 5 deputy to first battalion commander. I was the second battalion  
6 commander. If I was senior for him, then you would explain to me  
7 now.

8           MR BANGURA:

9 Q. Mr Witness, did you consider yourself senior to Abu Bawote?

12:58:20 10 A. He was my boss's deputy. How could I be senior than him.

11 Q. Do you know Mustapha Kondewa?

12 A. Mustapha Kondewa, I used to hear his name and I saw him  
13 once, but --

14 Q. Was he not a Kamajor in Moyamba?

12:58:49 15 A. Mustapha Kondewa, he used to come to Moyamba but he did  
16 even base there. He used to go to Shenge. From there he would  
17 go back to Bo. But he would not base at Moyamba -- in Moyamba  
18 Town itself.

19 Q. Did you know a Kamajor called Obai Kanu, a commander?

12:59:16 20 A. Obai Kanu, okay. At that time -- yes, yes. Let me say yes  
21 to that. He was commander.

22 Q. Were you senior to Obai Kanu?

23 A. Yes.

24 Q. Did you know a commander called Jah Jah Man?

12:59:35 25 A. Yes.

26 JUDGE ITOE: Who does he say Obai Kanu was? What was he?

27 MR BANGURA: He was senior to Obai Kanu.

28 Q. You were senior to Jah Jah Man; is that correct?

29 A. Yes.

1 Q. Mr Witness, how many men did you have under your control as  
2 a commander?

3 A. Kamajors --

4 Q. Kamajors.

13:00:11 5 A. -- or chiefs? The Kamajors I -- at that time when the  
6 battalion was divided, they did not say this is the quantity of  
7 Kamajors, number of Kamajors that will be with you or this was  
8 number of Kamajors will go with you. If we were ready for any  
9 work they will give someone the number of Kamajors that you will  
13:00:46 10 need for your work. But we did not divide Kamajors, that this is  
11 the number of Kamajors you would have under your command, no.

12 Q. In fact, Mr Witness, you had very wide control over  
13 Kamajors in Moyamba District generally. You did not have a  
14 particular set of Kamajors that you would say were assigned to  
13:01:07 15 you. So you had wide control over Kamajors in Moyamba District,  
16 given your position?

17 A. Yes, yes, many. Yes, I controlled them, many.

18 Q. Mr Witness, Mustapha Kondewa took you to Base Zero at one  
19 point over an incident regarding your conduct towards Kamajors;  
13:01:50 20 is that not so?

21 PRESIDING JUDGE: Mr Bangura, I do not want to preclude you  
22 from crossing the witness in this respect. It's 1 o'clock and  
23 you seem to be embarking on a new area as such. So I think it  
24 might be a suitable time to pause now and we'll come back to it  
13:02:05 25 after the lunch break.

26 MR BANGURA: As Your Lordship pleases.

27 PRESIDING JUDGE: Thank you. So the Court will recess  
28 until 2.30. Thank you.

29 [Luncheon recess taken at 1.02 p.m.]

1 [CDF02JUN06D - SV]

2 [Upon resuming at 2.51 p.m.]

3 PRESIDING JUDGE: Mr Bangura, so you are ready to resume  
4 the cross-examination of this witness?

14:52:50 5 MR BANGURA: Yes, Your Honour.

6 PRESIDING JUDGE: Please proceed now. Good afternoon,  
7 Mr Witness.

8 THE WITNESS: Good afternoon, old one.

9 PRESIDING JUDGE: Mr Witness, again, if you are asked a  
14:53:03 10 question, take your time. Don't go too fast and we will listen  
11 to what you have to say. Thank you.

12 THE WITNESS: Okay.

13 MR BANGURA:

14 Q. Mr Witness, in your earlier testimony you did say that when  
14:53:22 15 you took Moyamba, the chiefs asked you to stay; is that not so?

16 A. Yes.

17 Q. This was because they had so much confidence in you in  
18 protecting the town; is that not so?

19 A. Yes.

14:53:40 20 Q. Of course, Mr Witness, at that time it was so necessary to  
21 have Kamajors protecting the town because the rebel threat was  
22 not completely gone; correct?

23 A. Yes. At that time they had just left. They were very  
24 close to the town. They had just left the town for some short  
14:54:12 25 distance.

26 Q. Apart from the rebels, you were also concerned about  
27 persons who had worked with the rebels who were still staying  
28 with you in town?

29 A. Even if they were there, but nobody came and said that

1 these were the people who were working together with the rebels.  
2 All I knew was that they were the townspeople. That is what I  
3 knew.

4 Q. What I'm saying, in effect, Mr Witness, you were also  
14:54:52 5 concerned about the fact that, amongst you, there were people who  
6 had worked with the rebels. You were concerned about them as  
7 well, as much as you were concerned about the rebels being around  
8 you, because, Mr Witness --

9 JUDGE ITOE: Wait, wait, wait.

14:55:22 10 PRESIDING JUDGE: Let the witness answer the question.

11 JUDGE ITOE: Let him answer the question.

12 MR BANGURA: I'm sorry, Your Honours.

13 PRESIDING JUDGE: It's just being translated. The witness  
14 was still listening to the interpretation of your question. So  
14:55:31 15 you didn't give him the time to answer. Do you have an answer,  
16 Mr Witness?

17 THE WITNESS: I have answered. Okay, then, go over it  
18 again so that I'll answer it for your hearing.

19 MR BANGURA:

14:55:46 20 Q. Mr Witness, I'm saying that apart from the concern you had  
21 for rebels who, as you have agreed, had not gone very far, you  
22 drove them out of the town but they had not gone very far. Apart  
23 from that concern, you were also concerned about the presence  
24 amongst you of people who had worked with the rebels who were in  
14:56:11 25 town with you. You were concerned that they could also be a  
26 threat to your position.

27 A. Yes.

28 Q. Those people whom --

29 JUDGE ITOE: Please wait.

1 MR BANGURA: Sorry.

2 Q. Those were people whom you earlier termed here as  
3 collaborators, you were concerned that collaborators being in  
4 your midst could cause some trouble for you?

14:57:14 5 A. Yes.

6 Q. Mr Witness, it is true that --

7 MR BANGURA: Your Honours, I am a bit -- when he comes to,  
8 "Mmmm," it's a bit difficult to say what his answer is.

9 JUDGE THOMPSON: What we should do is to ask for that to be  
14:57:33 10 translated.

11 PRESIDING JUDGE: Mr Court Officer, could you make sure  
12 that the microphone of the witness is at the proper place?

13 THE INTERPRETER: Your Honours, the interpretation done is  
14 simultaneous. So whenever the counsel refers to the witness as  
14:57:46 15 Mr Witness, he would have to say yes. That is his response.  
16 Whenever he addressed him, Mr Witness, he will say yes.

17 PRESIDING JUDGE: Okay. It was not when he was saying  
18 Mr Witness, it's at the end of his question you translated, we  
19 assume, everything that was said to him, and at the end we just  
14:58:05 20 hear, "Hmm-mmm." So we don't know if it's a yes or if it's what.  
21 We didn't hear anything from you. So was your interpretation  
22 that this was yes? That's the question we have. So if it is  
23 not, then we need to know what the witness is saying.

24 THE INTERPRETER: Your Honours, may counsel go over the  
14:58:24 25 question. Whenever counsel says, "Mr Witness," he will say,  
26 "Mmmm."

27 JUDGE THOMPSON: Is there a "Mmmm," in Mende language?

28 THE INTERPRETER: Yes, there is.

29 JUDGE THOMPSON: [Overlapping speakers].

1 THE INTERPRETER: It means yes.

2 PRESIDING JUDGE: We need to hear a "yes", if it is "yes".

3 THE INTERPRETER: It could also be a response to when you  
4 are listening carefully, as a sign of keen attention to one's

14:58:49 5 speech.

6 PRESIDING JUDGE: Our concern was not the attention at that  
7 time. It was at the end of the question the witness had made  
8 that sound at that time, and we want to know what it means. If  
9 in Mende it means yes, well, tell us yes.

14:59:04 10 THE INTERPRETER: Your Honours, it would be safer if  
11 counsel go over the question.

12 PRESIDING JUDGE: Yes, we will do that.

13 MR JABBI: I think --

14 JUDGE THOMPSON: Just a minute. We look to you for  
14:59:14 15 guidance, interpreters, as a pre-emptive measure of getting  
16 Dr Jabbi to expound on this kind of thing.

17 PRESIDING JUDGE: As you can see, he was already on his  
18 feet.

19 JUDGE ITOE: We know that Dr Jabbi is an interested party.

14:59:28 20 MR JABBI: No, My Lord, I just want to be of assistance to  
21 the Court to keep the pace going.

22 JUDGE ITOE: I'm just pulling your legs, Dr Jabbi, that  
23 you're fulfilling your role as counsel and you are as honest as  
24 possible.

14:59:41 25 MR JABBI: Thank you very much, My Lord. What I note is  
26 that the witness punctuates the translation or interpretation  
27 with that comment, "Hmm-mmm," at various points within the  
28 translation.

29 PRESIDING JUDGE: As you know, our concern is not the

1 punctuation, it's really at the end when a question is asked and  
2 then we hear this sound, as such, "Hmm-mmm." So is this yes or  
3 not. So that's why I was asking.

4 MR JABBI: That is the final punctuation mark in the  
15:00:18 5 interpretation before he gives his answer.

6 JUDGE ITOE: In most of our African languages, when the man  
7 is talking, it is, "Hmm-mmm, I'm listening. Yes, I'm listening."

8 MR JABBI: That is it, My Lord.

9 JUDGE ITOE: That does not really mean that he is giving a  
15:00:29 10 clear response.

11 THE INTERPRETER: That is it, Your Honours.

12 MR BANGURA: Your Honours, one can only assume where the  
13 translation is almost simultaneous, one can only assume that if  
14 that sound comes at the end of the question, that [overlapping  
15:00:41 15 speakers].

16 JUDGE THOMPSON: Quite right. I think that's a fair  
17 assumption.

18 PRESIDING JUDGE: But we here cannot assume that. We need  
19 to hear the translation of that. That's what we say. So if this  
15:00:50 20 is the way it is, well, the interpreter must convey to us that  
21 this is yes.

22 JUDGE ITOE: The interpreter appeals to you to take the  
23 question again.

24 MR BANGURA: I will, Your Honour.

15:01:04 25 Q. Mr Witness --

26 A. Yes.

27 Q. The question is --

28 A. Uh-huh.

29 Q. -- you were also concerned at this time about the question

1 of collaborators within the town.

2 A. Okay.

3 Q. -- because any amount of harm --

4 JUDGE ITOE: [Overlapping speakers]. Let him answer that  
15:01:22 5 first.

6 THE WITNESS: It became a concern to us so that -- so, in  
7 fact, people investigated that to make sure we know who were the  
8 rebel collaborators. It became a concern to us.

9 MR BANGURA:

10 15:01:41 Q. Mr Witness --

11 A. Okay, yes.

12 Q. -- you will agree with me about this time it was the  
13 Kamajors who were the only persons armed within the town?

14 A. Moyamba?

15 15:02:00 Q. Yes. What is your answer, Mr Witness?

16 A. At that time, I cannot see -- but the time that we fought  
17 at Moyamba, I also got three guns. When we fought seriously, I  
18 also got three guns.

19 Q. Mr Witness --

20 15:02:39 PRESIDING JUDGE: Maybe you can clarify for the witness  
21 what time you're talking about.

22 THE WITNESS: Yes.

23 MR BANGURA:

24 Q. Mr Witness, I'm talking about the period just after you had  
15:02:47 25 taken Moyamba, and I have not moved away from that period.

26 A. Yes.

27 Q. It is a fact that after you had taken Moyamba from the  
28 rebels, the Kamajors were in control of the town; correct?

29 A. Together with the chiefs.

1 MR JABBI: But, My Lords --

2 THE WITNESS: Only the Kamajors cannot control the town  
3 without the aid of the chiefs, with the chiefs.

4 PRESIDING JUDGE: Yes, Dr Jabbi.

15:03:18 5 MR JABBI: This last question, My Lord, was supposed to be  
6 a repetition of the previous one but it's not the same question  
7 at all. The first one related to possession of arms. The  
8 intended repetition relates to being in control. Thank you.

9 MR BANGURA: Your Honours, I don't understand my learned  
15:03:38 10 friend's objection, if is an objection.

11 JUDGE ITOE: Yes, because you did say -- you did put to the  
12 witness that after they have taken over Moyamba, the Kamajors  
13 were the only people who were armed. That is how you started it.  
14 Then you have now shifted grounds to saying that after we had  
15:03:59 15 taken Moyamba, we were in control - the Kamajors were in control.  
16 Being in possession of guns is not the same thing as their being  
17 in control.

18 MR BANGURA: I took it that the witness did not quite  
19 understand the question and I was trying to put the question in  
15:04:18 20 another way to the witness.

21 PRESIDING JUDGE: At the time, yes. Because I put to you  
22 that maybe the witness does not understand the period of time  
23 that you're making reference to. That's basically what it was.

24 MR KAMARA: My Lords, sorry. I think the witness is having  
15:04:30 25 some troubles. I observe he is very nervous.

26 PRESIDING JUDGE: Mr Witness, do you need some assistance?

27 THE WITNESS: In this kind of cold -- I am not used to  
28 sitting in this kind of cold. However, let's proceed.

29 PRESIDING JUDGE: So you're freezing?

1 THE WITNESS: But if one could get access to medicine to  
2 ease my cold, I would appreciate it. But even this coat that  
3 I've used is not sufficient for me.

4 PRESIDING JUDGE: We over here are quite helpless to  
15:05:13 5 provide you with this, but I will ask the victims and witness  
6 section to see if they can assist you.

7 THE WITNESS: Okay, so let's proceed. Let's be going.

8 PRESIDING JUDGE: Yes. Mr Bangura, please.

9 MR BANGURA:

15:05:34 10 Q. Mr Witness, the point I'm making to you is --

11 A. Yes.

12 Q. -- when you took Moyamba at this time --

13 A. Okay.

14 Q. -- the Kamajors were the only persons who carried arms  
15:05:48 15 around the town, who were armed.

16 A. That is not so. They were not the only people. When we  
17 captured the town, even before we could settle we have to call  
18 people. That's why we called the chiefs, the civilians, the  
19 section chiefs, the civilians we called them. We told them that,  
15:06:09 20 "we have captured your town, what shall we do? Will you feed us,  
21 because just we the Kamajors cannot stay here. It would not be  
22 good for us." If only we -- the Kamajors were there it would  
23 have been good for us.

24 Q. Thank you, Mr Witness. It is a fact, Mr Witness --

15:06:30 25 A. Okay.

26 Q. -- civilians in town did not carry weapons at that time?

27 JUDGE ITOE: Where is that evidence from, that the  
28 civilians did not carry weapons at that time?

29 MR BANGURA: I am putting it to the witness, Your Honour.

1 These are civilians. Ordinarily, the expectation would be that  
2 civilians would not be armed.

3 JUDGE ITOE: I don't want to presume.

4 MR BANGURA: That's a suggestion I'm putting to the  
15:06:56 5 witness.

6 JUDGE THOMPSON: That is extremely argumentative because  
7 there is evidence before this Court that sometimes you cannot  
8 even distinguish between a civilian and a non-civilian in terms  
9 of dress. It's contentious. Let's not make those assumptions.  
15:07:11 10 I join my colleague in not accepting it.

11 MR BANGURA: Thank you, your Honour, I will withdraw the  
12 question.

13 Q. Mr Witness --

14 A. Yes.

15:07:18 15 Q. -- during this time that you were in control of the town  
16 you have said that you did, in fact, investigate cases of junta  
17 collaboration; is that correct?

18 A. Yes.

19 Q. Now, in the case of Mr Thomas, Mr Witness, how did you  
15:07:57 20 learn that in fact Mr Thomas had been a collaborator?

21 A. I was not a party to -- I wasn't a part of the case. I was  
22 not a part to the meeting. The chief who was a part would have  
23 to -- was Ngobebe, Chief Ngobebe.

24 Q. Mr Witness, that does not answer the question. How did you  
15:08:37 25 learn that Mr Thomas was a --

26 A. I said the time we got this information that they asked me  
27 how I knew, I said I asked Ngobebe. Because the meeting that they  
28 held, I was not part of it. This thing that happened, he came  
29 and explained to me. It was then that I asked him.

1 Q. How did you learn that in fact -- how did you get this  
2 information before you even went to ask Ngobebe? That's the  
3 question, Mr Witness?

4 A. How did I know? Mr Ngobebe was the one who came one evening  
15:09:30 5 and told me. We went on a patrol and after we came he said he  
6 had received a report from Mr -- this man, the treasury clerk,  
7 Thomas, that they had reported him that he -- that the first  
8 attack, that he wrote a letter to Camp Charlie so that we would  
9 be attacked.

15:10:04 10 Q. So you got this information --

11 JUDGE ITOE: You got this information from Ngobebe. Let's  
12 move from there.

13 THE WITNESS: Yes, yes. He came and explained this to me.  
14 I said, "What have you done about it?"

15:10:17 15 JUDGE ITOE: He answered.

16 MR BANGURA:

17 Q. It is a fact, Mr Witness, that Mr Thomas was being sought  
18 after for over a week?

19 PRESIDING JUDGE: Are you asking him the question? Make it  
15:10:31 20 clear. Make it clear to the witness that this is a question.

21 MR BANGURA:

22 Q. It is a fact, Mr Witness, that Mr Thomas was being sought  
23 after by the Kamajors for over a week - is that not so? - before  
24 they eventually got him?

15:10:46 25 A. No, no, no, no, no, no, no.

26 Q. Mr Witness, do you --

27 A. I didn't know it that way.

28 Q. And how do you know it?

29 A. I only knew that at the time when the report reached Ngobebe

1 and I went there, that was when I knew and that is how I know it.

2 Q. Mr Witness, you have testified to this Court that Mr Thomas  
3 was taken to Mr Janneh; is that not so?

4 A. Yes, yes. Yes, that is how it happened.

15:11:28 5 Q. What was the --

6 A. When they reached Ngobebe, after the meeting, and it was  
7 proved that he indeed did that, so that was when he was taken to  
8 Janneh. But at that time I was not there. So when I came back  
9 they reported to me.

15:11:46 10 Q. Thank you, Mr Witness.

11 PRESIDING JUDGE: Please wait for the translation to be  
12 completed. I mean, we're getting in total confusion. Let the  
13 witness complete his answer and the interpretation be completed  
14 before you ask your next question.

15:11:59 15 MR BANGURA: Your Honours, it gets into this very lengthy  
16 and unnecessary explanation.

17 Q. Mr Witness, Mr Thomas was taken to Janneh for safekeeping;  
18 is that not so?

19 A. Yes.

15:12:21 20 Q. He was in fact with Mr Janneh for up to a week; is that not  
21 so?

22 A. At the time that I knew that he was with him, because I was  
23 not there when he was taken there, when I got the information. I  
24 went there now. Having heard the information, I went there and I  
15:12:47 25 saw him there. After seeing him, that evening after I had

26 returned to my own work, not knowing that they had a plan that --

27 JUDGE THOMPSON: Counsel, go back.

28 THE WITNESS: I'm waiting.

29 JUDGE THOMPSON: Just a minute. Go back, put it to him and

1 ask him whether he knows that or he doesn't know it. Because,  
2 clearly, otherwise we get into these difficulties where precise  
3 questions are put and then we have answers that tend to be  
4 convoluted. Go back, and I know it's quite an arduous task on  
15:13:30 5 your part, but you're being handsomely remunerated for that. Go  
6 back to your question. Don't let him shift you away from your  
7 ground and ask him whether he knows this or he doesn't know it.  
8 Perhaps that might help.

9 MR BANGURA:

15:13:54 10 Q. Mr Witness, the question was, Mr Thomas was at Mr Janneh's  
11 house for a week. Do you know that or do you not know?

12 A. I didn't know that. The only evening that I knew that was  
13 the following morning that the incident took place.

14 Q. Thank you, Mr Witness. Do you know how Mr Thomas died?

15:14:30 15 A. I was not present when he died, but at the time that I  
16 reached there, the information that I got was this -- may I  
17 proceed?

18 Q. Yes, please.

19 A. At the time I left the checkpoint and went there at about 3  
15:14:52 20 o'clock at the gate, that town has five gates. We were there  
21 from 3 o'clock because before 6 o'clock to 7, I had returned  
22 home. I said I saw a large crowd going down the Sembahun Road by  
23 Shenge park, the Sembahun Road. So myself, I didn't even enter  
24 my house. So we met -- I met --

15:15:25 25 Q. Thank you, Mr Witness.

26 A. -- I met his head in a wheelbarrow.

27 Q. Thank you, Mr Witness. Mr Witness, it is a fact that the  
28 night before you saw Mr Thomas dead there had been dancing in the  
29 town by Kamajors. They were dancing with him. There was a big

1 dance by Kamajors in town that night. Do you agree with me?

2 JUDGE THOMPSON: Is that true or not true?

3 THE WITNESS: I didn't know that at all. I didn't know  
4 that. That is no truth. They never danced with him. That is no  
15:16:13 5 truth.

6 MR BANGURA:

7 Q. You did not know that, but did you hear there was dancing  
8 around the town that night with Mr Thomas?

9 A. I did not hear. I did not hear. Apart from that of his  
15:16:24 10 head that I saw in the wheelbarrow, people were passing with him,  
11 women, men, but that sort of thing was going to happen to him the  
12 following day, no, I did not hear about that.

13 Q. Mr Witness, I put it to you that Mr Thomas was in fact shot  
14 three times and that was how he died. Do you agree with me?

15:16:50 15 A. No, no. That is not what I saw and that is not what was  
16 explained to me.

17 Q. His head was only cut off after he had been killed. Do you  
18 agree with me?

19 A. I only saw his head in a wheelbarrow. They said it was the  
15:17:18 20 civilians had done that because they hadn't wanted the man to go  
21 free because that man was responsible for their relatives'  
22 deaths. He was giving the report to the rebels. But I didn't  
23 see any bullet mark.

24 Q. Did you see Mr Thomas's body? You saw the head; did you  
15:17:43 25 see the body?

26 A. I did not see it. In that large crowd I just went past to  
27 Ngobeh's street to ask him. After Ngobeh had answered --

28 PRESIDING JUDGE: Mr Witness, did you see the body?

29 THE WITNESS: I did not see it. I did not see it.

1 MR BANGURA:

2 Q. Mr Witness, you have testified that Mr Thomas was  
3 investigated and it was proved that he was a collaborator; is  
4 that so?

15:18:19 5 A. That was the information I got from Ngobebe.

6 Q. Did Ngobebe tell you who investigated Mr Thomas?

7 A. He said the chiefs, they met and did the investigation.  
8 That was how he explained it to me, because I was not there for  
9 the investigation. I was not there when they did the

15:18:47 10 investigation.

11 Q. Did he tell you where the investigations took place?

12 A. Yes.

13 Q. Where did he say that these investigations took place?

14 A. He said they did it in that court barri, a long that  
15 Sembehun Road. There's a court barri there.

16 Q. And is that court barri very far from your house?

17 A. Yes. And in fact I said I was not at home. I was at  
18 Kebbie Town, Salina coming to this place. Those gates. I was  
19 visiting those gates. When the civilians were there, if the  
15:19:35 20 rebels were very close to the town, I would have to -- I would  
21 never leave the town because if I leave the gates, if I am not at  
22 the gates, if there is any firing the Kamajors will abandon their  
23 gates. So that's why I would always be at the gates.

24 Q. Thank you, Mr Witness. Mr Witness, you were in town in the  
15:19:51 25 days immediately preceding the death of Mr Thomas. You were in  
26 Moyamba Town; is that not so?

27 A. After his death?

28 Q. Before. Before he died. Let us say one week before he  
29 died, Mr Witness, were you in Moyamba Town?

1 A. Just that evening when I entered, when I came to Moyamba  
2 was when Ngobebe knew that I have come to Moyamba. It was then  
3 that he came to me and reported to me and I also went there. But  
4 that he was going to die in the morning -- I slept in Moyamba but  
15:20:50 5 at my gate because that was where the Kamajors were.

6 Q. Mr Witness, I suggest to you that given your position, your  
7 seniority, there is no way an investigation could have been held  
8 without you knowing it. I put that to you.

9 A. I had another senior person ahead of me. Even before  
15:21:24 10 coming to where I stopped, there was the first battalion  
11 commander, I was the second. I was the one working with the  
12 fighters.

13 Q. Mr Witness, the fact is that there was no investigation --

14 A. I was not there at all.

15:21:43 15 Q. I am putting that to you. You can agree or disagree with  
16 me. The fact is that no investigations were conducted about this  
17 allegation that Mr Thomas was a rebel collaborator. There were  
18 no investigations conducted.

19 A. They told me that they did it and I was not there. They  
15:22:11 20 said they did it. And I was -- and our leader said so. He said  
21 they did so and I couldn't have said he was telling a lie.

22 Q. Mr Witness, Mr Thomas was the treasury clerk for Moyamba  
23 Town; is that correct?

24 A. That was what they said.

15:22:33 25 Q. How long had he been treasury clerk, do you know? Had he  
26 been in that position for a very long time?

27 A. I cannot say that. I only went there during the war. I  
28 couldn't have told you the number of times he took there -- he  
29 spent there.

1 Q. But in the short time that you were in the town,  
2 Mr Witness, you would agree with me that Mr Thomas was a very  
3 popular man in Moyamba Town.

4 A. That was what they told me, that he was a treasury clerk.  
15:23:30 5 Whether he was famous or popular, I didn't know.

6 Q. Mr Witness, there would have been no reason for civilians  
7 to be angry with Mr Thomas because he was an extremely --

8 A. Yes.

9 JUDGE ITOE: That question is troubling. The question is  
15:23:53 10 troubling because this witness has said -- he has already said  
11 that Thomas caused the death of some of their relatives. It is  
12 on record.

13 MR BANGURA: I am putting it to the witness, Your Honour.  
14 It is up to him to agree with me or not.

15:24:19 15 JUDGE ITOE: I don't even know whether it was a thesis you  
16 were developing or you were putting a question, but he is known  
17 on record to have said that one of the things was that this  
18 gentleman Thomas caused the death of some of their relatives  
19 within that town.

15:24:39 20 MR BANGURA: That may be his version, Your Honour, but --

21 JUDGE ITOE: I'm not saying the contrary. That is his  
22 version, you understand. I mean, we are not here to say whether  
23 he is speaking the truth or he's lying, but I'm just putting  
24 things in context that this is what he said.

15:24:56 25 MR BANGURA: I appreciate it.

26 Q. Mr Witness, Mr Thomas was a likeable man in Moyamba. I put  
27 that to you. Do you agree?

28 A. I cannot say yes to that at all. I cannot explain that  
29 because I was not there at the beginning. Whether people liked

1 him or otherwise, I don't know that. I only went there during  
2 the war. It was then that I saw him. I can't say whether the  
3 town liked him or not. I can't say that.

4 Q. Mr Witness, were there any other cases of junta  
15:25:44 5 collaboration reports that you investigated apart from Mr Thomas?

6 A. Yes, one person -- two. That Mr Thomas, he had a wife  
7 called Mbalu. They also brought reports about her to me. But in  
8 fact she was first taken to Sheku Kaillie and Sheku Kaillie did  
9 investigation for some time and the people were still  
15:26:26 10 disturbing --

11 MR JABBI: My Lords, if I may just remind the witness to  
12 keep his pace.

13 THE WITNESS: And later they brought her back to me.

14 PRESIDING JUDGE: Yes, Dr Jabbi?

15:26:36 15 MR JABBI: My Lord, I was just suggesting that I remind the  
16 witness to keep his pace when answering some question at length.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE: I think he's heard you. Thank you.  
19 Mr Bangura.

15:26:53 20 MR BANGURA:

21 Q. Yes, Mr Witness, the question was whether there were other  
22 persons that you investigated on the allegation of them being  
23 junta collaborators?

24 A. I said even myself, they brought that man's wife's report  
15:27:09 25 to me.

26 Q. Who brought that report to you?

27 A. Those women, some of them who were in that town, those men,  
28 some of them who were in that town, brought that report to me.

29 Q. And what was the report about?

- 1 A. They said the time the rebels came to that town, those  
2 rebels, she was the one cooking for them and she was finding  
3 sauce for them. And when everybody had gone into the bush, she  
4 did not go into the bush. Rebels were taking people's property  
15:27:52 5 and giving it to her. That was the report that they lodged to  
6 me.  
7 Q. And it is a fact, Mr Witness, that you then arrested  
8 Mr Thomas's wife and put her in detention; is that not so?  
9 A. Yes.  
15:28:08 10 Q. It is a fact, Mr Witness, that Mrs Thomas, Mr Thomas's  
11 wife, Mbalu, was also going to meet the same fate as her husband;  
12 she was also going to be killed, because she had been accused of  
13 being a junta collaborator.  
14 A. The way the report reached me, I would have to investigate  
15:28:45 15 you properly to make sure that you are a rebel before I kill you.  
16 But even there, if the town is not in my own hands, it would be  
17 difficult for us to punish you if -- when I was in command.  
18 Q. Mr Witness, did any persons intervene on behalf of  
19 Mrs Thomas while she was being investigated by you?  
15:29:24 20 A. No other person came to me to say, "Leave this woman,"  
21 besides the bad things that they would explain to me about her.  
22 Q. Mr Witness, do you know Bombowai?  
23 A. Yes. I wanted to start this whole issue with him, but --  
24 yes, I know him.  
15:29:51 25 Q. He was the district initiator in Moyamba; is that correct?  
26 A. Yes.  
27 Q. Was Mrs Thomas handed over to Bombowai --  
28 A. Then we are going back to the beginning, okay.  
29 Q. Was Mr Thomas handed over to Bombowai at some point?

1 A. Yes. The first report was made to him. He, the initiator.  
2 It was from him that the report was brought to me. But the first  
3 report was given to him. But you did not ask me at first about  
4 that.

15:30:41 5 PRESIDING JUDGE: I don't think he has understood the  
6 question. There seems to be some talking of the same thing but a  
7 completely different episode of the same issue. He's saying that  
8 she was first handed over to him and I take it from his answer  
9 that he handed the woman to him, to him the witness, later on.  
15:31:03 10 You're asking if he intervened. So you have to clarify that for  
11 me.

12 JUDGE THOMPSON: I think he's talking about Bombowai.

13 MR BANGURA: Bombowai, yes.

14 THE WITNESS: Are you talking to me?

15:31:14 15 JUDGE THOMPSON: I think the witness has some more  
16 information about this whole story. In other words, it's like  
17 opening a Pandora's box.

18 [CDF02JUN06E - EKD]

19 MR BANGURA: So it appears, Your Honour.

15:31:24 20 JUDGE THOMPSON: That's what I get from his response.

21 MR BANGURA: So it appears.

22 JUDGE THOMPSON: "Now that you have come to that subject,  
23 let me have a chance of expatiating on it." It depends whether  
24 you want to go down that road.

15:31:35 25 MR BANGURA: It may be that I would pursue the line --

26 JUDGE THOMPSON: Are you telling us something that

27 [overlapping speakers]

28 THE WITNESS: Let him go ahead with that question regarding  
29 that initiator. I want to talk about that.

1 PRESIDING JUDGE: Mr Witness, please. Please.

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: Just have the question that will be asked  
4 of you, just the question. Please, wait for the question.

15:32:00 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: Thank you.

7 THE WITNESS: Okay, okay.

8 MR BANGURA:

9 Q. Mr Witness, when I asked you a short while about other  
10 investigations, your answer was that there was one Mbalu, wife of  
11 Mr Thomas, and you said that she was brought to you. You did not  
12 say that she had been taken first to Bombowai. Why?

13 A. I started that. I started that, but you know questions --  
14 you'd only answer questions that you are asked. But you said I  
15 should not answer questions that I was not asked. Because I took  
16 an oath here to say the truth, and you told me to only answer to  
17 questions that I'm asked.

18 Q. Thank you, Mr Witness.

19 A. Sometimes I want to explain, but you have restricted me to  
15:32:56 20 answer questions that I'm only asked.

21 PRESIDING JUDGE: Mr Witness, you are being asked a  
22 question. Now you can answer that question. I'm the one who  
23 told you to only answer the question you are being asked. So you  
24 are being asked a question now. Answer, if you can, please.

15:33:14 25 THE WITNESS: What is the question?

26 MR BANGURA:

27 Q. Mr Witness, we're talking about having taken an oath to say  
28 the truth, and the truth here is that Mrs Thomas was brought to  
29 you, and you kept her in detention and it was only upon the

1 intervention of Bombowai that you released her, not the other way  
2 around as you seem to be putting it?

3 A. No. No, no, no. No.

4 Q. Mr Witness, you know what eventually happened to  
15:33:57 5 Mrs Thomas?

6 A. Okay. Yes, I started that talk. I said when she was  
7 reported and the report went to Bo, but I wanted -- they took her  
8 to Bo, but when I wanted to talk about it, you said that was not  
9 what I was asked.

15:34:22 10 PRESIDING JUDGE: Please tell us what happened to her.

11 MR BANGURA:

12 Q. Mr Witness --

13 PRESIDING JUDGE: One moment, please. I have just asked  
14 the witness to tell us what happened to her when she was taken to  
15:34:33 15 Bo. Tell us what happened, Mr Witness.

16 THE WITNESS: So you don't want me to talk about Sheku any  
17 more, is it? So I will just talk about what happened lately, is  
18 it?

19 MR BANGURA:

15:34:50 20 Q. The question about Bombowai, if that is the same person you  
21 are referring to, was only whether you knew him and that he was  
22 an initiator for Moyamba District?

23 PRESIDING JUDGE: It is more than that. You asked about  
24 Bombowai, but you asked as well if it is true that Mrs Thomas --  
15:35:11 25 it was because of intervention of Bombowai that she was not  
26 killed, or something along these lines, as such. He denies that  
27 and he was trying to explain why it was not the way it happened.

28 MR BANGURA: I would appreciate him explaining, but the  
29 only thing, Your Honours, I have not asked him to open --

1 THE WITNESS: The way it happened was what I wanted to  
2 explain first.

3 PRESIDING JUDGE: Well, explain it, Mr Witness, explain it.  
4 We are listening to you.

15:35:41 5 THE WITNESS: That man that you asked, Sheku Kaillie, was  
6 the chief initiator in Moyamba. At the time that report came  
7 about that woman, the report was made to him. At that time he  
8 was in Kangahun, but now -- at that time, since he was the chief  
9 initiator, he couldn't do the investigation, so he sent the  
15:36:15 10 matter to Bo.

11 THE INTERPRETER: Your Honours, the witness is going too  
12 fast.

13 PRESIDING JUDGE: Mr Witness, slow. Slow, please. You  
14 said he could not do the investigation because he was the chief  
15:36:28 15 initiator. So he sent the matter to Bo. What happened there?

16 THE WITNESS: Okay. Then he brought it to me. He said,  
17 "That was the report that was made to me, but because I am an  
18 initiator, I cannot do the investigation." At that time Ngobea's  
19 part of the game is no longer dealt with. "How many people did  
15:37:05 20 the report?" And they showed me four people. Then I went to  
21 Madam, I said, "This is the report that has been brought to me  
22 for your sister," and they asked me to investigate. "What has  
23 this woman done?" "She was cooking for those rebels who were  
24 based in this town. She was going to get my vegetables for those  
15:37:35 25 rebels. She was the one going to take my duck and cook for those  
26 rebels. If anybody did that, she is also a rebel." So this  
27 case, I would have to investigate, but now that everybody is  
28 angry, I would have to defer it. So I brought the case to  
29 Freetown, and I asked the woman if her children were in Freetown

1 here, and she said yes. So I brought her to Freetown and left  
2 her here and we returned. I was harassed seriously for that  
3 thing and I said, "Are you imagining that this rebel thing in  
4 this country, if you don't investigate people properly, we just  
15:38:21 5 do anything to them as you feel?" I said, "I would not do that."

6 PRESIDING JUDGE: Mr Witness, please tell us here. I know  
7 you like Mr Williams, but tell us over here.

8 THE WITNESS: Is it because of that firewood, that if  
9 somebody uses your firewood you make her a rebel? I said, beside  
15:38:51 10 that, if a rebel captures you, if he asks you to do something, if  
11 you don't do it, he will kill you. So whatever she did, because  
12 she was told to do so, I don't believe she is to be killed  
13 because of that. At that time, I attend the woman here and we  
14 were deciding the case out there. She spent a month in this town  
15:39:13 15 and I came for her. When I came for her just upon our arrival,  
16 we had our office and I told her write a letter for me, that  
17 whosoever will say that this woman is a rebel that you would be  
18 the person to be killed. And he wrote that letter and I signed  
19 it, and I gave the letter to her. I said, "Go. Go to your  
15:39:36 20 house." That was how her business came to me. And after that,  
21 we were doing investigations, we were doing several other  
22 investigation. But we didn't actually capture anyone who we did  
23 wrong to when I was commander.

24 PRESIDING JUDGE: Yes, Mr Bangura.

15:40:02 25 MR BANGURA:

26 Q. Thank you, Mr Witness. Mr Witness --

27 A. Yes. Okay, he's my colleague. I will say yes.

28 Q. It is a fact that there were many accusations in town of  
29 civilians alleging that they have collaborated with the rebels.

1 There were many, many complaints in town.

2 A. They did not make such a report to me except if they were  
3 making such a report to the chiefs or the chiefdom commanders but  
4 they did not make such reports to me. Because the way I decided  
15:40:53 5 that case, they didn't bring any other case to me.

6 Q. Mr Witness, it is a fact that after the killing of  
7 Mr Thomas the civilian population in Moyamba became extremely  
8 threatened; is that not so?

9 A. Well, someone will be afraid. You would only know that  
15:41:28 10 from -- you can't tell from what appears that he's afraid,  
11 because fear is expressed in the heart, not in the face.

12 Q. Mr Witness, you do recall the incident about the three men  
13 who were brought to Shenge, who were accused of cannibalism?

14 A. They did not kill them in my presence. I can't say they  
15:42:08 15 were killed.

16 JUDGE ITOE: Listen to the question first. Listen to the  
17 question. There is no question which has been put to you.

18 THE WITNESS: I am listening.

19 MR BANGURA:

15:42:24 20 Q. It is a fact, Mr Witness, that one of those three men was  
21 killed in Shenge at Shenge Park?

22 A. I did not see that.

23 Q. You testified to this Court that they put all three of them  
24 in a vehicle and took them away. In fact, Mr Witness --

15:42:48 25 A. Yes.

26 Q. -- it was only two of them that were led away while the  
27 third one was killed.

28 A. I was not there. I saw them being put in the vehicle.  
29 They were taking them back when I returned home to my gate, and I

1 went to my gate.

2 Q. Who were the persons concerned with this incident, the  
3 Kamajors concerned with this incident?

4 A. I don't know the Kamajors. I don't even know whether  
15:43:27 5 Kamajors had hands in that.

6 Q. Did you not --

7 A. Because when I saw AA Lamin and some of the NA police, I  
8 saw them boarding the vehicle. Even if Kamajors were there, I  
9 didn't see the Kamajors in Moyamba. I didn't see any Kamajor.

10 Q. Mr Witness, the general feeling in Moyamba at that time was  
11 one of fear among the civilians; is that not so?

12 A. No. The way Moyamba was, if any civilian came here to tell  
13 you that he was in fear, no, he'll be telling a lie. When I was  
14 there.

15 Q. The civilians whom you saw on the morning or so of  
16 Mr Thomas's head being displayed were out there out of awe. They  
17 were completely shocked at what they saw, and it was not out of a  
18 feeling of joy. I suggest that to you.

19 A. I can't say that. I can't say yes to that. Whether they  
15:45:04 20 were happy or not, that's up to them. I know my own happiness is  
21 different from theirs. I can't say about their own happiness.

22 Q. Mr Witness, as a commander - and I'm talking about when you  
23 were second battalion commander. As a commander at that time --

24 A. Yes.

15:45:31 25 Q. -- you were answerable to Ngobea; is that correct?

26 A. No. It was Chuck Norris that was the first battalion  
27 commander, so whatever report I had to take, I had to take it to  
28 Chuck Norris.

29 Q. Thank you, Mr Witness.

1 A. Look into it properly.

2 Q. And Chuck Norris was answerable to Ngobea; is that correct?

3 A. Yes. In fact, both of them are educated. I will just take  
4 my own report orally. They will write theirs.

15:46:13 5 Q. Do you know who Ngobea's boss was?

6 A. Apart from War Council, the chiefs there, they're the only  
7 people that I know. The War Council. But I don't know any other  
8 boss. He reported to those chiefs, that is only what I know.  
9 They were Ngobea's bosses there because they were the ones who  
15:46:42 10 sent us to do that work for them.

11 Q. You, yourself, Mr Witness --

12 A. The War Council, the chiefs, Tucker.

13 Q. You yourself, Mr Witness, at this time you had control over  
14 a number of chiefdoms; is that not so?

15:46:55 15 A. Chiefdoms?

16 Q. Under your command?

17 A. To command a whole chiefdom? Apart from the paramount  
18 chief? Oh no, no. That is the work of the paramount chief.  
19 Don't bring that sort of talk to me.

15:47:20 20 Q. I am not including the paramount chiefs when I talk about  
21 control. I am talking about Kamajors. You had control over  
22 Kamajors in a number of chiefdoms; is that correct?

23 A. At the time I was having the battalion commander's  
24 position.

15:47:47 25 Q. That is correct, Mr Witness, that's the time I am talking  
26 about.

27 A. Okay. In that battalion commander's position, okay, yes.  
28 Initially, the two of us, they gave me chiefdoms one, two, three,  
29 four, five; they gave me five chiefdoms.

1 Q. And which ones were these five chiefdoms?

2 A. Some of them in fact that they gave to me where -- I didn't  
3 even go there. Gbangbatoke; Banta Mokele; and Chief Kavura's  
4 chiefdom, Fakunya; and Kori. Okay, I think Kamajei. I think I  
15:48:42 5 can remember, it's Kamajei. Those are the areas that were given  
6 to me and all the Kamajors.

7 Q. Were you also in charge of Moyamba Town?

8 A. Moyamba was in the hands of the 1st Battalion commander.  
9 It was in the hands of the Pa himself. 1st Battalion commander.  
15:49:05 10 He was in control of Moyamba.

11 Q. Mr Witness, in these chiefdoms you had commanders who  
12 came -- who reported to you; is that not so?

13 A. Yes, we appointed chiefs. We call them chiefdom  
14 commanders. These chiefdom commanders that were appointed, they  
15:49:33 15 asked us "What work are we supposed to do?" And we said, "You  
16 are supposed to work together with hand-in-hand with the chiefs  
17 and the Kamajors. So you are the liaison between the chiefs and  
18 the Kamajors.

19 THE INTERPRETER: "The civilians and the Kamajors";  
15:49:57 20 interpreter's mistake.

21 MR BANGURA:

22 Q. Which sub-commanders reported to you from these chiefdoms;  
23 which chiefdom commanders?

24 PRESIDING JUDGE: Are you asking the names of the  
15:50:09 25 commanders?

26 MR BANGURA: Yes.

27 THE WITNESS: Except that document which have their names,  
28 except I have that document now because I can't remember their  
29 names now.

1 MR BANGURA:

2 Q. Not one of them?

3 A. No, except the documents now.

4 Q. When you became general commander you were then in charge  
15:50:56 5 of the whole district; is that not so?

6 PRESIDING JUDGE: You mean overall commander?

7 MR BANGURA:

8 Q. Overall commander.

9 A. Yes, that was what happened.

10 15:51:09 Q. And at that time who did you answer to?

11 A. When I was in that position I had no other boss except the  
12 War Council. They were my only bosses.

13 Q. And all the other commanders within your chiefdom at that  
14 time were answerable to you; is that correct?

15 15:51:46 A. If they had a report they would make it to me. But in fact  
16 when I was made general commander, they had a battalion  
17 commander. They are not coming with to me with any arrangements.  
18 They would go to the battalion commanders. So in fact they were  
19 disrespecting me. I didn't care because I had my position and I  
15:52:08 20 had a title. Because I didn't understand Krio so I didn't even  
21 understand what they were saying.

22 Q. Do you know a man called Soba Stevens in Moyamba District?

23 PRESIDING JUDGE: What is the name again?

24 MR BANGURA: Soba Stevens.

15:52:38 25 THE WITNESS: Soba Stevens. Soba Stevens. Please name a  
26 town, probably I will --

27 MR BANGURA:

28 Q. Sembehun?

29 A. Sembehun Nestucker? Soba Stevens which means he was in

1 Sembehun. I don't know him in Moyamba and I can't say I knew  
2 everybody in Sembehun or not.

3 Q. Did you hear at any time about the looting of the car of a  
4 man, a prominent man, in Sembehun?

15:53:27 5 A. A car, a vehicle? I didn't get that information from  
6 anyone.

7 MR BANGURA: Your Honours, may I confer?

8 PRESIDING JUDGE: Yes.

9 MR BANGURA:

15:54:41 10 Q. Mr Witness, I believe you have testified that you know the  
11 second accused, Moinina Fofana; correct?

12 A. Yes. That one over there, I know him.

13 Q. How did you get to know him?

14 A. Even before the war, there was no war in this country, we  
15:55:08 15 got married at the same house, Kalewanjama, before he came and  
16 settled in Bo. But at that time I didn't even know anything  
17 about war. Whenever I will go there I will lodge to him.

18 Q. Thank you, Mr Witness.

19 A. That is how I knew Mr Moinina Fofana.

15:55:30 20 Q. Thank you, Mr Witness. It is a fact, Mr Witness, that you  
21 went to Base Zero on a number of occasions while you were a  
22 commander in Moyamba; is that not so?

23 A. At the time I was having the commander position, the chiefs  
24 called me before I got the commander position, when I was  
15:56:02 25 introduced -- [translation interrupted]

26 Q. Mr Witness, the question is this -- the question is the  
27 suggestion to you --

28 A. Ask me properly.

29 Q. Mr Witness, can you please not interrupt when I speak.

1           The suggestion I have put to you is that you did go to  
2 Base Zero on a number of occasions while you were a commander;  
3 yes or no?

4           A.    Me, no. At the time I had a commander's position, no, I  
15:56:39 5           don't go there.

6           Q.    Let's break it up, Mr Witness. As second battalion  
7 commander, did you or did you not go to Base Zero during that  
8 period?

9           A.    Just when I went and when that battalion commander's  
15:56:57 10           position was given to me, no, no, I didn't go there again.

11          Q.    Mr Witness, are you saying in fact that you did go to  
12 Base Zero at some point?

13          A.    I went to Base Zero in Talia. Okay, let me tell you. I  
14 went there three times. The one I went there and I slept there  
15:57:22 15           only once. The other two I didn't even sleep there. By then I  
16 had no position.

17          Q.    Mr Witness, if you can only go a bit slower so that we  
18 understand the evidence that you are giving. You have just told  
19 the Court that you went to Base Zero on three occasions.

15:57:38 20          A.    Okay.

21          Q.    When was the first time that you went to Base Zero? When  
22 was the first time that you went to Base Zero?

23          A.    The first time that I went I did not sleep there, but that  
24 Kondewa that we mention his name, Mustapha, but because we didn't  
15:58:05 25           go further with it, it was that Mustapha that came to me here,  
26 Kenema.

27          Q.    Mr Witness, I will have to interrupt.

28          A.    He went and explained something that was not --

29           PRESIDING JUDGE: Mr Witness, please, please, wait for the

1 question again.

2 THE WITNESS: That was my first --

3 MR BANGURA:

4 Q. When was this? What time was this? Was it before the  
15:58:40 5 government of President Kabbah was overthrown or was it after?

6 A. This Mustapha who --

7 Q. Was it before the government of President Kabbah was  
8 overthrown or was it after that?

9 A. I knew that Mr Kabbah was then -- was now in the  
15:59:11 10 chieftaincy -- or in the presidency.

11 Q. Thank you. And when you went to Base Zero it is a fact,  
12 Mr Witness, that Moinina Fofana was there; correct?

13 A. In that crowd, I didn't go there for him. I didn't look  
14 out for him. If I had done so probably I would have seen him.

15:59:42 15 PRESIDING JUDGE: The question was: Was Fofana there or  
16 not? If you don't know, you don't know.

17 THE WITNESS: I don't know whether he was there. I don't  
18 know at all if he was there.

19 MR BANGURA:

15:59:57 20 Q. Mr Witness, you know the first accused, Sam Hinga Norman?

21 A. In fact, when I went there, I didn't even sleep there.  
22 Then I returned.

23 Q. You know the first accused, Sam Hinga Norman; not so?

24 A. Yes, Mr Hinga Norman, I know him.

16:00:16 25 Q. He was at Base Zero when you went there on this first  
26 occasion; is that not so?

27 A. I know him from this other end, not Base Zero's end. I  
28 knew him from this end. I said this end. I did not see him.

29 Q. The question is: When you went to Base Zero this first

1 occasion --

2 PRESIDING JUDGE: He has said he didn't see him.

3 JUDGE ITOE: He didn't see him. He has answered.

4 THE WITNESS: I did not see him.

16:00:48 5 MR BANGURA: Thank you.

6 Q. You know the third accused, Allieu Kondewa?

7 A. Yes, Allieu Kondewa, I know him.

8 Q. Was he at Base Zero when you were there on this first  
9 occasion?

16:01:12 10 A. At that first time, he was at Mokasi doing his initiations.

11 Q. Mr Witness, you have told this Court that in fact you were  
12 taken to Base Zero by somebody called Mustapha Kondewa on this  
13 first occasion; is that not so?

14 A. Yes.

16:01:40 15 Q. What was the purpose of Kondewa taking you to Base Zero?  
16 What was the purpose?

17 A. I went, there was a man, all of those chiefs that are  
18 coming from here, from the district, going there, they were --  
19 they reported to him. He was called Collier. He was the chief.

16:02:07 20 He would meet with all of those chiefs to discuss about the war.  
21 He was the one that he went and told him that I have come to this  
22 land -- that I have come to fight and I did not even fight and I  
23 created a problem. That was what I was --

24 Q. In fact, Mr Witness --

16:02:32 25 A. That I surrendered to the rebels.

26 Q. In fact, Mr Witness, it was a complaint that was being made  
27 against you; is that not so?

28 A. Yes, that is what I'm explaining. They complained that I  
29 had surrendered. That was why there was complaint.

1 Q. Who settled this complaint? Who had to -- you have  
2 mentioned Collier. Was it Collier who settled the matter that  
3 you were complained about?

4 A. At that time those of his colleagues -- in fact, some of  
16:03:24 5 those Moyamba District Kamajors were there. Lamin -- some of  
6 them had just left Shenge, they said they had surrendered to the  
7 rebels.

8 Q. It is a fact, Mr Witness, that on this occasion as you came  
9 back from Base Zero you were promoted. You were given a  
16:03:43 10 promotion. A complaint was made against you. Instead of being  
11 reprimanded, you came back with a promotion; am I correct?

12 A. No. I went. When they came for me, I went.

13 PRESIDING JUDGE: Take your question again.

14 MR BANGURA:

16:04:13 15 Q. Mr Witness, Mustapha Kondewa made a complaint against you  
16 at Base Zero, about your behaviour towards your fellow Kamajors;  
17 correct?

18 A. No, no, no, no, no. It's a lie, no. Let me cut long talk  
19 short. How can I be doing bad things to Kamajors? No.

16:04:44 20 Q. Mr Witness, Mustapha Kondewa made some complaints against  
21 you at Base Zero; correct?

22 A. Yes, he reported me. I said that was why they came -- they  
23 called me. In fact, he was the very person that came.

24 Q. Thank you, Mr Witness. At the end of that process --

16:05:09 25 A. Okay.

26 Q. -- after the complaint had been heard, instead of you being  
27 reprimanded you came from Base Zero with a promotion as a  
28 commander; is that not so? Second battalion commander?

29 A. When I went to that court and it was proved that the man

1 had told lies about me and they said I should be brought back to  
2 where I was. It was then that that was my -- and, in fact, the  
3 man said, "That was my good worker whose name was tarnished here,  
4 I'm sending him now from deputy," and in fact it was then that  
16:05:58 5 they gave me that position that I was then now the 2nd Battalion  
6 commander. That was what they said in the committee.

7 Q. So, Mr Witness, it is not true that it was the chiefs in  
8 your chiefdom who appointed you as 2nd Battalion commander. That  
9 was your earlier testimony. It is not true.

16:06:29 10 A. Those chiefs in my chiefdom? I said that was not correct.  
11 Listen carefully while I am talking. Listen attentively when I'm  
12 talking. Chief Charles Caulker even now, when they went for me  
13 to bring me here, we entered to his place.

14 Q. Mr Witness --

16:06:56 15 A. His son wrote a letter and gave it to them. My own son has  
16 not come yet. That is the white man's.

17 Q. Mr Witness, your testimony before this Court was that you  
18 were appointed 2nd Battalion commander in your chiefdom by the  
19 chiefs there. That was your earlier testimony before this Court  
16:07:20 20 and I don't think you can argue about that.

21 PRESIDING JUDGE: Well, let him answer that question and  
22 don't argue with him. Put the question to him and let him  
23 answer.

24 MR BANGURA:

16:07:34 25 Q. Mr Witness, that was your testimony earlier today; is that  
26 not so?

27 A. I said what? What did I say? Go over that again and ask.  
28 No, you'll not -- you will not just give me the tongue and you  
29 expect me to swallow it like that. You have to explain it

1 carefully, because I'm answering the questions and you are going  
2 there again. So you'd have to explain again carefully and  
3 explain very clearly.

4 PRESIDING JUDGE: Mr Witness --

16:08:06 5 THE WITNESS: You have called me.

6 PRESIDING JUDGE: Mr Witness, please listen to the question  
7 yourself carefully and --

8 THE WITNESS: I am listening. That's why if you ask me, if  
9 I don't understand you'll have to ask again.

16:08:19 10 PRESIDING JUDGE: Go ahead, Mr Prosecutor.

11 MR BANGURA:

12 Q. Mr Witness, it is a fact that you came from Base Zero on  
13 this occasion with an appointment. You had a letter saying that  
14 you had been appointed commander, 2nd Battalion commander, not  
16:08:33 15 so?

16 A. When they took me, I was not -- they told me that I should  
17 go -- the guys should bring me back, they were hanging heads  
18 about me. I did not leave there with the position.

19 Q. Mr Witness, Chuck Norris got appointed as 1st Battalion  
16:09:00 20 commander on this occasion as well; correct?

21 A. In fact, he was the first person that got the appointment,  
22 that got the letter and he came to us in Moyamba. At that time  
23 most of our chiefs were there. It was that letter that the  
24 section chief, the town chiefs, when they read it, that he was  
16:09:28 25 the first battalion commander and I was made the deputy. That  
26 was what I explained.

27 PRESIDING JUDGE: Ask the question again. That was not  
28 your question. That is not the answer to your question.

29 MR BANGURA:

1 Q. The question was: Chuck Norris became appointed as first  
2 battalion commander on this same occasion?

3 A. Yes.

4 Q. Mr Witness, Ngobebe used to report -- your boss when you  
16:10:05 5 were battalion commander, Ngobebe, used to report to the second  
6 accused Moinina Fofana; is that not so?

7 A. I did not know it that way. I knew that whatever reports  
8 he had, when we went to him, he would take them to the chiefs.  
9 That was what I knew.

16:10:31 10 Q. Mr Witness, it is a fact that Moinina Fofana used to come  
11 to Moyamba while you were commander; correct?

12 A. Not a single day did I ever see that Moinina Fofana come to  
13 Moyamba and spend the rest of the day and sleep there, except if  
14 he was passing, going to Freetown.

16:11:04 15 Q. It is a fact that he did come to Moyamba; not so,  
16 Mr Witness?

17 A. I did not see him come to Moyamba and they said  
18 Mr Moinina Fofana had come to Moyamba today. I did not see him  
19 at all. Except if he came and he was passing to Freetown in a  
16:11:24 20 vehicle. That was what I said.

21 Q. Mr Witness, the second time you went to Base Zero what was  
22 the purpose?

23 A. That report that that guy made was for that that I went and  
24 I returned and slept. Later the chiefs called me. It was on  
16:11:53 25 that occasion that I slept. Because where we were under that  
26 barri, that plastic bag that I had with me, that I had taken with  
27 me, it was with me even when I would go outside. It was that  
28 same plastic bag that I hung on the court barri. It was that  
29 same plastic bag that -- I forgot it when I returned the first

1 time. So I went back for it. I didn't even sleep and I  
2 returned.

3 MR BANGURA: Your Honours, there will be no further  
4 questions for this witness. Thank you, Mr Witness. Thank you.

16:12:33 5 PRESIDING JUDGE: Dr Jabbi, any re-examination?

6 MR JABBI: None, My Lord.

7 PRESIDING JUDGE: Thank you. Mr Witness, that completes  
8 your evidence in this Court. You'll be happy to know that you  
9 can go back to your hometown now.

16:12:55 10 THE WITNESS: To my home, is it?

11 PRESIDING JUDGE: Yes, indeed.

12 THE WITNESS: To go back to my home, is it? I am happy  
13 too. Like tomorrow, I'm happy.

14 PRESIDING JUDGE: Very well. Have a good and safe trip  
16:13:13 15 back to your hometown.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: Thank you. Can the witness be assisted  
18 from the victims and witness section.

19 THE WITNESS: But they went for me in a vehicle. Are they  
16:13:29 20 going to give me a vehicle to take me along too?

21 PRESIDING JUDGE: They will take care of you, Mr Witness,  
22 yes.

23 THE WITNESS: Okay, okay. By God's grace.

24 JUDGE ITOE: Don't go without them giving you money.

16:14:07 25 [The witness withdrew]

26 PRESIDING JUDGE: Dr Jabbi, who is your next witness and is  
27 he available now?

28 MR JABBI: No, My Lord.

29 PRESIDING JUDGE: No, meaning you have no witness

1 available?

2 MR JABBI: No, My Lord. My Lord --

3 PRESIDING JUDGE: What is the situation with your  
4 witnesses, if I may ask?

16:14:33 5 MR JABBI: My Lord, we have decided not to have Mr Manna  
6 because it has been difficult to get at him.

7 PRESIDING JUDGE: This is your witness 25?

8 MR JABBI: Twenty-five, My Lord, and 26. I had a session  
9 with them this afternoon during lunch and they have not been able  
16:15:12 10 to get all the material. They have got some. All of the  
11 material we want to look at, and I have to go back to them. If  
12 we get all the material we are asking for, we may not call him to  
13 testify, but I have just got few for the moment.

14 PRESIDING JUDGE: When will the decision be taken?

16:15:36 15 MR JABBI: My Lord, I am expecting that at the latest  
16 Monday that will have been taken. I just want to be sure that  
17 the actual materials are available for assessment.

18 PRESIDING JUDGE: Where are we in the situation of your  
19 witness list, leaving aside for now witness number one. The  
16:16:02 20 other witnesses, where are we? Now I understand that you are  
21 telling the court that 25 is not being called.

22 MR JABBI: No, My Lord.

23 PRESIDING JUDGE: So he will be deleted from your list.  
24 What does that mean in practical terms?

16:16:23 25 MR JABBI: My Lord, if we decide to have number 26, then he  
26 will be the last witness during this session.

27 PRESIDING JUDGE: Before you make any further statement, I  
28 just want to restate our position that we want you to close your  
29 case in this session, unless you have absolutely exceptional

1 circumstances that you need to put forward. Essentially, we want  
2 to see some finality, and the finality is we have told you that  
3 this session, which is due to end not in the week coming, but the  
4 week after. We were expecting and still hope to finish with your  
16:17:12 5 witnesses, the witnesses for the first accused, in this session.  
6 If you are unable to give me a firm answer now, I will not ask  
7 you to do so, but I just want to ask you to think seriously about  
8 it because we are not intending to prolong indefinitely the case  
9 for the defence of the first accused.

16:17:41 10 MR JABBI: My Lord, as at now, after number 26, we have two  
11 witnesses on the list: number 1 and 21. We have already  
12 reported about 21 --

13 PRESIDING JUDGE: On 21, let me tell you here, that we need  
14 some additional information, because we are not prepared to say  
16:18:15 15 that this is sufficient for the time being. This witness is not  
16 available now because he is sick, but I would like to have more  
17 information about his sickness to the effect that he is unable to  
18 attend at this particular session. We still have two weeks to  
19 go. I need more. I would like to see a medical report to say  
16:18:37 20 that this person is unable to travel because and because. This  
21 is an important matter. This is a serious case, as you know, and  
22 if he is an important witness for you, we are prepared to make  
23 accommodation for that. But you know for the Defence that for  
24 months and months - and especially this witness you claim is  
16:18:55 25 important, and I am not arguing with you whether he is important  
26 or not, I just take it at face value that he is important to your  
27 case - how is it that arrangements have not been made sooner and,  
28 assuming he is not able to come now because he is sick, I would  
29 like to have some evidence of that problem that makes it

1 impossible for him to come now. I understand he is to have some  
2 surgery later in the summer, but surgery would not preclude him  
3 from attending here for the next few weeks. His surgery is  
4 scheduled for July or August.

16:19:27 5 MR JABBI: My Lord, this witness lives in Nigeria.

6 PRESIDING JUDGE: You knew he was living in Nigeria, with  
7 all due respect, Dr Jabbi. You knew that two months ago, four  
8 months ago. In fact, months ago. It is not news to you.

9 MR JABBI: We have reported before that when the legal  
16:19:46 10 assistant went to Nigeria, at that time, in fact, the witness was  
11 so unwell that he could not move around with the legal assistant  
12 to get to Abuja where he said he needed to go before making  
13 certain decisions. This time around, he's able to move around a  
14 bit, but already, as I am informed, he had made arrangements to  
16:20:13 15 go for treatment this month, and that is why he said he will not  
16 be available. He will be there until the end of July, I am  
17 told - all this over the telephone. My legal assistant will be  
18 coming possibly today or tomorrow. We were expecting him as far  
19 back as Wednesday this week, but we don't know what has happened,  
16:20:39 20 and he will bring a fuller report on that situation. I do not,  
21 of course, at this stage say that he will bring a medical report  
22 about the witness, but he will bring a full enough report for us  
23 to know exactly what is wrong with him and also what is --

24 PRESIDING JUDGE: I want to know in that report, Dr Jabbi,  
16:21:02 25 if he is to produce this kind of report, why is it that he is  
26 unable to attend now? I understand that he is to have some  
27 surgery later in July or August. Why is it that it is not  
28 medically possible for him to come now?

29 MR JABBI: My Lord, that will be explained, if only by the

1 legal assistant's report.

2 PRESIDING JUDGE: You know our concerns, so make sure this  
3 report is as substantiated as you can in this respect. Because,  
4 as I say, we are concerned we may be losing very precious time  
16:21:42 5 now, as I have stated, as such. You know we have asked the  
6 second accused to be prepared to proceed now in September, and it  
7 is not that we are going to be on vacation for the next few  
8 weeks. If we are not in court, we have enough work to keep us  
9 busy. It is not that we are concerned with. We are concerned  
16:22:05 10 about losing court time at this particular moment which will have  
11 a ripple effect on others. That is why we say we have given you  
12 a lot of time to allow you all the flexibility to call all of  
13 your witnesses in this session, as such. As you know, we have  
14 been quite flexible to make accommodation for some difficulties  
16:22:23 15 you were experiencing. We want to see some finality, Dr Jabbi.

16 MR JABBI: Well, My Lord, according to our own defence  
17 strategy, we have felt that some time during this session we  
18 would have been able to take number one, which will take some  
19 time.

16:22:42 20 PRESIDING JUDGE: You will know about number one in this  
21 session, this is an absolute certainty.

22 MR JABBI: I can only hope that he will actually be  
23 available as a result of the decision, but we will certainly take  
24 it, My Lord.

16:22:54 25 PRESIDING JUDGE: I have made my comments all the time to  
26 say, leaving aside the issue and witness number one, I leave this  
27 one in a separate scenario. That aside.

28 MR JABBI: We would have loved to carry on, but these two  
29 situations are totally outside our control.

1           PRESIDING JUDGE: Number one, I concede that, Dr Jabbi. I  
2 am not encroaching that one upon you as a condition. I say,  
3 leaving aside witness number one, which is beyond your control,  
4 conceded, that having been said, the other witnesses, that is  
16:23:33 5 what I am talking about.

6           JUDGE ITOE: If it becomes necessary for the Tribunal to  
7 accommodate you for the next session just because of number one -  
8 I say if it becomes necessary - we will consider it at the  
9 appropriate time.

16:24:03 10           MR JABBI: And number two, My Lord -- 21, sorry.

11           JUDGE ITOE: Those are entirely matters for your own  
12 concern. I am more concerned with 21 because, if we have to, we  
13 will have to take a decision on that, anyway, as to what we shall  
14 do.

16:24:27 15           PRESIDING JUDGE: You know our concerns about that, and you  
16 know our concerns about the time. At this stage we want to move  
17 ahead, and we want to move ahead with the trial. As I say, we  
18 are not concerned about work for us, because we are busy enough.  
19 As you know, we have another session coming up with another  
16:24:48 20 trial. So our concern is not that. Our concern is that we must  
21 move ahead with this trial, as such. We seem to have reached a  
22 stage now where we are in a stalling mode, if I can put it this  
23 way. We are not moving ahead anymore, simply because of  
24 difficulties with witnesses and so on. We had hoped, and we  
16:25:08 25 still hope, to be able to come to some closure on the defence of  
26 the first accused in this session. That's why we had provided  
27 this amount of time to you. That is the best way I can put it to  
28 you, Dr Jabbi. If you are prepared -- and I leave aside for now,  
29 because I agree with you, the issue of witness number one on your

1 list is not within your control and, therefore, I will not put  
2 that to you or against you in any way. I am talking of the other  
3 witnesses, including in this respect your witness number 21, but  
4 we will wait until you have the response from your legal  
16:25:49 5 assistant who is on his way back. When is it that we can  
6 reconvene?

7 MR JABBI: My Lord, we will be in a position to say  
8 something definitive about both situations -- all situations as a  
9 matter of fact, latest Tuesday, My Lord, on the absolute outside.

16:26:20 10 PRESIDING JUDGE: I will come back to you. In the  
11 meantime, I would like to have your comments, Dr Jabbi, on  
12 documents you have been provided with which have to do with  
13 information you had provided to the Court about availability of  
14 witnesses, difficulties to reach witnesses, and so on. I am  
16:26:35 15 making here reference to reports that have been produced to me as  
16 the Presiding Judge and I have for Trial Chamber I about  
17 witnesses. As you know, I was particularly concerned. This is  
18 the WVS section report on issues that you have raised in Court  
19 earlier this week. If I am not mistaken, it was on Monday. You  
16:27:05 20 have not received it, but I will make sure you have been given a  
21 copy.

22 MR JABBI: I have a copy, Your Honour.

23 PRESIDING JUDGE: I understand you have copies of that. I  
24 would like to hear your comments. I was particularly concerned  
16:27:13 25 about inaccuracies that the Court may have received, and  
26 certainly when you look at the list of the witnesses that have  
27 been lodged at what has been described as the Brookfields  
28 complex. What the witness and victims section says clearly shows  
29 that 15 of your witnesses were allowed to move in and out and go

1 back to their own region or where they came from would seem to be  
2 different from the information you've provided to the Court as to  
3 difficulties your witnesses were experiencing in this respect.  
4 So these are some of the matters I would like you to address.

16:27:52 5 MR JABBI: Yes, My Lord. My Lord, it is a preliminary  
6 comment I have at this stage about the WVS document. Before I  
7 make any comments on the substance of it, I just wish to observe  
8 that at least the covering letter seems to be on the basis of  
9 reported comments and if these comments were made in Court, I am  
16:28:50 10 sure they are available in transcript form. I wanted to suggest  
11 that before I make detailed comments on this, WVS be given an  
12 opportunity to have access to the transcript of the observations  
13 I made.

14 PRESIDING JUDGE: I have no problem with that, absolutely  
16:29:08 15 none. I can tell you that I have been told by WVS and the writer  
16 of this report, Mr Naeem Ahmed, that he was listening on screens  
17 to what you were saying in Court. So he may not have seen a  
18 transcript, but he heard you live on screen when you were saying  
19 so. If you think he should be given access to a transcript, that  
16:29:35 20 is not a problem. They have access and we will make sure they  
21 are provided access to the transcript, but I can tell you what I  
22 have been informed of is what is there has been written as a  
23 result of them listening to you making these comments in Court.  
24 So this is not thirdhand information to them. They were  
16:29:54 25 listening directly to you, to your voice when you were speaking  
26 in Court through the screens and through the video system.

27 MR JABBI: My Lord, I will want to make comments by  
28 reference myself to that transcript.

29 PRESIDING JUDGE: Fine.

1 MR JABBI: And I want to give them the opportunity to refer  
2 to it and possibly review their letter before we deal with it.

3 PRESIDING JUDGE: Very well, that is quite fair. I will  
4 make sure that they are provided with a copy of the transcript,  
16:30:24 5 you have a copy yourself, and we'll make sure they have a  
6 representative here in court when this is being addressed next  
7 week.

8 MR JABBI: Yes, My Lord.

9 PRESIDING JUDGE: Will that be satisfactory to you? We  
16:30:37 10 will do that next week.

11 MR JABBI: Yes, My Lord.

12 PRESIDING JUDGE: Very well.

13 MR JABBI: My Lord, I just want to raise one issue if we  
14 are about to break.

16:30:47 15 PRESIDING JUDGE: What we want to do, Dr Jabbi, is we want  
16 to have a very short break to discuss what you have been  
17 suggesting for your witnesses for next week and so on and we will  
18 come back. I don't know if you want to raise that now before we  
19 do. Go ahead.

16:31:14 20 MR JABBI: Broadly it concerns the first accused.

21 PRESIDING JUDGE: The matter that you've raised?

22 MR JABBI: Yes, My Lord. I don't want to say more. Just  
23 to remind Your Lordships.

24 PRESIDING JUDGE: Yes. Very well. So we will confer  
16:31:30 25 briefly and we'll come back to give a decision on your suggestion  
26 for the calling of your witnesses.

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

28 PRESIDING JUDGE: Thank you.

29 [Break taken at 4.32 p.m.]

1 [Upon resuming at 4.43 p.m.]

2 PRESIDING JUDGE: So, Dr Jabbi, we have consulted on what  
3 we have discussed and what you have proposed and we will adjourn  
4 the proceedings to next week. Not to Tuesday, but to Wednesday  
16:42:56 5 morning. So that will give you one additional day to get  
6 whatever information you need at that time. Hopefully the  
7 information about witness 26, and if you don't have the  
8 documentation then make sure this witness is available for  
9 Wednesday. We would ask you, as well, to provide all the  
16:43:20 10 necessary information for witness 21 at that particular moment.  
11 We will also discuss the matter with the witness victims section  
12 report that you have on Wednesday.

13 MR JABBI: Thank you very much.

14 PRESIDING JUDGE: In those circumstances we adjourn the  
16:43:37 15 proceedings to Wednesday, 9.30. Thank you.

16 [Whereupon the hearing adjourned at 4.44 p.m.,  
17 to be reconvened on Wednesday, the 7th day of  
18 June 2006, at 9.30 a.m.]

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

WITNESSES FOR THE DEFENCE:

WITNESS: KENEI TORMA	2
EXAMINED BY MR JABBI	2
CROSS-EXAMINED BY MR BOCKARIE	35
CROSS-EXAMINED BY MR WILLIAMS	38
CROSS-EXAMINED BY MR BANGURA	46