

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

TUESDAY, 10 OCTOBER 2006
9.38 A.M.
TRIAL

TRIAL CHAMBER I

| | |
|-----------------------------------|---|
| Before the Judges: | Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe |
| For Chambers: | Ms Roza Salibekova Ms Lisa Schneiderman Ms Anna Matas |
| For the Registry: | Ms Advera Kamuzora |
| For the Prosecution: | Mr Joseph Kamara Mr Mohamed Bangura Ms Miatta Samba Ms Lynn Hintz (Case manager) |
| For the accused Sam Hinga Norman: | Dr Bu-Buakei Jabbi Mr Alusine Sesay Mr Kingsley Belle (legal assistant) |
| For the accused Moinina Fofana: | Mr Arrow Bockarie Mr Andrew Ianuzzi Mr Steven Powles |
| For the accused Allieu Kondewa: | Mr Charles Margai Mr Yada Williams Ms Susan Wright |

1 [CDF10OCT06A - CR]

2 Tuesday, 10 October 2006

3 [The accused present]

4 [The witness entered Court]

5 [Open session]

6 [Upon commencing at 9.38 a.m.]

7 WITNESS: DANIEL JOHN HOFFMAN [Continued]

8 PRESIDING JUDGE: Good morning, counsel. Good morning,
9 witness. We'll continue the proceeding. Mr Kamara, you may
10 proceed with your cross-examination of this witness.

11 MR KAMARA: Good morning, My Lords.

12 CROSS-EXAMINED BY MR KAMARA: [Continued]

13 Q. Good morning, Dr Hoffman.

14 A. Good morning.

15 Q. I hope you had a good night's rest?

16 A. Yes, My Lord. Thank you very much.

17 Q. Dr Hoffman, let us start this morning with the issue of
18 patronage in your report. In your evidence yesterday, you said
19 that it is central to the CDF and foundational to the Mende
20 community; is that not so?

21 A. Yes, My Lord.

22 Q. Is it true to say that the militarisation of the CDF
23 undermined that concept of patronage?

24 A. No, My Lord, it did not.

25 Q. Do you recall that some time in 2003 you wrote an article
26 "Like Beasts in the Bush: Synonyms of Childhood and Youth in
27 Sierra Leone."

28 A. Yes, My Lord, I do.

29 JUDGE BOUTET: What's the title again?

1 Q. "Like Beasts in the Bush," B-E-A-S-T, "Synonyms of
2 Childhood and Youth in Sierra Leone."

3 JUDGE BOUTET: Thank you.

4 MR KAMARA:

5 Q. In that article, Professor Hoffman, there is a paragraph
6 that implies or appears to be inconsistent with the position of
7 patronage within the CDF as outlined in your report.

8 MR POWLES: Can I interrupt and ask my learned friend which
9 paragraph he's referring to?

10 MR KAMARA: It's page 304 of the report. I'm not sure if
11 you have it. It's on page 304, the second paragraph.

12 JUDGE ITOE: Why don't you show the witness? Why don't you
13 show him the article so that he identifies it and confirms to us,
14 you know, it is the article.

15 MR KAMARA: Yes, My Lord.

16 JUDGE ITOE: Then you draw his attention to the particular
17 portion that you want to focus on.

18 MR KAMARA: Very well, My Lord. Thank you.

19 Q. Dr Hoffman, take a look at this particular article "Like
20 Beasts in the Bush: Synonyms of Childhood and Youth in Sierra
21 Leone."

22 JUDGE BOUTET: It's an article that was published where and
23 how?

24 MR KAMARA: Published in 2003 in the Post-Colonial Studies,
25 volume 6, number 3.

26 JUDGE BOUTET: Do we have that as part of our material
27 somewhere?

28 MR KAMARA: No, My Lord.

29 PRESIDING JUDGE: I think it's an exhibit. We don't have

1 the article.

2 MR KAMARA: Yes.

3 PRESIDING JUDGE: But we have the reference in Exhibit 164
4 at page 2.

5 MR KAMARA: Yes, My Lord.

6 JUDGE ITOE: This was published when?

7 MR KAMARA: 2003.

8 PRESIDING JUDGE: Pages 295 to 308 in that particular
9 journal.

10 MR KAMARA: Yes, My Lord.

11 Q. I have highlighted the paragraph.

12 PRESIDING JUDGE: We don't have access to that paragraph,
13 do we, because the article is not -- is the article referenced in
14 Exhibit 166? I don't want to give you too much work, but for
15 ease of reference, if it is there --

16 MR KAMARA: It is in Exhibit 163, the CV, My Lord.

17 PRESIDING JUDGE: Yes, I see it at page 2.

18 MR KAMARA: Yes, My Lord.

19 PRESIDING JUDGE: I'm just asking whether it is in the
20 report.

21 MR KAMARA: In the report, I'm not sure.

22 PRESIDING JUDGE: All right. Let's proceed.

23 MR KAMARA:

24 Q. You recognise that document as the article you wrote?

25 A. Yes, My Lord, I do.

26 Q. And it was published in 2003?

27 A. Yes, My Lord, it was.

28 Q. In what publication?

29 A. This is an article that appeared in a journal called

1 Post-Colonial Studies, which is a peer review journal published
2 in Australia, circulated internationally.

3 Q. You identify that article as yours?

4 A. Yes, My Lord.

5 Q. Now take a look at the paragraph I indicated to you that is
6 highlighted. Could you read it for the Court?

7 A. Yes, My Lord. Actually, there are two passages of the
8 paragraph highlighted. Would you prefer that I read the whole
9 paragraph?

10 Q. The first one.

11 A. If I may, I'll start at the beginning of the sentence,
12 because the highlighted portion begins in the middle of the
13 sentence.

14 Q. Thank you.

15 PRESIDING JUDGE: Sorry, give us a page of the article, the
16 particular page where the paragraph appears.

17 THE WITNESS: Yes, My Lord. This is page 304. It is the
18 third paragraph, the final full paragraph on that page.

19 PRESIDING JUDGE: Right. Thank you. Proceed.

20 THE WITNESS: Thank you, My Lord. "If there is no physical
21 outside to the vicissitudes of this nervous system," and then
22 there is a footnote indicated, "militarisation increasingly" --

23 THE INTERPRETER: Your Honours, could the witness take it
24 slowly? It is being interpreted here.

25 PRESIDING JUDGE: Dr Hoffman, your testimony is being
26 interpreted, so if you can go at some measured pace for us.

27 THE WITNESS: My apologies to the Court.

28 PRESIDING JUDGE: That's okay. Let's proceed.

29 THE WITNESS: Shall I begin again?

1 PRESIDING JUDGE: Yes, please.

2 THE WITNESS: "If there is no physical outside to the
3 vicissitudes of this nervous system," then there is an indication
4 of a footnote, and this is now where the highlighting begins,
5 "militarisation increasingly presents itself to some as a way to
6 opt out to subvert the injustices of patronage by violently
7 leveling the field. Here, belonging an accumulation become
8 indistinguishable. To join the militia is to (seemingly)
9 overcome the social and material exclusions of patronage."

10 Now, at that point, the highlighting ends. The paragraph
11 continues. Would you --

12 MR KAMARA:

13 Q. Finish the paragraph.

14 A. Okay. "Mustapha was a young man who sat idly in the
15 bleachers of the football stadium smoking jamba (marijuana) when
16 it was passed around and waiting for the day's proceedings to
17 end. Having turned in his weapon, and registered that morning,
18 he joined those whom a UN vehicle would come to collect for
19 Gondama, the disarmament camp where they would receive their
20 benefits." At this point, if I can indicate, the paragraph
21 continues and the highlighting resumes.

22 Q. I'll get to that next one.

23 A. Okay. You prefer I stop there?

24 Q. Yes. Thank you, Dr Hoffman. Isn't that in contradiction
25 to what you're saying; that militarisation did not undermine
26 patronage?

27 A. No, My Lord, it does not. In fact, it confirms the
28 testimony from yesterday.

29 Q. What you've just read?

1 A. Yes, My Lord.

2 Q. Isn't that a portion mentioned about subverting patronage?

3 A. My Lord, the first part of that sentence begins, "There is
4 no outside to this nervous system," and the term nervous system
5 here is being used to describe patronage. The highlighted
6 portion, what it does, is it suggests, as I said yesterday, that
7 militarisation offered, for some young people, an alternative way
8 to work around what they considered to be the injustices of the
9 way patronage operated. It doesn't suggest that it offered them
10 a way to opt out of patronage. It suggests it offered them a way
11 to opt out of the way the patronage system had worked prior to
12 the war, which many of them felt excluded them because, as I
13 mentioned, this gerontocratic, what they perceived as being the
14 greed of the elders, in not passing down to their clients
15 material wealth. Many of them perceived that as an injustice.
16 This offered them a way to erect their own alternative patronage
17 networks. That is what this paragraph is referring to.

18 Q. Thank you. Let me have the document again. Dr Hoffman,
19 yesterday you made a position about initiation into the Kamajors
20 that appeared to be a kind of process into adulthood for youths;
21 am I correct?

22 A. Yes, My Lord.

23 Q. Is it also correct to state that for many people that were
24 already adults, immunisation was the most attractive feature for
25 becoming a Kamajor.

26 A. My Lord, I'm not sure that I would characterise it that
27 way. Clearly it was an attractive feature. Whether it was the
28 single most attractive feature, I think it wouldn't be accurate,
29 in my mind, to say that categorically. That certainly would be

1 true of many individuals, not all of them.

2 Q. Equally true, is that for many young men --

3 JUDGE ITOE: I'm not very clear about the response to this
4 question.

5 THE WITNESS: My apologies, My Lord. Let me see if I can
6 clarify that.

7 JUDGE ITOE: Yes.

8 THE WITNESS: Immunisation is certainly one important facet
9 what initiation was about. This idea that an initiate was
10 "bulletproof". Initiation entailed much more than that. It
11 entailed a certain kind of identification now as this specialised
12 character, this Kamajor. Undoubtedly, for many individuals who
13 were initiated, that sense that they were now bulletproof, that
14 they were now immune to the weapons of their enemies, it would
15 probably be fair to say that that was the thing that mattered to
16 them the most. I think for many other people, one might
17 prioritise it differently and suggest that, taking on this
18 privileged role, this important role of a Kamajor being able to
19 then, therefore, say "I am one of these people" would rank higher
20 than in that sense, "Okay, I am now bulletproof." Immunisation
21 clearly factors for everyone. Whether it's fair to say this is
22 the central logic of initiation, that's where I would stop short.
23 Does that clarify the response, My Lord?

24 JUDGE ITOE: It does.

25 PRESIDING JUDGE: Of course, if you go beyond it, that you
26 can indulge in a lot of speculation.

27 THE WITNESS: Yes, My Lord. It can, although this is an
28 area I covered with many of my -- in my interviews, the people's
29 individual motivations for going through initiation. Absolutely,

1 My Lord, this is an area of judgment calls, in many cases.

2 PRESIDING JUDGE: Quite right.

3 JUDGE ITOE: But there is another aspect of it. You say
4 for some individuals it was the main motivation, that is,
5 immunisation, being bulletproof was a main motivation. What
6 would you say -- when you talk in terms of the proportionality of
7 those whom you sampled, how many were motivated; about what
8 percentage may have been motivated by the bulletproof motivation,
9 the bulletproof effect of initiation?

10 THE WITNESS: My Lord, I would say that, in my
11 conversations with people, the vast majority certainly mentioned
12 that as one of the motivations. The number that I would say
13 prioritised that as being the central figure, the thing that they
14 were most concerned about, I would actually say is probably
15 relatively small, because most people that I talked to didn't
16 stop at one motivation. There was a real pride in the sense that
17 you had joined the ranks of the Kamajors, which only initiation
18 allowed you to do. I can't, off the top of my head, think of any
19 interviews where somebody said to me, "I was initiated because it
20 made me bulletproof." So this maybe goes to the speculative
21 point. To what extent would I suggest a percentage for people
22 for whom I felt that was their prime motivation, can I very
23 guardedly give a percentage and admit that it's probably not --

24 JUDGE ITOE: Something, you know, comparable to your
25 sampling.

26 THE WITNESS: Sampling, I would suggest maybe half would
27 have listed that as -- for example, the first thing that came out
28 of their mouth. If we wanted to make that the measure of
29 priority, maybe half to 60 per cent.

1 PRESIDING JUDGE: Now that you've answered that question
2 and pursued it as far as the Honourable Justice Itoe has taken
3 it, what then was the margin of error?

4 THE WITNESS: I'm sorry, the?

5 PRESIDING JUDGE: What was the margin of error, because
6 this is an extremely delicate thing.

7 THE WITNESS: Yes, My Lord.

8 PRESIDING JUDGE: So what would have been your margin of
9 error?

10 THE WITNESS: Quite a large one. Again, because this -- I
11 hadn't thought of it in quite these terms before, so maybe you
12 can appreciate that this is --

13 PRESIDING JUDGE: There would be cases where people will,
14 in fact, be disguising their real motivation.

15 THE WITNESS: I think that's probably true.

16 PRESIDING JUDGE: That's why I asked for the margin of
17 error.

18 THE WITNESS: Yes, My Lord, I think that's probably very
19 true.

20 JUDGE BOUTET: May I ask a question in this respect. Would
21 your conclusions be the same, regardless of the age and would
22 initiation -- because you have been describing immunisation,
23 initiation, as such. Is age group a factor in this or not?

24 THE WITNESS: Yes, My Lord.

25 JUDGE BOUTET: I sense that your comments are more directed
26 to the younger population than others. I'm guessing on this,
27 that's why I'm asking you the question.

28 THE WITNESS: Yes, My Lord. In fact, it's actually a very
29 good guess. I would say it certainly varies by age. It varies

1 even by geographical region. For example, for a lot of younger
2 people, younger men who fit this more, sort of, travelling
3 characterisation of men who knew they were going to be moving in
4 different locations and had -- for example, even been initiated
5 once before and were now going for some kind of reinitiation,
6 then the bulletproofing aspects of this probably took on an added
7 weight.

8 For older people who were being initiated into the
9 "society", who were joining the Kamajors, for whom this idea of
10 going and staging an ambush, for example, was very unlikely,
11 then, the bulletproofing, it's wrapped up in the identity of what
12 it means to be a Kamajor, but is that going to be the most
13 important thing to them; probably not. I do think age and
14 demographics would be very important in coming up with a more
15 accurate figure of how this breaks down. Thank you, My Lord.

16 MR KAMARA: Thank you, My Lords.

17 Q. Dr Hoffman, you are aware that there are Kamajors that were
18 not initiated, are you not?

19 A. My Lord, there are people who are described as being part
20 of this "society" who did not go through a full initiation
21 process. Yes, My Lord.

22 JUDGE ITOE: You are talking of a full -- he is suggesting
23 to you that there were some who were not initiated at all. It's
24 not a question of being fully or partially initiated. Learned
25 counsel, can you take that question again?

26 MR KAMARA: Yes, My Lord.

27 Q. Dr Hoffman, there are Kamajors that were not initiated,
28 never initiated.

29 A. Okay. Yes, My Lord, there probably were.

1 Q. There were. And these Kamajors get immunised.

2 A. Yes, My Lord.

3 Q. For Kamajors in that category, you'll agree with me, that a
4 sole centred attraction for becoming a Kamajor was immunisation.

5 A. Again, I would stop short of saying the sole motivation. I
6 would certainly -- it could very well, undoubtedly was very well
7 an important part. I, again, would stop somewhat short of saying
8 it was the sole motivation.

9 Q. Thank you. I will take the bracket of young men. It is
10 also true to say that the attraction of becoming a Kamajor was
11 for the materialism to be gained and accumulated?

12 A. My Lord, I would not state that categorically. I certainly
13 would not phrase it that way.

14 Q. Thank you. Take a look at your writings again. Same page,
15 304, the second highlight, could you read it for the Court,
16 please.

17 A. My Lords, just for the context, this continues from the
18 point where I left off in the previous reading. This is
19 highlighted, so it is page 304, the final paragraph. It begins,
20 "Young men like himself, he claimed, joined the Kamajors because
21 it was to the society that 'All the good things of the village
22 go'. He echoed a sentiment expressed to me later by a CDF
23 commander recalling the 1999 Freetown invasion. During the
24 fighting, he and his men provisioned themselves with beer from
25 the national brewery and chicken from farms outside the city.
26 'We ate well then,' he recalled. 'In war, you eat very well.'
27 Computers for which" -- that ends the highlighted passage. I can
28 continue if you want me to.

29 Q. Continue.

1 A. "Computers, for which there was little electricity,
2 motorbikes and vehicles, for which there was little petrol or
3 operational understanding were all available during the fighting
4 and prized possessions in the various looting sprees." Shall I
5 continue? At that point there is an indication of a footnote as
6 well. Should I continue?

7 Q. Continue.

8 A. "These are commodities not easily available to the lumping
9 youth who make up the ranks of the militia if they rely
10 exclusively on the patronage of their elders, the greedy elite,
11 but which could be had by those prepared to use force to get
12 them. As Richard has suggested of the RUF military campaign, the
13 logic, at least in part, is the effort of an isolated, minimally
14 educated cadre 'to confront the murky magic of patrimonial power
15 with the unsubtle obviousness of an elementary subtraction sum.'"
16 There is an indication of a footnote and that marks the end of
17 the paragraph.

18 Q. Thank you. Let me have the document. Is that not you
19 canvassing an argument that the attraction, from your interview
20 of a young man, was because of the good things in the village
21 goes to the Kamajors?

22 A. That is what that young man told me, yes, sir.

23 Q. Did you believe him?

24 A. Yes, sir, I believed him.

25 Q. Thank you.

26 A. I would add that his sense of what the good things of the
27 village were was a fairly expansive one.

28 Q. And you'll agree with me that the good things went to the
29 Kamajors because of their position of power and authority; is

1 that not so?

2 A. For some of them it did. Yes, My Lord.

3 Q. Thank you. Now, Dr Hoffman, you paid for some of the
4 interviews you got; you offered money?

5 A. My Lord, I did not, in any case, pay someone for an
6 interview, as such.

7 Q. If it was not payment, you offered money? Whatever the
8 purpose was, you offered money for interviews?

9 A. Certainly I've offered money in the past to people with
10 whom I've affiliated in the field. It's actually -- in
11 anthropological field work, there is a line drawn for simply
12 paying for interviews, but certainly there's no -- there are many
13 instances where one provides money to people in the field.

14 Q. And you are telling this Court you have not bought a story?

15 A. I would not characterise my field work as buying stories.
16 No, sir.

17 Q. Take a look at this article you wrote.

18 MR KAMARA: My Lord, I'm referring to, in his CV, "The
19 Brookfields Hotel: A Collage. By Daniel Hoffman."

20 MR POWLES: I don't know if my learned friend has copies
21 for everyone else, but it certainly would be of assistance to
22 have the articles he intends to put to the witness so that the
23 passages that he seeks to put can be seen in context.

24 PRESIDING JUDGE: Counsel, do you have copies?

25 MR KAMARA: I'm sorry, these are things I picked up off the
26 Internet. I wasn't hoping to use it, if he had answered. I
27 thought he was going to be directing it. Maybe it would not be
28 necessary after he's seen the article.

29 PRESIDING JUDGE: Even to pursue anything further, you

1 mean? Are you terribly inconvenienced by not having the article?
2 He's asking the witness to read the passage that he wants to
3 highlight.

4 MR POWLES: Your Honours, yes. As long as my learned
5 friend undertakes to make a copy to me later, I will be satisfied
6 with that.

7 JUDGE ITOE: Because this is in conformity with our
8 directions.

9 MR KAMARA: Yes, My Lord.

10 JUDGE ITOE: And it should be respected.

11 MR KAMARA: Yes, My Lord. I will oblige a copy.

12 JUDGE ITOE: This is not Mr Powles complaining. I'm sure
13 we are complaining from here as well.

14 JUDGE BOUTET: Very much so.

15 MR KAMARA: Yes, My Lord.

16 PRESIDING JUDGE: The article you say is "The Brookfields
17 Hotel." What's the title?

18 THE WITNESS: My Lord, this article is entitled "The
19 Brookfields Hotel Freetown, Sierra Leone: A Collage."

20 PRESIDING JUDGE: Is this one published in the Public
21 Culture?

22 THE WITNESS: Actually, My Lord, this is a preliminary
23 draft of the piece that was later published in Public Culture.
24 This was a rough draft published in an online internal newsletter
25 to one of the funding agencies with which I worked. It's not
26 actually the published version of this piece.

27 PRESIDING JUDGE: We have two versions which have been
28 referred to?

29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: Which version are you referring to,
2 learned counsel?

3 MR KAMARA: My Lord, the one he has in front of him.

4 THE WITNESS: The rough draft, My Lord.

5 PRESIDING JUDGE: The Internet one?

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: Right. Okay.

8 MR KAMARA:

9 Q. Take a look at page 5, is it?

10 A. Yes, My Lord.

11 Q. You will see underlined, something in red.

12 A. Yes, My Lord.

13 Q. Could you read that to the Court?

14 A. I would, My Lord. Before I do that, can I add that these
15 are, first of all, not my words. This is a quote from the
16 newspaper, but the story says -- the line says, "The other story
17 (which I bought)." Do you want me to continue? That's the end
18 of the underline.

19 Q. Yes, I just wanted to indicate the story which you bought.

20 A. Right. If I can indicate, first of all, this is a quote --
21 that passage is -- those are not my words. I was quoting a
22 newspaper article in its entirety. The phrase "which I bought"
23 the journalist is meaning -- using to mean "which I believed."
24 He's talking about receiving two different accounts of a story.
25 In the second count, the second version, which is the one he says
26 "(which I bought)" to mean "which I believe."

27 PRESIDING JUDGE: Let's be content with the first level of
28 rationalisation.

29 THE WITNESS: Okay.

1 PRESIDING JUDGE: The document says there is a phrase
2 there, or it calls "which I bought."

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: That appears in the article?

5 THE WITNESS: That does appear. Again, I would repeat --

6 PRESIDING JUDGE: That's [overlapping speakers] --

7 THE WITNESS: Yes, those are not my words. This is the
8 words of the journalist who is writing this particular passage.

9 PRESIDING JUDGE: Right. So that's the first level of
10 rationalisation.

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: And you proceed to do it to a second
13 level.

14 THE WITNESS: Yes, My Lord.

15 PRESIDING JUDGE: That is to say, you're in fact saying
16 "which I bought" in that context is equivalent to "which I
17 believe."

18 THE WITNESS: Yes, My Lord, exactly so.

19 MR KAMARA: My Lord, I have a complete understanding of
20 that document. Incidentally he says this is a draft. Can I have
21 that document again? I intend now to -- what we were able to
22 access through the Internet is this document and there was no
23 other document. If he is able to oblige us with the original,
24 which, I think would still reflect the same --

25 THE WITNESS: Actually, My Lord, it does not. The final
26 published version includes some of that newspaper account, which
27 I cited, but it's a greatly -- it's an even more highly edited
28 version. I stand to be corrected, but I am 99 per cent certain
29 that that particular passage does not appear in the final

1 published version, but I'm happy to supply -- we can actually
2 access that article online if we have certain security passwords
3 set up on the Court's internet, which I'm happy to attempt to do,
4 if that would be useful.

5 MR KAMARA:

6 Q. Yes, because it seems to me this is a story written by you
7 and you are now denying an aspect of that story, so we would like
8 to have that original article.

9 A. If I can point out, the subtitle there, "A Collage," what
10 that means, what this piece is is a combination of my own
11 writings and texts that I found which related to the Brookfields
12 Hotel. So the collage indicates that this is -- my intention was
13 to give readers a sense, in this piece, of the various voices
14 which had discussed Brookfields Hotel and what it meant to people
15 in Freetown. In order to do that, what I did was take texts from
16 different locations, newspaper accounts. At one point, I think I
17 reference a Human Rights Watch report or worker. There are
18 individual testimonies, and there are my own field notes, and
19 they are very clearly indicated which portions are my original
20 text and which parts are extended -- excuse me, which parts are
21 extended citations of other people's work. Again, if we can -- I
22 don't know the easiest way to do this, but I'm happy to access
23 this online, if that would be useful.

24 MR KAMARA: My Lord, I will suspend this aspect of
25 cross-examination and see if Dr Hoffman would be able to give us
26 the final version.

27 Q. I do agree with you about the collage aspect, but this
28 aspect that I'm referring to you is where you narrating your
29 personal experiences.

1 A. My Lord, it is not. In fact, if I can see that again, I
2 may be able to point to you where it is cited as being somebody
3 else's work. I would have to see which version of this you have.
4 I was very careful, in any place where this article appeared, to
5 note which were my original words and which were citations,
6 extended citations of other people's work.

7 Q. All right, Dr Hoffman, we'll await your final version of
8 this article.

9 A. Thank you, My Lord.

10 JUDGE ITOE: What do you mean? You mean you want to extend
11 these proceedings because of that particular article?

12 MR KAMARA: No, My Lord. If only he has the article and he
13 can make it available to the Court, which I would be grateful.

14 THE WITNESS: I would be more than happy to do so, My
15 Lords, at any opportunity.

16 PRESIDING JUDGE: Before we proceed further, can we have
17 you define the context of this particular area of your
18 cross-examination? Because I taught, and correct me if I am
19 wrong, that this seemed to have logically arisen out of an answer
20 that, in his field of anthropological research, he doesn't buy
21 stories.

22 MR KAMARA: Yes.

23 PRESIDING JUDGE: And then you picked out something that
24 talks about buying stories.

25 MR KAMARA: Yes.

26 PRESIDING JUDGE: So should we narrow the universal
27 discourse and see exactly where you are getting? It may be that
28 it might not necessary for him to come with the original.
29 Because now he's contending that that particular phraseology are

1 not his own words, but that he imported it from some other
2 author. Perhaps we need to confine this and see whether that,
3 for you, would be a further line of cross-inquiry, dispensing
4 with the possibility of having the original. What would the
5 original do, the other draft, the other particular article? What
6 would it do for us?

7 MR KAMARA: It would differentiate --

8 PRESIDING JUDGE: Between what and what?

9 MR KAMARA: What he got from other sources and what he was
10 explaining himself.

11 PRESIDING JUDGE: Here there's a specific issue being
12 raised, and your contention is that he may have bought some
13 stories.

14 MR KAMARA: Yes.

15 PRESIDING JUDGE: And he has said that, in his field, it is
16 not his practice. So I want us to narrow the issue down and see
17 if you can advise us as to how the particular article that you're
18 targeting would enlighten the Court on this particular issue. I
19 mean, to avoid delay.

20 MR KAMARA: Yes, My Lord. That is what I have already
21 explained. My Lord, he has answered that in the course of his
22 profession --

23 PRESIDING JUDGE: It's not his practice.

24 MR KAMARA: Yes. And here in his collage, there are
25 different aspects from different sources. I am putting it to him
26 this is from his own source, that the other story which I bought,
27 so it is there, My Lord. And I was putting it to him that,
28 indeed, he pays for interviews, he pays for stories.

29 JUDGE BOUTET: Let the Court appreciate this. My concern

1 is if you get the other document, whichever it is, as such, the
2 one that has been published in the Public Culture, which is not
3 this one, but this one is published in some way, anyhow; you got
4 access to it on the Internet.

5 MR KAMARA: Yes.

6 JUDGE BOUTET: So it is published, maybe not in Public
7 Culture, so there appears to be a different version of the same
8 article; this one containing different information, as such.
9 Whether we get the original or this one, the witness is telling
10 you that, in the original, even that sentence doesn't appear. So
11 we're not further ahead. Let the Court appreciate what you have
12 and we'll appreciate the evidence of Dr Hoffman as it is. I
13 don't see how we would be assisted in going the other document.
14 The witness is telling you it doesn't even appear in the other
15 one.

16 MR KAMARA: My Lord, agree with you. I will leave it as it
17 is. It is for the Court to make an appreciation.

18 MR POWLES: If I could ask in the meantime I could have a
19 copy of the article that my learned friend has. I don't seek to
20 halt his cross-examination, it is just so I can just have an
21 opportunity to read it as he proceeds.

22 MR KAMARA: I might need it for the purposes -- I will let
23 you know the references and you can check it online, as I did.

24 JUDGE ITOE: But we need to check it now for the purposes
25 of following the proceedings. This is why we -- let me emphasise
26 the fair distribution of these documents to all the parties. It
27 is important.

28 MR KAMARA: Yes, My Lord. I still need it for the
29 purposes.

1 JUDGE ITOE: And he needs it, so where do we move from
2 here?

3 MR KAMARA: I'll let him have it for the time being.

4 JUDGE ITOE: And he wants to keep it and be reading it
5 while you're progressing. So how do you conduct your
6 cross-examination without the document?

7 MR KAMARA: My Lord, I'm liberal this morning. He can keep
8 it.

9 MR MARGAI: My Lords, I'm sorry. I don't know whether I
10 can be heard. If I understand my learned friend's line of
11 cross-examination, it's not so much as to whether the phraseology
12 is that of Dr Hoffman's or somebody else, but the interpretation
13 that should be placed on the word "bought" or "buy."

14 PRESIDING JUDGE: Well, there are so many nuances on this
15 particular thing. You may understand it that way, we understand
16 it differently. I think, for me, the context is, and it derives
17 from the answer of the expert, that in my field of anthropology
18 research, I don't buy stories. Then counsel put a specific
19 phraseology to him. It is for counsel. The trend of counsel is
20 to virtually refute that particular part of his evidence. It
21 seems clear to me and I think we are virtually trying to make
22 heavy weather of something which, to me, seems quite -- I would
23 say to the point here. Because I think his contention is that in
24 the process of research, he may have bought some stories.

25 MR MARGAI: That's how I understand it.

26 PRESIDING JUDGE: Quite. I don't think there are any
27 complications about this. The only thing, of course, we've been
28 saying how far will the article in the Public Culture will assist
29 this Court in trying to understand what counsel is eliciting from

1 the witness, given the state of the evidence so far.

2 MR POWLES: I have finished the article. It's fascinating.

3 MR KAMARA: I have just printed one for you.

4 PRESIDING JUDGE: I think we should move away from this
5 area, unless counsel has some other aspect he wants to explore,
6 but I don't think it is necessary to have this other document put
7 before the Court. I'm not sure what I would -- what benefit I
8 would derive from it. I speak for myself. Let's proceed.

9 MR KAMARA: Yes, My Lord, I will proceed.

10 Q. Dr Hoffman, you knew that the second accused was appointed
11 director of war of the CDF?

12 A. Sorry, My Lord, is there a question there?

13 Q. Yes. You knew that the second accused was appointed
14 director of war of the CDF; is that not so?

15 A. I know that the second accused carried the title director
16 of war.

17 Q. Let the witness be shown Exhibit 59, and you will know that
18 he was appointed.

19 PRESIDING JUDGE: Courtroom officer, would you assist,
20 please. Do we have the exhibit?

21 MR KAMARA: I have a copy.

22 Q. The document you have is Exhibit 59. It is a letter of
23 appointment, signed by the national co-ordinator.

24 PRESIDING JUDGE: So what's your question?

25 MR KAMARA:

26 Q. Have you seen the document?

27 A. I've seen it now, yes, My Lord.

28 Q. Would you agree with me he was appointed as director of
29 war?

1 A. I would agree with you that this document says "Letter of
2 Appointment."

3 Q. Letter of appointment.

4 A. Yes.

5 JUDGE ITOE: What is that exhibit again?

6 MR KAMARA: Exhibit 59.

7 JUDGE ITOE: Thank you.

8 MR KAMARA:

9 Q. And in the process of your research, you never knew that he
10 was appointed?

11 A. My Lord, if you are asking if I've ever seen this document
12 before, the answer is no.

13 Q. That is not the question, Dr Hoffman. I'll put it again:
14 In the process of your research, you're telling this Court you
15 never knew that the second accused was appointed as director of
16 war?

17 A. My Lord, as I said, in the course of my research, I
18 understood that Moinina Fofana carried the title director of war.

19 Q. Thank you. And that title that he carried was as a result
20 of patronage again?

21 PRESIDING JUDGE: Is that a question?

22 MR KAMARA: Yes, My Lord.

23 Q. Do you agree to that?

24 JUDGE ITOE: Now the question is clearer.

25 MR KAMARA: Yes.

26 THE WITNESS: My Lord, I'm not familiar with the exact
27 circumstances by which Moinina Fofana took on that title. In my
28 opinion, I think one would look to how the patronage networks
29 operated to arrive at that understanding, but I don't know much

1 by way of the specifics.

2 MR KAMARA:

3 Q. You made a position before this Court with regards to the
4 military characteristic of the CDF. And now you're telling this
5 Court you did not inquire as to the nature of a position held by
6 the second accused, the position of director of war?

7 JUDGE ITOE: He didn't say he has not inquired. He hasn't
8 said that yet.

9 MR KAMARA: I thought he said --

10 JUDGE ITOE: He has said that he only knew that he held the
11 title of director of war. But he has not said that he did not
12 inquire. Maybe you wish to put the question to him.

13 MR KAMARA: Thank you, My Lord.

14 Q. Did you, in your research, make inquiries as to that
15 position of director of war?

16 A. Yes, My Lord, I did.

17 Q. Where was that appointment made?

18 A. My Lord, according to this document, it states at the
19 top --

20 JUDGE ITOE: Mr Witness, you are seeing this document for
21 the first time.

22 THE WITNESS: Yes, My Lord.

23 JUDGE ITOE: We are asking you to limit yourself to your
24 inquiries as to what you found out was the content of the
25 position of director of war. You say you only saw this letter
26 this morning, so you don't need to refer to it.

27 THE WITNESS: Thank you, My Lord. I don't know the
28 location from my independent inquiries as to where the location
29 at which Moinina Fofana would have received this title. That was

1 not disclosed to me.

2 MR KAMARA: Thank you.

3 Q. What else did your inquiry reveal?

4 A. Obviously for the work that I do, this title director of
5 war is an important point of inquiry. The interviews that I did
6 to ascertain where this title came from, and what it related to
7 did point to a certain patronage/client form of relationship,
8 primarily having to do with Fofana's importance as an individual,
9 particularly in regard to his provision of food, he was pointed
10 out to me as somebody, for example, who, in the early days of the
11 war, as a local businessman of some success, had given provisions
12 to refugees and IDPs, internally displaced persons, who came into
13 the southern region. That notoriety, from what my informants
14 have said, gave him a certain prominence within -- when he then
15 became a member of the CDF, and, to some degree, continued to
16 perform those kinds of functions. That is the understanding.
17 Now, I would add that most people I spoke to, when they referred
18 to him, referred to him as director, and not using that full
19 title director of war. There were certainly instances where
20 people did, and they knew the full scope of that title, they
21 generally tended to confine it to director. I would also add
22 that, in many of these instances, this was given with -- this was
23 told to me by combatants with a certain amount of irony and
24 ridicule, which I'm happy to explore with you, if you like.

25 Q. We'll get to that. Now, in the conduct of your research,
26 again, you did not come across any information suggesting to you
27 that the second accused had a relationship with the commanders,
28 did you?

29 A. Could I ask for some clarification? What are you --

1 Q. Other than the supply of food, like you suggested. Like,
2 for example, giving out instructions relating to combat.

3 A. My Lord, nobody that I have spoken to said they received
4 direct orders for combat from Moinina Fofana.

5 Q. Other than directions for combat, your investigation only
6 revealed that he was in charge of food supplies?

7 A. For the most part. There may have been individuals that
8 referred to as provision of logistics, and that obviously is a
9 more expansive term, but I certainly did not receive anything
10 beyond that.

11 Q. Take a look at Exhibit 11. What is the date of that
12 document?

13 A. My Lord, this is titled 24th February 1998 -- excuse me, it
14 is dated 24th February 1998.

15 Q. What is the title?

16 A. The -- would you like the top line or --

17 Q. The title of the document.

18 A. Okay. I assume you're referring to the underlined portion
19 under the RE?

20 Q. Yes.

21 A. "Captured vehicles and other items."

22 Q. Looking at that document, it was from whom?

23 A. This appears to be signed by Mr Moinina Fofana.

24 Q. Read to yourself the second paragraph -- or read it for the
25 Court.

26 A. Okay. The second paragraph states: "I am now ordering you
27 not to release any of them (vehicles and other items) to any
28 other person until they are registered with CDF headquarters.
29 This is for your own protection in case the owners take action

1 regarding them in future. Comply please." End of the paragraph.

2 Q. Yesterday you wrote a list of commanders' names you spoke
3 to, you interviewed -- commanders you interviewed?

4 A. Yes, My Lord.

5 Q. On that list, I saw a few names that were commanders in Bo.

6 A. Yes, My Lord.

7 Q. Did any of those commanders mention to you about
8 instructions from Fofana?

9 A. No, My Lord, they did not.

10 Q. Did you ask them?

11 A. My Lord, I would have to go back and look to see if I
12 specifically said, "Did you receive orders from Moinina Fofana?"
13 I would guess that in the course of my conversation about that
14 title that we probably did cover that terrain. Whether I phrased
15 it in the way you phrased it, I honestly couldn't say at this
16 point.

17 Q. Probably, you're not sure you asked them or not?

18 A. I would assume in the course of discussing what that title
19 would imply -- these were expansive interviews, so asking me for
20 a particular question, I'll give you my best guess, which is that
21 we covered this terrain.

22 Q. In April 2006, you said you interviewed about 25 persons?

23 A. Yes, My Lord.

24 Q. Do you have a log of the people you interviewed, the place
25 and the time; a log. I'm not asking for the interview.

26 A. My Lord, I don't have that with me in Court. What I have
27 are the interviews, and the interviews obviously note who the
28 person was and the location.

29 Q. You did not keep a log of persons interviewed, the date of

1 interview, and place of interview?

2 A. My Lord, I kept that as part of my field notes. I assume
3 from your question you're asking if I kept a separate log. I did
4 not do that. What I did was kept the interviews which state the
5 individual, the date and, in some cases, the time.

6 Q. And you have those interviews in respect of those 25 people
7 you interviewed in April?

8 A. Yes, My Lord, the 20, 25 people.

9 Q. You have them with you?

10 A. I don't have them here in Court. They are in Freetown.

11 Q. The list you gave yesterday, are they part of the 25?

12 A. Some of them are.

13 Q. Mr Witness -- can I have the list from yesterday?

14 PRESIDING JUDGE: Exhibit 166.

15 MR KAMARA: Thank you, My Lord.

16 PRESIDING JUDGE: Is it in Court, 166?

17 MS KAMUZORA: Your Honour, it's not on the file.

18 MR KAMARA:

19 Q. Was it with you yesterday, the list?

20 PRESIDING JUDGE: No, it shouldn't be. It's in the custody
21 of the Court.

22 JUDGE ITOE: It's confidential.

23 MR KAMARA: Yes, already, I thought it moved back and
24 forth.

25 PRESIDING JUDGE: It certainly should be in the custody of
26 the Court.

27 MS KAMUZORA: Your Honour, I'll inquiry and come back to
28 the Court with an answer.

29 PRESIDING JUDGE: All right. Counsel, can you suspend that

1 aspect? Would it be terribly inconvenient for you? You can
2 revisit it.

3 MR KAMARA: Yes, My Lord. My Lord, I'm at a difficulty
4 here, because so many issues are crucial to my cross-examination
5 and materials are not available.

6 PRESIDING JUDGE: Perhaps we need a standdown for about
7 five minutes so that they can retrieve the exhibit.

8 MR KAMARA: Yes, and also if -- I don't know how long it
9 would take for Dr Hoffman to have those interview reports. I
10 need the dates and places. They are crucial to some things I
11 want to put to him.

12 PRESIDING JUDGE: If we take a ten-minute standdown, would
13 that suffice for your purposes? You will be able to retrieve the
14 interview notes you're referring to?

15 THE WITNESS: My Lord, those interview notes are at the
16 location at which we are staying here in Freetown. My suspicion
17 is that it would take a bit longer than ten minutes.

18 PRESIDING JUDGE: Counsel, you say this is not an area you
19 can conveniently cover at some subsequent stage?

20 MR KAMARA: Yes, My Lord --

21 PRESIDING JUDGE: I don't want to disorganise your plan of
22 strategy, so to speak. What sort of timing are we talking about
23 now? If we were to stand down, for how long would it be?

24 THE WITNESS: My Lord, can I ask a quick question of
25 clarification, which might be helpful.

26 PRESIDING JUDGE: It might assist, yes.

27 THE WITNESS: If My Lords are interested specifically in
28 the interviews that are cited in the expert report, I do have
29 easier access to the names of those individuals that are cited,

1 and the locations of those interviews. If My Lords are more
2 interested in everyone that's on that list of 20, 25 people, that
3 would require going back to --

4 PRESIDING JUDGE: We are guided by what counsel is
5 interested in, because he's the one in control of his
6 cross-examination, and it seems as if he has come to a delicate
7 stage. Counsel, what's your specific request?

8 MR KAMARA: It's the interview notes of the 25 people --

9 PRESIDING JUDGE: Yes.

10 MR KAMARA: -- he interviewed in April 2006.

11 PRESIDING JUDGE: And he agrees he has those here.

12 MR KAMARA: Yes, My Lord.

13 PRESIDING JUDGE: Anything else you might be interested in
14 that he might want to retrieve, so that we don't have to move
15 backwards and forwards.

16 MR KAMARA: Yes, My Lord. He says he doesn't have the
17 others, the other 200 and just concentrate on the most recent.
18 That would be all.

19 THE WITNESS: My Lord, excuse me again. I hope you will
20 forgive my rudeness and interrupting.

21 PRESIDING JUDGE: No, want to resolve this and
22 expeditiously as possible and conserve as much time. Go ahead.

23 THE WITNESS: I think it is also entirely possible with a
24 few moments to stand down, I could reconstruct the list without
25 requiring going back and getting the notes. It seems from what
26 counsel was asking for, what he was interested in was names,
27 locations and dates, and that is something, perhaps, in
28 conversation with the counsel for Fofana's Defence we could --

29 PRESIDING JUDGE: And both sides, in fact. Is that

1 acceptable to you? Is that an option which you think would
2 fulfil your purposes?

3 MR KAMARA: It is an option, but I may want to see some of
4 those notes.

5 PRESIDING JUDGE: Right. I think we better let counsel
6 have the discretion to determine what he wants. Mr Powles, can
7 you factor in some wisdom here? What do we do? If you want to
8 guide us. He will need these interview notes of these documents.
9 Counsel says, at this juncture, it's very crucial for him to have
10 them and he's not able to concede that we postpone this to a
11 latter period in his cross-examination.

12 MR POWLES: Your Honour, yes.

13 PRESIDING JUDGE: We, the Bench, would definitely have no
14 other option but to grant a standdown. How long would this take?

15 MR POWLES: I would estimate five to ten minutes would be
16 appropriate.

17 PRESIDING JUDGE: To be on the safe side, shall we just
18 make it 15 minutes? We don't know [indiscernible] is 15 minutes
19 reasonable?

20 MR POWLES: Your Honour, yes.

21 MR KAMARA: My Lord, he said he had to go to where he's
22 located.

23 PRESIDING JUDGE: Well, is it far away from here?

24 MR POWLES: It's about a 20 minute, half an hour --

25 PRESIDING JUDGE: Well, let's be realistic then in our
26 timing.

27 MR KAMARA: My Lord, I guess maybe 45 minutes.

28 MR POWLES: If it's for the purposes of obtaining any
29 notes, it would be at least an hour, I would have thought.

1 PRESIDING JUDGE: Learned counsel for the Prosecution,
2 again, is it your final position that you better adopt this
3 methodology, in other words, cover this ground and get done with
4 it, rather than being directed to revisit it some other time?
5 What is your preference? Again, we don't want you to disturb
6 your plan, your strategy. Is there another area you can
7 conveniently cover at this point in time and perhaps give us the
8 liberty of working up to our 11.30 break and then adjourn for the
9 period that Dr Hoffman can retrieve the documents in question?
10 We're not putting any pressure on you.

11 MR KAMARA: Yes, My Lord. I'm almost to the end of my
12 cross-examination. The remaining questions are intertwined
13 with --

14 PRESIDING JUDGE: Very well. Then that's the only option.

15 JUDGE ITOE: Once you have been supplied the material and
16 go through the material before coming, so we think one hour.

17 PRESIDING JUDGE: One hour.

18 JUDGE BOUTET: Can I request that if you do use some of
19 these documents, you make sure copies are available for everybody
20 before you proceed with it, please.

21 PRESIDING JUDGE: Very well, then. We'll stand the
22 proceeding down for one hour.

23 [Break taken at 10.42 a.m.]

24 [Upon resuming at 11.53 a.m.]

25 PRESIDING JUDGE: Yes, counsel.

26 MR POWLES: Your Honours, we're very grateful on behalf of
27 all parties for the time and the short adjournment. It has
28 enabled Dr Hoffman to retrieve those notes that he has here in
29 Freetown. He now has them in Court. Given a statement made by

1 Dr Hoffman yesterday, in relation to the naming of potential
2 sources in open Court, and the effect that that may have on his
3 work going forward as a professional in this area, it may be, and
4 I don't put it any higher than that, that a short standdown,
5 giving all parties an opportunity to maybe just clarify with
6 Dr Hoffman whether he has any concerns or whether any modalities
7 can be put in place to assist matters going forward, that may be
8 of assistance to all parties. My application would be, and I
9 believe it's on behalf of everyone, whether we could have a short
10 standdown, maybe for two or three minutes, to have a brief
11 consultation with Dr Hoffman to see whether he has any concerns
12 and how those concerns can be accommodated going forward. It may
13 be that there are none but, if there are, it seems to me perhaps
14 it would be prudent to ascertain what they are. It's unfortunate
15 that we have to proceed in this way. Of course, it would be much
16 better for the Prosecution to make any application before the
17 course of the proceedings, when, of course, then these matters
18 could have been considered in the calmness of pre-trial
19 testimony. It's unfortunate it has to be done during the course
20 of proceedings, but that's the position we're in and, on that
21 basis, I would ask for a short standdown, if the Court is
22 prepared to indulge us for such matters.

23 PRESIDING JUDGE: Mr Kamara, does that reflect an agreed
24 position?

25 MR KAMARA: Yes, My Lord, it is. But I also believe that
26 the question can be put to the witness by the Bench, and we may
27 not need to rise at all. He may have no concerns.

28 PRESIDING JUDGE: Yes, quite. What is your response to
29 that?

1 MR POWLES: That's a very sensible suggestion, from the
2 learned Prosecutor.

3 PRESIDING JUDGE: And very creative.

4 MR POWLES: Very creative.

5 PRESIDING JUDGE: Right. Dr Hoffman, you've heard the
6 dialogue. Do you have any concerns --

7 THE WITNESS: My Lords --

8 PRESIDING JUDGE: -- in respect of the documents that we
9 directed that you should in fact produce and retrieve?

10 THE WITNESS: Thank you, My Lord. I do have some limited
11 concerns. I have absolutely no problem with turning over the
12 documents to the Prosecution. In regards to the individuals who
13 I spoke with in regards to writing the report, my only area of
14 concern is that during this trip, I did conduct an interview with
15 someone who is in a different matter in regards to matters in
16 Liberia, whose confidentiality is of the utmost importance to me
17 and if the interview content has no relevance to the Court, I
18 would be very loath to have that circulated in any way. In fact,
19 I've given my word that it would not, and I'm bound by the
20 American Anthropological Association Code of Ethics, and that is
21 that those concerns have to be my primary concern. There are
22 also, in some instances, points where I inquired with my
23 interviewees about this individual, and I would request the
24 opportunity to redact those references. If it would help the
25 Court -- I know this is not a -- maybe this is not as helpful a
26 suggestion as it may sound, but the interviews that I did, that I
27 conducted with the people, in specific regards to the report,
28 were all recorded, and I would have no objection at all to
29 sharing those recordings with the Court, or with the Prosecution,

1 because they do not include my personal observation -- excuse me.
2 The other area of slight concern I have is that in some cases I
3 made margin notes in regards to these interviews. That
4 information I would prefer not to have circulated, simply because
5 it relates to my outside research, notes to myself to
6 cross-reference with previous field notes, et cetera, et cetera.

7 These recordings, obviously, don't have that, and I would
8 be happy to supply the recordings. Unfortunately, those are in
9 the US. I made them to refer back to if I needed them in the
10 case of writing the report. As it turned out, I did not need
11 them and I was able to write the report based exclusively on my
12 knowledge and these particular field notes. I don't know how
13 that leaves us in terms of the practicalities of supplying the
14 notes or my answering any specific questions for the Prosecution,
15 but that's my feeling.

16 PRESIDING JUDGE: Yes, Mr Powles.

17 MR POWLES: Having heard Dr Hoffman's concerns, I would
18 submit that they are entirely legitimate concerns and it is,
19 again, why I raise the timing of the Prosecution's request to
20 have access to these notes. There'd be no objection on the part
21 of the Defence towards disclosing those notes, were the
22 application made at the right time and in a timely fashion to
23 allow for any concerns, such as these that arise, to be taken
24 into consideration and accommodate and if necessary put forward
25 to the Trial Chamber for consideration. The situation we're in
26 now, we're in the course of proceedings, in the course of
27 cross-examination. These legitimate concerns which Dr Hoffman
28 has raised, in my submission, should be taken into consideration.
29 The issue now is the practicality and the modalities of doing

1 that. And we're in a slightly more difficult position doing that
2 now that we're in the course of the trial proceedings, and it's
3 slightly harder to resolve that issue now than we would have been
4 in, had the request been made in the right and proper manner.
5 But I'm in the Court's hands, to an extent, to see how we can go
6 forward. It may be, it may be that if my learned friend has
7 questions, he can put them to Dr Hoffman. If there is a need to
8 refer to the notes, and Dr Hoffman can so do, and answer any
9 questions that my learned friend puts. If my learned friend
10 wants to have access to the documents which Dr Hoffman has, he is
11 quite right, he has no objection to disclose it, save for those
12 privileged sections that relate to a matter totally unrelated to
13 this case, that would be my only concern on the issue of going
14 forward.

15 PRESIDING JUDGE: Let me hear Mr Kamara's response to your
16 position here. Mr Kamara?

17 MR KAMARA: Thank you for the opportunity, My Lord. With
18 regards to timing, Your Honour, this is the most appropriate
19 moment considered by the Prosecution to make inquiry as to the
20 interview notes, and we are under cross-examination, My Lord.
21 And as I always reiterate, the quest for justice is a prime
22 function for which we're all here, and if Dr Hoffman is in
23 possession of information that will assist us in that direction,
24 My Lord, I believe the Court can make a legitimate inquiry into
25 that. And we can understand the issue raised that is not
26 relevant to the Court -- I have no interest in that.

27 PRESIDING JUDGE: Yes, you're not targeting that particular
28 material?

29 MR KAMARA: Not at all. Even those that are of interest to

1 the Court, I'm not on an onslaught for everything. There is a
2 focus and methodology in what I'm doing. My Lord, the issues
3 raised by my learned friend are very pre-emptive. He should wait
4 and see how I progress and what I'm interested in and with his
5 notes on the margins, and things like that, My Lord, I believe
6 those are important to us as well. For example, if having
7 interviewed someone, he makes a note on the side "unbelievable"
8 My Lord, that is of interest to the Prosecution. And the
9 privilege he seeks to claim with regard to those margin notes I
10 believe is not covered in law for him.

11 JUDGE BOUTET: I don't think he claimed any privilege for
12 that. He expressed a preference not to, not privilege.

13 MR KAMARA: I see, My Lord. I see. Well, he has his
14 preference. And, My Lord, I'm looking at it from a point of law,
15 that his preference may not very well be the state of the law.
16 My Lord, at the point, I only needed those notes for guidance in
17 my cross-examination. Firstly, I'd asked the question of a log,
18 I wanted to know the people interviewed, where. The list he
19 supplied yesterday, there are names there, My Lord, that I know
20 very well. They have given evidence before this Court, and I'm
21 interested as to the timing of those interviews. That is my
22 primary concern with those interview notes at the moment. And,
23 as my questions develop, it might go beyond that to inquire.
24 That is all from me, My Lord.

25 PRESIDING JUDGE: So in fact your line of cross-inquiry can
26 even alleviate some of his fears?

27 MR KAMARA: Yes, My Lord.

28 PRESIDING JUDGE: It's possible. Is it a fair
29 characterisation that you're, the position you are taking is

1 unduly pre-emptive.

2 MR POWLES: As my learned friend from the Prosecution is
3 extremely helpful in the way that he indicates that we may be
4 going forward. Perhaps, the best way to proceed is let's see how
5 we get on and if any issues arise, [overlapping speakers] we'll
6 deal with them.

7 PRESIDING JUDGE: Quite right. Probably a wait and see
8 attitude rather than consume our valuable time in this kind of
9 dialogue.

10 MR POWLES: Your Honours, yes, [indiscernible]

11 PRESIDING JUDGE: We'll proceed then.

12 JUDGE ITOE: But the concern still remains in relation to
13 the aspects of the notes that may concern the witnesses who
14 appear in exhibit, is it, 157?

15 MR KAMARA: 163.

16 JUDGE ITOE: 163, yes -- which was admitted and placed
17 under confidential -- under seal. It might be problematic,
18 somewhere, if some of them, maybe would come under public
19 scrutiny or -- I don't know, if some of them, you know, gave
20 evidence in open or in closed session before this Court. I'm
21 thinking of their protection, you know, in that sense. I want to
22 be very clear on this before we proceed.

23 MR KAMARA: Yes, My Lord.

24 JUDGE ITOE: I know that one of the names which features
25 testified in open session, in public. He testified in public.

26 MR KAMARA: Yes, My Lord.

27 JUDGE ITOE: But for others, I don't have a clear
28 recollection of the state in which, you know, they gave their
29 evidence, whether it was in a closed or in a public session.

1 MR KAMARA: Yes, My Lord. I will try to be guided --

2 PRESIDING JUDGE: You, the Prosecution, would know best,
3 more than any of us, if these were witnesses for the Prosecution.
4 You would know which particular witnesses did testify in closed
5 session or in open session.

6 MR KAMARA: Yes, My Lord.

7 PRESIDING JUDGE: So we would trust you would navigate this
8 particular area with great care.

9 MR KAMARA: Yes, My Lord. Can I have Exhibit 163, please,
10 the list.

11 PRESIDING JUDGE: You mean the list?

12 MR KAMARA: Yes.

13 PRESIDING JUDGE: It's 166.

14 MR KAMARA: 166, yes.

15 PRESIDING JUDGE: Let's proceed.

16 MR KAMARA: Thank you.

17 Q. Take a look at number 4, Dr Hoffman. You've seen the name?

18 A. Yes, My Lord, I have.

19 Q. When did you interview that individual?

20 A. My Lord, this individual, noted here as number 4, I
21 interviewed in late -- the latter part of 2001.

22 Q. Where was that interview conducted?

23 A. My Lord, that interview was conducted in Bo.

24 Q. In your report, you made a clear narrative of command
25 within the Kamajors.

26 A. I'm sorry, My Lord could you repeat that. I didn't get you
27 clear.

28 Q. In your report, you made an analysis of the command within
29 the, command structure within the CDF, in several areas of your

1 report. My mind is actually as to the area you said, "no
2 particular individual or person can be a central -- can be in a
3 position to make a declaration of a policy," something like that,
4 in your evidence yesterday. Do you recall saying something like
5 that?

6 A. Yes, My Lord, I believe in regards to a specific question,
7 although I can't remember exactly what the question was, but it
8 was something to that effect.

9 Q. The question asked by my learned friend.

10 A. Yes, My Lord.

11 Q. And you meant no one person can make a declaration on
12 behalf of the CDF, in terms of central authority; is that it?

13 A. Yes, My Lord.

14 Q. In your interview with number 4, did he provide you with
15 information that formed the basis of that conclusion?

16 A. My Lord, you're asking about particulars of an interview I
17 did over five years ago. I would say that this conclusion comes
18 from the accumulation of all of my interviews. I don't recall
19 the specifics of that -- I don't recall those specifics of that
20 interview. So I'm afraid I can't give you a definitive answer to
21 that.

22 Q. All right. I will take that. Now, I'm sorry, Dr Hoffman,
23 that I may have to ask you to make a list of the 25 people you
24 interviewed, because I'm unable to tell which -- I would not have
25 asked about that number 4 if I had known he was not part of the
26 25 of April 6th, 2006. So if you can make an indication for me
27 as to the people, or if you have a log that we could use, so I
28 can restrict myself to those that you have interview notes of
29 recently?

1 A. My Lord, I'm happy to do that. If you had specific
2 questions about those from this list, the 166, I could indicate
3 which of those individuals I spoke to --

4 JUDGE ITOE: Because he has already said that amongst the
5 25, those in 163 formed part of the 25.

6 MR KAMARA: Yes.

7 JUDGE ITOE: Who he interviewed; is that right, Dr Hoffman?

8 THE WITNESS: Yes, My Lord. Some of these names do --

9 MR KAMARA:

10 Q. So I chose number four thinking it's one of them, but if
11 it's not, then make an indication from that list of those you
12 interviewed from the 2006 visit.

13 A. I would be happy to. If it's okay, My Lords, what I'll do,
14 is circle the number of those individuals that I interviewed in
15 April 2006 in regards to making the report.

16 Q. You can make an indication underneath explaining what
17 you've done. It is still an exhibit.

18 A. Thank you, My Lord.

19 MR KAMARA: Thank you.

20 MR WITNESS: My Lords, what I've done is circled seven of
21 these names, and I've written at the bottom a circle, "Indicates
22 interviews related to preparation of expert witness reports," if
23 that's sufficient.

24 PRESIDING JUDGE: Counsel, is that okay?

25 MR KAMARA: Yes, My Lord, as a working document. I'm sorry

26 --

27 Q. I notice that the seven names you have circled are all
28 Defence witnesses; is that not so?

29 A. I'm not entirely clear on that, sir. It could be. I don't

1 know that definitively.

2 Q. How did you get these names?

3 A. In some cases, these were individuals that I knew before,
4 who I knew that I was interested in speaking to. In some
5 cases --

6 JUDGE ITOE: Let me get this clear. So these are the
7 people you interviewed in April 2006?

8 THE WITNESS: Yes, My Lord.

9 JUDGE ITOE: In April 2006?

10 THE WITNESS: Yes, My Lord.

11 JUDGE ITOE: These seven?

12 THE WITNESS: These seven in addition --

13 JUDGE ITOE: In addition to others.

14 THE WITNESS: Yes, My Lord. Some of these were individuals
15 whom I knew I was interested in speaking to. Actually, I would
16 correct one thing. At least one of those I know definitively was
17 not a Defence witness. Others, I'm not sure about. Some of
18 these names were supplied to me by the Fofana defence team as
19 people who might be worth speaking to. Others were -- and in
20 some cases, that overlapped with individuals whom I already knew
21 and knew I wanted to speak to, so it came from a variety of
22 sources.

23 MR KAMARA:

24 Q. The source I'm interested in, is that of the Fofana defence
25 team. They directed your sources, the people you should talk to
26 for your research; is that what you're telling this Court?

27 A. No, that's not how I would characterise it.

28 PRESIDING JUDGE: Let him explain. He's trying to give us
29 a complete picture. Then you can follow-up with supplementary

1 questions. Could you go over that again.

2 THE WITNESS: My Lord, when I was contacted to ask about
3 this, I was requested -- I was told it would be possible for me
4 to make a trip to Sierra Leone for the express purpose of making
5 the report. I obviously, felt this was an important thing to do
6 and I accepted that offer, pursued it myself. In consultation
7 with the Fofana defence team, they were obviously interested in
8 who I was interested in speaking to so we could facilitate me
9 making contact with these people in a relatively short period of
10 time. There were some names which I suggested, there were other
11 names which the Fofana team suggested. And then, as you can see
12 from the list, there is at least one name that I located while in
13 the country, not being sure of this person's location prior to my
14 arrival. So it came, I would say, from three sources: Myself,
15 the Fofana defence team and then chance circumstance that I found
16 somebody whom I had previous contact with and was able to
17 interview as well.

18 MR KAMARA:

19 Q. Is that person --

20 JUDGE BOUTET: Mr Prosecutor, just one clarification. You
21 have stated looking at these names that have been circled, that
22 all names circled were Defence witnesses.

23 MR KAMARA: Except number nine, now that I have seen it.

24 JUDGE BOUTET: Okay, I was going to ask, because the
25 witness said, "yes, but there's one that was not."

26 MR KAMARA: Yes, My Lord, that's the question I'm putting
27 to him.

28 Q. If number nine is the individual that is the one you found
29 for yourself?

1 A. Is it possible that I can have another look. I'm assuming
2 we're speaking of the same number, but -- Yes, My Lords, that's
3 correct.

4 Q. So we're in agreement number nine is the individual?

5 A. Yes, My Lord.

6 Q. Thank you. Number three, did he make any specific request
7 for protection?

8 JUDGE ITOE: He may want to see that paper again.

9 THE WITNESS: Thank you, My Lord. No, My Lord, I don't
10 believe he did.

11 MR KAMARA: So we can call him by name?

12 A. My Lord, my preference would be that we not. Again, for
13 the reasons I stated yesterday. I recognise that there are legal
14 niceties here that I'm not up to speed on. I guess I would ask
15 for the indulgence that we do this without publicly stating the
16 name, for the reasons I've stated previously. I leave it to
17 those who know better.

18 PRESIDING JUDGE: Mr Kamara, didn't we agree yesterday to
19 cover this document with confidentiality, so to speak.

20 JUDGE ITOE: Mr Kamara, we did.

21 PRESIDING JUDGE: We did. Why do we want to depart from
22 what we've agreed upon.

23 MR KAMARA: Yes, My Lord, I forgot about it, I'm sorry.

24 PRESIDING JUDGE: Well, Mr Bangura, please remind him, from
25 time to time.

26 MR KAMARA: Indeed, My Lord.

27 Q. I was asking you about number three. When did you speak to
28 number three?

29 A. My Lords, I spoke with number three in April of 2006, and I

1 can supply you with the exact date, if that would be helpful, I
2 would just need to refer to the notes.

3 Q. Feel free to refer to the notes. Give us the date.

4 MR POWLES: Your Honours, while Dr Hoffman is looking that
5 up, it may be of assistance if we can have a look at the list as
6 well.

7 PRESIDING JUDGE: Very well, yes, quite. Counsel, pass the
8 list over. Thank you.

9 MR POWLES: Thank you, Your Honours.

10 PRESIDING JUDGE: Yes, Dr Hoffman, continue.

11 THE WITNESS: My Lords, I have that date. It is 16th of
12 April 2006.

13 MR KAMARA:

14 Q. When you interviewed that individual, you raised the issue
15 of command structure of the CDF with him?

16 A. My Lord, I can say generally, I did. If you would like me
17 to read through these notes and find specifically how we
18 addressed that question, I'm happy to do so, but I can't say so
19 off the top of my head. But, this was a factor in all of my
20 conversations, so I can say in general terms, yes, I did.

21 PRESIDING JUDGE: Mr Kamara, are you comfortable with that
22 answer, or do you want him to do some further refreshing?

23 MR KAMARA:

24 Q. Yes, please do some further refreshing, you might just not
25 see it there.

26 JUDGE ITOE: This is with number three, is it?

27 MR KAMARA: Number three.

28 THE WITNESS: My Lords, if I can just have a minute then to
29 read through the notes.

1 PRESIDING JUDGE: Sure.

2 THE WITNESS: My Lords, I have read through the notes now
3 from this particular interview on 16 April 2006. I have
4 identified 11 points which, to my mind, speak to this question,
5 where I would categorise this as a discussion that is
6 specifically related to command structures.

7 JUDGE ITOE: How many points, Dr Hoffman?

8 THE WITNESS: Eleven.

9 MR KAMARA:

10 Q. Let's start with the first one. What was the question put
11 to him.

12 A. I'll indicate here, I don't have the verbatim questions
13 written out. What I have are the answers taken -- as I said, I
14 made recordings of these, so, to some degree, these are shorthand
15 notes summarising the comments.

16 PRESIDING JUDGE: Try and recapture the essence of them.

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: Counsel will ask you supplementary
19 questions, if necessary.

20 THE WITNESS: Thank you, My Lord. So this was -- this
21 would have been in response to the first question, which
22 generally -- first question, after finding out who this
23 individual was, which was their own -- the title that they would
24 have used. I know we're operating under a certain degree of
25 confidentiality here. I feel reasonably comfortable giving this
26 person's title, if that's --

27 MR KAMARA:

28 Q. Leave the title out.

29 PRESIDING JUDGE: Yes, you can also exercise as much

1 caution as you can --

2 THE WITNESS: Okay, thank you.

3 PRESIDING JUDGE: -- to protect the confidentiality aspect
4 of this document.

5 THE WITNESS: Thank you, My Lord. So the following, what
6 that title is, this particular person indicated that he had
7 received that from Chief Quee, the chairman of the War Council.
8 The second point which goes to questions of command, was that
9 this person was identified in his chiefdom as a chief Kamajor, so
10 he was in charge. He made the comment that at that time, the
11 Kamajor organisation was run by the chiefdoms. The third comment
12 is in regards to the question of who was supplying them
13 ammunition, as I've indicated was central, and as Colonel Iron
14 indicates, was a critical question in establishing command
15 structure. This interviewee states that he first sent a group to
16 Bo-Waterside to get ammunition, which they then used to capture a
17 town in the east, and if it's okay, I'll leave it at that.

18 MR KAMARA:

19 Q. Dr Hoffman, just a minute, are you still on the first
20 point?

21 A. No, this is now the third point, sir.

22 Q. That's okay.

23 A. Okay, thank you. So he first sent this group to
24 Bo-Waterside.

25 Q. No, no, Dr Hoffman, just wait.

26 A. Okay.

27 Q. I'm not ready for the entire.

28 A. Oh, I'm sorry, I apologise. I thought you wanted the -- my
29 apologies.

1 Q. That's all right. Did you verify that information provided
2 to you by number three?

3 A. Can I ask what you mean by verify?

4 Q. You cross-checked that information?

5 A. I don't remember having specifically cross-checked that
6 particular point.

7 Q. Thank you.

8 A. I would add that this person's title, obviously, is well,
9 fairly well-known.

10 Q. You're assuming.

11 A. Yes, sir, I am assuming.

12 Q. Thank you. Do you per chance have any method of
13 cross-checking your sources?

14 A. Again, if I could ask for some clarification what you're
15 inquiring about?

16 Q. When you are given information about a particular source,
17 do you have a method of cross-checking that information?

18 A. Sir, I would suggest that I use the methods that are common
19 to the discipline, which is seeking repetition of that
20 information in any one of a number of sources.

21 Q. Seeking repetition, I don't seem to understand.

22 A. My Lord, there's not -- anthropology is not a discipline
23 that has a single set methodology for verifying sources. To some
24 degree, my training is in feeling comfortable that I can figure
25 out what steps need to be taken to verify a given piece of
26 information, or, if I can't, to specify that this is speculative,
27 or that it came from only a single source that may or may not be
28 in question. To some degree, this is what the discipline does.
29 We train people to verify the information we get in multiple

1 ways.

2 Q. Which is the way that you verify the information contained
3 in this entire report?

4 A. Again, I would argue it comes from multiple sources.

5 Q. Now, let's take the particular case of number three. Is
6 there any particular source of cross-checking?

7 A. I would say that there is nothing that the interview number
8 three that I can recall that individual telling me which I felt
9 was inconsistent with what I could verify from prior knowledge or
10 other interviews.

11 Q. Does that include what you've read in the transcript as
12 well?

13 A. It's entirely possible. I know that I have read this
14 individual's testimony. I don't remember the particulars of it,
15 but I don't remember being particularly concerned by anything
16 that was in there.

17 Q. Dr Hoffman --

18 JUDGE BOUTET: Are you saying you read the testimony of
19 this particular witness, number three?

20 THE WITNESS: My Lord, I have, yes.

21 MR KAMARA:

22 Q. Dr Hoffman, you haven't. I put it to you, you haven't read
23 his testimony.

24 A. I believe I have, have I not? If it's --

25 Q. He has not testified.

26 A. Then I'm mistaken on this account. My apologies. I
27 apologise to the Court. I was under the impression this person
28 had. As you can imagine, there are a lot of testimonies,
29 sometimes I have a -- in this case, I am apparently mistaken.

1 Q. How many times are you mistaken in your report?

2 A. Is that a legitimate question?

3 Q. Yes, it is. I want to know how often you do make mistakes
4 like this?

5 A. I'm sure we all make mistakes, My Lord. I can't tell you
6 if there are additional mistakes in that report. Actually, I
7 don't believe, though, that I mentioned in that report that I
8 read this individual's testimony, so that's an error I've made
9 here today. My apologies for that.

10 Q. Thank you, we all do make mistakes. Accepted. Now,
11 Dr Hoffman, I will take you to Base Zero. In your report, you
12 stated that the title director of war came into use at Base Zero
13 when Fofana was tasked with food distribution, clearly a critical
14 administrative job, given the chronic shortages of provisions at
15 Talia.

16 A. I'm sorry, My Lord --

17 PRESIDING JUDGE: Which page is that?

18 MR POWLES: If it helps my learned friend, I believe it is
19 pages 23 and 24.

20 MR KAMARA: Yes, My Lord, it's 23.

21 PRESIDING JUDGE: Thanks.

22 MR KAMARA: Thank you. It is 23, yes, My Lord. It's
23 already highlighted. Thank you.

24 Q. D.4, paragraph D.4 on page 23. "The title came into use at
25 Base Zero when Fofana was tasked with food distribution. Clearly
26 a critical administrative job, given the chronic shortages of
27 provisions at Talia." Do you see that, provisions?

28 A. Yes, My Lord.

29 Q. You would agree at Base Zero, Moinina, the second accused

1 as director of war, was in charge of food supplies?

2 A. At least for some part of that time, that's my
3 understanding, yes, My Lord.

4 Q. When you say some part of that time, what is the time frame
5 you're looking at?

6 A. I don't have dates in front of me. What I'm suggesting is
7 I don't know for a fact that that was a position -- that was a
8 responsibility that he had for the duration of the time that Base
9 Zero was in existence. I know that at least some part of during
10 Base Zero's existence, this was one of his responsibilities.

11 Q. Basically, he was responsible for the supplies of food.

12 A. Yes, My Lord, that's my understanding.

13 Q. Thank you. Professor Daniel Hoffman, PhD in anthropology,
14 you will no doubt know that, at times of war, an army marches on
15 its stomach; is that not so?

16 A. That is how the saying goes, yes, My Lord.

17 Q. Is it not true then, Professor Daniel Hoffman, that the man
18 who controls the stomach of the army directs the barrel of the
19 gun?

20 A. I would not suggest that, My Lord.

21 Q. Thank you.

22 A. I would suggest that the person who supplies food is always
23 an important person, whether that person is in -- whatever kind
24 of social structure one is referring to.

25 Q. I knew you would agree to that?

26 A. Thank you, My Lord.

27 Q. Yes. You wouldn't deny that the second accused, in that
28 position, had the respect of the Kamajor fighters?

29 A. My understanding is that the second accused was a

1 well-respected individual, yes, My Lord.

2 Q. Yes.

3 A. I would add the caveat, however, that the interviews I
4 conducted with people, he was often also, though, marked for this
5 particular title. So I want to -- I think it's important to note
6 that these are, sort of, not mutually exclusive.

7 Q. Yes, I'm looking at it from a particular trend: A man in
8 authority providing food at a time where there is dire need.

9 A. That person is always an important person, yes, My Lord.

10 Q. Important person, and he's respected for that.

11 A. Yes, My Lord.

12 Q. And, from your study, you will not deny the fact that
13 Kamajors owed allegiance to Moinina Fofana.

14 A. I wouldn't call it terms of allegiance. Those are not
15 usually the terms we use to describe somebody who provides food.
16 Certainly he was an important person and respected member of the
17 community.

18 Q. All right. And you also stated today that -- maybe not
19 today -- yesterday, that Kamajors normally go to Base Zero for
20 weapons and food supplies; is that not so?

21 A. That was one of the locations to which some Kamajors went
22 for weapons and food supply, yes, My Lord.

23 Q. And, from your study, who was the person in charge of the
24 storage of weapons at Base Zero; do you know?

25 A. I'm not clear exactly who it was who was in charge of
26 weapons at Base Zero. In part, because I have received different
27 information as to who distributed weapons at different times at
28 Base Zero.

29 Q. Was the second accused at any point in time identified to

1 you as one of the sources?

2 A. My Lord, I have not had any of the commanders say to me
3 that they received weapons from Moinina Fofana, commanders or
4 rank-and-file individuals I've spoken to.

5 Q. In the transcripts you read, wasn't there information
6 alluding to that?

7 A. There was, My Lord.

8 Q. Did you inquire?

9 A. Did I inquire with whom, sir?

10 Q. In your search. In your study, did you inquire to confirm
11 or disprove the theory?

12 A. As I said, in interviews that I had in preparation for this
13 report, I did inquire about the role of this director of war.
14 None of my informants, none of the people I interviewed in
15 preparation of this report said to me they would confirm that
16 particular allegation. Now, if we want to go back to the
17 original tapes, we can find out how I phrased those questions. I
18 don't want to misrepresent the way in which I would have put that
19 question to someone. Obviously this is -- given the fact that
20 this came up in the testimony, it was something I pursued. But
21 what I can tell you, categorically, is that I did not receive any
22 information that he had.

23 Q. I just want to be clear whether you did not receive or you
24 did not ask, you did not inquire. These are two distinctions,
25 they are different.

26 A. I did not -- I asked -- I did not receive that answer.
27 What I -- the only thing I want to do is just sort of let it be
28 known that I can't remember exactly how I phrased that particular
29 question, so I don't want to overstate what it is that I'm making

1 a representation to here.

2 Q. Thank you.

3 JUDGE BOUTET: When you say you were inquiring about the
4 role of the second accused, it's more in that perspective that
5 you would ask that question, but was the question about
6 distribution of weapon or administration specifically raised in
7 that context. As much as you can recall. I know you don't have
8 the tape with you.

9 THE WITNESS: Yes, My Lord. In general, when I would talk
10 to people about command structure, I would -- and this goes
11 somewhat to the methodology of what anthropologists use. What
12 I'm trying to do is solicit people to present information in
13 their own terms. So I generally try to start out with fairly
14 broad questions about what was this person's responsibility and
15 see what information could be elicited from that. Then if I felt
16 like I needed to get more specific, is this statement true, I
17 would go to that. Now, undoubtedly, I did that. I can't tell
18 you -- I can't recount for you now how that sequence worked out
19 and with which individuals I may have asked that particular
20 question. That's what I would be -- I would have to go back to
21 the originals for. My recollection is that I posed it in both
22 ways to various people, and in no instance did I get confirmation
23 from anyone. I realise that it has appeared in the transcripts.
24 What I'm suggesting is that nobody said this.

25 Q. I'm suggesting to you, Dr Hoffman, that, from your answers,
26 it seems you had a clear mind-set focused on only food
27 distribution by the director of war, a clear mind-set focused
28 only on the distribution of food supplies by the director of war
29 and, therefore, you did not advert your mind to any other

1 functions; do you agree with that?

2 A. I do not agree with that. No, My Lord.

3 Q. Professor Daniel Hoffman, in your report, you concluded
4 that the CDF can not be thought of as a military organisation
5 with centralised military command and control; am I correct?

6 A. That is my finding. Yes, My Lord.

7 Q. You're not a military man, are you?

8 A. No, My Lord, I am not.

9 Q. Never served in the army?

10 A. No, My Lord, I did not.

11 Q. Nor make any study into military analysis?

12 A. My Lord, one of the things I specialise in is the
13 anthropology of war, so how you classify that in terms of it's a
14 military analysis, then I leave that to you.

15 Q. Thank you. I will take that. Did you interview any
16 military personnel for your report?

17 A. No, My Lord, I did not.

18 Q. And you said the CDF logic was always that of a social
19 rather than a military institution?

20 A. Yes, My Lord.

21 Q. What is that logic?

22 A. With respect, sir, that is the totality of the report. I'm
23 not quite sure how you want me to break it down beyond that.

24 Q. All right. Let me take you by stages. In 1997, there was
25 Base Zero. There is evidence before this Court that the first
26 accused described it as the place, or the seat of the field
27 martial or the general of an army.

28 A. I'm sorry, was that a question?

29 JUDGE ITOE: Yes, I was going to ask, learned counsel. And

1 so what?

2 MR KAMARA: I was allowing him to have a drink.

3 THE WITNESS: Thank you, My Lord.

4 MR KAMARA:

5 Q. Yes. As the seat of a field martial --

6 MR SESAY: My Lord, I would want to object at this stage.
7 I don't know whether, in fact, that is not tantamount to breach
8 of the order of this Court.

9 PRESIDING JUDGE: Which is?

10 MR SESAY: His cross-examination should only be confined to
11 the second accused.

12 JUDGE BOUTET: This is not the order of the Court. If you
13 were to lead substantial evidence against any of the other
14 accused, but there was no prohibition against cross-examination
15 in other areas, as such.

16 MR SESAY: As Your Honour pleases.

17 JUDGE BOUTET: That was not the order of the Court.

18 MR SESAY: My Lord, it was in relation to the third
19 accused, if I can recall, but I don't know whether that, again,
20 applies to matters relating to the second accused.

21 JUDGE BOUTET: Well, the order of the Court was not a
22 prohibition against this kind of cross-examination. The question
23 that I clearly -- I remember, having asked the Prosecution at
24 that time, what is it you're intending to do with this evidence,
25 not of this witness, a previous witness, for the third accused.
26 He was not cross-examining at that time for credit. They were
27 trying to lead evidence on substantial issues in relation to
28 other accused. We said this is not permissible. That's what we
29 said. So it was not a total prohibition against questions that,

1 in cross-examination, referred to the name of any other accused.

2 MR SESAY: Yes, My Lord, I want to withdraw that objection,
3 but I'd rather revisit another issue.

4 PRESIDING JUDGE: Yes, because the order, really, was of a
5 much narrower focus.

6 MR SESAY: Yes, Your Honour.

7 PRESIDING JUDGE: I think we were very careful there to
8 craft a very narrow order in respect of the particular line of
9 cross inquiry. I don't think it was meant to be a generic
10 application. So, in that regard, we'll acknowledge your desire
11 to withdraw that objection.

12 MR SESAY: Yes, Your Honour, I withdraw that objection. I
13 would rather to go to another issue.

14 PRESIDING JUDGE: What is that?

15 MR SESAY: Whether, in fact, counsel would be graceful
16 enough to provide us with the specific portion of the transcript
17 where such evidence was led before this Court.

18 PRESIDING JUDGE: Counsel, if you can help your colleague
19 so that they can follow you. They seek some help in terms of
20 enlightening them as to which particular aspect or portions of
21 the transcript you actually are alluding. I'm sure Mr Bangura
22 can give you some valued assistance.

23 JUDGE ITOE: I was going to ask for that as well.

24 PRESIDING JUDGE: You have two able assistants there.

25 MR KAMARA: Yes, My Lord, the case manager will get that in
26 a short while.

27 PRESIDING JUDGE: Very well.

28 MR KAMARA: In 2006. I think it is January 20 or
29 something.

1 PRESIDING JUDGE: Mr Sesay, your request will be attended
2 to.

3 MR SESAY: As Your Honour pleases.

4 PRESIDING JUDGE: Let's proceed.

5 MR KAMARA: Thank you, My Lord.

6 Q. Dr Hoffman, I was making a statement. I was restating
7 evidence before. The first accused described Base Zero as a
8 place, in times of war, that would be the seat of a field
9 martial --

10 JUDGE ITOE: Be very sure, you know, that you're really
11 reproducing the state of the records.

12 MR KAMARA: I'm paraphrasing, My Lord.

13 JUDGE ITOE: Field martial --

14 MR KAMARA: Yes, I remember that.

15 JUDGE ITOE: I don't know. Anyway --

16 MR KAMARA: Yes, My Lord, I remember field martial and
17 generals.

18 Q. As the seat in the time of war of a field martial or
19 general. Having said that, Dr Hoffman, would you consider Base
20 Zero as a seat of a field martial in 1997?

21 A. No, My Lord, I would not.

22 Q. You wouldn't?

23 A. No, My Lord.

24 Q. Weapons came from Base Zero in 1997; you'll agree with me?

25 A. Some weapons did. Yes, My Lord.

26 Q. Food supplies came from Base Zero; you'll agree with me?

27 A. Yes, My Lord, they did.

28 Q. Training was conducted at Base Zero; you'll agree with me?

29 A. Yes, My Lord, it was.

1 Q. Yet you would disagree with me that would be a central
2 source of command?

3 A. Yes, My Lord, I would.

4 Q. Thank you. Professor Hoffman, you described the CDF as a
5 militarised social movement; do I get you right?

6 A. Yes, My Lord.

7 Q. They were engaged in a form of guerilla-type warfare; is
8 that correct?

9 A. I guess I would ask for clarification in your use of the
10 term guerilla. There is a general standard lay terminology
11 guerilla that we use expansively and there is a military term
12 guerilla.

13 PRESIDING JUDGE: Why not explain to us? You are the
14 expert and you have such credentials in cultural anthropology.
15 You might enlighten the Court.

16 THE WITNESS: If I may, the lay definition of the term
17 guerilla is generally applied to any fighting activity that would
18 be conducted by a non-state army. That tends to be how, in the
19 popular imaginary, it is invoked.

20 Now, within military parlance, there is a more specific
21 definition of guerilla which tends to be, and a lot of this -- my
22 understanding is this come us out of the experience of
23 intercolonial movements in Latin America and, to a certain
24 extent, South East Asia. This generally tends to make reference
25 to lightning-style attacks by small units. It tends to make
26 reference to how food supplies are procured. In the classic
27 models, this is from villages or sympathetic -- in the peasantry,
28 in the sort of classic political science terminology. So,
29 guerilla, it is a more restrictive terminology in the military

1 sense than it is in the kind of broad lay sense.

2 JUDGE ITOE: Dr Hoffman --

3 PRESIDING JUDGE: Now apply that to the situation that he
4 has posed.

5 JUDGE ITOE: Exactly.

6 PRESIDING JUDGE: And give us some precise answer.

7 MR KAMARA:

8 Q. Does the CDF qualify --

9 PRESIDING JUDGE: Fit into your model --

10 MR KAMARA:

11 Q. -- fit into that model of guerilla warfare?

12 PRESIDING JUDGE: Whether it is the generic or the --

13 JUDGE ITOE: Or it just a social militarised group. Where
14 do you place the CDF?

15 THE WITNESS: Thank you, My Lords. In the stricter
16 military terminology, I would not classify the CDF as a guerilla
17 organisation. In part, because a guerilla army is still
18 constituted as an army. For all the reasons I've stated in this
19 report, that's not how I would refer to them. In this lay
20 terminology, the CDF has been referred to as a guerilla force.
21 Again, even at that I would stop short. I don't think that is a
22 proper definition, but, at the same time, it's one that -- if
23 everyone's audience understood the same thing by this lay
24 terminology, then it might be a term that we could comfortably
25 use. I think for the purposes of the argument that I'm making
26 here, for reasons I'm sure you can appreciate, that's not how I
27 would invoke them. Clearly, there are some resonances, if I can
28 indulge the Court to stick to the definition I provided of that
29 kind of lay term. Does that help the Court?

1 PRESIDING JUDGE: Certainly.

2 THE WITNESS: Thank you.

3 PRESIDING JUDGE: In other words, you go back to your
4 position of militarised social organisation?

5 THE WITNESS: Yes, My Lord. Thank you.

6 MR KAMARA:

7 Q. I will still probe a little bit further. Was the CDF
8 engaged in the guerilla-type warfare, not that they are a
9 guerilla group, but were they engaged in guerilla-type warfare?
10 Do you appreciate the distinction?

11 A. I appreciate the distinction. If we are going to specify
12 that by guerilla here, we're meaning this general lay
13 terminology, then, yes, I would concur with that.

14 Q. Thank you. From your analysis of guerilla warfare, you
15 would agree with me that targeting innocent civilians is one of
16 the main tools in guerilla warfare?

17 A. No, My Lord, that's not correct. In fact, My Lord, if I
18 can say so, the ideal military models of guerilla warfare
19 specifically state that it's only successful when civilians are
20 not attacked. If you think about -- again, if I can use the
21 example of Latin America and South East Asia. Chinese guerilla
22 armies were those that were specifically mandated to create
23 alliances with the peasantry, because that was the only way a
24 guerilla army could survive; it was a peasant rural revolution.
25 The same thing in Latin America, there was a specific ideology of
26 cultivating relationships with non-combatant civilians, because
27 people recognised you couldn't have a centralised food
28 distribution source; you needed to rely on the peasantry. The
29 term guerilla invokes in itself, both in the lay and technical

1 terms, a certain kind of relationship with non-combatants. For
2 those reasons, I would not agree with your statement.

3 Q. Dr Hoffman, I am interested in the understanding of
4 guerilla warfare by the ordinary Kamajors, not your academic
5 understanding.

6 A. Okay.

7 Q. Are we agreed on that?

8 A. That that's what you're interested in?

9 Q. That's my interest, not your academic --

10 A. I'll accept your judgment that is what you're interested
11 in.

12 Q. Yes, I'll move on to that. Now, tell us, what was your
13 understanding of a guerilla-type warfare by Kamajors in the
14 course of your study?

15 A. The areas where I suggest the Kamajors may have invoked --
16 where we could reasonably suggest this area of overlap with your
17 terminology of guerilla-type warfare, would be that they were not
18 a constituted state army, which is certainly one of the important
19 components; that they originated from the communities; and that,
20 for the most part, they maintained those kinds of alliances; and
21 that, generally, when they did engage in direct confrontations
22 with an enemy, it tended to be short-term battles, done by
23 relatively small units. We're not talking about large
24 deployments here, for the most part. For those reasons, that's
25 where I would see the resonances.

26 Q. Take a look at the article you wrote, "The Civilian Target
27 in Sierra Leone and Liberia: Political Power, Military Strategy
28 and Humanitarian Intervention."

29 A. I'm afraid I don't have a copy of this article in front of

1 me.

2 Q. I'll oblige you with one.

3 A. Thank you, My Lord.

4 MR KAMARA: My Lords, I have the reference for the citation
5 of the evidence earlier on. It's 26th January 2006 at page 17,
6 line 12 and 13.

7 JUDGE BOUTET: Page 17?

8 MR KAMARA: Yes, My Lord, 26th January 2006, page 17.

9 PRESIDING JUDGE: We don't have that. What you want to
10 give us is the reference in Exhibit 164, because you don't have a
11 copy of the article --

12 JUDGE BOUTET: He's talking of the evidence of January
13 2006.

14 PRESIDING JUDGE: His evidence.

15 JUDGE ITOE: Was field marshal and so on.

16 PRESIDING JUDGE: All right. Yes. Let's go on.

17 MR KAMARA:

18 Q. Have you seen the highlighted portions of that?

19 A. Yes, I have.

20 MR POWLES: May I ask what the highlighted portions are?

21 MR KAMARA: I'm getting to that.

22 MR POWLES: Which page?

23 MR KAMARA:

24 Q. Give the page, please. Do you have the article?

25 A. My Lord, it's page 222, and the highlighted portion is the
26 block quote, which occurs about three-quarters of the way down
27 the page.

28 Q. What is the title of that article?

29 A. The title of this article is, in full, "The Civilian Target

1 in Sierra Leone and Liberia:" --

2 Q. Go slow, please.

3 A. My apologies. I'll start again. The title of this article
4 is, "The Civilian Target in Sierra Leone and Liberia: Political
5 Power, military Strategy and Humanitarian Intervention." I
6 guess, for the record, this is a piece that appeared in the
7 journal African Affairs. It's from the year 2004.

8 Q. Thank you.

9 JUDGE ITOE: What is it called, military strategy and what?

10 THE WITNESS: Sorry, My Lord. The subtitle is "Political
11 Power, Military Strategy," and the third term is "and
12 Humanitarian Intervention."

13 MR KAMARA:

14 Q. You are aware that Kamajors targeted civilians in their
15 attacks against the AFRC and RUF, and you are aware -- leave the
16 article for a moment.

17 A. My Lord, if you are asking me whether civilians were killed
18 by members of the CDF and the Kamajors, I have no doubt that it
19 happened at various points. If you're asking me as a matter of
20 policy, I would disagree with that statement.

21 Q. The question is not about policy.

22 A. Okay. Again, there was some ambiguity, as I understood it,
23 in the question. I wanted to specify what I meant are the two
24 possible interpretations.

25 Q. Are you aware that Kamajors targeted civilians against --
26 whilst they were attacking the AFRC and RUF?

27 A. Could you specify at what level you're talking about?

28 Q. Kamajors unlawfully killed civilians; are you aware of that
29 in 1997?

1 A. Are you -- perhaps it's just me, but to me there is some
2 ambiguity in that. There is a question whether this was done
3 systematically as a policy or whether it may have happened. I'm
4 happy to answer either one, but I'd like to know which of the two
5 you mean.

6 Q. You're confusing yourself, Dr Hoffman. The question is
7 simple.

8 A. I do that frequently, sir.

9 Q. Take your time. Listen to the question.

10 MR POWLES: I think what Dr Hoffman is saying is that are
11 two questions, potentially, in the way my learned friend phrased
12 it. If my learned friend wishes the witness to assist the Court,
13 maybe Dr Hoffman can answer both questions.

14 MR KAMARA: There is only one question, My Lord.

15 Q. Is he aware that Kamajors targeted civilians, I'll start
16 with that, in the course of the conflict? I'll use the general.
17 Are you aware?

18 A. My Lord, if that's how the question is going to be posed,
19 then the only answer I can give you is I don't know.

20 Q. You are not aware that Kamajors targeted civilians?

21 A. As you phrased that question, the only answer I can give
22 you is I don't know.

23 Q. You also don't know that Kamajors killed civilians in 1997?

24 A. There were instances of Kamajors killing civilians in 1997.

25 Q. Thank you.

26 JUDGE BOUTET: But I thought the question was targeted
27 civilians, not killed. There is a huge difference between
28 targeting civilians and killing civilians. You may kill
29 civilians by sheer accident, as such. Targeting would imply some

1 direct intent to kill a civilian, whereas he's not there when you
2 are just talking of killing civilians. I think the question is
3 quite specific: Whether or not you are aware that Kamajors
4 targeted civilians.

5 MR KAMARA: Thank you, My Lord.

6 PRESIDING JUDGE: Didn't you put your questions as the two
7 separate questions? You did.

8 JUDGE ITOE: He did.

9 MR KAMARA: Yes, My Lord.

10 PRESIDING JUDGE: You put them as two separate questions
11 and had two answers.

12 MR KAMARA: And he has answered one.

13 JUDGE ITOE: And he answered the other one.

14 PRESIDING JUDGE: He answered the other.

15 MR KAMARA: I changed it, and he answered that one. What
16 learned Justice Boutet is putting to him was the first one he had
17 refused to answer --

18 PRESIDING JUDGE: No, he did answer targeted. He did
19 answer that.

20 JUDGE ITOE: He did say the way you have put the question,
21 he would say that he doesn't know.

22 PRESIDING JUDGE: He doesn't know.

23 JUDGE ITOE: He does not know whether the Kamajors targeted
24 civilians.

25 PRESIDING JUDGE: Clearly. And, indeed, there are two
26 questions put, and it seems to make sense to put them as two
27 questions.

28 MR KAMARA: Yes, My Lord.

29 PRESIDING JUDGE: I think it is commonsense that targeting

1 and killing are not the same thing.

2 MR KAMARA:

3 Q. Is it to your knowledge that Kamajors targeted civilians
4 between 1997 and 1999?

5 A. My Lord, I would again ask you if you're asking about
6 whether there were specific instances of this, or was this was
7 the general policy.

8 PRESIDING JUDGE: Dr Hoffman, it's a straightforward
9 question: Are you aware? I mean, he doesn't have to tell you
10 whether he was saying, "Oh, did they specifically do that?" Or
11 was it a system -- he doesn't have to make that distinction.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: He's put a question.

14 THE WITNESS: Thank you, My Lord. I'm not aware of
15 targeting of civilians.

16 MR KAMARA:

17 Q. Are you aware of specific instances that Kamajors targeted
18 civilians between 1997 and 1999?

19 A. Yes, My Lord, there were specific instances where some
20 Kamajors did target specific individuals --

21 Q. Thank you very much?

22 A. -- who would be identified as civilians.

23 Q. Thank you. Finally, Dr Hoffman -- My Lord, I sense relief
24 on the faces of the Defence.

25 PRESIDING JUDGE: I wasn't paying attention at all to their
26 faces. I only know that the hands of the clock are ticking to
27 1.00.

28 MR KAMARA: Yes, My Lord, that is why I'm rounding up. I
29 crave the indulgence of the Bench to give me a few minutes.

1 PRESIDING JUDGE: Go ahead, counsel.

2 MR KAMARA: Thank you, My Lord.

3 JUDGE ITOE: Learned counsel, I mean, if you still have
4 another hog to go through in your cross-examination, you -- I do
5 not think there is any pressure from the Court for you to wrap up
6 your cross-examination.

7 MR KAMARA: Yes, My Lord, there is not.

8 PRESIDING JUDGE: We certainly don't intend to apply the
9 guillotine.

10 MR POWLES: Just for clarification, nor from the defence.
11 My learned friend can take as long as he wants with this witness.

12 PRESIDING JUDGE: Well, we're on the same radar screen.
13 Counsel, we certainly would not mind taking the lunch break now
14 and come back and give you time to wind up.

15 MR KAMARA: Thank you, My Lord. I will take that.

16 PRESIDING JUDGE: I reckon there may be re-examination. So
17 let's not put you in a siege situation.

18 [Luncheon recess taken at 1.03 p.m.]

19 [Upon resuming at 2.37 p.m.]

20 PRESIDING JUDGE: Mr Kamara, please continue.

21 MR KAMARA:

22 Q. Good afternoon, Dr Hoffman.

23 A. Good afternoon, My Lords.

24 Q. The Koribundu attack was co-ordinated from Base Zero; were
25 you aware of that?

26 A. My Lord, my knowledge of the Koribundu attack comes
27 primarily from what I read in Colonel Iron's report, so it's not
28 something I knew much about the particulars of, so I will concede
29 that that is Colonel Iron's suggestion.

1 Q. He did not interview any of your witnesses regarding that
2 attack?

3 A. My Lord, I don't recall having addressed specifically the
4 Koribundu attack with any of the witnesses -- interviewees, I
5 should say, not witnesses.

6 Q. That attack occurred between the 13th and 14th of February
7 1998, I'll put it to you, and the attack on Bo and Kenema were
8 virtually simultaneous. In the course of your research, did you
9 see co-ordination in those attacks?

10 A. My Lords, I did not see co-ordination in those attacks.

11 Q. You're suggesting that these were isolated events; is that
12 so?

13 A. My Lords, I am suggesting that these are distinct events.
14 I would separate that term "isolated" from what I would refer to
15 as "distinct".

16 Q. Would you agree with me, or would you not, that the
17 sequence of those attacks clearly show a co-ordinated plan and
18 strategy?

19 A. My Lord, I would not agree with that.

20 Q. Dr Hoffman, currently you are assistant professor, aren't
21 you?

22 A. Yes, My Lord, I am.

23 Q. From that level, you become an associate professor?

24 A. Yes, My Lord, you become an associate professor when the
25 tenure is the demarcating point between assistant and associate.

26 Q. Yes. When you say tenure, is that when you are recognised
27 by your peers by way of an evaluation?

28 A. My Lord, generally in the sixth year of one's appointment
29 as a professor, one comes up for review and, at that point, there

1 is a decision made whether the candidate, the professor in
2 question, is given tenure or denied tenure.

3 Q. Yes, it involves external recommendations on your scholarly
4 works?

5 A. Yes, My Lord, it does.

6 Q. You are not a tenure professor?

7 A. No, My Lord, I'm not at the moment.

8 Q. You're a junior professor?

9 A. My Lord, "junior" is not a term that's applied to the
10 professorship. It is assistant. It is the status one has until
11 one reaches -- one proceeds through tenure and achieves associate
12 professor status.

13 Q. It does begin your career as a professor?

14 A. Yes, My Lord. I am now in my third year of teaching as an
15 assistant professor.

16 MR KAMARA: Thank you very much. No further questions, My
17 Lord.

18 PRESIDING JUDGE: Thank you, counsel. Mr Powles?
19 Re-examination?

20 MR POWLES: Yes, just a few questions in re-examination.

21 RE-EXAMINED BY MR POWLES:

22 Q. Dr Hoffman, yesterday it was put to you that you have never
23 appeared as an expert witness in any of the international
24 tribunals. Just to let you know that potentially three
25 international tribunals are the International Criminal Courts,
26 the International Criminal Tribunal for the former Yugoslavia and
27 the International Criminal Tribunal for Rwanda. Has there, to
28 your knowledge, ever been any need for an expert on Kamajors to
29 appear at any of those tribunals?

1 MR KAMARA: Objection, My Lord. That is not a question for
2 re-examination. It didn't arise from cross-examination.

3 PRESIDING JUDGE: What is your response to that?

4 MR POWLES: My learned friend put to the expert witness
5 that he hasn't appeared at any of those tribunals. And I'm
6 exploring with the witness whether there are any reasons why he
7 may not have appeared as an expert --

8 PRESIDING JUDGE: What was the answer to the question?

9 JUDGE ITOE: He was not asked whether he appeared as a
10 Kamajors in any of these international tribunals.

11 MR POWLES: He was asked whether he appeared as an expert
12 witness at any of the tribunals and he responded that he hadn't.

13 PRESIDING JUDGE: Yes, his answer was clear.

14 MR POWLES: Yes. It's only fair to explore with the
15 witness why he may not, in his expert capacity on the Kamajors,
16 not have appeared at any of those tribunals.

17 PRESIDING JUDGE: Well, the question was not specifically
18 whether he had appeared in any of the other tribunals to testify
19 in his capacity as expert witness on Kamajors, it was whether he
20 had ever testified as an expert in any of these tribunals and the
21 answer was no.

22 JUDGE ITOE: But he's an anthropologist. He is not an
23 anthropologist for the Kamajors. He may well be an expert in
24 anthropology in any other field, which is relevant in any
25 proceedings in any tribunals.

26 PRESIDING JUDGE: So why do we need to clarify -- what is
27 there to be clarified?

28 MR POWLES: If there is any concern, I won't press it.

29 PRESIDING JUDGE: Yes.

1 MR POWLES:

2 Q. Dr Hoffman, you mentioned one of the methods as a social
3 anthropologist, one of the methods of research and obtaining
4 information as a participant observer, participant observation.
5 Again, can you recap how that works?

6 MR KAMARA: Objection again. My Lord, cross-examination
7 did not delve into that issue about participant observer. This
8 is a way to fill in the gaps that were missing during direct
9 examination.

10 PRESIDING JUDGE: It is your submission, is it --

11 MR KAMARA: Yes, My Lord.

12 PRESIDING JUDGE: Yes, my recollection is that that was not
13 explored in cross-examination.

14 MR POWLES: Again --

15 PRESIDING JUDGE: And, if it was not, then it is clearly
16 impermissible that you want to ask it. It would really entitle,
17 if we allow you to do that, it will entitle the other side to
18 explore it further, to ask for leave.

19 MR POWLES: Well, there are two responses. First, I would
20 be more than happy for my learned friend to re-explore whatever
21 he wanted. But, with respect, I think it does arise from the
22 questions that were put to the expert witness in relation --

23 PRESIDING JUDGE: To what --

24 MR POWLES: -- to his social evenings with Kamajors, and
25 drinking and smoking with them. What I want to explore with the
26 witness is the extent to which that fell under a method of
27 research which he employs, and the effectiveness and the extent
28 to which that is a recognised method of research employed by
29 social anthropologists. I would submit that is entirely proper

1 to put to the witness, to allow him an opportunity to explain
2 that further, rather than to leave the issue hanging, as it does,
3 following my learned friend's cross-examination.

4 PRESIDING JUDGE: In other words, the fact that he --
5 Mr Kamara put to him this idea of spending social evenings,
6 having a smoke and having a drink, raises the issue, as you say,
7 of one of his recognised methods of research in social
8 anthropology?

9 MR POWLES: Whether that fell under one of the methods THAT
10 he employs and the effectiveness of that method of research.

11 PRESIDING JUDGE: We'll allow you to pursue it insofar as
12 it relates to that.

13 MR POWLES: I'm grateful.

14 PRESIDING JUDGE: And tie it with the social evening
15 sessions and the smoke and the drink.

16 MR POWLES: Your Honours, yes.

17 Q. Well, again, Dr Hoffman, participant observation, how does
18 that method of research work?

19 A. My Lords, participant observation is, to some degree, what
20 has defined the particular type of anthropology that I practice.
21 What that entails is -- it's premise is that there are certain,
22 if you are interested in learning about the social norms,
23 structures, beliefs, values or practises of any people, some of
24 those qualities are only going to be manifested in how people
25 conduct their everyday existences. Interviews are clearly
26 beneficial for achieving certain kinds of information. In other
27 instances, one really needs to participate with people as they
28 perform their daily tasks and, to some degree, this is a way of
29 soliciting information. To another degree it is also a way of

1 establishing rapport, which clearly is fundamental to the work
2 that anthropologists do.

3 PRESIDING JUDGE: In other words, a kind of social
4 interaction with them?

5 THE WITNESS: Absolutely, My Lord. That's actually a very
6 nice --

7 PRESIDING JUDGE: And in the extreme case, would this apply
8 if you are doing some research into drugs?

9 THE WITNESS: In the extreme case it has applied. There
10 are --

11 PRESIDING JUDGE: Illegal drugs?

12 THE WITNESS: Yes, My Lord, this is -- there are cases
13 where this in fact has been an issue. Obviously these are --
14 those kind of research are subject to intensive ethical
15 questions.

16 PRESIDING JUDGE: Yes, raises ethical issues.

17 THE WITNESS: Yes, My Lord, it does but there have been
18 those studies done and they have been judged to be ethically
19 sound.

20 PRESIDING JUDGE: Okay.

21 MR POWLES:

22 Q. How effective a method of investigation is it?

23 A. It's recognised as a fundamental tool to a widely accepted
24 discipline. I mean, this is -- so I would argue that it's very
25 effective, and it has been proven to be since -- throughout the
26 duration of anthropology as a discipline. This is its core.

27 Q. Can it lead to bias on the part of the observer?

28 JUDGE ITOE: What does that question mean?

29 MR POWLES: The extent to which such a method of research

1 can lead to bias or not.

2 JUDGE ITOE: You want him to say "yes" or "no"? Supposing
3 I hold a contrary view?

4 MR POWLES: Of course that would be for Your Honours to
5 assess the witness's credibility --

6 JUDGE ITOE: I know. And what I'm saying is it's
7 argumentative. If he says "yes" or "no" well, it's as good as a
8 "yes" or "no".

9 MR KAMARA: My Lord, as a rider to that, it goes beyond the
10 scope allowable on matters raised in cross-examination. I
11 patiently accepted the decision of the Court and my learned
12 friend is pursuing, going beyond the scope allowed.

13 PRESIDING JUDGE: But in a rather global sense, the issue
14 of bias came up in cross-examination.

15 MR KAMARA: Yes, and the witness addressed it. He answered
16 satisfactorily and we were all clear on it. There is nothing to
17 clarify, or there's no doubt, there is no ambiguity.

18 MR POWLES: I am grateful to my friend. Of course there
19 was no bias. I will leave it at that.

20 PRESIDING JUDGE: All right. We will leave it, yes.

21 MR POWLES:

22 Q. Moving on then, you were asked whether you interviewed any
23 members of the military for the purposes of the writing of your
24 report. Have you ever interviewed members of the military?

25 MR KAMARA: Objection, My Lord. I'm sorry that I have to
26 take this objection. The line of re-examination is not within
27 the scope allowable in law. The fact has been addressed in
28 cross-examination. The witness has answered it, My Lord, and the
29 fact to repeat this question expecting a different answer from

1 the witness is not the proper process of re-examination. I've
2 asked the witness -- sorry.

3 PRESIDING JUDGE: Counsel, sit down. Let him make his
4 point. The question is it is not within the scope of
5 re-examination.

6 MR KAMARA: It is not within the scope of re-examination,
7 there is nothing to clear on this issue, it is clear, the
8 evidence is clear and direct.

9 PRESIDING JUDGE: Yes, what are you trying to elicit now
10 under re-examination? Is it that you're trying -- has there been
11 any discrepancy between the answer given in cross-examination and
12 something that you might have elicited in examination-in-chief?

13 MR POWLES: Of course, there is no discrepancy to the
14 answer the witness gave to my learned friend. [Overlapping
15 speakers] However, and it's a point that my learned friend
16 repeatedly presses, that this is a Court that is committed to the
17 search for the truth, and the way that the matter is left at the
18 moment, it implies that -- I suspect my learned friend may, at
19 some point, seek to make some mileage out of the fact --

20 PRESIDING JUDGE: Wouldn't this be an appropriate subject
21 for address, rather than trying in a fictional way to put Hum tey
22 Dump tey back together.

23 MR POWLES: I'm not trying to put Hum tey Dump tey back
24 together. I suspect that would be impossible. However, the way
25 it's left hanging by my learned friend, potentially, is that
26 there could be some criticism made that no members of the
27 military were spoken to --

28 PRESIDING JUDGE: But couldn't it probably be a matter of
29 inferences that you might invite the Tribunal to draw? He might

1 invite the Tribunal to draw one set of inference or inferences
2 and you might invite us to draw one set of inference, inferences,
3 but clearly there's no ambiguity there.

4 MR POWLES: There is no ambiguity as to the answer he gave,
5 but the point of exploration is to whether he spoke to,
6 potentially, any members of the military at any other time that
7 may have informed his understanding of the overall issues.

8 JUDGE ITOE: Was this not something you should have raised
9 during your own examination-in-chief of this witness, Mr Powles?
10 Why is it coming up at this stage?

11 MR POWLES: Because it's impossible for me --

12 JUDGE ITOE: When its, indeed, we had a definitive answer
13 on this --

14 MR POWLES: Your Honour raises an excellent point. But, of
15 course, I am not blessed with powers of clairvoyance. I had no
16 idea whatsoever --

17 JUDGE ITOE: I'm sure you are blessed, Mr Powles, don't be
18 too modest.

19 MR POWLES: I had no idea what issues my learned friend
20 would raise on cross-examination and be in a position to try and
21 deal with every single issue that may or may not arise in
22 examination-in-chief by virtue of the fact that it may, at some
23 later stage, come up in cross-examination. It has come up in
24 cross-examination now. Your Honours are potentially left in a
25 position where you haven't got the complete picture. And all I'm
26 simply trying to do with the witness is put Your Honours in a
27 position where you can have all of the information and evidence
28 before you, so that when you come to assess the credibility of
29 this witness, and the extent to which he properly prepared for

1 the writing of his report, you can make an informed decision when
2 you come to that point. That's all I'm simply trying to do with
3 the witness. If my learned friend has concerns about me doing
4 that and wants to try and potentially keep important information
5 from Your Honours, then I won't pursue it.

6 JUDGE BOUTET: I would like to comment that your witness
7 has said that he has not consulted anyone of the military for the
8 preparation of this report and added that he is an anthropologist
9 and does not need, for the work he is doing, to consult with the
10 military because he insisted on that that he has been working in
11 his field of expertise, anthropology of war, and to do this, you
12 need not to be in the military. So that was, I think it was, a
13 complete explanation as to why. So why do we need to go further
14 than that?

15 MR POWLES: If Your Honours don't want me to pursue it, I
16 won't.

17 JUDGE BOUTET: I thought that answer was as complete as it
18 could be in the circumstances.

19 PRESIDING JUDGE: Yes, I would add to that to say that when
20 he was pressed on this issue, he clearly tried to dichotomise
21 between military signs and cultural anthropology. And he was
22 speaking from a cultural anthropologist's perspective.
23 [Overlapping speakers] I don't think you should, in fact,
24 continue to pursue that line of re-examination.

25 MR POWLES: I won't.

26 PRESIDING JUDGE: Any other question?

27 MR POWLES: I don't know. Two potentially.

28 Q. You were shown two exhibits, Dr Hoffman, by the
29 Prosecution, two documents that purport to have been prepared

1 during the conflict. What was the importance of documents and
2 the role the document played in Kamajor society, and in the CDF?
3 A. My Lords, documents, as I outlined in the report, the power
4 of literacy and inscription are clearly issues of great
5 importance, for a number of different reasons. The one that I
6 think, to me, is of particular significance here is that very
7 often -- documents are, by nature in this part of West Africa
8 invested with a certain authority. The power to inscribe, to put
9 down on a record that can then travel is invested with a certain
10 kind of -- people tend to regard documents as being one of the
11 ways in which power can be exercised. Now, what happened then,
12 consequently, is that -- if you will, a kind of scramble for
13 writing, that a number of different people attempted to establish
14 their own authority by putting things on to paper. Another way
15 you might think about this, there is an incredible investment in
16 terms of mental and cultural energy in the procurement of rubber
17 stamps. To be able to stamp something that says, "This
18 officially marks this as something that I have stamped," in a
19 sense says, "And therefore, I am somebody capable of doing this
20 activity." Writing and preparation of documents does much the
21 same thing. So whereas again, in the course of my research,
22 where I have been really interested in printed documents, is in a
23 sense, in terms of thinking about them as mechanisms by which
24 people have attempted to establish, this is my -- I am a somebody
25 who is now in a position, I have the authority to do this.
26 Again, if we can go back to that 419 example I made yesterday
27 that combatant often referred to as, "this is my attempt to
28 create my fiefdom," if you will, right, by saying categorically
29 that I am somebody in power to do this. That is one of the roles

1 I have seen documents playing for the CDF, in lots of different
2 locations.

3 Q. One final question. During cross-examination, you were
4 asked about the title of the second accused, director of war.
5 You indicated that it was employed by some with some irony and
6 ridicule. You offered to come back and explain further what that
7 meant and how that arose. You were cut off by my learned friend.
8 Would you like to expand upon that.

9 JUDGE ITOE: You didn't, really. That's right.

10 THE WITNESS: Yes, My Lord, thank you. I would add that
11 this is something that predates the writing of this report. That
12 in conversations with individuals about this definition of, or
13 this term director of war, that it was very often sort of
14 something that people, combatants acknowledged that they had used
15 in a somewhat ironic fashion. That it was actually quite -- that
16 it was quite humorous to them that this individual, who was
17 carrying that title would be called that. Some people pointed to
18 his illiteracy as part of the explanation for this. Some people
19 pointed to the fact that his relative marginality. Again, this
20 is complex, because I don't mean to suggest that this is not
21 somebody who was accorded a degree of respect. But, when I
22 inquired with people about sort of how they were deploying that
23 title, very often they sort of pointed to it as being a sort of
24 ironic terminology which, incidentally in Mende is not uncommon.
25 Nicknames quite frequently take on that role. I believe I
26 mentioned that in the report that nicknames can be deployed
27 humorously or ironically on a fairly regular basis. And this has
28 been documented in ways that I've cited here.

29 MR POWLES: Your Honours, that would conclude my

1 re-examination of Dr Hoffman. I have no further questions. Do
2 Your Honours have any questions for Dr Hoffman?

3 PRESIDING JUDGE: Yes, I do.

4 Q. Dr Hoffman, you did say, during the course of your
5 testimony, that recourse to multiple source materials is a
6 recognised and acceptable means of verification in cultural
7 anthropological research. Would that be the case, too, in terms
8 of reliability? Is it also a kind of evidence of reliability, in
9 the sense that if it's accepted that that is how you verify the
10 accuracy of, say, a particular piece of information. Does it
11 also guarantee reliability, because we can conjure up the
12 scenario whereby the original sources are inaccurate, and all the
13 other sources rely upon that original source, that primary source
14 for the "accuracy" of that particular piece of information.

15 A. Yes, My Lord, thank you for the question. And certainly,
16 in -- as you've stated, it's not impossible to imagine
17 circumstances where an argument is made and it starts, begins to
18 appear in the literature -- I'm thinking specifically the
19 academic literature as an article of faith when, in fact, nobody
20 has gone back and revisited that issue. Certainly it happens.
21 Anthropology is a social science, which means that we don't sit
22 in a laboratory and do experiments. What I would contend is that
23 there are certain built-in factors in the discipline that do tend
24 to guard against this. I can't think of any instances where
25 somebody has done fieldwork in a situation that was so isolated
26 that no other researcher could, in a position to say, this
27 doesn't sound correct to me or this does. I think we have enough
28 of a body of literature now, on virtually all fields, that it
29 would be hard for me to suggest that this is something that

1 happened systematically. And what's interesting, too, and
2 important to note is that anthropology is now at a moment where
3 so many of our interlocutors, as anthropologists, are the people
4 that we have done research with, or on, you know, my colleagues
5 in the field of the study of Sierra Leone are, in many cases
6 Sierra Leoneans doing extraordinary work. And, as well as, other
7 non-Sierra Leonean anthropologists. There is enough of a
8 community of people here, even if what we're talking about -- I
9 may be the only person who has done this specific research on the
10 Kamajors, but there are claims that I might make as to how they
11 fit into a broader social network, fit in with a very vast scope
12 of academic literature and people concerned about these that
13 would -- I'm more than happy to point out areas where I might be
14 incorrect. I don't know if I addressed the question.

15 Q. Yes, it does, because I just wanted to say, that it's what
16 really counts in the refereeing process of the emphasis,
17 sometimes the evaluators place on primary sources is being of a
18 superior quality to secondary sources.

19 A. Absolutely, My Lord, thank you.

20 MR POWLES: Your Honours, may Dr Hoffman be released?

21 PRESIDING JUDGE: Dr Hoffman, we thank you for your
22 testimony, you are now released.

23 THE WITNESS: My Lords, thank you. It's been a privilege.

24 [The witness withdrew]

25 PRESIDING JUDGE: Mr Powles, for your information, we, the
26 Bench has issued a decision, dated 9th October 2006, on your
27 92bis motion, and we ordered as follows: The Chamber hereby
28 grants the motion and admits the Samforay document. The Chamber
29 hereby partially grants the motion and admits the Seisay

1 statement with the exception of those portions identified as
2 inadmissible in paragraphs 23 and 24 of this decision. Orders
3 counsel for Fofana to file with the Court a copy of the email
4 communication from Mr Alfred Samforay with the final paragraph
5 redacted as in annex B. Orders counsel for Fofana to file with
6 the Court the original signed statement of Ambassador Foday
7 Seisay and further orders the Registry to redact the Seisay
8 statement according to the findings of the Chamber, as stated in
9 paragraphs 23 and 24 of this decision.

10 So if you have those documents ready with the necessary
11 redaction, we can receive them in evidence, and give them an
12 exhibit number, or exhibit numbers.

13 MR POWLES: Your Honour, I can certainly submit the
14 Ambassador Foday Seisay statement for the Registry to conduct
15 redactions as set out in the order.

16 PRESIDING JUDGE: As appropriate.

17 MR POWLES: I can see my learned legal assistant, Mr Andrew
18 Ianuzzi, carrying out the redactions to the email correspondence
19 from Mr Samforay as we speak, and, as soon as that is finished,
20 both of these documents can be given to the Registry and can
21 thereafter formally close the case on behalf of the second
22 accused, Moinina Fofana.

23 PRESIDING JUDGE: We'll await the completion of that
24 process.

25 JUDGE ITOE: I think it would be nice, you know, for there
26 to be some co-ordination between your legal team and the Court
27 Management section for the purposes of verifying the authenticity
28 of the redactions which have been so ordered. Mr Ianuzzi may be
29 doing a nice job there, but I think it is good for it to be

1 crosschecked, for them to ensure, you know, it conforms with the
2 decision of the Chamber.

3 MR POWLES: Of course, Your Honours, yes. I'm happy to
4 submit the statements, Your Honours, and for that to be
5 crosschecked by the appropriate authorities.

6 PRESIDING JUDGE: Has the order of the Court been complied
7 with?

8 MR POWLES: Your Honours, yes.

9 PRESIDING JUDGE: The redaction? And is the Prosecution
10 satisfied that everything has been regularly done?

11 MR KAMARA: Not yet, Your Honour. The one that has not
12 been completed.

13 PRESIDING JUDGE: Well, we better make sure that we tidy
14 things up.

15 MR KAMARA: I have the order and will take a look and seek
16 instructions.

17 MR POWLES: Your Honour, the concerns that my learned
18 friend may have is, of course, in the Foday Seisay statement, the
19 redactions have yet to be carried out because, pursuant to the
20 order, that is to be carried out by the Registry. It's safe to
21 assume, I would submit, that the correct redactions will be
22 carried out by the Registry in due course. I trust that my
23 learned friend has faith in the Registry to carry out those
24 redactions appropriately? Well, in those circumstances, Your
25 Honours, I formally close the case on behalf of Moinina Fofana,
26 the second accused.

27 PRESIDING JUDGE: Yes. Well, we will assign the
28 appropriate numbers when we have those redactions properly done.

29 MR POWLES: I'm grateful, Your Honour.

1 PRESIDING JUDGE: Right. So we revert to the case for the
2 third accused. Mr Margai and colleagues, we're entirely in your
3 hands. Do we have two witnesses available, or two or three
4 available this afternoon?

5 MR WILLIAMS: We do, My Lord. The first would be, the
6 first today would be Alhaji Joe Soma Kpana Lewis.

7 PRESIDING JUDGE: Learned representative of the Victims and
8 Witness Unit, bring the witness to Court.

9 JUDGE BOUTET: Mr Williams, which number is it on your
10 list? Number 2?

11 MR WILLIAMS: Yes, Your Honour.

12 PRESIDING JUDGE: In which language will he be testifying?

13 MR WILLIAMS: Mende, My Lord.

14 WITNESS: Alhaji Joe Soma Kpana Lewis [Sworn]
15 [The witness answered through interpreter]

16 PRESIDING JUDGE: Proceed, counsel.

17 EXAMINED BY MR WILLIAMS:

18 Q. Good afternoon Alhaji.

19 A. Good afternoon, old one.

20 Q. I will be asking you a few questions.

21 A. That's fine.

22 Q. You will be required to provide answers to those questions.

23 A. Okay. That will be fine.

24 Q. Please make sure you speak very slowly, as every word you
25 say will be interpreted.

26 A. Okay.

27 Q. Could you kindly tell the Court your names?

28 A. My name is Alhaji JSK Lewis.

29 Q. What does JSK stand for?

1 A. Joe Soma Kpana Lewis.

2 Q. Where do you live?

3 A. I live at Gambia Matru Jong Chiefdom.

4 Q. Can you tell the Court your date of birth?

5 A. I was born in 1912.

6 Q. That means you're 94 years old; is that correct?

7 A. That is it.

8 Q. Can you tell the Court your place of birth?

9 A. I was born in the same Gambia.

10 Q. What work do you do at the moment?

11 A. Farming.

12 Q. Did the rebels ever go to the Gambia during the course of
13 the war?

14 A. Yes. They got there.

15 Q. Do you recall the year they went to the Gambia? How many
16 times did they go to the Gambia?

17 A. While I was in Gambia, they went there once, but in my
18 absence, they said they went there again for another time.

19 Q. Did you do anything at the Gambia whilst they were there?

20 A. Yes. They burnt the town.

21 Q. Do you recall the year 1997?

22 A. Yes; if you call it, I'll hear it.

23 Q. No, do you recall that year?

24 A. Yes, 1997. I can remember.

25 Q. Do you also recall the time the coup take place -- I'm
26 sorry, do you recall the time the coup took place in 1997?

27 JUDGE ITOE: Why don't you suggest a date to him?

28 THE WITNESS: Yes, I can remember. I can recall it.

29 JUDGE ITOE: It is not a contentious issue for him. Let's

1 move.

2 MR WILLIAMS: That is sufficient for me, My Lord.

3 Q. Who was the chief of the Gambia in 1997?

4 A. At that time, I was the chief. I was the chiefdom speaker,
5 the chiefdom speaker. There was the town chief, whose name was
6 PP Lewis. I was also the regent chief for the chiefdom when the
7 substantive paramount chief then had died.

8 Q. Did Mr Kondewa, the third accused, Allieu Kondewa, did he
9 ever go to the Gambia?

10 A. Well, Kondewa went to Gambia.

11 Q. And can you tell the Court on whose invitation he went to
12 the Gambia?

13 A. We, the towns people, invited him to go to Gambia.

14 Q. Can you tell the Court how long he stayed for on that
15 particular visit?

16 A. When he went there and did the initiation, what I can
17 remember, he spent about a month-and-a-half. That was what he
18 spent to do the initiation.

19 Q. Were you in the Gambia all throughout the period that
20 Kondewa spent there?

21 A. Very well. I didn't go anywhere. I was there in Gambia.

22 Q. Did he go alone, or was he accompanied?

23 A. At the time Kondewa went, when he reported to me, he went
24 with two women and some two young men. They reported to me, at
25 the initial time when he went.

26 Q. Alhaji Lewis, did you consult your chiefdom people about
27 the arrival of Mr Kondewa at the Gambia?

28 A. Very well. I summoned the entire town and explained to
29 them, but I also summoned the chiefdom to explain to them that

1 Kondewa had come, but it was upon our invitation that he had come
2 to do initiation.

3 Q. Did the chiefdom people make any decision after the
4 consultation?

5 A. Yes. They said that was fine, but what we should do, we
6 were so worried -- we were so worried about this issue --

7 THE INTERPRETER: Your Honours, may the witness slow down
8 his pace.

9 PRESIDING JUDGE: Counsel, control your witness.

10 MR WILLIAMS:

11 Q. Please be reminded that you have to speak very slowly.
12 Every word you say is being interpreted into other languages.

13 A. Okay.

14 Q. So just go over that again, please. What did your
15 chiefdom --

16 A. The last thing that I said -- I said -- I consulted the
17 towns people. I explained to them that, even the entire
18 chiefdom, that since that man had come, he had come to protect us
19 to do initiation there, so that we would be invulnerable to
20 bullets.

21 Q. Did he carry out the initiations that he had gone to do
22 there?

23 A. Yes, he did the initiation.

24 Q. Were you, yourself, initiated as a Kamajor?

25 A. Yes, I was initiated.

26 Q. Alhaji, did people from other places -- let me ask you this
27 then: Did the people of Gambia opt for the initiation that
28 Mr Kondewa had gone to do?

29 A. Very well. Even myself, I went there alone for me to be

1 initiated, so all my brothers, very many of them went there
2 themselves for them to be initiated.

3 Q. And did people from other towns and villages come to the
4 Gambia for initiation?

5 A. Very many. People were coming from other towns within that
6 joint chiefdom. Very many of them for them to be initiated.

7 Q. Can you tell the Court what happened after the completion
8 of the initiation?

9 A. What I pulled -- what I witnessed was this: People were
10 coming from other districts over the boundary and we were being
11 initiated. That was when Kondewa said: Why is it that those
12 people who are coming to ask him to go and initiate them. He
13 said he wanted them to go --

14 PRESIDING JUDGE: Let him pause. Actually, he's going at a
15 very fast rate.

16 MR WILLIAMS:

17 Q. Talk very slowly.

18 A. Okay. All right. Well, when he did that initiation, when
19 he had completed it, still people were coming, and then he said
20 that this initiation, there are people coming and asking that I
21 go to them, to do the initiation to them. In ordinary towns, or
22 even other districts.

23 Q. Alhaji, do you know what a court barri is?

24 A. Yes, I know it very well.

25 Q. Do you have one in the Gambia?

26 A. Yes, I have one there.

27 Q. How far away from the court barri is your house?

28 A. The distance between my house and the barri is like from
29 this place where I'm sitting to the gate, the main gate.

1 PRESIDING JUDGE: Is that of essence?

2 MR WILLIAMS: Yes, My Lord.

3 PRESIDING JUDGE: Do you want to measure it with the
4 Prosecution.

5 MR WILLIAMS: 100 metres or 75?

6 PRESIDING JUDGE: Mr Kamara, who Mr Bangura? Who is the
7 athlete?

8 MR BANGURA: Myself, Your Honour. When he says the gate --

9 PRESIDING JUDGE: The main gate, he says. Did he say main?

10 MR WILLIAMS: No, he did no not, My Lord, but I imagine
11 that's what he means.

12 MR BANGURA: [Overlapping speakers].

13 THE WITNESS: This gate that we use to enter into this
14 premises, that gate, that is -- I'm sure it would be up to that.
15 The distance to my house and --

16 PRESIDING JUDGE: Isn't it about 100 metres?

17 JUDGE ITOE: [Overlapping speakers].

18 PRESIDING JUDGE: You could do it -- in how many minutes
19 would you do that?

20 THE WITNESS: No, it would not be up to 100 miles.

21 PRESIDING JUDGE: No, tell him to restrain himself. Tell
22 him it is the athletes who are speaking. Counsel, what would
23 that be; 100 metres, is it?

24 MR BANGURA: Seventy-five to 100.

25 PRESIDING JUDGE: Yes, probably settle for 100.

26 MR BANGURA: As My Lord pleases.

27 PRESIDING JUDGE: All right. The records will reflect
28 that, about 100 metres.

29 MR WILLIAMS:

1 Q. The Gambia, how would you describe its size?

2 A. The size of Gambia, I can say it's a medium size. It's a
3 small place. It's not a very big town, but a sizeable town.

4 Q. Do you have a playing field in the Gambia?

5 A. Never. There had never been a playing field in Gambia.

6 Q. Mr Witness, I'll refer you to --

7 MR BANGURA: May it please Your Honours, I am just seeking
8 clarification from counsel. We have from the summaries an
9 indication that the witness will be saying that there's no
10 helicopter landing part or field in his town. I notice that
11 counsel is putting a question to the witness about a plane field.
12 There's definitely a big difference between an airfield, plane
13 field, and place where helicopters land. There may be an issue.

14 PRESIDING JUDGE: Counsel, do you want to provide that
15 clarification, or do you want to respond to counsel's
16 observations?

17 MR WILLIAMS: My learned friend can explore that in
18 cross-examination.

19 PRESIDING JUDGE: But he's saying that something has been
20 stated in the summary and he's conjecturing that you may be
21 referring to the same thing.

22 MR BANGURA: Your Honour, if I may be heard further on
23 this.

24 PRESIDING JUDGE: Yes.

25 MR BANGURA: The summaries indicate specifically that this
26 will say or challenge the evidence of a Prosecution witness who
27 had indicated something along the lines that a helicopter landed
28 in this town. This witness's evidence will specifically go to
29 challenge that, so when counsel -- and the summary clearly states

1 that he would be saying that they do not have a landing area for
2 helicopter. So when he puts to the witness the question about
3 airfield, where a plane lands, that may obviously raise --

4 PRESIDING JUDGE: Was it an airfield he mentioned, or a
5 plane field?

6 JUDGE ITOE: [Overlapping speakers] plane field.

7 PRESIDING JUDGE: Was it a plane field?

8 MR WILLIAMS: I said playing field, My Lord.

9 PRESIDING JUDGE: Plane or playing?

10 MR WILLIAMS: P-L-A-Y-I-N-G.

11 PRESIDING JUDGE: That's what I thought I heard, playing
12 field.

13 JUDGE ITOE: I didn't get you. I thought you said plane.
14 Playing field.

15 PRESIDING JUDGE: Where they play.

16 MR BANGURA: Thank you, Your Honour.

17 PRESIDING JUDGE: All right.

18 JUDGE ITOE: It's a playing field.

19 PRESIDING JUDGE: Yes.

20 THE WITNESS: Are we talking about a football field?

21 MR WILLIAMS:

22 Q. All right, was there a football field there?

23 A. There is a small football field, a very small one, for
24 small boys.

25 Q. Alhaji, I refer you to the evidence of TF2-187. That was a
26 witness called by the Prosecution, page 11.

27 PRESIDING JUDGE: Date?

28 MR WILLIAMS: It is the transcript of 1st June 2005.

29 PRESIDING JUDGE: At page 11?

1 MR WILLIAMS: Yes, My Lord. It is lines 15 through 21.

2 Q. Let me ask you this, Athaji: Do you have any village
3 called Vaahun around the Gambia?

4 A. Vaahun, there is no village -- there is no village there
5 besides the initiation bush that is normally referred to vaama in
6 Mende. Besides that initiation bush, there is no village there
7 called Vaahun. The initiation bush is called vaama.

8 Q. All right. Let me tell you what this witness said. She
9 said --

10 A. Okay.

11 Q. The Prosecution asked her this question.

12 "Q. Madam Witness, you went to stay with your uncle.
13 While you were with your uncle in Gambia, did
14 anything happen that you recall?

15 "A. Yes.

16 "Q. What do you recall?

17 "A. The uncle with whom I was in Gambia, he was
18 a cassava farmer close to the town. Mr Kondewa's
19 boys were coming from Vaahun going to uproot his
20 cassava, bringing it. They were doing that until
21 they finished eating the cassava."

22 My Lord, on page 12, the witness said, "My uncle went to
23 Kondewa to make a report once, twice, but he didn't do anything.
24 The third time, he sent his boys to go and arrest him and they
25 arrested him and brought him."

26 [As read] the witness went on to say that his uncle was
27 tied up tight from his back, the way rebels used to tie up people
28 with a cord. They cut you deep right into you, right to your
29 bones. That's what they tried with him and he was screaming like

1 a pig. After he had been tied up, he was laid down and he was
2 screaming like a pig, and his boys started melting plastic and
3 dropping it on his eyes -- in his eyes. He said they were
4 putting it -- continued putting it in his eyes, that is the hot
5 burning plastic, and he was still screaming until he finally
6 died.

7 Mr Witness, my question is this: Did this incident ever
8 occur in the Gambia during the period Kondewa was there?

9 A. I don't know about that, at all not. In fact, even the
10 person that they did this thing to; what is his name? Who was
11 the person; what's the name?

12 Q. Unfortunately, the Prosecutor did not provide us with that.

13 A. What did he say is the name?

14 Q. They did not provide us with the name, Mr Witness.

15 PRESIDING JUDGE: Counsel, what is his answer.

16 MR WILLIAMS:

17 Q. Could you answer the question: Did that incident occur in
18 the Gambia?

19 A. It did not happen in Gambia, because if it happened there,
20 I believe -- I am the chief, I am the eldest person there. Even
21 if I didn't see it happen, someone must have come to explain to
22 me or report that to me, but nobody ever reported that to me.

23 Q. Thank you very much. Mr Witness, did Mr Norman visit the
24 Gambia whilst Kondewa was there?

25 A. Since I was born, up to this time, I've never seen
26 Mr Norman in Gambia. Even during the time of the initiation, I
27 never saw him there.

28 Q. Did you see a chopper, a helicopter, did you see it land in
29 the Gambia whilst Mr Kondewa was there?

1 A. I did not see that. Not a day did I see that happen.

2 Q. Have you ever seen a helicopter go to the Gambia?

3 A. There was a time -- it's over 30 years now. That was the
4 time Mr SI Koroma and others were in power. They were there to
5 visit the oil mill in Gambia, but it's very close to 40 years
6 now. That was the only time I saw that sort of thing.

7 Q. This same witness I referred you to a short while ago,
8 TF2-187 said -- My Lord, 1st June 2005, page 18 of the
9 transcript -- said, [as read] Mr Kondewa -- the boys of
10 Mr Kondewa captured three pregnant women, took them to the court
11 barri, and that was on a particular day, before a helicopter
12 carrying Mr Norman landed, they were tied up tightly on some
13 pillars and when they heard the sound of the plane - I'm putting
14 the evidence now - When they heard the sound of the plane, when
15 the Kamajors heard the sound of the plane and they started
16 slitting the stomach of the pregnant women and whenever they did
17 that, the child would come out, fall from the stomach of the
18 woman and they would cut off the head of the foetus.

19 Did you hear that, Mr Witness?

20 A. Subhan Allah. I don't know that at all. I was born in
21 that town. I'm an authority there. If such an initiation -- and
22 I invited that man to do the initiation in my town. If he was
23 doing such a bad thing, even if I was not there when he did it,
24 my people would have come and reported to me, that that was what
25 had happened, but I never saw that, and nobody ever reported that
26 to me, so I didn't see that, and I don't know.

27 PRESIDING JUDGE: Is there no equivalent in the English for
28 the first words Subhan Allah.

29 THE INTERPRETER: Your Honour, that is an Arabic word.

1 PRESIDING JUDGE: I see, and there is no equivalent in
2 English?

3 THE INTERPRETER: There could be an equivalent, but the
4 witness needs to clarify that, Your Honours. I don't want to
5 edit.

6 MR WILLIAMS: I happen to know a little bit of Arabic, My
7 Lord. It is God forbid, My Lord.

8 PRESIDING JUDGE: Thank you, I'm enlightened.

9 MR WILLIAMS:

10 Q. So, Mr Witness, what you're saying, is that incident never
11 took place in the Gambia; is that what you are saying?

12 A. Never -- that never happened. The whole of the Gambia
13 Chiefdom, it never happened there at all. At all, not.

14 Q. Mr Witness.

15 A. Yes.

16 Q. Was anybody killed in the Gambia during the time Kondewa
17 was there?

18 A. I did not hear that, at all not, and I did not see that
19 happened. And nobody ever reported to me that somebody had been
20 killed.

21 Q. Mr Witness, you mentioned that you were chiefdom speaker
22 during the period when Kondewa was in the Gambia. Can you tell
23 the Court some of the functions you performed as chiefdom
24 speaker? You said you were chiefdom speaker and a regent chief.
25 What were your functions in those two capacities?

26 PRESIDING JUDGE: Let him take the first one first.

27 MR WILLIAMS: Yes.

28 Q. First, the chiefdom speaker.

29 A. My function as a chiefdom speaker, if any conflict occurred

1 between two people, if they reported that to me, it was my role
2 to settle that dispute, and I'll tell one person don't do this
3 again. And again, if government sent any order for us to carry
4 out, if that reaches -- if that reached me, I'll make sure I
5 carry out that order. There were several other functions, but
6 let me just stop there for now.

7 Q. What about the functions as a regent chief. Let me ask
8 you, what happened with the substantive chief that you had to
9 serve? What happened with the substantive chief that made you to
10 serve as regent?

11 A. The chief, the substantive chief died. After he died, I
12 was there as a caretaker, then they sent a regent chief, and the
13 regent chief was also captured by the rebels and was taken along
14 by the rebels. I was also there again as a caretaker, doing the
15 work of both the Regent and --

16 THE INTERPRETER: Your Honours, may the witness go over his
17 last bit.

18 MR WILLIAMS:

19 Q. Can you repeat the last statement you made?

20 A. Yes. The substantive chief died, paramount chief.

21 Q. Tell the Court some of the functions you performed as
22 regent chief.

23 A. That is what I've explained. I said when the substantive
24 chief died, whatever duties I was to perform from the
25 government -- the government sent any message I was to do
26 something, I will or I will consult the chiefdom people. If we
27 were to brush any road, say, from one village to another, I will
28 explain to the people and we will do that. If there is any
29 problem that was supposed to disturb the chiefdom, I who make

1 sure that didn't happen and settle it down.

2 Q. As chiefdom speaker, would you have known -- those killings
3 I have mentioned to you, would you have known if they occurred?

4 A. If, say, when I was the regent chief caretaker and the
5 chiefdom speaker, if such a thing had happened in that chiefdom,
6 they must have reported to me, I must have known who was -- the
7 person who was killed or the person whose relative was killed,
8 somebody would come to me that something of that nature had
9 happened, but that was never reported to me.

10 MR WILLIAMS: That will be all for this witness, My Lord.

11 PRESIDING JUDGE: Thank you, counsel. Mr Sesay?

12 MR SESAY: No questions.

13 PRESIDING JUDGE: Mr Powles?

14 MR POWLES: No questions, Your Honours.

15 PRESIDING JUDGE: Mr Bangura.

16 CROSS-EXAMINED BY MR BANGURA:

17 Q. Good afternoon, Mr Witness.

18 A. Good afternoon.

19 Q. I shall be asking you a few questions, Mr Witness.

20 A. Yes.

21 Q. Mr Witness, tell me, first of all, did you go to school?

22 A. I did not go to school.

23 Q. Where you come from, Gambia, how far is it -- do you know
24 the town called Talia?

25 A. Yes, I know the name.

26 Q. Is it just a name that you know, or have you also been
27 there? I'm talking about Talia Yawbeko.

28 A. I have been there. It's my -- the home of my in-laws.
29 I've been there before. It is the home of my wife.

1 Q. Is it a long way from Gambia, where you come from?

2 A. Well, it's not very far off. We are -- we have a common
3 boundary, down this way, and Yawbeko the other way. But I would
4 not be able to tell the number of miles, but it's not very long,
5 really.

6 Q. Is this a distance you can cover in a few hours on foot, if
7 you're walking from Gambia to Talia? Is it a distance you can
8 cover in a few hours?

9 A. Yes.

10 Q. So how many hours? One hour? Two hours?

11 A. There are people who really wouldn't walk fast, so I
12 wouldn't be able to say something that would be a lie. But if I
13 am to walk there, I'll go there about three hours.

14 Q. Thank you, Mr Witness. Mr Witness, what is the position of
15 your town so far as chieftaincy of your town is concerned? Do
16 you still hold the leadership within that town?

17 A. No. I am no longer a chief. But even up to now, I am the
18 chieftain adviser. After we've crowned the Paramount Chief
19 Sheriff, after we've crowned him, he said, because I was old -- I
20 said, well, let him appoint somebody to do my work, so he will be
21 as a speaker. So I would be there as an adviser, and I agreed.

22 Q. Do you remember what year you stopped serving in this role?

23 A. November 2002. 16 November 2002. I think that was the day
24 we crowned the chief.

25 Q. Mr Witness, you seem to be very sharp with dates; not so?

26 A. Some of them, I think of them. It is God that really gave
27 me the gift.

28 Q. For example, you do remember that you were born in 1912.

29 A. Yes.

1 Q. You also do remember the year of 1997. You now very
2 accurately remember the date --

3 A. Yes.

4 Q. -- that you stopped serving in the chieftaincy position.
5 How are you able to remember all of these dates?

6 A. Well, I am not really educated. But I will do the counting
7 with the stones. Those are the signs. Those were the things
8 that were given to me by my own parents. I did not go to school,
9 but I can still recall.

10 Q. Thank you, Mr Witness. Mr Witness, you mentioned that you
11 remember 1997 when the coup took place; correct?

12 A. Yes.

13 Q. At that time, what was your position within the
14 chieftaincy?

15 A. I was still -- I was a chiefdom speaker at that time. I
16 was a chiefdom speaker when I came down to Freetown, after the
17 war had dislodged us. And I came over to Freetown and after two
18 years before I returned.

19 Q. Let's limit the answers to the questions. Simply, what was
20 your position at that time; okay?

21 A. I agree. I agree to that.

22 Q. And who was the town chief --

23 A. I was a chiefdom speaker.

24 Q. Who was the town chief at that time?

25 A. Mr PP Lewis. He was the town chief, PP Lewis.

26 Q. You will agree with me that Mr PP Lewis, PCP Lewis had
27 control of the town, much more than you; correct?

28 A. If I was not there, he was the town chief. I was a
29 paramount chief. He was a town chief. The town was for him.

1 Q. Okay.

2 A. That was -- it was right for him to do that.

3 Q. Thank you, Mr Witness. You said PP Lewis. Is he the
4 paramount chief who died?

5 A. No. The chiefdom -- the paramount chief was Sam Ngoba.
6 S Ngoba. He was the paramount chief. He died.

7 Q. So PP Lewis, what was he then, if he was not the paramount
8 chief?

9 A. I said he was the town chief. He was the town chief.

10 Q. Thank you, Mr Witness. So what happened to PP Lewis? He
11 was the town chief for Gambia where you came from; correct?

12 A. Yes. Even up to now.

13 Q. Okay. So, Mr Witness, you'll agree with me then that PP
14 Lewis had control of Gambia much more than you did; you were
15 merely chiefdom speaker?

16 A. I was the chiefdom speaker. I was controlling all of them.
17 But it was only for the town. The town belonged to the township.
18 He was there to control the town.

19 Q. Mr Witness, when did Kondewa come to Gambia?

20 A. After the overthrow, that was the time he came there.

21 Q. Yes, Mr Witness, but what year? You seem to be very sharp
22 with dates. What year? You may not be able to tell us the
23 month, but what year?

24 A. If I -- because it's not written down with me, but I want
25 to believe that Kondewa came there in 1999, that he did the
26 initiation there. He did the initiation. I believe that was the
27 time.

28 Q. Thank you. At that time, PP Lewis was still the town
29 chief; not so?

1 A. Even up to now, he is the town chief.

2 Q. Mr Witness, you have said that when Kondewa came to Gambia,
3 all the surrounding towns, people from all surrounding towns also
4 came there to be initiated; is that not so?

5 A. Yes. People -- many people used to come there to be
6 initiated. They came for themselves.

7 Q. You will agree with me that, in fact, the town was
8 overcrowded, because people were coming from all surrounding
9 towns to be initiated?

10 A. Yes, there was a crowd there. That was the reason why we
11 were not happy for him to have left, but then he said he was
12 coming there to do the initiation. There had been crowds there
13 before.

14 Q. And, of course, Gambia, being a small town, it could not
15 have been in a position to provide for all that large number of
16 people coming in there to stay for up to a month and a half;
17 correct?

18 MR WILLIAMS: My Lord, the question is ambiguous, My Lord:
19 Provide what?

20 PRESIDING JUDGE: Is it, counsel?

21 MR BANGURA: I'm not seeing it as ambiguous, but I can try
22 to make it clearer if counsel has a problem with the question.

23 Q. Mr Witness, Gambia was a small town, as you have said; not
24 so? Not a very big town.

25 A. No, it was not very large.

26 Q. And these people who were coming into Gambia for initiation
27 were very many; not so?

28 A. They would come just for a night and then go back. Yes,
29 there would be many at times. They would come, maybe using

1 vehicles. They would come for a night, and the next day, they'll
2 return. Maybe they'll sleep -- at times they'll sleep on
3 verandas.

4 Q. There was a problem of overcrowding; not so?

5 A. It was not a big problem for us that we were annoyed of,
6 because we were really happy about it for the initiation.

7 Q. I agree you were happy, but, Mr Witness, there was not
8 enough houses for all these people coming in to sleep in, and
9 also, there was not enough food for all of them to feed on;
10 correct?

11 A. No. We -- they will come with their own food. They
12 themselves who came, they will come with their own food, because
13 they knew that was a business of a very large crowd. They knew
14 they were going to be initiated. They would come with their own
15 food. Even when we have ours, we would share with them.

16 Q. Mr Witness, not everybody would come with food; not so.
17 Some would find food in town when they came.

18 A. Nobody had complained to me that he was hungry, that he had
19 been there without food.

20 Q. Mr Witness, I suggest to you that if there was going to be
21 any complaint, whether about food or anything else, it would have
22 been made to the town chief, PP Lewis, and not yourself.

23 A. But PP, even PP Lewis, if he's told, he would direct them
24 to me. Whatever complaint was made to him, they would come to
25 me, because he was under me.

26 Q. Are you suggesting that the town chief was under you?

27 A. Yes. I am the chiefdom [indiscernible] all of them are
28 under me. I was controlling them.

29 Q. So, Mr Witness, it is the case that, in fact -- how long

1 did the initiations go on for?

2 A. They would come like this night. If after the initiation,
3 if they say they are coming to be initiated and they say, "Let us
4 go to the initiation bush." Then, that night, he would arrange
5 everything. Then the next day they would go and the other day,
6 the other set would come and they will arrange with them and they
7 will go. It was not just done for many days, but just for a
8 night and the next day, they go.

9 Q. So you are suggesting, Mr Witness, that over a period of a
10 month and a half, there were people constantly flowing in every
11 day and just spending a day and going back, and the town was
12 overflowing, some of them sleeping on verandas; is that what you
13 are suggesting?

14 A. No. I would not say that. They would come according to
15 time. Maybe today some will sit [indiscernible] maybe another
16 day or night, they would come, and some would come for even two
17 nights and so on, but I wouldn't say that no -- there was no
18 lapse in the days.

19 Q. Mr Witness, you mentioned that you became a regent chief,
20 and that was for the --

21 A. Yes.

22 Q. Was it for the chiefdom?

23 A. Yes.

24 Q. As a regent chief, where were you based?

25 A. I was in the chiefdom headquarter, Gambia and Matru. I
26 would come there. I would go to Matru. The two towns, I would
27 move up and down within these two towns.

28 Q. But you had to be based in one place, Mr Witness. Where
29 exactly were you based as regent?

1 A. Both of them, I was based there. I would sleep there for
2 two days and I would go to their place for another two days,
3 particularly when the chief was not there any more, then I was
4 the only chief. I would be there -- one of the places, my back
5 place, and the other one is the headquarter town, Matru.

6 Q. You would agree with me that your services were much more
7 in demand in the headquarter town, Matru, than in Gambia?

8 A. Because the headquarter town is Matru Town, that is why --
9 because headquarters, is Matru Town, that's why I used to go
10 there, but my services were demanded in both town.

11 [Indiscernible] call the men and I would go there.

12 Q. When did you become the regent for the chiefdom?

13 A. After the death of the paramount chief, I was under him as
14 a chiefdom speaker after he died. So after his death, I can't
15 remember quite now whether it was '93 or '94, in between there.
16 I don't know. I can't say exactly now, but I think, after his
17 death, I was there then in the regency before the substantive
18 regent chief was crowned.

19 Q. Mr Witness, after -- you said you yourself got initiated in
20 Gambia; correct?

21 A. Yes.

22 Q. How long did your initiation last for?

23 A. That initiation, at times, would take at times three days,
24 at times two nights. I can't quite remember now the number of
25 days that I spent there, but it did not take long.

26 Q. So you would agree with me, Mr Witness, that some of these
27 people who came to Gambia stayed for up to three or four nights,
28 unlike what you said earlier, that they only came -- stay
29 overnight and go back the next day?

1 A. I am speaking for myself. Some people have come and
2 they'll spent one night. Some people will spent two days, they
3 go back and the others will return. That is how it happened.

4 Q. So was your initiation different from that of other
5 initiates, other people, that you had to spend three to four
6 nights and others came and were gone back next day?

7 A. That initiation, there was no uniformity. There were
8 differences. I can't explain the details of the initiation, of
9 course, but there are times that we could initiate for one night
10 and they will say goodbye to them and they would go. At times
11 two days there will be there few hours and they will go.

12 Q. So, in affect, Mr Witness, there were people who came to
13 the town and stayed for more than a day, two days, three days;
14 not so?

15 A. In fact, there were some people who used to come there. In
16 fact, ordinary people would just go there. In fact, there were
17 people working for the governments, and they are still staying
18 there. Other people just go there to visit.

19 Q. Mr Witness, how many times have you been to Talia Yawbeko?

20 A. Talia, I told you it's the home town of my wife. But after
21 that initiation, I went there only once, when my mother-in-law
22 died. But I didn't go there, in fact, for any initiation.

23 Q. During the time of the coup, or during the time of the
24 junta period, did you have cause to go to Talia at all?

25 A. No, nothing happened that could make me to go to Talia,
26 beside the pact that my mother-in-law died.

27 Q. Now, you said you invited - correct me if I am wrong - you
28 said you invited Mr Kondewa to come and conduct initiations in
29 Gambia. Where was he before you invited him to come over to

1 Gambia?

2 A. Mr Kondewa, in fact, that thing started from Wanjama and
3 before it came to Talia. When we got to Talia, he was there,
4 when I heard my boys, I sent them to go and call him, my people.

5 MR BANGURA: Your Honours, may I confer.

6 [Prosecution counsel conferred]

7 Q. Mr Witness, at the time that Kondewa was in town, there
8 were -- we have agreed that there were many people there, and it
9 was necessary to secure the town; not so?

10 A. In fact, we had been protecting the town when we called him
11 to help us protect the town, so when he was there, we were very
12 happy. In fact, we were dancing almost every night. In fact, I
13 even gave him a wife. I gave him someone to marry.

14 Q. We'll come to that. Would you agree with me that one of
15 the ways you protected the town was by setting up checkpoints at
16 various locations in the town?

17 A. Checkpoint -- talking about mounting of checkpoints, young
18 men mounted the checkpoints at the river, by the crossing. Young
19 men did that.

20 Q. So there were indeed checkpoints in the town. [Overlapping
21 speakers]

22 A. No, not in the town. At the riverside. In fact, the boys
23 who were going -- when boys were going there, they would just
24 do --

25 THE INTERPRETER: Your Honours, may the witness go over his
26 last bit.

27 MR BANGURA:

28 Q. Mr Witness --

29 PRESIDING JUDGE: Witness, repeat the last part of your

1 statement. Slowly. What did you just say?

2 THE WITNESS: What I said is this: I said, even to protect
3 the children, because the war -- into the river and they would
4 swim there. The young boys made a makeshift bridge so that they
5 would stop the children from entering into the river so they
6 would not drown.

7 MR BANGURA:

8 Q. Mr Witness, we were talking about checkpoints, and you did
9 say, in fact, there was a checkpoint, there was at least one
10 checkpoint set up by the riverside; correct?

11 A. Yes. I said at the riverside, yes. Yes, at the riverside.
12 It was mounted there. The young men did that.

13 Q. The purpose for setting up a checkpoint there was to ensure
14 that you were not invaded by rebels; not so?

15 A. There were very many reasons for the mounting of the
16 checkpoints. You would mount a checkpoint for rebels not to
17 enter into the town. You would also do that to protect the kids
18 from not getting drowned, not just for rebels for bad people.

19 Q. So you were not at all concerned about rebels coming into
20 town at that time?

21 A. We were concerned. That's why, in fact, I invited Kondewa
22 to come, so that the rebels would not enter that place. We were
23 very concerned. That's why we called all of those people, so
24 that he could do the initiation. And, after that initiation,
25 right up to this time, there was no rebel threats.

26 Q. Mr Witness, Mr Kondewa came to town, and he had people with
27 him who were assisting him in initiating your people; not so?

28 A. I explained that just now. I said Kondewa went there with
29 some two young men at first, and two other women. In fact, they

1 were there when they reported to me. All of us now were there
2 when this initiation took place. They were there when other
3 people very -- when other people went there, many of them.

4 Q. Mr Witness, you will agree with me that to initiate the
5 large number of people who were coming to Kondewa, he needed
6 others to assist him, in addition to the people with whom he came
7 with; not so?

8 A. I can't say anything about that, because I know they had
9 gone there to do the initiation, and he was the priest. He only
10 knows what he wanted to do and he knows his initiation better.

11 Q. He would have a team of assistants around him when he did
12 the initiation; not so?

13 A. That question should be for him, he's the priest. I'm not
14 an initiator.

15 Q. Mr Witness, the question is for you, because you went
16 through the process yourself. You were there for three to four
17 days. You must have observed quite a number of things. Did he
18 conduct the initiation alone, or was he assisted by other
19 brothers?

20 A. He was the initiator. He did the initiation. If people
21 helped him -- because there were many people there. Whether he
22 was helped or not, I can't say that now, whether he was helped or
23 not, because he's the initiator.

24 Q. Mr Witness, during the period of initiation, at night,
25 there would be dancing around the town; not so?

26 A. Very much -- in fact, Kondewa himself is a dancer. They
27 were dancing, at all times.

28 Q. And many things would happen at night during the dancing;
29 not so?

1 A. Nobody ever complained to me that this is what had happened
2 this night when that dancing was going on. I never received any
3 complaint.

4 Q. Of course it was a moment of happiness and you yourself
5 have said you gave Kondewa a wife during that period; not so?

6 A. Yes.

7 Q. Mr Witness, you would agree with me that things could
8 happen about which you had no knowledge? Even though you were
9 the chiefdom speaker, things would go wrong about which you would
10 have no knowledge in the town?

11 A. That's why I will not testify about that thing. Whatever I
12 know about, I'll testify about. If I don't know about that, I
13 will not testify. If I don't know, I'll tell you I don't know.
14 Not a day that anybody ever complained to me that this is what
15 happened to me because of that dancing. So, no, I can't testify
16 about that -- about things I don't know.

17 Q. Mr Witness, would it surprise you to know that, during this
18 period that Kondewa was in the town, there were several incidents
19 of rape by Kondewa's men of young girls in the town?

20 JUDGE ITOE: Is rape an issue here?

21 MR BANGURA: Your Honours, it may not very well be an
22 issue, but I am building a strategy.

23 JUDGE ITOE: Don't build a strategy on matters that are not
24 in issue.

25 MR BANGURA: I take that point, Your Honour.

26 JUDGE ITOE: Please.

27 PRESIDING JUDGE: Veer away from that. This might become
28 too contentious.

29 MR BANGURA:

1 Q. Mr Witness, you'll agree with me that during this period of
2 reveling, dancing at night, things happened about which you have
3 no knowledge.

4 A. That is why I said I can't explain anything about things
5 that I don't know about. If I know, I'll explain to you. But
6 nobody ever explained to me that this is what happened whilst
7 they were dancing. I don't know. Why should I say anything
8 about that?

9 Q. Mr witness, amongst the people who came to the town to be
10 initiated from other towns, there were, of course, old men about
11 your age; not so?

12 A. Yes, old men about my age were there, but there were more
13 young people, young men by my age groups. Those who could walk
14 would go there, but those who couldn't, they were not initiated.

15 Q. When you say there were young people about, how old would
16 these young people be, the youngest of them?

17 A. Yes. People could be up to 15 years; some others would be
18 over 20 years; some were as old as I am.

19 Q. There could also be some below 15; not so, Mr Witness?

20 A. I believe so, because I can't say I know their birth dates.
21 I don't have their birth certificates. I'm just thinking.

22 Q. Mr Witness, yourself, what was your motivation for being
23 initiated?

24 A. That initiation, what actually motivated me was this: I
25 had seen the overthrow, I knew it was trouble, and I used to hear
26 that they were shooting at people. And even though I did not go
27 to the war front, but I used to hear that, and I was concerned.
28 I said, what if this war comes to this place where I am and
29 probably I will be shot and the bullet will pierce my body. So

1 that was what motivated me to join the Kamajor society.

2 Q. So, in fact, at this time you joined this society, there
3 were still some rebels around your area; not so?

4 A. No, I did not see them. I did not see them, but I just
5 thought that it must have been around that area, but I did not
6 see them with my eyes.

7 Q. It is the case, Mr Witness, that those who were initiated
8 who stayed would also help in manning the checkpoints; not so?
9 Those who stayed in the town who were initiated would be
10 assisting in manning checkpoints?

11 A. Everybody -- every young man, old people who were all there
12 to protect that town. They were not just there to see at the
13 checkpoints. They were there to protect the town, for us not to
14 have any trouble there.

15 Q. Of course, once you had become initiated, you became
16 fearless and you could be assigned to any task to do with
17 securing the town; not so?

18 A. Myself, when I was initiated, I then knew that -- I knew
19 nothing could be wrong to me any more, because I knew that I was
20 invulnerable to bullets.

21 Q. As an old man, Mr Witness, did you yourself take part in
22 the dancing at night?

23 A. No. I did not take part. I could be at my house and when
24 the dancers would come to me, I would give them money. If I see
25 young people come, they come to my house. If I have money, I'll
26 take it and give it to them, so they would be happy.

27 Q. You obviously did not have the energy of the young people,
28 so you retired to bed early; not so?

29 A. In fact, if I had that energy, I would have been dancing

1 together with them. I hadn't that energy.

2 Q. Mr Witness, you'll agree with me then that while you were
3 gone to bed and the dancing was going on, many things happened
4 about which you knew nothing?

5 A. I can't say that. And it could be -- something could
6 happen that I would not know and then something would happen
7 again and I would know, because they would bring the report to
8 me. If they report to me this is what happened during the dance,
9 I would know. If they did not complain or report to me, then I
10 would not know.

11 Q. I am talking about the night itself, in the night that you
12 are gone to bed, if things happened --

13 JUDGE ITOE: But he has answered the question, hasn't he?

14 MR BANGURA: Your Honours, he gave more of a qualified
15 answer. My question was: You would not know what happened
16 during the night. He says if. It is a qualified answer,
17 Your Honour.

18 JUDGE BOUTET: He keeps saying, in his position, things
19 would be reported to him. Nothing has ever been reported to him.
20 So whether it is the middle of the night or end of the night,
21 nothing was reported.

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

23 JUDGE ITOE: And he said if he was sleeping, he wouldn't
24 know.

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

26 PRESIDING JUDGE: Well, let's take a break.

27 MR BANGURA: I'm just about -- if Your Lordships might be
28 indulgent enough.

29 PRESIDING JUDGE: Well, I don't want to put any pressure on

1 you.

2 MR BANGURA: Your Honours, I was actually going to round
3 up.

4 PRESIDING JUDGE: Okay. That's fine.

5 MR BANGURA:

6 Q. So, Mr Witness, I suggest to you that without being
7 informed about the things that happened, you obviously knew
8 nothing -- you would not know about any things that happened in
9 town?

10 A. Whatever happened in that night, during night, if someone
11 explained to me, I would call people and I would ask them and
12 investigate. But I did not witness anything and nobody ever
13 explained to me, how would I know?

14 MR BANGURA: I have nothing further for this witness,
15 Your Honours.

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

17 MR WILLIAMS: There would be one or two, My Lord.

18 PRESIDING JUDGE: And you're likely to make them quick?

19 MR WILLIAMS: Very quick, My Lord.

20 PRESIDING JUDGE: All right, let's go on.

21 RE-EXAMINED BY MR WILLIAMS:

22 Q. Alhaji, during the period that Kondewa spent in Gambia,
23 were you regent chief at the time? During the period he was
24 there, were you regent chief?

25 A. At the time Kondewa was in Gambia, at that time, I was
26 still a chiefdom speaker. I was -- even the regent chief who was
27 sent there, at that time, he was -- he had been captured, so I
28 was doing his work.

29 Q. Were you in the Gambia all throughout the period Kondewa

1 spent there?

2 A. Yes. Kondewa was there and I too was there. In fact, it
3 was during that time that I gave him a wife.

4 Q. And how many times did Mr Kondewa come to the Gambia?

5 MR BANGURA: Your Honour, I wonder whether these are proper
6 questions for re-examination.

7 PRESIDING JUDGE: You mean this one that he's asked?
8 You're objecting to that?

9 MR BANGURA: Yes, certainly, Your Honour.

10 PRESIDING JUDGE: What is the purpose of that?

11 MR WILLIAMS: Your Honour, there is some confusion about
12 time, about dates, My Lord.

13 PRESIDING JUDGE: Date?

14 MR WILLIAMS: Yes, My Lord. I specifically asked the
15 witness about the coup, which is May 1997, and when Kondewa came.
16 And in my learned friend's cross-examination, the year 1999 came
17 about, My Lord.

18 PRESIDING JUDGE: Confused with what?

19 MR WILLIAMS: With timing, My Lord.

20 PRESIDING JUDGE: The year 1999 to compound what, or
21 confuse what?

22 MR WILLIAMS: My Lord, whether he came once, or whether he
23 came twice.

24 PRESIDING JUDGE: And if that is not --

25 MR WILLIAMS: And he specifically mentioned he was not too
26 sure about the 1999 date, My Lord. So I just wanted to -- in
27 fact, this question might just solve the confusion -- settle the
28 issue, My Lord.

29 PRESIDING JUDGE: Let me join issue with him. What is

1 the -- how do you see that? He says there is some confusion as
2 to time.

3 MR BANGURA: Your Honour, I fail to see any confusion. At
4 best, my learned friend is trying to fill in gaps. There are
5 very strict rules [overlapping speakers] --

6 PRESIDING JUDGE: Of course. Quite.

7 MR BANGURA: -- to bring up in re-examination, and the
8 question he's request asking does not fall in that category.

9 PRESIDING JUDGE: Yes. I find myself in a position in
10 which I can't see what, really, was the damage done and what
11 you're trying to repair now.

12 MR WILLIAMS: My Lord, this witness's testimony evolves
13 around the evidence of TF2-187.

14 PRESIDING JUDGE: Yes.

15 MR WILLIAMS: My Lord, that witness testified about a
16 particular timing, which I directed the witness to, My Lord. And
17 in cross-examination --

18 PRESIDING JUDGE: The witness in examination-in-chief said
19 what, in answer to your question?

20 MR WILLIAMS: When Mr Kondewa came to the Gambia after the
21 coup, if he recalls 1997; he says, yes. In cross-examination,
22 the issue of 1999 came about for the first time, My Lord.

23 PRESIDING JUDGE: In connection with that?

24 MR WILLIAMS: Exactly, My Lord.

25 PRESIDING JUDGE: Are you sure? Was there a nexus between
26 that or was it just another line?

27 JUDGE BOUTET: If I may, in my notes, I have that when he
28 was asked that question in cross-examination was that Kondewa
29 came to town after the overthrow, but I think this was in 1999.

1 So there is no -- I mean, this is the way the witness saw it, as
2 such. He put 1999 to be that. There is no confusion. I know
3 what you're trying to achieve. You put it was after the
4 overthrow; he agrees with you. When he was asked, as such, he
5 says, "I think it was '99." We will appreciate -- I know
6 there's --

7 MR WILLIAMS: My Lord, the issue of whether it came once or
8 twice or thrice --

9 JUDGE BOUTET: I think that answer was quite clear. He
10 said Kondewa came. I think it was in 1999. He didn't say many
11 times. That's what I have in my notes and my own recollection as
12 well. There is no confusion as to whether he came once or twice.

13 PRESIDING JUDGE: Yes.

14 JUDGE ITOE: There is absolutely none.

15 PRESIDING JUDGE: Yes.

16 MR WILLIAMS: I'm most grateful, My Lords. That would be
17 all for this witness, My Lord. I won't ask him whether
18 Mr Kondewa still has the wife, My Lord.

19 PRESIDING JUDGE: No, no. We don't think you want to
20 explore that.

21 JUDGE ITOE: That is not relevant for us.

22 PRESIDING JUDGE: Quite. Well, we'll take a break at this
23 point. Let me release the witness straightaway. Mr Witness, we
24 thank you for your testimony. You are now released.

25 THE WITNESS: Yes, sir. I'm going. May God bring this
26 case to an end so we'll have peace again.

27 [The witness withdrew]

28 [Break taken at 4.38 p.m.]

29 [Upon resuming at 5.07 p.m.]

1 WITNESS: YEAMA LEWIS [Sworn]
2 [The witness answered through interpreter]
3 EXAMINED BY MR WILLIAMS:
4 Q. Good afternoon, madam?
5 A. Yes, good afternoon.
6 Q. I'll be asking you some questions. You listen carefully
7 before providing answers, please.
8 A. Okay.
9 Q. Make sure you speak very slowly, as every word you say will
10 be interpreted into other languages. Can you tell the court your
11 names?
12 A. My name is Yeama.
13 Q. What is your surname?
14 A. Yeama Lewis.
15 Q. No, could you repeat your surname, please?
16 A. Yeama Lewis.
17 MR WILLIAMS: Lewis. Lewis. Lewis is the word, My Lord.
18 Q. Where do you live?
19 A. Gambia.
20 Q. Where were you born?
21 A. Gambia.
22 Q. Have you lived in any other place apart from Gambia?
23 A. No.
24 Q. Do you know the third accused in this matter, Allieu
25 Kondewa?
26 A. Yes.
27 Q. Were you in the Gambia during the months June/July 1997?
28 A. Yes.
29 Q. Did you see Kondewa in the Gambia around that time?

1 A. Yes.

2 Q. How long did he stay in the Gambia? For how long did he
3 stay in the Gambia on that visit?

4 A. He spent up to one month.

5 Q. Were there people with him when he went to the Gambia?

6 A. Yes.

7 Q. After he left Gambia on that visit, did he come back at any
8 other time, other period to the Gambia?

9 A. Yes.

10 Q. How long did he stay on the second visit?

11 A. He spent some time there, because he had a wife there.

12 Q. Do you have a house in the Gambia?

13 A. Yes.

14 Q. Is there a court barri in the Gambia?

15 A. Yes.

16 Q. How far away from your house is the court barri?

17 A. It's a short distance.

18 Q. Can you, madam -- Mrs Lewis -- Madam Lewis.

19 A. Yes.

20 Q. Lift your head a little bit, please. Can you indicate for
21 the Court the distance from the court barri to your house?

22 A. Say from here --

23 THE INTERPRETER: Your Honours, may the witness go over
24 that bit. It doesn't make sense.

25 MR WILLIAMS:

26 Q. Can you repeat your answer, please. How far away from your
27 house is the court barri?

28 A. Like, from where I'm sitting to that door.

29 PRESIDING JUDGE: Estimate. We have an agreed estimate.

1 MR WILLIAMS: Twenty-five yards is what we've always agreed
2 on between the witness stand and the place where the -- and the
3 Bench, My Lord.

4 PRESIDING JUDGE: What's your estimate, Mr Bangura?

5 MR BANGURA: I know, Your Honours, there has been agreed
6 figure, in terms of distance.

7 PRESIDING JUDGE: I don't recall. I know there has been,
8 but I don't recall exactly what it is.

9 JUDGE BOUTET: I thought it was 20, not 25.

10 MR BANGURA: Twenty, something like that.

11 MR MARGAI: Twenty to where Your Lordships are and, if it's
12 to the door, of course --

13 PRESIDING JUDGE: Yes, 25. So we'll say 25.

14 MR WILLIAMS: As My Lord pleases.

15 MR BANGURA: Agreed, Your Honour.

16 MR WILLIAMS:

17 Q. Madam, can you --

18 PRESIDING JUDGE: The records will reflect 25 what, years?

19 MR WILLIAMS: Yes, My Lord.

20 THE WITNESS: Yes.

21 MR WILLIAMS:

22 Q. Madam --

23 A. Yes.

24 Q. -- can you see the court barri from your house?

25 A. Yes.

26 Q. Madam, I refer you to the evidence of somebody who came to
27 testify on behalf of the Prosecution. I'll ask you to comment on
28 what she said before this Court. TF2-187, 1st June 2005. It is
29 pages one to 20, My Lord, of the transcript. Before that, madam,

1 what work were you doing at the time Kondewa was in the Gambia?

2 What work were you doing? What was your occupation?

3 A. At that time, we were not doing any work. We would only go
4 to the bush. At that time, in fact, we were not going to the
5 bush, we were just in the town.

6 Q. All right. What was your profession? What work did you do
7 before that period?

8 A. We would process -- not oil. We'd get palm kernel and
9 process the oil from it, for sale.

10 Q. Was that the only work you did?

11 A. Yes.

12 Q. Do you know who a soweï is?

13 A. Yes.

14 MR WILLIAMS: It is S-O-W-E-I.

15 Q. Were you involved in the work of a soweï at any time?

16 A. Yes. I am one.

17 Q. What does a soweï -- what work -- tell the Court what a
18 soweï does for a living?

19 A. We do farming.

20 Q. Let me refer you to the evidence of this witness.

21 A. Okay.

22 Q. Yes, this witness said: "During the time that Mr Kondewa
23 was in the Gambia three women were captured -- three pregnant
24 women were captured. They were taken to the court barri and as a
25 chopper was about to land, the stomachs of all three pregnant
26 women were slit open, the foetuses removed, the heads of the
27 foetuses chopped off and placed on sticks."

28 PRESIDING JUDGE: Question?

29 MR WILLIAMS:

1 Q. Did anything of that nature ever take place in the Gambia?

2 A. It did not happen there. That did not happen in Gambia. I
3 did not even hear about that.

4 Q. Did you have any business to do with pregnant women in the
5 Gambia?

6 A. Yes.

7 Q. What was it?

8 A. I would deliver them.

9 Q. Is it correct to say that you are a midwife?

10 A. Yes. Yes.

11 Q. Did that put you in a position where you dealt with
12 pregnant women?

13 A. Yes.

14 JUDGE ITOE: Is she a traditional midwife?

15 MR WILLIAMS: Yes.

16 Q. Did you have a good relationship with the women of Gambia
17 at that time?

18 A. Yes.

19 Q. Would you have known if an incident of that nature had
20 occurred in the Gambia?

21 A. It did not happen. I would have known. It did not happen.

22 Q. Madam.

23 A. Yes.

24 Q. This witness also said that a gentleman was killed by
25 Kamajors dropping hot burning plastic into his eyes. Did that
26 take place in the Gambia during the time that Kondewa was there,
27 or at all?

28 A. It did not happen. The time when he was there, it never
29 happened. And even after there, that never happen. I did not

1 even hear anything about that.

2 Q. Was any human being killed in Gambia during that period
3 that Kondewa was there?

4 A. Nobody was killed.

5 MR WILLIAMS: No further questions, My Lord.

6 PRESIDING JUDGE: Thank you. Counsel for the first
7 accused, any questions?

8 MR SESAY: No questions.

9 PRESIDING JUDGE: Counsel for the second, any questions?

10 MR BOCKARIE: None, My Lord.

11 PRESIDING JUDGE: Prosecution?

12 MR BANGURA: Yes, My Lord. I'm just looking at the time.

13 PRESIDING JUDGE: Do you want to give us an estimate of how
14 long you'll be? Just a rough estimate. That will determine
15 whether we need to proceed.

16 PRESIDING JUDGE: A minimum of 30 minutes. Well, we
17 certainly do not intend to go beyond 5.30, so the trial is
18 adjourned to tomorrow, 11th October 2006, at 9.30 a.m.

19 [Whereupon the hearing adjourned at 5.28 p.m.,
20 to be reconvened on Wednesday, the 11th day
21 of October 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

| | |
|------------------------------|----|
| WITNESS: DANIEL JOHN HOFFMAN | 2 |
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| WITNESS: Alhaji Joe Soma Kpana Lewis | 86 |
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