

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

THURSDAY, 12 OCTOBER 2006
9.46 A.M.
TRIAL

TRIAL CHAMBER I

| | |
|--------------------------------------|---|
| Before the Judges: | Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe |
| For Chambers: | Ms Roza Salibekova Ms Anna Matas |
| For the Registry: | Mr Thomas George |
| For the Prosecution: | Mr Joseph Kamara Mr Mohamed Bangura Ms Patricia Campbell |
| 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 Ansu Lansana |

1 [CDF12OCT06A - CR]
2 Thursday, 12 October 2006
3 [The accused present]
4 [The witness entered Court]
5 [Open session]
6 [Upon commencing at 9.46 a.m.]
7 WITNESS: JOSEPH DICKSON MURANA [Continued]
8 PRESIDING JUDGE: Good morning, counsel, good morning,
9 witness. Mr Kamara, you can continue.
10 CROSS-EXAMINED BY MR KAMARA:
11 Q. Good morning.
12 A. Good morning.
13 Q. Whilst you were chiefdom speaker for Talia Yawbeko Chiefdom
14 you must have observed some form of rudimentary military training
15 by the Kamajors at Base Zero; is that not so?
16 A. They were doing some training, but it was not well
17 organised.
18 Q. You agree there was some form of training?
19 A. We were doing some training.
20 Q. Yes, and you know one MS Dumbuya who was in charge of that
21 training?
22 A. Mr Dumbuya, for him to be in charge of the training, I was
23 not there when he was doing that.
24 Q. Where were you?
25 A. I was in Talia.
26 Q. Where was the training being done?
27 A. Talia.
28 Q. This MS Dumbuya was also a member of the War Council; is
29 that not correct?

1 A. MS Dumbuya, yes, he was -- he was at the War Council
2 sometimes.

3 Q. Thank you. Also, Chief Murana, as at that time, you must
4 have heard of the Death Squad; is that not so?

5 A. I used to hear about them, but they were at Sumbuya.

6 Q. You knew some of them, the members?

7 A. Yes, I know some of them. That is Mr Tucker, Tucker.

8 Q. Borbor Tucker?

9 A. Borbor Tucker, yes.

10 Q. He was the leader of the Death Squad?

11 A. Yes. He was in charge.

12 Q. You also know Rufus Collier?

13 A. I know Rufus Collier, but he was not in the Death Squad.

14 Q. You know Ibrahim Collier; he was a member of the Death
15 Squad?

16 A. I was not where the Death Squad was formed.

17 Q. But you know Ibrahim Collier?

18 A. Ibrahim Collier, I know him.

19 Q. Members of the Death Squad were feared by the townspeople
20 of Talia; is that not correct?

21 A. No, they used to go there once in a while.

22 Q. I will suggest to you, Chief Murana, that you are aware of
23 complaints against the Death Squad; are you not?

24 A. Yes, I used to hear of complaints, but they did not report
25 to me.

26 Q. Could you give an example of the complaints you heard?

27 A. I used to hear -- I would only hear that they used to do
28 bad things, but nobody came to report to me.

29 Q. Tell us, what are the bad things that you heard about?

1 A. They used to say that they were doing bad things, but I
2 don't know the bad things that they were doing.

3 THE INTERPRETER: Correction: I did not see the bad things
4 that they were doing.

5 MR KAMARA:

6 Q. Yes, you did not see. Now, tell us what you heard, the bad
7 things that you heard about them.

8 A. I only heard that they were doing bad things, but I did not
9 see the bad things that they were doing.

10 Q. Chief, I'm not talking about you seeing bad things. What
11 I'm interested in is what are these things that were said about
12 the Death Squad. What are these bad things that you heard about
13 them?

14 A. I used to hear that they were doing things, but I did not
15 see these bad things.

16 PRESIDING JUDGE: Witness, what counsel is asking: What
17 specifically were some of the bad things that you heard that they
18 said they were doing, not whether you saw them, because you've
19 already said you didn't see the bad things, but you said you
20 heard that they were doing bad things. So what, specifically,
21 did you hear in terms of bad things that you said you heard they
22 were doing? In other words, counsel is looking for examples, if
23 you have them.

24 THE WITNESS: These things, I would not know the things
25 that they really did, but only they said that they would stop
26 vehicles on the road.

27 MR KAMARA:

28 Q. Is that what you call a bad thing?

29 A. That is the only thing that I know of.

1 Q. And that is what you describe as a bad thing?

2 A. Yes, that is what they said.

3 Q. This Death Squad was operating within your chiefdom?

4 A. No, they did not do it there.

5 Q. The question is: The Death Squad was operational within
6 your chiefdom?

7 A. No. No.

8 Q. As chiefdom speaker, did you inquire as to these bad things
9 you heard about them?

10 A. That, of course, I was not able to do.

11 Q. Why? Tell this Court.

12 A. At that time, I was not able to find out such things.

13 Q. You heard about the things, how is it you were not able to
14 find out?

15 A. The very Death Squad, they were not settled there. They
16 were not with me. How could I have been able to find out?

17 Q. Where were they settled?

18 A. I have said it some time ago that they were in Sumbuya.
19 That was where they were based.

20 Q. The Death Squad, I suggest to you, were responsible for the
21 security of Base Zero, Talia, right in your chiefdom; is that not
22 correct?

23 A. No. No.

24 Q. I'll also suggest to you that they mounted a checkpoint on
25 the outskirts of Talia; you know that?

26 A. There was a checkpoint there.

27 Q. That checkpoint was manned by the Death Squad, that is my
28 question.

29 A. It's a lie. Death Squad was not there.

1 Q. Who were there?

2 A. The Kamajors.

3 Q. Do you know which Kamajors were manning that checkpoint?

4 A. I can't remember.

5 Q. I'll suggest to you that Ibrahim Collier was a task force
6 commander in charge of that checkpoint, and you know that.

7 A. Task force commander. I can't recall.

8 Q. But you recall he was stationed at that checkpoint?

9 A. He was not at that checkpoint.

10 Q. You also heard complaints of looting being done by this
11 Death Squad, did you not?

12 A. Even that I did not hear of it.

13 Q. You are aware that the leader of the Death Squad, Borbor
14 Tucker, faced the disciplinary committee of the War Council; you
15 are aware of that?

16 A. I cannot recall.

17 Q. All right. You recall that Vanjawai, a Kamajor commander,
18 also faced the same committee for disciplinary action? You are
19 aware of that one?

20 A. Even that, too, I cannot recall. There was a big crowd
21 there.

22 Q. You testified yesterday, chief, that you are a member of
23 the War Council; correct?

24 A. I am a War Council member, but I wouldn't know everything
25 that happened.

26 Q. I am suggesting to you that these two individuals, Borbor
27 Tucker and Vanjawai, faced the War Council for disciplinary
28 action; you're not aware of that?

29 A. I didn't know of that.

1 Q. Thank you. Now, Chief Murana, you recall that you made
2 statements to the Prosecution -- investigators for the
3 Prosecution, some time in 2003, don't you?

4 A. I made statements but it was not about the Death Squad.

5 Q. Yes. I've forgotten about the Death Squad for now. I'm
6 moving into a new area. You'll agree with me you made statements
7 to investigators for the Prosecution in 2003?

8 A. Yes.

9 Q. Yesterday in your evidence you said --

10 JUDGE BOUTET: Mr Kamara, just before you move any further
11 with this, can we be informed as to which way you're going?

12 MR KAMARA: Yes, My Lord. I will be contradicting this
13 witness --

14 JUDGE BOUTET: Fine. You need not to tell me more. I just
15 want to know.

16 MR KAMARA: Thank you, My Lord. I'll serve the other side
17 with copies of the statements then, My Lord. I made copies for
18 the Bench as well. And I shall get that -- I can let the Court
19 officer serve the Bench.

20 JUDGE ITOE: Thank you very much. You've been very kind
21 this time.

22 MR KAMARA:

23 Q. Chief Murana --

24 A. Yes.

25 Q. -- in your evidence yesterday, you stated that the third
26 accused, Allieu Kondewa, was merely an initiator; is that
27 correct?

28 A. Yes.

29 Q. He had no other functions, apart from that?

1 A. It was only the initiation that he did.

2 Q. And that he was not responsible for deploying troops of
3 Kamajors?

4 A. No.

5 Q. Is that statement true for the period before the arrival of
6 Chief Norman?

7 A. Yes.

8 Q. Take a look at this document, Chief Murana. Chief, the
9 documents you have in front of you --

10 MR MARGAI: My Lords, may I --

11 PRESIDING JUDGE: Counsel, just a minute.

12 MR MARGAI: May I express concern here about the procedure
13 we are adopting. There is an established procedure here.

14 PRESIDING JUDGE: Yes. Quite. We take the point. We take
15 the point.

16 JUDGE ITOE: We take the point.

17 PRESIDING JUDGE: Counsel, advise yourself. Your purpose
18 is contradiction?

19 MR KAMARA: Yes, My Lord.

20 JUDGE ITOE: Do you need to hand the statement over to him?

21 PRESIDING JUDGE: You should take it back.

22 JUDGE ITOE: We don't think so.

23 MR KAMARA: Yes, My Lords, I agree, My Lord.

24 PRESIDING JUDGE: So shall we proceed the proper way?

25 MR KAMARA: Yes, My Lord.

26 Q. You recall that you made a statement to the Prosecution
27 specifically on the 19th of June 2003?

28 JUDGE BOUTET: Did you say 19?

29 MR KAMARA: 19 June 2003, My Lord.

1 JUDGE BOUTET: Okay, because the statement I have in front

2 of me --

3 PRESIDING JUDGE: We have something different.

4 MR KAMARA: There are two, My Lord.

5 PRESIDING JUDGE: Well, we have not been served with the

6 second one.

7 JUDGE BOUTET: Two statements.

8 MR KAMARA: Yes, My Lord.

9 JUDGE BOUTET: I have --

10 MR KAMARA: I gave six copies, two each.

11 PRESIDING JUDGE: Well, we have the one for the 29th

12 of June.

13 JUDGE BOUTET: That's all we have.

14 MR KAMARA: Mr Thomas, I think you may have -- where are

15 the other statements? I gave two copies each, one of the 19th

16 and the other of the 29th.

17 PRESIDING JUDGE: Courtroom officer, would you find out

18 what has happened? So you intended us to have two statements

19 each?

20 MR KAMARA: Yes, My Lord.

21 PRESIDING JUDGE: Counsel, perhaps you need to -- since

22 your purpose, I reckon, is when you say, "contradict," you're

23 going down -- adopting the option of prior inconsistency?

24 MR KAMARA: Yes, My Lord.

25 PRESIDING JUDGE: And, therefore, to avoid any

26 possibilities of objections, would you lay the proper foundation?

27 MR KAMARA: Yes, My Lord, I'll get to it.

28 Q. The statement you made to the Prosecution --

29 PRESIDING JUDGE: Were you referring specifically to the

1 19th of June?

2 MR KAMARA: Yes, My Lord.

3 PRESIDING JUDGE: So we better take them separately?

4 MR KAMARA: Yes, My Lord.

5 PRESIDING JUDGE: Proceed then.

6 MR KAMARA:

7 Q. You made that statement in what language?

8 A. In English.

9 PRESIDING JUDGE: He recalls making a statement on the 19th
10 of June in English.

11 MR KAMARA: In English, My Lord.

12 PRESIDING JUDGE: To the Prosecution.

13 MR KAMARA:

14 Q. And that statement was written down by the investigator?

15 A. Yes, he wrote it down. I don't know the statement.

16 Q. Be patient. We'll get there. And it was read to you --

17 PRESIDING JUDGE: To whom did he make it?

18 MR KAMARA: To the investigator, My Lord.

19 PRESIDING JUDGE: Yes, okay. Would it help him --

20 JUDGE BOUTET: Which one?

21 PRESIDING JUDGE: Which particular investigator.

22 MR KAMARA: [Microphone not activated].

23 PRESIDING JUDGE: Yes, that would help him.

24 THE INTERPRETER: Learned counsel's microphone is not on.

25 PRESIDING JUDGE: Trigger his memory a little on those
26 details, the circumstances: Who was present, was there a
27 witness.

28 MR KAMARA: Yes.

29 Q. Do you recall the person to whom you made the statement on

1 the 19th?

2 PRESIDING JUDGE: Tell him. They're not contentious. I
3 mean, these are not contentious issues.

4 MR KAMARA: My Lord, the one on the 19th, I do not have the
5 information on the statement.

6 JUDGE BOUTET: It seems to be in the very first paragraph.

7 PRESIDING JUDGE: Yes, I saw it there.

8 MR KAMARA: Yes. Thank you, My Lord.

9 PRESIDING JUDGE: These are all non-contentious matters.
10 Let's go through the foundational elements.

11 MR KAMARA:

12 Q. Do you recall you made that statement to one Joseph Saffa
13 and Max Marcus?

14 A. Joseph Saffa, Max Marcus, they used to go there to us.

15 PRESIDING JUDGE: Witness, did you, on the 19th of June
16 2003, make a statement to Joseph Saffa and Max Marcus, not
17 whether they used to go there. You would remember. You say you
18 are a town chief and you're a man of such learning in your
19 chiefdom. Do you remember making that statement, a statement to
20 those two people on the 19th of June 2003?

21 THE WITNESS: I was not a town chief. I was chiefdom
22 speaker by then.

23 PRESIDING JUDGE: I understand. But a man of noting in
24 your village. Yes. Well, let's go on. Do you remember making a
25 statement to Saffa and Max Marcus?

26 THE WITNESS: I can recall.

27 PRESIDING JUDGE: Yes, let's make some progress. Go ahead,
28 counsel.

29 MR KAMARA: Yes, My Lord.

1 Q. And that statement was obtained at the Bassu
2 [indiscernible] guesthouse in Matru Jong; do you remember?

3 A. Yes.

4 Q. And it was read to you when you finished?

5 A. Yes.

6 Q. Thank you.

7 PRESIDING JUDGE: What was his response?

8 MR KAMARA: He said yes, My Lord.

9 PRESIDING JUDGE: Yes, after it was read to him?

10 MR KAMARA: Yes.

11 Q. Chief Murana, do you recall telling those investigators
12 that Allieu Kondewa was responsible --

13 MR MARGAI: My Lords, with respect, do we know whether the
14 statement was admitted by him and signed; if so? I think that
15 will help us, because I see here, from the document, it's headed
16 "Investigators' Notes" but that is not really the issue here.

17 PRESIDING JUDGE: Counsel, would you like to supply those
18 details?

19 MR KAMARA: My Lord, the details would not be provided
20 here. These are investigators' notes.

21 PRESIDING JUDGE: Let's find out from him. I mean, this is
22 without prejudice to you to continue to pursue the line of cross
23 inquiry that you are doing.

24 MR KAMARA: Yes.

25 PRESIDING JUDGE: Let's hear from him whether he had an
26 opportunity to admit or acknowledge.

27 MR MARGAI: Perhaps we could come to an understanding. If
28 counsel is referring to investigators' notes, then, of course,
29 the issue by me would be of no moment. But I raised it because

1 he simply styled the discussion between the witness and the
2 investigators as a statement.

3 PRESIDING JUDGE: We don't want to get into complicated
4 discussion on that. He has admitted that he did make a statement
5 to the investigators --

6 MR KAMARA: My Lord, there is a decision before this Court
7 as to what amounts to a statement or not.

8 MR MARGAI: I concede.

9 MR KAMARA: [Overlapping speakers].

10 PRESIDING JUDGE: We have laid the matter to rest and he
11 has admitted that he made a statement.

12 MR KAMARA: Yes, My Lord.

13 PRESIDING JUDGE: And the only point which you make, which
14 is relevant, is did he have an opportunity of admitting --

15 JUDGE ITOE: Of signing.

16 PRESIDING JUDGE: Signing.

17 JUDGE ITOE: Yes.

18 PRESIDING JUDGE: Which counsel can investigate.

19 MR KAMARA: Yes, My Lord.

20 Q. After the statement was read to you, did you admit it as
21 correct and true?

22 A. Yes.

23 Q. Thank you.

24 PRESIDING JUDGE: Go ahead, counsel.

25 MR KAMARA:

26 Q. Did you sign it?

27 A. I did not sign.

28 Q. Thank you. In that statement, do you recall telling the
29 investigators that the second accused, Allieu Kondewa, was

1 responsible for mobilising --

2 MR MARGAI: Objection. Allieu Kondewa is not the second
3 accused.

4 MR KAMARA: Third accused.

5 PRESIDING JUDGE: All right, all right, a lapse of term.
6 Let's go ahead.

7 MR KAMARA: Thank you, My Lord.

8 Q. The third accused, Allieu Kondewa, was responsible for
9 mobilising Kamajors for deployment into war; do you remember?

10 A. No.

11 Q. Take a look at this statement that I have.

12 PRESIDING JUDGE: Counsel.

13 MR KAMARA: Yes, My Lord.

14 PRESIDING JUDGE: Go ahead.

15 MR KAMARA:

16 Q. The date on that document --

17 JUDGE ITOE: Did you say mobilising or deploying?

18 MR KAMARA: Mobilising, that should be the word.

19 JUDGE BOUTET: You used the words mobilising for
20 deployment.

21 PRESIDING JUDGE: Is it your language or his language?

22 MR KAMARA: No, it is my language.

23 PRESIDING JUDGE: Counsel, you are seeking to establish
24 prior inconsistency. Ought you not be very careful --

25 MR KAMARA: Yes, My Lord, I should.

26 PRESIDING JUDGE: -- to avoid paraphrasing sections of that
27 statement. Lest you get into an argumentative situation that I did
28 not say so and so and so, why not keep to the text.

29 MR KAMARA: I will.

1 JUDGE BOUTET: And, if I may, the normal and standard
2 procedure that we have accepted and ascribe is not necessarily to
3 show the statement to the witness. You take the witness to the
4 portion -- I don't know where it is in the statement, I have not
5 read it.

6 MR KAMARA: That's what I'm going to do.

7 JUDGE BOUTET: You don't show the statement to the witness,
8 that's not the purpose. You read whatever portion, if any
9 portion, of that statement to him and you ask him: Did you say
10 or not at that particular time. That's the exercise. Now you
11 are playing on both fields, because you are showing the statement
12 to the witness, presumably to refresh his memory now, because
13 there is absolutely no need to give the statement to the witness.
14 It may be defeating your own purpose. That's why I asked you at
15 the beginning, what is it you're trying to achieve. Anyhow,
16 that's your case, not mine.

17 MR KAMARA: It's in fairness to the witness --

18 PRESIDING JUDGE: Well, you're making a choice and varying
19 the procedure, and it's entirely -- the only thing is that the
20 Bench would take its own position on that. Clearly, the
21 procedure has always been that you just ask him whether he said
22 so and so and so and so.

23 MR KAMARA: Yes, I'll put the question again, My Lord.

24 PRESIDING JUDGE: Yes, rather than go over the usual
25 refreshing process, which that requires.

26 MR KAMARA: I'll put the question again, My Lord.

27 PRESIDING JUDGE: Let's retrieve the statement from him.
28 He needn't have it.

29 JUDGE BOUTET: For my own guidance, as such, where is it in

1 the statement you're making reference to? Page 1, 2?

2 MR KAMARA: Page 3.

3 JUDGE BOUTET: Three. So I can follow you as well.

4 MR KAMARA: Yes, My Lord, it's on page 3 and, for my
5 learned friends on the other side, the second bullet point.

6 PRESIDING JUDGE: And read exactly what's there.

7 MR KAMARA: Yes, My Lord.

8 PRESIDING JUDGE: Don't paraphrase.

9 MR KAMARA:

10 Q. Page 3, the second bullet point. Chief Murana, I will read
11 to you what you said to the investigators on the 19th of June
12 2003.

13 A. Okay.

14 Q. "AK" -- meaning Allieu Kondewa -- "was a native warrior,
15 not a gunman." Now, listen carefully. "He was responsible for
16 mobilising Kamajors" --

17 THE INTERPRETER: Your Honour, counsel is going too fast.
18 Can he slow down so we can do the interpretation for the witness.

19 MR KAMARA: I apologise.

20 Q. "AK was a native warrior, not a gunman. He was responsible
21 for mobilising Kamajors and sending them to the war front."

22 THE WITNESS: I have said that Kondewa never sent somebody
23 to the war front.

24 PRESIDING JUDGE: Witness, let counsel finish reading the
25 entire sentence. Counsel, proceed.

26 MR KAMARA: Thank you, My Lord.

27 Q. "And sometimes they were successful and AK would gather the
28 Kamajors and send them out from the base to battle." Did you not
29 make that statement to --

1 PRESIDING JUDGE: Did not tell. Why not keep it in the
2 affirmative.

3 MR KAMARA:

4 Q. Did you tell the investigators that which I've just read to
5 you?

6 A. I cannot recall that.

7 MR KAMARA: My Lord, at this point, the Prosecution would
8 wish to tender this document as an exhibit before the Court.

9 PRESIDING JUDGE: Out of an abundance of caution, is that
10 all you need to deal with in this statement?

11 MR KAMARA: No, Your Honour.

12 JUDGE ITOE: Why don't you conclude with that?

13 PRESIDING JUDGE: Why not take it all in one stride and at
14 the end of the day you tender the statement?

15 MR KAMARA: I will, Your Honour.

16 PRESIDING JUDGE: Right, let's proceed with the other
17 sample of alleged inconsistency.

18 MR KAMARA: In that same statement --

19 PRESIDING JUDGE: Page?

20 MR KAMARA: Same page 3, My Lord.

21 Q. Starting on the third bullet point -- let me ask you this
22 before I go to the statement, you were aware that children were
23 being initiated into the Kamajor society?

24 A. No, they were not initiated into the Kamajor society.

25 Q. Thank you. And this morning, you also stated that you
26 observed some form of training going on at Base Zero, military
27 training going on?

28 A. I said they were not doing training, they were just
29 exercising.

1 Q. All right, I'll get to that. Now, do you recall telling
2 the investigators of the Prosecution -- My Lord, I'm looking at
3 page 3 of page 5, and the third bullet point. I'll read to you,
4 Mr Witness. I will start with "people" My Lord, if it's
5 convenient.

6 PRESIDING JUDGE: That's okay.

7 MR KAMARA:

8 Q. "People heard that initiations were going on there," that
9 is at Base Zero.

10 PRESIDING JUDGE: Counsel, be very careful. Be very
11 careful. Read exactly what is -- don't say "that is." You
12 interjected that. There is no "that is."

13 MR KAMARA: Yes, My Lord. I will read the entire
14 paragraph.

15 Q. "According to the witness, the situation at Base Zero took
16 a completely different turn when HN arrived. Before HN arrived,
17 the Kamajors were still being initiated at Makossi Village.
18 People heard that initiations were going on there and came from
19 all over to Makossi to be initiated. They came from Bo, Kenema
20 Moyamba, all over. And there were children among them as well,
21 ten, 11, 12 years old. Witness did not see any military training
22 going on at Base Zero, either before or after HN arrived.
23 Witness reports that there was no weapons storage place at the
24 base either, to his knowledge. He did see weapons, however,
25 including AK-47s and he was told that those weapons had been
26 captured from rebels. Witness did not see the small boys with
27 weapons."

28 Did you tell -- this is the question to you: Did you tell
29 the investigators that children of ten, 11, 12 years old were

1 also initiated?

2 A. I said the children were not initiated, so I did not say
3 children.

4 Q. Do you also recall telling those investigators that you saw
5 weapons, including AK-47s?

6 A. I did not see any AK-47.

7 Q. Thank you.

8 MR KAMARA: My Lord, I am now referring to page 4 of that
9 same statement.

10 Q. Before going to the statement, I will put the question to
11 you, Chief Murana.

12 A. Okay.

13 Q. That, prior to the arrival of Chief Norman, you had an
14 encounter with Allieu Kondewa and his Kamajors.

15 JUDGE ITOE: What encounter?

16 MR KAMARA:

17 Q. In which you were threatened with death regarding your
18 niece, Kadi. Do you remember that incident?

19 A. I can remember, but that is long ago. It is gone now.

20 Q. I know, but I'm interested in it. You remember that
21 incident?

22 A. Yes.

23 Q. In that incident, was it that Kondewa and his team of
24 Kamajors attacked your house one evening?

25 A. They went there.

26 Q. How many of them?

27 A. I was in my house, but I was sleeping.

28 Q. Yes, you were woken up by gunshots; correct?

29 A. I heard gunshots.

1 Q. When you woke up, you found Kamajors outside of your house,
2 including Kondewa?

3 A. They were standing outside.

4 Q. Yes. And some of these Kamajors were armed; correct?

5 A. They hadn't guns and even when I came out, I didn't see
6 guns.

7 Q. I said "armed" it could be other things than guns, such as
8 cutlasses.

9 MR MARGAI: That's all the more reason why, My Lords,
10 learned counsel's question should be very specific.

11 PRESIDING JUDGE: Thank you.

12 MR MARGAI: As My Lords please.

13 MR KAMARA:

14 Q. The Kamajors were armed with machetes?

15 A. No.

16 Q. You were threatened by Kondewa himself, were you not?

17 A. He did not threaten me.

18 Q. Thank you.

19 MR KAMARA: My Lord, now I can go into the statement on
20 page 4.

21 PRESIDING JUDGE: Which bullet?

22 MR KAMARA: The third bullet point. I'll read for the
23 witness, My Lord.

24 Q. "Witness described one incident which happened at Base Zero
25 before HN got there. Witness was at home one night when a group
26 of five Kamajors, led by one named Mambu, went and surrounded a
27 neighbouring house where witness's brother's wife was sick in
28 bed. The Kamajors knocked at the door and witness emerged from
29 his house to ask them what they wanted. They said they had been

1 sent by AK to fetch witness's niece, Kadi. Witness told them
2 that his sister-in-law was ill, but they kept knocking. At this
3 point, the Kamajors were unarmed. Kadi finally emerged and was
4 taken away by those Kamajors to Nyandehun Village. Kadi returned
5 later to inform witness that the Kamajors had tried to convince
6 her to return to her former husband, from whom she was separated.
7 AK tried to convince her to return to him, and she had refused."

8 MR KAMARA: The next bullet point, My Lord.

9 PRESIDING JUDGE: Why not put the question relating to that
10 bullet point to him first? I mean, it's your presentation but do
11 you want to consolidate that one with the next one?

12 MR KAMARA: My Lord, as regards the first bullet point --

13 PRESIDING JUDGE: The third bullet point, is there anything
14 there you want to challenge him on?

15 MR KAMARA: No, at that point, we are in agreement.

16 PRESIDING JUDGE: Very well, proceed.

17 MR KAMARA:

18 Q. "Witness said later the same night that the Kamajors had
19 come to the neighbouring house, he heard firing into the air, and
20 the Kamajors were throwing stones onto his roof and shouting that
21 they were going to open witness's belly and kill him today. Some
22 of them were asking witness what business he had standing up to
23 AK. According to witness, there were about 60 Kamajors who were
24 there with AK himself. Most people fled into the bush because of
25 the heavy firing. One of the Kamajors told witness to come out
26 of his house, and when witness did. AK told him that if he had
27 met him somewhere outside, he would have killed witness. AK was
28 eventually calmed down by the other Kamajors. The following
29 morning, the elders resolved that AK had been wrong and AK

1 apologised to witness."

2 A. Yes, this happened.

3 Q. You agree that this happen? Thank you, Mr Witness, I won't
4 put you further on that.

5 MR KAMARA: My Lord, at this point, I will tender this
6 document as an exhibit before the Court.

7 PRESIDING JUDGE: With those portions --

8 MR KAMARA: With the portions, My Lord --

9 PRESIDING JUDGE: -- highlighted.

10 MR KAMARA: Yes.

11 PRESIDING JUDGE: On the grounds of prior inconsistency?

12 MR KAMARA: Prior inconsistency, My Lord.

13 PRESIDING JUDGE: Counsel for the third accused, what's
14 your response?

15 MR MARGAI: My Lords, I will accede to the tendering of the
16 witness, although, strictly speaking -- of the document, although
17 strictly speaking, the conditions under which such should be done
18 have not been satisfied. I mean, from the responses, there is no
19 indication here that the witness has denied the contents of the
20 passages cited to him, because, in the first instance, he did say
21 he could not remember. That doesn't tantamount to a denial.
22 But, in the interests of justice, I will not object.

23 PRESIDING JUDGE: There are two portions. What about the
24 second one, the second sample?

25 MR MARGAI: Your Lordships will recall that he abandoned
26 the second one.

27 PRESIDING JUDGE: Counsel is that a correct reflection of
28 what in fact happened?

29 MR KAMARA: It is very incorrect. And the second portion

1 was in regards to the ages of the children.

2 PRESIDING JUDGE: I thought there were two samples and in
3 the case of the first sample the response was "I cannot recall,"
4 whereas in the case of the second sample, there was in fact a
5 denial. Do you now amend your position, learned counsel?

6 MR MARGAI: In fact, there were four samples.

7 PRESIDING JUDGE: Well, let counsel guide us.

8 MR MARGAI: Yes, My Lords.

9 MR KAMARA: My Lord, in the first one, he said, "He does
10 not recall."

11 PRESIDING JUDGE: Yes.

12 MR KAMARA: The second one was a clear denial.

13 PRESIDING JUDGE: Yes.

14 MR KAMARA: That is the issue as to the children.

15 PRESIDING JUDGE: And the third one --

16 MR KAMARA: And the third one was another denial, the
17 AK-47.

18 PRESIDING JUDGE: Quite right.

19 MR KAMARA: And, My Lord, the fourth one which he agreed
20 to, there's no issue.

21 PRESIDING JUDGE: There's no issue on that.

22 MR KAMARA: Yes, My Lord.

23 PRESIDING JUDGE: Counsel, do you now amend your position?

24 MR MARGAI: I do amend my position with regard to the
25 second bullet point, but Your Lordships will recall that on the
26 third bullet point, at page 4, Your Lordship did ask him whether
27 he was going to pursue that after putting the contents of the
28 document for the witness. He said he wasn't. If, at all, the
29 document is going to be tendered, it can only be tendered with

1 respect to the second bullet point, where there was this denial
2 about the children being initiated.

3 PRESIDING JUDGE: What about the AK-47 one?

4 MR MARGAI: He didn't pursue that. That's when you asked
5 him whether he was going to.

6 MR KAMARA: I did pursue it and he said he didn't see.

7 PRESIDING JUDGE: Counsel, my recollection is that he did
8 say that he did not see. So, there are two samples that counsel
9 now is alleging are inconsistent with his testimony in the
10 witness stand. Counsel for the second accused, do you have any
11 objection to the document being received in evidence on the
12 grounds advanced by counsel?

13 MR POWLES: Your Honours, no. I have potential
14 observations as to weight.

15 PRESIDING JUDGE: No, we don't want to go into that because
16 we are dealing with admissibility now.

17 MR POWLES: No observations as to admissibility now.

18 PRESIDING JUDGE: Right, thanks. Learned counsel for the
19 first, only on admissibility, not probative value. We have
20 passed the stage of properly legal foundation, that we are
21 satisfied as being established. The only ground now is perceived
22 prior inconsistency.

23 MR JABBI: Yes, indeed, My Lord. I just want to be sure
24 which of those passages is being admitted for that reason.

25 PRESIDING JUDGE: All right. Out of an abundance of
26 caution, Mr Prosecutor, please guide us, and quickly, too.

27 MR KAMARA: Yes, My Lord, bullet point number 2.

28 JUDGE ITOE: Maybe you have highlighted them already.

29 MR KAMARA: Yes, I have.

1 JUDGE ITOE: Have you? What have you highlighted?

2 MR KAMARA: Bullet point number 2, page 3. "He was
3 responsible for mobilising Kamajors and sending them to the war
4 front." And the sentence on bullet point 3, on page 3 again,
5 starting with "people," until "after HN arrived".

6 JUDGE ITOE: "People had initiations."

7 PRESIDING JUDGE: Right. To "HN arrived."

8 MR KAMARA: Yes, My Lord.

9 PRESIDING JUDGE: That whole sentence.

10 MR KAMARA: Yes, My Lord.

11 PRESIDING JUDGE: Two sentences?

12 MR KAMARA: Yes, two sentences. And also the last sentence
13 starting --

14 PRESIDING JUDGE: Same page?

15 MR KAMARA: Yes, same page, same bullet point. "He did see
16 weapons, including AK-47s," until "small boys with weapons."

17 PRESIDING JUDGE: And which other sample do we have now?

18 MR KAMARA: My Lord, that is all on that statement.

19 PRESIDING JUDGE: Dr Jabbi, does that answer your query?

20 MR JABBI: My Lord, is that to say that bullet point number
21 4 on page 4 is not --

22 JUDGE BOUTET: Yes.

23 PRESIDING JUDGE: No issue.

24 MR JABBI: No issue on that.

25 JUDGE ITOE: There is no issue, because the witness has not
26 contested.

27 PRESIDING JUDGE: Right. The document is received in
28 evidence for the limited purpose of establishing alleged prior
29 inconsistency in respect of those highlighted portions only. And

1 it will be marked exhibit 169.

2 [Exhibit No. 169 was admitted]

3 PRESIDING JUDGE: Counsel let's move on.

4 MR KAMARA: No further questions for this witness.

5 PRESIDING JUDGE: Thanks, end of cross-examination?

6 MR KAMARA: Yes, My Lord.

7 PRESIDING JUDGE: Mr Margai, re-examination?

8 MR MARGAI: None, My Lord.

9 JUDGE ITOE: And the statement of the 29th June is left
10 out?

11 MR KAMARA: Yes, My Lord.

12 PRESIDING JUDGE: Mr Witness, we thank you for your
13 testimony. You are now released.

14 THE WITNESS: Okay.

15 [The witness withdrew]

16 PRESIDING JUDGE: Mr Margai, your next witness?

17 MR LANSANA: Your Honour, it's going to be the fifth
18 witness on our list.

19 PRESIDING JUDGE: And name?

20 MR LANSANA: Abibu Brima, My Honour.

21 PRESIDING JUDGE: Language?

22 MR LANSANA: He'll be testifying in Mende.

23 PRESIDING JUDGE: Mende. Mr George, please have the
24 representative of the Victims and Witness Unit bring the witness
25 to Court. Who will do the examination-in-chief?

26 MR LANSANA: I'll be doing that, Your Honour.

27 MR BOCKARIE: Your Honour, Mr Fofana would like to ease
28 himself, Your Honour.

29 PRESIDING JUDGE: Leave granted.

1 MR BOCKARIE: Thank you.

2 WITNESS: ABIBU BRIMA [Sworn]

3 [The witness answered through interpreter]

4 EXAMINED BY MR LANSANA:

5 Q. Good morning, Mr Witness.

6 A. Good morning.

7 Q. I'll be asking you a few questions this morning.

8 A. Okay, sir.

9 Q. You are to listen very attentively to the question.

10 A. Yes.

11 Q. And you make sure you understand the question before you
12 answer it.

13 A. Yes.

14 Q. When you answer the question, make sure you speak slowly,
15 because you are being interpreted and the learned justices will
16 be taking you down.

17 PRESIDING JUDGE: There are other Court officials taking
18 the evidence.

19 THE WITNESS: Yes.

20 MR LANSANA:

21 Q. And other officials will also be taking you down as well.

22 A. Yes.

23 Q. Thank you. Can you tell this Court your full names?

24 A. I'm called Abibu Brima.

25 Q. Where do you live?

26 A. I am in Makossi.

27 Q. Where is Makossi?

28 A. In the Bonthe District.

29 Q. What chiefdom is it?

1 A. Yawbeko.

2 Q. Can you please lean forward a little so your mouth is close
3 to the mic? You can bring the chair forward, if you want.

4 Forward, I said. Can you please assist him to come close to the
5 mic?

6 JUDGE ITOE: It's not good for him to be too close to the
7 mic.

8 MR LANSANA:

9 Q. Now, you say you are from Makossi village. I asked you
10 what chiefdom that was.

11 PRESIDING JUDGE: And he said Yawbeko.

12 THE WITNESS: Yawbeko.

13 MR LANSANA: I just wanted him to repeat, Your Honour.

14 PRESIDING JUDGE: Right.

15 MR LANSANA:

16 Q. And Yawbeko is in Bonthe District; not so?

17 A. Yes.

18 Q. Mr Witness, do you know Talia?

19 A. Yes.

20 Q. How far is Talia from Makossi?

21 A. It is a short distance, just about a mile.

22 Q. Okay. Have you ever been to Talia?

23 A. Very many times. It's our chiefdom headquarter town.

24 Q. How frequent where you when you say you've been to Talia?

25 How frequently were you visiting Talia?

26 A. I used to visit there on a daily basis. I used to go there
27 to work.

28 MR BANGURA: Your Honours --

29 MR LANSANA:

1 Q. Now, where --

2 PRESIDING JUDGE: Yes, Mr Bangura.

3 MR BANGURA: Just for purposes of clarification, counsel
4 asked how --

5 PRESIDING JUDGE: Frequently was he visiting.

6 MR BANGURA: Perhaps referring to a period in the past,
7 just for clarification.

8 PRESIDING JUDGE: Yes, he said he visited there on a daily
9 basis.

10 MR LANSANA: My Lord, if my learned friend will bear with
11 me, I was coming to that. I was going to place it within --

12 PRESIDING JUDGE: A time context.

13 MR LANSANA: Yes, Your Honour. Put it in a time-frame
14 context.

15 Q. Now, Mr Witness, when you say that you used to visit Talia
16 on a daily basis, what period of time are you talking about?

17 A. At the time we were doing the work there. I can't remember
18 the year now.

19 Q. Was it during the rule of Tejan Kabbah?

20 A. Is that the time -- you're asking about the time I was
21 going there?

22 Q. Yes, the time when you were in Makossi, and you were
23 frequenting Talia on a daily basis, according to you. I'm asking
24 whether this was during the government of Alhaji Tejan Kabbah.

25 A. Oh, yes.

26 Q. Did you continue to visit Talia, like you said, after the
27 overthrow of Tejan Kabbah?

28 A. I used to visit.

29 Q. And were you still visiting Talia up to the time that the

1 President, Tejan Kabbah, was restored to power?

2 A. I was visiting there.

3 Q. Thank you very much. For the purpose of my questions, I
4 will be restricting myself to the period that you have stated.

5 MR LANSANA: Your Honours, I would take it to mean 1996 up
6 to -- to May 1998.

7 PRESIDING JUDGE: Is there a month in 1996, or just 1996?

8 MR LANSANA: I will take it from March or May 1996
9 to February or March -- as far as May 1998.

10 PRESIDING JUDGE: That's fine.

11 MR LANSANA: As it please, Your Honour.

12 PRESIDING JUDGE: Counsel sit down.

13 MR BANGURA: Your Honour, I'm not sure whether counsel is
14 actually giving that evidence to the Court or --

15 PRESIDING JUDGE: He's not giving evidence. He's just
16 indicating to us and, of course, for our guidance, but I'm not
17 sure how that will play out when he asks the questions. It may
18 well be that you need to constantly remind the witness, depending
19 on his own perception of the time frame. It doesn't relieve you
20 of the burden of doing that from time to time. You were merely
21 indicating to us --

22 MR LANSANA: Yes, Your Honour.

23 PRESIDING JUDGE: Not giving evidence.

24 MR LANSANA: Yes, Your Honour, just as an indication to the
25 Bench as to the time span when this witness --

26 PRESIDING JUDGE: And as to the Prosecution. Are you
27 satisfied?

28 MR BANGURA: I take the point. Just that I'm not too sure
29 how to --

1 PRESIDING JUDGE: That's what I'm saying. He is not
2 relieved of the burden of operationalising this time frame
3 through his questioning.

4 MR BANGURA: Agreed.

5 PRESIDING JUDGE: As long the answers come out from the
6 witness, not him.

7 MR BANGURA: Thank you, Your Honour.

8 PRESIDING JUDGE: Counsel, proceed.

9 MR LANSANA: Thank you, Your Honour.

10 Q. Mr Witness, how old are you?

11 A. Well, I think it's 46.

12 Q. Thank you. Are you married?

13 A. Yes.

14 Q. With how many wives?

15 A. Two.

16 Q. How many children?

17 A. Well, I think there will be about 15 now.

18 Q. Thank you very much. Can you tell this Court your
19 occupation?

20 A. I do farming and carpentry.

21 Q. Thank you. Do you know the third accused, Allieu Kondewa?

22 A. Yes, I know him.

23 Q. When did you come to know Allieu Kondewa?

24 A. Allieu Kondewa, I knew him even before the war.

25 Q. Did you see Allieu Kondewa during the war?

26 A. Yes.

27 Q. When was it that you first saw Allieu Kondewa during the
28 war?

29 A. I can't recall the year now.

1 Q. When you saw Allieu Kondewa during the war, was Tejan
2 Kabbah the President of Sierra Leone?

3 A. Yes.

4 Q. I would say that would have been some time after 1996;
5 would I be correct?

6 A. I can't know any dates.

7 Q. By the time when you knew Allieu Kondewa, Tejan Kabbah had
8 not been overthrown; not so?

9 A. I can't also remember that.

10 Q. Where did you meet Allieu Kondewa during the war?

11 A. I saw him in Makossi.

12 Q. Do you know what Allieu Kondewa was doing at Makossi?

13 A. Went there to initiate.

14 Q. Did you know Allieu Kondewa to be anything else, other than
15 an initiator?

16 A. Yes.

17 Q. Can you please tell the Court?

18 A. People would get sick and he would cure them.

19 Q. Thank you.

20 A. And -- he was a masked dancer, and he was very jovial.

21 Q. Thank you very much.

22 PRESIDING JUDGE: What was the word beginning with M,
23 Mr Interpreter?

24 THE INTERPRETER: Masked. Masked.

25 MR LANSANA: His precise expression was goboï dancer.

26 Goboï is a masked dancer.

27 PRESIDING JUDGE: How did you know that?

28 MR LANSANA: He said it.

29 PRESIDING JUDGE: I see, and I just asked him how he knew

1 that.

2 MR LANSANA: I wanted to correct the interpreter on that.

3 PRESIDING JUDGE: He was a masked dancer.

4 MR LANSANA: Yes, Your Honour.

5 PRESIDING JUDGE: We'll leave the interpretation as it is.

6 MR LANSANA: As it pleases, Your Honour.

7 PRESIDING JUDGE: Let's proceed.

8 MR LANSANA:

9 Q. So he was an initiator, a masked dancer and --

10 PRESIDING JUDGE: A masked dancer and --

11 JUDGE ITOE: And very jovial.

12 MR LANSANA: And very jovial personality.

13 THE WITNESS: Yes.

14 MR LANSANA:

15 Q. Mr Brima, are you an initiate? Did you join the Kamajor
16 society?

17 A. Yes.

18 Q. Can you tell the Court who your initiator was?

19 A. Mr Kondewa.

20 Q. You were an initiate. What was your reason for joining the
21 Kamajor society?

22 A. When we heard about the war, that the war was approaching,
23 so I said I didn't want to just sit by and die one day. That was
24 the reason why I joined the Kamajors, so I wouldn't get killed by
25 the war.

26 Q. When you were initiated, you said by the third accused,
27 were you initiated with other people?

28 A. Yes.

29 Q. Where did these other people come from, to be initiated at

1 Makossi?

2 A. Well, at that time, it was from within that same chiefdom,
3 so the chiefdom people summoned us and they gave us to him, so
4 that he would initiate us, during that time.

5 Q. Thank you. At the time you were initiated, can you tell
6 the Court the age group of people that were initiated?

7 A. At that time, we were big enough, all of us, but I can't
8 say I remember everybody now. We were all Matru people at that
9 time.

10 Q. Were you initiated?

11 A. [Indiscernible].

12 Q. All right. Thank you. People were younger than you were.
13 Were these young people, who were younger than you were, small
14 boys?

15 A. You mean like children? No.

16 Q. Yes.

17 A. They were also sensible people.

18 Q. Thank you. Now, did you ever witness initiation elsewhere?

19 A. Yes.

20 Q. Where was it?

21 A. Gambia.

22 Q. Were you there when the initiation took place, or did you
23 participate in the initiation?

24 PRESIDING JUDGE: Why not --

25 MR LANSANA: I'll take them one after the other.

26 PRESIDING JUDGE: -- keep them separate, otherwise it gets
27 complicated.

28 MR LANSANA:

29 Q. You said you witnessed initiation in the Gambia. May I ask

1 you in what capacity?

2 A. Yes. When I was -- when I graduated from the society and
3 he went there, so I followed him too.

4 Q. Yes, in what capacity; to do what?

5 A. For the initiation. I went there for the initiation.

6 Q. As what? The role you played.

7 A. When he would initiate, he will tell me to relate the laws
8 to the initiates.

9 Q. Thank you. And you did that; not so?

10 A. Yes.

11 Q. Can you please tell this Court what exactly you told the
12 initiates?

13 A. At first when the man -- when they graduated, the man told
14 me to tell whosoever had been initiated into the society should
15 respect elderly people, whosoever is older than you.

16 Q. Yes.

17 A. Apart from that, he should also fear women. You, the
18 initiate, you should not have any affairs with people's wives.
19 You, the initiate -- whoever is civilian, you should not touch
20 his property. If you do that, then you are going against the
21 rules. You, the initiates, if you are going to fight your
22 colleagues with whom you are fighting together, if you see
23 someone wounded, please don't leave him at the war front.
24 Because you -- if you have guns and you meet with rebels firing
25 against you and you are also firing against them, if someone
26 drops his gun and runs away --

27 THE INTERPRETER: Your Honours, may witness lower his pace.

28 PRESIDING JUDGE: Mr Lansana, guide him on, slowly.

29 MR LANSANA:

1 Q. Mr Brima, I did have one issue at the beginning of my
2 asking you questions that when you're answering, you should
3 answer slowly. Please keep to that. Because you are being
4 interpreted. People are taking you down.

5 PRESIDING JUDGE: [Overlapping speakers] again, perhaps for
6 the interpreters.

7 MR LANSANA:

8 Q. Yes, can you go over what you said.

9 PRESIDING JUDGE: The last two laws.

10 MR LANSANA:

11 Q. The last two laws you were explaining.

12 A. Those of you who are going to the war front, if you go
13 there, if the rebels come and you are going there to drive them
14 away, if they have guns, because you don't have guns, if they are
15 firing against you and you are also chasing them, if any one of
16 them drops his or her gun, then you'll have to take that. If,
17 again, you're fighting against them and you see that someone has
18 dropped his or her gun, and you see that person putting up his
19 hands, that means he has surrendered, and he should not do
20 anything to that person. If you bring him, you'll have to hand
21 him over to the chieftom authorities; those are the people who
22 sent you to be initiated. So that it is.

23 Q. The laws that Kondewa gave to you to explain to the
24 initiates, did that law cover the dead; did it cover corpses?

25 A. He said we should not play with corpse.

26 Q. Thank you. Did it cover civilians?

27 A. He said, for them -- if someone else dies, because those,
28 the civilians, were not members of the Kamajor society, they
29 would bury that person.

1 JUDGE BOUTET: I'm a bit confused here. Are these laws
2 that were given to initiates, or he's just reporting what Kondewa
3 would have told him? I'm not sure what it is you're driving at
4 here, with that last part.

5 MR LANSANA: Yes, Your Honour. I reckon I asked him what
6 role he played at the initiation. He said his role was
7 explaining to the initiates. I said, "What did you tell the
8 initiates?" I'll ask him for clarification.

9 JUDGE BOUTET: The last point, he said, "We should not play
10 with corpses" and so on. Is that what he relayed to the
11 initiates or that's what --

12 MR LANSANA: As it please Your Honour. I'll ask him.

13 Q. Mr Brima, you just said that Kondewa said that these are
14 things you should not do and these are things you should do. Is
15 it the case that was what he told you or is it the case that what
16 you said it was you told the initiates.

17 MR KAMARA: My Lord, objection. It is now more confusing
18 than what it was before.

19 PRESIDING JUDGE: Yes. The first set of laws actually were
20 laws that he said Kondewa told him to narrate to the initiates.

21 MR LANSANA: Yes, Your Honour.

22 PRESIDING JUDGE: I think it was when we got to the other
23 part, playing with corpses, that the confusion came in. So it
24 depends on the answer to my learned brother if you want to clear
25 that up.

26 MR LANSANA:

27 Q. Mr Brima, the last two laws, the law relating to corpses,
28 when you said Kondewa said that you should not play with corpses;
29 is that what you told the initiates?

1 A. Oh, yes.

2 Q. And who did that refer to; who should not touch corpses?

3 JUDGE ITOE: He didn't say touch, he said play.

4 MR LANSANA: Play. When he was testifying, he actually
5 used the word "touch."

6 Q. Who should not play with corpses?

7 THE INTERPRETER: Your Honours, he used the word play, not
8 touch.

9 PRESIDING JUDGE: Yes, counsel should avoid embellishing
10 the evidence.

11 JUDGE ITOE: Or using the word which suits you.

12 PRESIDING JUDGE: Quite. The word play is what -- it came
13 out in the interpretation.

14 MR LANSANA: I apologise.

15 PRESIDING JUDGE: I think we should stick to it, unless the
16 interpreters correct themselves, but we should just stick to
17 that.

18 MR LANSANA: As it please, Your Honour.

19 PRESIDING JUDGE: He knows why he's using the word play.

20 MR LANSANA: As it please.

21 Q. Yes, Mr Witness.

22 A. Yes.

23 Q. When you said that you were told not to play with corpses,
24 who was told not to play with corpses?

25 A. Those who were initiated.

26 Q. Thank you very much. Now, you said you were at the Gambia
27 where you participated in the initiation of Kamajors. Can you
28 tell the Court where the initiates came from?

29 A. They were coming from other chiefdoms. They used to come

1 from other chiefdoms.

2 Q. Can you tell us a few of the chiefdoms, to your knowledge?

3 A. I can't remember all of them.

4 Q. Some of them, please?

5 A. Well, they came from the Moyamba District.

6 Q. Now, after the initiation, what happened to the initiates?

7 A. Like what?

8 Q. After the initiates had passed, they had gone through the
9 initiation ceremony and it was over, where did they go?

10 A. They returned to their chiefdoms. You will not stay here.
11 They will tell you, "You will not stay here. You have to go back
12 to your home town."

13 Q. Did Allieu Kondewa have anything to do with them
14 afterwards?

15 MR KAMARA: My Lord, that's very leading.

16 PRESIDING JUDGE: It's contentious?

17 MR KAMARA: It's very leading.

18 PRESIDING JUDGE: Is it contentious?

19 MR KAMARA: It could be, My Lord.

20 PRESIDING JUDGE: All right, then counsel?

21 MR LANSANA: I will take pleasure in rephrasing it.

22 PRESIDING JUDGE: Very well, do that.

23 MR LANSANA:

24 Q. Now, you said after the initiation, the initiates returned
25 to their various places of origin? Did you --

26 A. Yes.

27 JUDGE ITOE: He added that he would tell them to return to
28 the various areas of origin.

29 MR LANSANA: Yes.

1 Q. You said Kondewa would tell them to return to their places
2 of origin; not so?

3 A. Yes.

4 Q. To your knowledge, was there any further contact between
5 them and Allieu Kondewa?

6 A. No, to my knowledge, except with their people, but between
7 them and Kondewa, no, not to my knowledge.

8 Q. Now, you related laws that you explained to the initiates.
9 Now, do you know the consequences of --

10 A. What?

11 Q. You just narrated laws that you explained to the initiates.

12 A. Yes.

13 Q. What were the consequences of these laws, if any, being
14 violated?

15 A. If they violate the rules that related to them?

16 Q. Yes, what would befall them?

17 A. They will come and explain it to him. Some of them, they
18 will explain that to their chiefdom authorities, and they will,
19 in turn, explain to him.

20 Q. Do you know if you do not report that you flouted the laws,
21 do you know what would generally happen to a Kamajor who did not
22 follow these laws, did not abide by these laws?

23 A. No.

24 Q. Now, you said you were with Allieu Kondewa at Makossi, and
25 you were with him at Gambia. There are a number of allegations
26 that have been made regarding Allieu Kondewa. I will put them to
27 you, and I will invite your reaction to them. I want you to
28 listen attentively, and you wait until I ask for your reaction
29 before you do so.

1 A. Okay.

2 MR LANSANA: Your Honours, I will start with the evidence
3 of TF2-096, testifying on the 8th of November 2004. Page 19
4 lines 27 to 29. Question. I will start from 24, Your Honours.

5 "Q. At the time when Hinga Norman came to
6 Talia, were there other leaders of the Kamajor
7 in Talia?

8 "A. Yes.

9 "Q. Who were these leaders?

10 "A. Pa Allieu Kondewa was there. Francis
11 Gomoh was there. Joe Tamidey was there."

12 And the witness goes on.

13 Q. The question I want to ask you is: Was Allieu Kondewa one
14 of the leaders of the Kamajors?

15 A. Is that my question?

16 Q. That was the question for you. Was Allieu Kondewa --
17 having listened to this testimony of this witness, I'll ask you
18 now, was Allieu Kondewa one of the leaders of the Kamajors?

19 A. I know he was just an initiator. I didn't know he was a
20 leader, except that he was doing the initiation. But that
21 doesn't mean this or that. No, I don't know.

22 MR LANSANA: I will take TF2-189, testifying on the 3rd
23 of June 2005, at page 14, lines 24 to 26.

24 Q. The answer here, according to this witness reads:

25 "A. My husband told me that they were going on
26 training, that it was Kondewa who was giving
27 them training at the big field, and that's
28 where they were going."

29 Mr Witness.

1 A. Yes.

2 Q. Was it to your knowledge that Allieu Kondewa was training
3 Kamajors?

4 A. No. I didn't know anything about him training people --

5 MR LANSANA: Your Honours, the same --

6 THE WITNESS: -- that I witnessed. He did not do that in
7 my presence.

8 MR LANSANA: Your Honours, the same witness, TF2-189,
9 testifying again on the 3rd of June 2005, at page 16, lines 10 to
10 12.

11 THE WITNESS: Okay.

12 MR LANSANA:

13 Q. "A. They came and told me that Kondewa had
14 sent them to Koribundu to go and fight. That's
15 where they went. They went there. He never
16 returned."

17 Mr Brima --

18 A. I don't know about that. I don't know about that.

19 PRESIDING JUDGE: He's being very anticipatory.

20 MR LANSANA: Yes, Your Honour.

21 PRESIDING JUDGE: So what's your question?

22 MR LANSANA:

23 Q. Mr Brima, wait until I ask you a question. Did Mr Kondewa
24 send Kamajors to fight anywhere, or at all?

25 A. No.

26 JUDGE ITOE: Did you say "Anywhere, or at all"? Did you
27 say "Send the Kamajors to fight anywhere, or at all"?

28 MR LANSANA: Yes, Your Honour.

29 JUDGE ITOE: Was that your question?

1 MR LANSANA: Yes, Your Honour. I'm comfortable ending with
2 "anywhere."

3 JUDGE ITOE: It's your choice.

4 MR LANSANA: As it please, Your Honour.

5 Q. Mr Witness.

6 A. Yes.

7 Q. When you were at Gambia, did Allieu Kondewa send his boys
8 anywhere to take or to steal from people's plantations?

9 A. No. I did not witness that.

10 MR BANGURA: Your Honours, I'm not sure whether counsel is
11 putting that as a state of the evidence before this Court, that
12 Allieu Kondewa sent his boys to steal.

13 PRESIDING JUDGE: Counsel, would you clarify that for us?

14 MR LANSANA: Your Honour, that's just a precursor to my
15 going into the transcript itself, dealing with something exactly
16 in that light.

17 PRESIDING JUDGE: Is that --

18 MR BANGURA: I take the point.

19 PRESIDING JUDGE: -- clear?

20 MR BANGURA: Yes, thank you.

21 MR LANSANA: I will do that right away, Your Honour.

22 Your Honour, I refer to the evidence of TF2-187.

23 PRESIDING JUDGE: Date?

24 MR LANSANA: 1st June 2005, at page 11, lines 20 to 29;
25 page 12, lines 1 to 7, 20 to 29; page 13, lines 18 to 24 to 27.

26 Q. Mr Brima, this is a witness who testified before this
27 Court, and this is what she said:

28 "Q. What do you recall?

29 "A. The uncle with whom I was in Gambia, he

1 was a cassava farmer, close to the town.

2 Mr Kondewa's boys were coming from Vahun coming
3 to uproot his cassava, bringing it.

4 "Q. Yes, please.

5 "A. They were doing that until they finished
6 eating the cassava.

7 "Q. Madam Witness, when you say Kondewa's boys
8 were coming to get the cassava from the farm,
9 were they doing this with the consent of your
10 uncle?

11 "A. No."

12 THE INTERPRETER: Your Honours, may counsel lower his
13 place.

14 MR LANSANA: Your Honours, I apologise profusely. I
15 apologise, interpreters.

16 PRESIDING JUDGE: Right.

17 MR LANSANA:

18 Q.

19 "Q. Madam Witness, when you say Kondewa's boys
20 were coming to get the cassava from the farm,
21 were they doing this with the consent of your
22 uncle?

23 "A. No, they did it all by themselves.

24 "Q. Did your uncle do anything about this
25 situation?

26 "A. Yes.

27 "Q. Please tell the Court.

28 "A. Okay. My uncle went to Kondewa to make a
29 report once, twice, but he didn't do anything.

1 The third time, he sent his boys to go and
2 arrest him, and they arrested him and brought
3 him."

4 Line 21:

5 "A. He sent his boys to go and arrest him.

6 "Q. Madam Witness, when you say 'His boys' who
7 are these boys? Kondewa's boys? You say he
8 sent his boys.

9 "A. Those he was initiating who were in the
10 initiation bush."

11 Line 28:

12 "Q. What happened? Can you tell the Court?

13 "A. Okay. Then they went and arrested him
14 from the house and brought him."

15 Line 18:

16 "A. They didn't take him into the initiation
17 bush, but to the entrance of the initiation
18 bush, at the entrance of the initiation bush."

19 Line 24:

20 "A. He was tied up tight from his back, the
21 way the rebels tie -- used to tie up people
22 with a cord. It cut deep, right into your --
23 your -- to your bone -- to your bones.

24 "Q. What did they tie him with?

25 "A. That's what they tied him with."

26 Page 14:

27 "A. After he had been tied up, he was laid
28 down and he was screaming like a pig and his
29 boys, his boys started melting plastic and

1 dropping it on his eyes -- in his eyes, sorry.

2 Line 17:

3 "They were putting it, continued putting it in
4 his eyes until and he was still screaming until
5 he finally died."

6 Mr Witness, this incident that this witness narrated to the
7 Court, did this incident happen?

8 A. It never happened. It did not happen.

9 Q. Now, Mr Witness, you said you were at Talia --

10 MR BANGURA: May it please, Your Honours. I believe I rose
11 earlier and raised some concern about a question posed by counsel
12 to the witness before he went into the transcript, and the
13 question was whether Kondewa sent his boys to go and steal
14 cassava.

15 PRESIDING JUDGE: Yes.

16 MR BANGURA: Counsel said that was a preamble to something
17 in the transcript which suggested that state of the evidence. At
18 the end of this process, counsel has now put to the witness
19 whether, in fact, what he has read did happen. The witness has
20 denied that. The evidence, as it is now, does reflect the fact
21 that Kondewa sent his boys to go steal cassava, which is not
22 correct, Your Honour.

23 PRESIDING JUDGE: Counsel, how do you respond to that
24 observation?

25 MR LANSANA: Your Honour, the entire purport of the
26 narration I took from the transcript is to the effect that these
27 were Kondewa's boys, and they were acting under certain
28 instructions from him. It is not circumscribed only to the fact
29 of them going to arrest under his instructions, but there is the

1 tendency to understand the whole of the narrative to mean that
2 Kondewa, that the boys were under Kondewa's general instructions
3 to do what they did. That's why I asked the witness whether, in
4 fact, Kondewa sent his boys -- to his knowledge, sent his boys to
5 take or to steal people's crops. Generally, Your Honour -- I
6 have the feeling, it is my humble opinion, that I can put to this
7 witness whether it is to his knowledge that Kondewa did send his
8 boys on any errands similar to that which has been narrated
9 before this Court.

10 PRESIDING JUDGE: Counsel, what is the prejudice to the
11 Prosecution? Isn't this something that can be cleared up in
12 re-examination?

13 MR BANGURA: I was concerned about the state of the
14 evidence, that's all, Your Honour, when he put that question
15 initially.

16 PRESIDING JUDGE: Has he misrepresented the evidence, the
17 state of the evidence?

18 MR BANGURA: In a sense, because when he put that initial
19 question, he said what he was going to read from the transcript
20 would reflect this position.

21 PRESIDING JUDGE: Yes.

22 MR BANGURA: As far as I'm concerned, to my understanding,
23 that has not been the position.

24 PRESIDING JUDGE: What you're saying is that a
25 misconstruction of the evidence has, in fact, been put to the
26 witness.

27 MR BANGURA: Yes, Your Honour.

28 PRESIDING JUDGE: And the witness has given an answer.

29 MR BANGURA: An answer to that, and this has not been --

1 PRESIDING JUDGE: And this is something that cannot be
2 cleared up in re-examination?

3 MR BANGURA: Well, I'm just concerned about the records,
4 Your Honour.

5 PRESIDING JUDGE: I think it can, because if you reserve
6 that and you feel very strongly about it, we certainly -- I don't
7 think the Bench would have any objection to you revisiting it and
8 clearing up what seems to have been a misconception.

9 MR BANGURA: Thank you, Your Honour.

10 PRESIDING JUDGE: At this stage, we'll take a break, the
11 usual tea break.

12 [Break taken at 11.35 a.m.]

13 [Upon resuming at 12.07 p.m.]

14 PRESIDING JUDGE: Mr Lansana, let's proceed.

15 MR LANSANA: Yes, Your Honour.

16 Q. Mr Witness, welcome back. I will continue to put certain
17 portions of the allegations before this Court to you and continue
18 to ask you questions and invite your reaction.

19 A. Okay.

20 MR LANSANA: Your Honours, I continue with TF2-096,
21 testifying on the 8th of November 2004, on page 28, lines 10
22 following; page 29, lines 1, following lines 1 to 17 precisely;
23 and it continues on page 31, lines 13 to 18; page 33, lines 11 to
24 15, 25 to 29; page 34, lines 1 to 14, 21 to 24; page 35, lines 10
25 to 22. I start with page 28.

26 Q.

27 "Q. And what happened to this friend?

28 "A. Rebels took him to Gendema, but she
29 sneaked away and came back. When she came

1 back, they found us selling cassava. She
2 joined us. One morning, the bodyguards of
3 Kondewa, they went there to buy the food.
4 There were four.

5 "Q. Now, witness, hold it a moment. Do you
6 know the names of these bodyguards?

7 "A. Yes.

8 "Q. What were the names?

9 "A. Kafi Jini, Jahman -- "

10 Line 27:

11 "A. Junisa. Junisa is J-U-N-I-S-A.

12 "Q. Was there anybody else?

13 "A. Yes.

14 "Q. What was his name?

15 "A. Bokindeh.

16 "Q. Madam witness, tell us what happened with
17 your sister?

18 "A. They bought some cassava from her, the
19 three of them -- three of them paid, but Jahman
20 said, 'Let the girl add some the sauce.' If
21 she doesn't add the beans on it, he will not
22 pay. Then she said, 'I bought the beans with
23 money, I cannot make any addition.' Then
24 Jahman said, 'Since you came -- since you are a
25 rebel, and you've returned, we've not done
26 anything with you. Let me go and put it to Pa
27 Kondewa. We have to show you that we are on
28 the ground here.'

29 "Q. Madam Witness, where were you when this

1 incident happened?

2 "A. I was at home in Talia in the veranda."

3 Page 31 line 13:

4 "Q. Madam Witness, how did you get to know the
5 Jahman went to report this incident to Kondewa?

6 "A. After eating the cassava, then he said he
7 was going and he will make the girl realise
8 that they were on the ground. We were there,
9 and the people came for her. They went with
10 her to Nyandehun."

11 Page 33 line 11, following:

12 "Q. In relation to that veranda, where were
13 you when Jahman said he was going to report the
14 incident to Kondewa.

15 "A. Listen. We were selling cassava in the
16 veranda.

17 "Q. Who were you selling the cassava with?

18 "A. I was selling, likewise my friend; she too
19 was selling.

20 Line 25 following:

21 "Q. And where was Jahman when he said he was
22 going to report the incident to Kondewa?

23 "A. They came to our veranda and that is the
24 place where they ate cassava.

25 "Q. And was that where he said that he was
26 going to report to Kondewa?

27 "A. Yes, when he refused to pay the girl.

28 "Q. Now, could you tell this Court what
29 happened after this?

1 "A. Yes. Shall I talk?

2 "Q. Yes.

3 "A. After that -- after he had said this, he
4 left the veranda and went to Nyandehun. We
5 were still there when the Kamajors came back.
6 They asked for the girl's name. Then she said,
7 'Here am I.' They said, 'Well the Pa has
8 something -- business with you.' Which Pa are
9 you referring to?

10 "A. Kondewa. Then they wait.

11 "Q. Where did they go?

12 "A. That time, he was Nyandehun."

13 Line 21:

14 "Q. What happened in Nyandehun?

15 "A. When they went -- they were ahead of us.
16 So by the time they got there, they were
17 already in the cage -- she was already in the
18 cage. Shall I talk?"

19 Continues page 35 line 10, following:

20 "Q. What happened to the girl, to your friend?

21 "A. She was in the cage. But we didn't go
22 closer to them. We were standing at the other
23 house, because, at that time, if you go, if you
24 reach there, something would happen. In the
25 evening, my husband came, the girl's mother,
26 grandmother went to her, then she went to her."

27 Line 19: "She went to my husband."

28 "Q. Then what happened?

29 "A. She told him that they've cut your child

1 so I beg you to go and plead on her behalf."

2 Line 28: "Pa Kondewa, because the girl was carried away
3 by rebels, they wouldn't let her go just like
4 that, then she gave her money -- they requested
5 money, about 40,000 leones."

6 "Q. Who requested the money?

7 "A. My husband said it was Pa Kondewa."

8 Mr Witness, did this incident you've listened to happen at
9 Talia?

10 A. It did not happen, at all.

11 Q. Did Allieu Kondewa have bodyguards?

12 A. I did not know about that.

13 Q. All the time you were with Allieu Kondewa, did you see him
14 have bodyguards?

15 A. I did not see them.

16 MR LANSANA: Your Honours, I will go to TF2-188. This
17 witness testified on the 31st of May 2005.

18 JUDGE BOUTET: What's the witness reference?

19 MR LANSANA: TF2-188, Your Honour.

20 Q. Testifying on the 31st of May 2005. I take it from page
21 14, lines 5 to 14; page 15, 2 to 7; page 16, 3 to 8, 21 to 23.

22 Mr Witness, listen carefully, and afterwards, I'll put the
23 question to you:

24 "A. I was taken away.

25 "Q. Was anyone else captured during this
26 encounter?

27 "A. Yes, my mother, too, was captured. I was
28 captured. I was taken to Talia.

29 "Q. Once you got to Talia, did anything happen

1 at Talia?

2 "A. When we went, together with my mother,
3 when we went, the load that we carried and we
4 went there and Kondewa still then took the load
5 from me and my mother.

6 Page 15, line 2 following:

7 "A. When we were captured and taken away they
8 took the load from where -- and they could not
9 find any bullets in them and they took the
10 loads and took them away. After that, then
11 Kondewa told his boys --

12 "Q. Wait, wait.

13 "A. That they should capture my mother.

14 "Q. Take your time, Madam Witness, okay?

15 "A. Yes."

16 Page 16:

17 "Q. So you went to your mum. What happened
18 when you approached her?

19 "A. Yes, we I saw her, I met her and they said
20 they were going to kill her and I asked why
21 they were going to kill her and they said after
22 that -- after that she said that it was Kondewa
23 that ordered that she should be killed."

24 Line 21:

25 "Q. Now, you said an order was given for your
26 mother to be killed. Was she killed?

27 "A. Yes. She was killed."

28 Mr Witness, did this incident that you've just listened to,
29 narrated by this witness, happen at Talia?

1 A. It did not happen.

2 Q. According to your knowledge, did you ever see civilians
3 being captured and taken to Talia?

4 A. I did not witness that.

5 Q. Were anybody, or any people, in Talia there against their
6 wish?

7 A. I'm not aware about that.

8 MR BANGURA: Your Honours, just a question of time frame
9 here. I'm not so clear what period -- it's quite vague.

10 PRESIDING JUDGE: Yes, there is an element of vagueness
11 about that question.

12 MR LANSANA: Your Honour, I'll clarify that.

13 PRESIDING JUDGE: Yes, probably slightly argumentive. Was
14 there any person in Talia, or were there any people in Talia
15 there against their wish?

16 MR LANSANA: Your Honour, I'll --

17 PRESIDING JUDGE: Assist the Court. I don't know where
18 you're taking us.

19 JUDGE ITOE: Particularly with the population that was
20 there.

21 MR LANSANA: Yes, Your Honours, that's why I was asking to
22 his knowledge.

23 JUDGE ITOE: Population.

24 MR LANSANA: To his knowledge, whether he would know
25 generally.

26 PRESIDING JUDGE: Be careful. This person was not doing
27 research.

28 JUDGE BOUTET: We are in a time of conflict, at the time.
29 I would imagine that -- and we know that this person obviously

1 didn't do that for their own pleasure because they wished to do
2 that, they were forced by circumstances. That's why your
3 question is so vague in this respect.

4 MR LANSANA: I will circumscribe it within explicable
5 limits.

6 PRESIDING JUDGE: Yes, and also within realistic limits,
7 because the question of -- as I say, that could be a subject for
8 Dr Hoffman who probably goes into some kind of study or research.

9 MR LANSANA: Your Honour, I will not be calling him.

10 PRESIDING JUDGE: Okay.

11 MR LANSANA:

12 Q. Mr Witness, I know you are no good at dates.

13 A. Yes, because I'm traditional Mende person.

14 Q. I'm a traditional Mende person, too, but I'm very good at
15 dates, but that's besides the point.

16 JUDGE ITOE: Do you know why you are good at dates --

17 THE WITNESS: Because you're educated.

18 JUDGE ITOE: He's given you the reply.

19 MR LANSANA: As Your Honour pleases.

20 Q. Mr Witness, whilst you were in Talia, or Makossi, to be
21 quite exact, visiting Talia on a daily basis, did you see
22 Kamajors bringing people, civilians, into Talia by force?

23 A. It did not happen. Every day I used to work within that
24 distance.

25 Q. Were you ever at Nyandehun?

26 A. Nyandehun, if I ever settled there?

27 Q. No, did you ever visit Nyandehun?

28 A. Nyandehun, yes. Nyandehun, which is close to Talia, I used
29 to visit there.

1 Q. How frequently?

2 A. Well, within that distance, you know Talia is our chiefdom
3 headquarter town, so most times you used to go there. I used to
4 visit there.

5 Q. No, I'm talking about Nyandehun.

6 A. Even Nyandehun itself, I used to visit there.

7 Q. How often did you use to go to Nyandehun?

8 A. Every day I come from Makossi, I'd go through Nyandehun and
9 go through Talia, on my way back. I used the same route.

10 Q. According to your knowledge of Nyandehun, did the Kamajors
11 have cages in Nyandehun, or a cage in Nyandehun?

12 A. There was no cage, no cage.

13 MR LANSANA: Your Honour, that will be all for this
14 witness.

15 PRESIDING JUDGE: Thank you, counsel. Dr Jabbi, any
16 questions for this witness?

17 MR JABBI: None, My Lord.

18 PRESIDING JUDGE: Mr Powles, do you have any questions?

19 MR POWLES: None. Thank you, Your Honour.

20 PRESIDING JUDGE: Prosecution, your witness.

21 CROSS-EXAMINED BY MR BANGURA:

22 Q. Good afternoon, Mr Witness. Can you hear me? Good
23 afternoon, Mr Witness.

24 A. Good afternoon, old one.

25 Q. Mr Witness, you are also called AK Makossi; not so? You
26 are Abibu Brima. You've told the Court that's your name?

27 A. My name is Abibu Brima.

28 Q. Are you also known as AG Makossi [sic], I'm sorry? AG
29 Makossi?

1 A. The name given to me at birth is Abibu Brima.

2 Q. I agree, Mr Witness. I am only asking you to tell me
3 whether or not you are also known as AG Makossi?

4 A. No.

5 Q. Nobody calls you by that name at all?

6 A. No.

7 Q. At the time, the period you have been referring to in your
8 testimony in Talia, in the war, did not anybody call you by that
9 name?

10 A. No.

11 Q. Thank you, Mr Witness. Mr Witness, you have told this
12 Court that you knew Allieu Kondewa, even before the war started;
13 is that not so?

14 A. Yes.

15 Q. Where did you get to know him? Was it in Makossi where
16 you --

17 A. Mbooto.

18 MR BANGURA: Your Honours, I --

19 Q. Can you give the name of that place again, Mr Witness?

20 A. Mbooto.

21 Q. Is that a town in Bonthe District?

22 A. Yes.

23 MR BANGURA: Your Honours, I was trying to assist the Court
24 with the spelling. I don't know --

25 PRESIDING JUDGE: Yes. I don't know whether the
26 interpreters can help us.

27 MR BANGURA: Maybe counsel on the other side.

28 PRESIDING JUDGE: Does Mr Lansana have any creative --

29 JUDGE ITOE: Mr Lansana is a traditional Mende man.

1 MR LANSANA: As it please, Your Honour. Your Honours, it's

2 M-B-O-O-T-O. Mbooto.

3 THE WITNESS: Mbooto, Mbooto.

4 MR BANGURA: I'm grateful to my learned friend.

5 PRESIDING JUDGE: Thank you. Let's proceed.

6 MR BANGURA:

7 Q. Mr Witness, your relationship with Mr Kondewa at this time
8 when you knew him before the war, was it a personal one, close
9 personal one?

10 A. I just knew him. I just knew him as an herbalist, because
11 even when my mother was sick, I took her to him, and he used to
12 cure people.

13 Q. So, in fact, your relationship with him, the close
14 relationship with him only came about when he initiated you later
15 on; correct?

16 A. Yes, at Makossi.

17 Q. Mr Witness, Mr Kondewa had people who assisted him in the
18 initiation process; not so?

19 A. Well, those who were initiated, some of them would go to
20 the -- work for us, some of them would be at the initiation bush.
21 I used to see them there.

22 Q. For example, you, yourself, you were one of those who came
23 to be an assistant to Mr Kondewa; not so?

24 A. Yes, he asked me to be relating the rules to them, that is
25 it.

26 Q. Now, as an initiator, Mr Kondewa had what was known as a
27 cabinet; correct?

28 A. I don't understand that.

29 Q. Let me put it another way. Mr Witness, those people who

1 were assisting Mr Kondewa in his work as an initiator, they were
2 collectively commonly known as his cabinet; not so?

3 A. No, they would just go there after the initiation and go
4 back. After the initiation, they would go back. I didn't know
5 anything about another name for them.

6 Q. Mr Witness, at the time you were assisting Mr Kondewa, were
7 there other people assisting him, too?

8 A. To initiate, I didn't know any other person besides he
9 himself, alone. To say that he used to combine some other person
10 to do the initiation, no, I didn't see any other person.

11 Q. So you're saying that you were the only person who would
12 assist Mr Kondewa in these processes, initiation processes?

13 A. That is what I said. I said, after we had done the
14 initiation, those who were not initiated would go to the
15 initiation bush, but to call them his cabinet, no, no.

16 Q. I take it, then, Mr Witness, that you are agreeing with me
17 that there would be people who would assist him during the process,
18 other than yourself; correct?

19 A. Well, I did not know them.

20 Q. Mr Witness, let us take an instance where Mr Kondewa had to
21 initiate more than 10 or 15 people; would he do it alone?

22 A. That is his initiation. I can't go too deep into that.
23 That is his work. I will see people come and they will queue
24 them. They will be in a queue, and that is it. Those who have
25 to enter into the society, they enter the bush, they will enter
26 there and, in the morning, they'll come back from the bush and he
27 will hand them over to the people and they'll go back. They will
28 not spend two days there, just one day.

29 Q. Mr Witness, when you say you see people come, can you give

1 us an idea of what number that would normally come, how many
2 people would come to Kondewa for initiation?

3 A. No, I wouldn't have known. Because there be many together
4 with chiefdom authorities and, when they come, they will hand
5 them over to us. At times, they come in the evening, and they
6 return. Some of them will come in the morning and say they spend
7 one night and go back the other day.

8 Q. Mr Witness, I suggest to you that the numbers would have
9 been as large as 30 or 40 at any given time, those who came to be
10 initiated.

11 A. Yes. Or even small -- even if it was a small number, I
12 would say, for example, ten or 20. If it was more than that, I
13 wouldn't know, but I used to see them in large crowds, with the
14 chiefdom authorities.

15 Q. All right. Mr Witness, do you know a substance they call
16 tevie?

17 A. Tevie?

18 Q. Yes.

19 MR BANGURA: Your Honours, it is T-E-V-I-E, I believe.

20 THE WITNESS: Tevie. I don't know. Tevie. I don't know
21 it.

22 MR BANGURA:

23 Q. Mr Witness, in the process of initiation.

24 A. Yes.

25 Q. I'm putting it to you that a substance called tevie is used
26 by the initiator; correct? Tevie.

27 A. Okay, now I understand.

28 Q. I'm sorry about the pronunciation. It's tevie. You know
29 what that substance is?

1 A. Tevie. Yes, I know it.

2 Q. Can you help this Court with what that substance is?

3 A. Yes.

4 Q. What is it?

5 A. He used to burn the Koran, the same Koran that I used today
6 to swear on.

7 Q. And what else did he do?

8 A. And herbs, leaves, he will burn them as well and add that
9 on to it.

10 Q. Anything else?

11 A. Well, with oil, the same oil that we use to eat. We'll
12 heat it up and he'll put the herbs into it. I used to see that.

13 Q. And what would happen to this substance, the tevie?

14 A. Those who would want the oil palm -- the palm oil, sorry,
15 he will put it into a container and give it all to them.

16 Q. Mr Witness, he would give it to them for what, to do what
17 with it?

18 A. To give to those that would be initiating.

19 Q. To do what with it?

20 A. Some of them, we smear it on their bodies, so when there is
21 war -- so they will smear it on their bodies when going to the
22 war front.

23 Q. Mr Witness, were you always present when this substance was
24 prepared?

25 A. Yes, it's done in public, except when you'll go to the bush
26 to get the leaves, but when you come back, it is done in the
27 open. I see that myself.

28 Q. Mr Witness, I suggest to you that, in addition to the
29 things which you have mentioned that are used to prepare this

1 tevie, human body parts are also used; what is your response?

2 A. No, I did not see that, and it did not happen. This Koran,
3 who so ever would have to be initiated, would have one. When you
4 come, he will pack all of them together and he set fire on them,
5 in the open, like this, and he would burn them. Then he would
6 bring the herbs and put it in public. I will see that myself and
7 put he it in there and mix it up. I did not see human parts. I
8 did not see any human being.

9 Q. Thank you, Mr Witness. Mr Witness, you have said that
10 people were coming to be initiated from various parts of the
11 country; correct?

12 A. Yes, to be initiated. You would come from other chiefdoms.

13 Q. Can you describe the composition of the people who would
14 come for initiation? Were they all men? Were there women there?

15 A. I did not see a women being initiated.

16 Q. Were they all men?

17 A. That Kamajor society was only for men.

18 Q. Were there old men there?

19 A. Many of them were initiated so that they will not lose
20 their lives in the war.

21 Q. Mr Witness --

22 A. Many of them were initiated.

23 Q. Please answer more directly to the question. Were there
24 old men among them, is the question.

25 A. Yes.

26 Q. There were also younger men?

27 A. Elder people were also initiated. Yes.

28 Q. What about the youngest? Were they as young as yourself,
29 or much younger than you?

1 A. There were people who were up to 15 years who were
2 initiated.

3 Q. And some would be lower than 15?

4 A. Yes.

5 Q. Mr Witness, at the end of the initiation process, not every
6 one of the initiates goes back to their chiefdom; not so?

7 A. All of them would go back. Nobody remained in the bush.
8 Nobody would remain -- stay in the bush, except if new people
9 come.

10 Q. Mr Witness, there would be some who would be interested
11 in -- I'm talking about initiations in Makossi, which is not far
12 from Talia -- there would be some who would become interested
13 in --

14 A. Makossi?

15 Q. Yes, Mr Witness. There would be some who would be
16 interested in becoming Kamajor fighters; not so, so they would
17 stay behind, they would not go.

18 A. Well, I wouldn't know that. We would just hand them over
19 to the people. Say these who that we brought, look at them. But
20 within our chiefdom where it was based, after the initiation, I
21 will see them.

22 Q. So did you not see any of your initiates around Base Zero,
23 Talia, after you had completed the process? Did you not used to
24 see them there?

25 A. After the initiation, yes, we'll go there.

26 Q. Mr Witness -- sorry, Your Honours. Now, at Base Zero,
27 Talia, there was, in addition to the initiations that were going
28 on in Makossi, there was also some training going on; not so?
29 Are you having difficulty with the question?

1 A. I have not understood your question properly. I have not
2 got you clearly.

3 Q. Now, initiations were taking place at Makossi; correct?

4 A. Yes.

5 Q. Makossi is just about a mile from Talia; not so?

6 A. It's up to one mile.

7 Q. And you go in and out of Talia frequently; correct?

8 A. Yes.

9 Q. In addition to the initiation which you were doing, there
10 was also training taking place in Talia of Kamajors; not so?

11 A. That did not happen.

12 Q. So what was happening in Talia, Mr Witness, at this time?

13 A. At Talia, the time we were based there, at that time, the
14 war had subsided, but still there was war elsewhere, but at our
15 own place, it has subsided. So some would come, some of us were
16 based there together.

17 Q. Mr Witness, when you were at Talia, do you remember the
18 names of the big men Kamajors who were there at Talia at the
19 time?

20 A. No, I didn't know the names of everybody.

21 Q. I'm talking about the big men, the big men.

22 A. Talia. Mr Baimba, Mr Baimba was initiated. Mr Moina was
23 initiated. Alpha was initiated. There are some others, but I
24 can't remember the names now, amongst the elders.

25 Q. Are those the only big men that you know who were at Talia?

26 A. And Mr Karimu, who was also in Talia. There are many
27 others, but I can't remember the names now.

28 Q. Let me ask you, Mr Witness, did you hear the name Hinga
29 Norman at Talia?

1 A. Pa Norman, I heard his name.

2 Q. So he was at Talia; correct?

3 A. I did not see him personally there, but I used to hear his
4 name being called. But I did not personally see him.

5 Q. So what was his name being mentioned about?

6 A. Nobody said any other thing that I heard.

7 Q. Mr Witness, did you used to hear the name Moinina Fofana at
8 Talia?

9 A. Yes.

10 Q. So he was also one of the big men there; correct?

11 A. I don't know about him being a leader.

12 Q. So what was he doing at Talia, as far as you know?

13 A. I didn't know anything about his handiwork.

14 THE INTERPRETER: Your Honours, may the witness go over the
15 last bit?

16 PRESIDING JUDGE: Witness, please repeat the last part of
17 your testimony.

18 THE WITNESS: What?

19 PRESIDING JUDGE: Repeat the last part of your testimony.

20 THE WITNESS: I said, I didn't know the work he was doing
21 in Talia. That was what I said.

22 MR BANGURA:

23 Q. But you knew he was there?

24 A. Yes. I used to hear.

25 Q. Did you ever hear the name MS Dumbuya at Talia?

26 A. I heard it, but I also did not see him.

27 Q. And you did not know what he was doing at Talia?

28 A. No.

29 Q. Mr Witness, you have told this Court that you were born in

1 Makossi; correct?

2 A. Yes, I was born in Makossi.

3 Q. Which is about one mile from Talia; not so?

4 A. Yes.

5 Q. Have you lived outside Makossi in all your life?

6 A. I've not gone far.

7 Q. Now, during the war, during the period of the war, did you
8 live outside Makossi? Did you go and live elsewhere?

9 A. Except in the bush. When the war got to our place, I went
10 to the bush. We were there till --

11 Q. Till when? Was that a complete answer?

12 A. For a long time.

13 Q. Mr Witness, you will agree with me that, for all of the
14 period you have been in and out of Makossi, you have never been
15 away from what was happening in that area; correct?

16 A. No.

17 Q. So it's correct you know, or you have good knowledge of
18 everything that was happening in Talia and Makossi and Nyandehun
19 during the war period; not so?

20 A. The things that you asked me about today were the things I
21 knew about and I spoke about. You asked me if I was in
22 Nyandehun, and I said no.

23 Q. Mr Witness, you have told this Court --

24 A. If there was -- [indiscernible] and I said no.

25 THE INTERPRETER: Your Honours, interpreter's mistake.

26 MR BANGURA:

27 Q. Mr Witness, you have told this Court that between Talia and
28 Makossi, you always come through Nyandehun, to and fro; correct?

29 A. Yes.

1 Q. So my suggestion to you is that you would have a fair
2 knowledge of what was happening in all of those places during the
3 war: Nyandehun, Makossi, Talia?

4 A. That is what you asked me, and I answered.

5 Q. And you did not know at all, Mr Witness, that Kamajors were
6 being trained in Talia at this time, during the war? You did not
7 know that at all?

8 A. Talia, I did not see any Kamajor being trained. If I saw
9 that, I would have told you. I did not see any training. I did
10 not see that.

11 Q. And you never saw Hinga Norman in Talia at all?

12 A. I did not see him in Talia. Never.

13 Q. Do you know Hinga Norman?

14 A. Oh, yes.

15 Q. So where did you first see him?

16 A. At the point in time I came to Bo and I saw him there.

17 Q. Was this before the war, or after the war?

18 A. I saw him before the war.

19 Q. You don't remember what year this was, would you?

20 A. No. It's a long time.

21 Q. And you say you never knew what Moinina Fofana was doing in
22 Talia during the war?

23 A. No. I did not know what he was doing.

24 Q. Mr Witness, you said you went to Gambia with Allieu Kondewa
25 to perform initiations there; correct?

26 A. Yes.

27 Q. How many of you went on this trip to Gambia?

28 A. The Kamajors were many with whom I went. Those who were --
29 those who had been initiated already.

1 Q. So you were all part of Kondewa's entourage; correct?

2 A. We came from our home town and went to him. Some of them
3 were going to be initiated, and others had been initiated.

4 Q. Mr Witness, do you know how Kondewa came to -- what -- how
5 he got to go to Gambia for this initiation? You were working
6 with him; do you know how he got to Gambia?

7 A. I did not know what happened that he went. No, I don't
8 know.

9 Q. Do you know, was he invited, or did he just decide to go to
10 Gambia?

11 A. I knew that he was invited.

12 Q. Do you know who invited had him?

13 A. Yes.

14 Q. Who?

15 A. Mr Alhaji and his chiefdom people.

16 MR BANGURA: Your Honours, I see that it's about lunch.

17 PRESIDING JUDGE: And you're about to explore some new
18 area?

19 MR BANGURA: Yes, Your Honour.

20 PRESIDING JUDGE: We'll recess for lunch and resume at
21 2.30 p.m..

22 [Luncheon recess taken at 1.00 p.m.]

23 [Upon resuming at 2.36 p.m.]

24 PRESIDING JUDGE: Mr Bangura, you may proceed.

25 MR BANGURA: Thank you, Your Honour.

26 Q. Good afternoon again, Mr Witness.

27 A. Yes. How are you, brother?

28 Q. I'm fine, thank you. Before we broke for lunch, we were
29 talking about Gambia, where you went to do initiation with

1 Kondewa; not so?

2 A. Yes.

3 Q. It is true that -- tell me, how long were you in Gambia for
4 this initiation that you went to conduct there?

5 A. It was up to a month.

6 Q. And during that period, I take it you were conducting
7 initiations on a daily basis; not so?

8 A. No.

9 Q. But very frequently?

10 A. There was time in between.

11 Q. Could you give the Court an idea of perhaps how many
12 initiates came through or went through Kondewa during that
13 one-month period? Is it possible that you initiated over 1,000
14 people?

15 A. I wouldn't know at all.

16 Q. But the town was full with people who were -- who came to
17 be initiated; not so?

18 A. Yes. But they were all mixed up with ordinary people.

19 Q. Now, this town, ordinarily, is not a very big town, Gambia;
20 not so?

21 A. It was big.

22 Q. But when all these people came to the town, it was not --
23 the town became too small to hold all of them; not so?

24 A. The town is big.

25 Q. So, tell me, was there any difficulty with getting food?
26 With all of these people in town, was there any difficulty with
27 getting food?

28 A. In terms of food, I mean, when the people come, maybe they
29 are initiated, they will go back. But they will come. When they

1 come, they'll go back.

2 Q. How about lodging? Did they all have houses to sleep in?

3 A. What?

4 Q. Did they all have houses to sleep in, lodging?

5 A. Those -- all of those that came, they did not lodge
6 anywhere. Like, for instance, this night, when they come and
7 they are initiated, the next day, they will go back.

8 Q. Now, where was your -- where was the initiation bush
9 where -- where was the place that you were conducting
10 initiations? Where was it located? Was it inside the town, or
11 away from the town?

12 A. At the school.

13 Q. That would be within [overlapping speakers]?

14 A. Almost in the town.

15 Q. Mr Witness, I suggest that, at that time in Gambia, because
16 of the number of people who were there, there were problems
17 regarding food; do you agree with me?

18 A. They would not stay there. They -- the crowd came, but
19 they did not stay there. Immediately, they come and they are
20 initiated, then they will return to their various places.

21 Q. How many of you were there to assist Kondewa in this
22 process? Because you were there more or less on a permanent
23 basis for the period you stayed. So how many of you were there
24 assisting?

25 THE INTERPRETER: Your Honour, could the witness take it
26 slowly? He's going too fast.

27 PRESIDING JUDGE: Witness --

28 MR BANGURA:

29 Q. Can we have your answer again?

1 PRESIDING JUDGE: Let's have that answer again, please.

2 MR BANGURA:

3 Q. The question was: How many of you were there assisting
4 Kondewa during that period you were in Talia?

5 A. That was what I gave an answer to. After the initiation,
6 some people would not go to the war front, but whenever there was
7 not initiation, they would be there, all of us.

8 Q. That was the case for Makossi, but I'm talking about Gambia
9 now, Mr Witness.

10 A. I'm talking about Gambia. That is the answer.

11 Q. Thank you. Thank you, Mr Witness. In your testimony, you
12 talked about the role that you played in this initiation process,
13 which is to read out the laws of the society to the initiates;
14 not so?

15 A. Yes.

16 Q. And one of those laws, you said, was for initiates, or
17 Kamajors not to take property which did not belong to them. I'm
18 just putting it in my own words.

19 A. Yes.

20 Q. In other words, they should not loot when they are in
21 battle; not so?

22 A. That I knew of.

23 Q. Do you know whether these laws were observed by Kamajors?
24 Are you in a position to say whether they were largely observed
25 or not?

26 A. Some of them obeyed the rules, some of them violated it.

27 Q. Mr Witness, do you remember Kondewa having a Mercedes Benz
28 car that he used to drive around?

29 A. I did not know.

1 Q. You never heard that he had a Mercedes Benz car?

2 A. No. I did not see.

3 Q. You never heard that there was a car which had a name King
4 Kingdo marked on it?

5 A. No. In fact, I'm not educated, and I did not see it.

6 Q. Thank you, Mr Witness. Mr Witness, you haven't been of
7 much help to this Court.

8 MR LANSANA: I'll object to that line of cross inquiry.

9 PRESIDING JUDGE: Sustained.

10 JUDGE ITOE: Sustained.

11 MR BANGURA: Thank you.

12 JUDGE ITOE: If you have not received the answers you've
13 expected, it does not mean he was not been helpful to the Court.

14 MR BANGURA: Thank you.

15 Q. Mr Witness, you did not see anything going on at Talia; not
16 so?

17 JUDGE ITOE: Anything going on like what?

18 MR BANGURA:

19 Q. You did not see training, Kamajors training at Talia; not
20 so?

21 JUDGE ITOE: He had said so. He had said so. I think we
22 should let certain areas, certain issues [overlapping speakers].

23 THE WITNESS: I did not see that. I did not see that, at
24 all, not.

25 MR BANGURA: Thank you. That will be all for this witness,
26 Your Honour.

27 PRESIDING JUDGE: Thank you. Mr Lansana, any
28 re-examination?

29 MR LANSANA: Your Honour, I have no questions in

1 re-examination.

2 PRESIDING JUDGE: Thank you. Mr Witness.

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Thank you for your testimony.

5 THE WITNESS: Okay.

6 PRESIDING JUDGE: You're released.

7 [The witness withdrew]

8 PRESIDING JUDGE: Mr Margai?

9 MR MARGAI: Yes, My Lord.

10 PRESIDING JUDGE: Your next witness?

11 MR MARGAI: He'll be led by my colleague.

12 PRESIDING JUDGE: Thank you.

13 MR LANSANA: Your Honours, the next witness will be Baimba
14 Jobai. He's the sixth on our list.

15 PRESIDING JUDGE: And he'll be testifying in what language?

16 MR LANSANA: He'll be testifying in Mende, Your Honour.

17 MR MARGAI: May it please you, My Lords, whilst we are
18 waiting for that witness, I thought I might just draw Your
19 Lordships' attention to the order pursuant to Rule 77.

20 PRESIDING JUDGE: Yes.

21 MR MARGAI: I've already discussed it with my colleagues on
22 the other side on my left. Your Lordships are ordering that the
23 Registrar to appoint, as soon as possible, an experienced
24 independent counsel. My Lords, we are of the view, with respect,
25 that, perhaps, the time frame is a bit open-ended and, knowing
26 the bureaucracy that prevails within the context, as soon as
27 possible could be very relative. It would serve no useful
28 purpose if it's going to take an unreasonable time. We were of
29 the view that perhaps Your Lordships might wish to revisit that

1 portion of the order and perhaps give a time frame, with liberty
2 to apply, if there's any difficulty in satisfying or meeting the
3 time frame.

4 PRESIDING JUDGE: We'd prefer another approach. We have no
5 intention of revisiting that order.

6 MR MARGAI: As My Lords please.

7 PRESIDING JUDGE: We have no intention of amending it. We
8 have the authority as a Court to give consequential directions.

9 MR MARGAI: As My Lords please.

10 PRESIDING JUDGE: And we will take appropriate action
11 within the context of the Chamber.

12 MR MARGAI: Much obliged. Thank you.

13 WITNESS: BAIMBA JOBAI [Sworn]

14 [The witness answered through interpreter]

15 EXAMINED BY MR LANSANA:

16 Q. Mr Jobai, good afternoon.

17 A. Yes, good afternoon.

18 Q. I will be asking you questions and I want you to listen
19 very carefully and attentively to the questions I ask you. And I
20 want you to answer the questions as slowly as possible. And make
21 sure that, when I ask you a question, or if anybody else asks you
22 a question, you understand it before you attempt to answer it.

23 Are you okay?

24 A. Yes.

25 Q. Thank you. Can you tell this Court your name?

26 A. Yes.

27 Q. What is that name?

28 A. My name is Baimba Jobai.

29 Q. What is your age?

1 A. Seventy.

2 Q. Why do you hail from?

3 A. Talia Yawbeko.

4 Q. Where is Talia Yawbeko?

5 A. In Bonthe District.

6 Q. What is your occupation?

7 A. Farming.

8 Q. Apart from farming, is there any other work that you do?

9 A. No other work.

10 Q. Now, in Talia Yawbeko, did you have any responsibility at
11 Talia Yawbeko?

12 A. Yes.

13 Q. What responsibility was that?

14 A. Section speaker.

15 Q. You were a section speaker. For what chiefdom?

16 A. Yawbeko.

17 Q. You were the section speaker of Talia Yawbeko. What towns
18 did your area of authority cover?

19 A. There were about eight villages.

20 Q. I wouldn't want you to name all, but my interest is Talia.

21 Did Talia, as a town, under your purview --

22 A. Yes.

23 PRESIDING JUDGE: That sounded like an incomplete question.

24 Did Talia --

25 MR LANSANA: Under his purview.

26 PRESIDING JUDGE: Did Talia under his purview.

27 MR LANSANA: Was Talia under his purview.

28 PRESIDING JUDGE: Okay. Thanks,

29 MR LANSANA:

1 Q. Was Talia under your purview?

2 A. Yes.

3 Q. Thank you. As section speaker, can you tell this Court
4 what some, if not all, of your functions were?

5 A. If strangers came, they would hand them over to me. They
6 would introduce them to me.

7 Q. Yes, any other?

8 A. That is the only one.

9 Q. As section speaker, were you informed of incidents that
10 occurred under your area of control?

11 A. Some of the things I wouldn't know.

12 Q. Which means there were some things that you knew about?

13 A. I didn't know any other thing.

14 Q. As section speaker, did people come to you to inform you of
15 what was happening at Talia?

16 A. No.

17 Q. Was it part of your duties that you settled disputes among
18 people?

19 MR KAMARA: My Lord, the witness was asked a question what
20 are his functions, and he gave that strangers were handed over to
21 him and introduced.

22 PRESIDING JUDGE: Yes.

23 MR KAMARA: This question is leading and specific as to his
24 duties again.

25 PRESIDING JUDGE: Are they contentious? Are these
26 contentious matters?

27 MR KAMARA: Not really.

28 PRESIDING JUDGE: Then let him lead. He's trying to elicit
29 some context here.

1 MR KAMARA: As My Lord pleases.

2 MR LANSANA: Most grateful, Your Honour.

3 Q. Mr Witness, as section speaker, was it also part of your
4 duties to settle disputes among people?

5 A. If it got to me, I'll settle it.

6 Q. And is it the case that, at some times, people brought
7 cases to you, or disputes to you, to settle?

8 A. I did not settle such a dispute.

9 Q. Mr Witness.

10 A. Yes.

11 Q. Do you know Allieu Kondewa?

12 A. Yes.

13 Q. How did you know Allieu Kondewa?

14 A. I know him to be an initiator.

15 Q. Were you an initiate?

16 A. Very well.

17 Q. When were you initiated?

18 A. I can't recall the time.

19 Q. I will assist you. At time you were initiated, do you know
20 whether Tejan Kabbah was in power?

21 A. Yes.

22 MR LANSANA: Your Honours, I will take it that was period
23 circa 1996.

24 PRESIDING JUDGE: Why not say that the time he was
25 initiated Tejan Kabbah was in power.

26 MR LANSANA: He was in power in 1996, Your Honour, so I was
27 just pegging it to that time, because he was in power from May
28 1996 onwards.

29 PRESIDING JUDGE: That's all right.

1 MR LANSANA: As it please Your Honour.

2 MR KAMARA: The Prosecution would rather have the learned
3 Presiding Judge's precision on it, because he was initiated at
4 the time that Tejan Kabbah was in power, but not in 1996.

5 PRESIDING JUDGE: Yes, you can explore it further. Because
6 it can be very controversial.

7 MR LANSANA: As it please Your Honour. I wasn't expecting
8 that, anyway, they are not matters in controversy.

9 PRESIDING JUDGE: You can explore it further.

10 MR LANSANA: I will zero in on the exact time.

11 PRESIDING JUDGE: Do that.

12 MR LANSANA: As Your Honour pleases.

13 Q. Mr Witness, you said you were initiated at the time when
14 Tejan Kabbah was in power. Was it before he was overthrown, or
15 was it after he was reinstated?

16 A. At that time, I was initiated before his overthrow.

17 MR LANSANA: Your Honours, I would take it that would be
18 1996, prior to 1997.

19 PRESIDING JUDGE: Counsel, I'm not sure whether we need
20 to -- let's take the answer as it is and then go further with it.

21 MR LANSANA: As Your Honour pleases. The problem is with
22 these witnesses, they don't know time.

23 PRESIDING JUDGE: But this is a time frame. It's just that
24 he's not exact.

25 MR LANSANA: If Your Honours are satisfied with that.

26 PRESIDING JUDGE: Let's proceed.

27 MR LANSANA: As Your Honour pleases.

28 Q. Now, Mr Witness, who initiated you?

29 A. Allieu Kondewa.

1 Q. And where was that?

2 A. Makossi.

3 Q. Now, Mr Witness, you say are from Talia. Have you stayed
4 in -- did you stay in Talia all your life?

5 A. Yes.

6 Q. Did you have cause to leave Talia at any point in time?

7 A. No. I've never left Talia for any other place.

8 Q. During the war, before the overthrow of Tejan Kabbah, were
9 you at Talia?

10 A. Yes.

11 Q. After the overthrow of Tejan Kabbah, were you at Talia?

12 A. Yes.

13 Q. Before the overthrow of Tejan Kabbah, was Kondewa at Talia?

14 A. Yes.

15 Q. What was he doing there?

16 A. He was initiating. He did initiations at Makossi.

17 Q. And you say it was Makossi that you were initiated?

18 A. Yes.

19 Q. When you were initiated, can you tell this Court the age
20 group of people that were initiated with you?

21 A. I can't tell.

22 Q. I will assist you. Were there people who were initiated
23 with you who were young people?

24 A. Yes.

25 Q. How young were they?

26 A. I said, I can't know their ages.

27 Q. I appreciate that.

28 A. We were not together with them.

29 Q. I appreciate that. I'm not talking about age. Were they,

1 for instance, very young boys?

2 PRESIDING JUDGE: When you say you are talking about age,
3 what is it?

4 THE WITNESS: Not very many people were very young.

5 PRESIDING JUDGE: I see. Okay. He's given the answer. I
6 wanted you to focus whether they were talking about
7 chronological --

8 MR LANSANA: Yes, Your Honour, the witness doesn't know the
9 quantum of the age.

10 PRESIDING JUDGE: Not the chronological.

11 MR LANSANA: Yes, Your Honour.

12 PRESIDING JUDGE: That's all right.

13 MR LANSANA: Yes, Your Honour.

14 PRESIDING JUDGE: Go ahead.

15 MR LANSANA:

16 Q. Now did very young boys get initiated into the Kamajor
17 society?

18 A. To me, it did not happen.

19 Q. Mr Witness, you have children; not so?

20 A. Yes.

21 Q. And your children got initiated into the Kamajor society;
22 correct?

23 A. Yes. I gave them over.

24 Q. Can you tell this Court what their ages were?

25 A. The one is 25 years, and the other is 26 years.

26 Q. Thank you. When they got initiated into the Kamajor
27 society, did they eventually become combatants?

28 A. They did not go to any fight.

29 Q. Thank you. You were initiated, your children were

1 initiated. Speak for yourself: Why did you get yourself
2 initiated?

3 A. To protect myself.

4 Q. Against what?

5 A. The war was coming. So I was initiated so that I would be
6 invulnerable to bullets.

7 Q. Thank you. Is that the same reason why you sent your
8 children to be initiated?

9 A. Yes.

10 Q. Thank you. When you were initiated, after the initiation
11 ceremonies were over, what happened to the initiates?

12 A. Nothing happened to us. We were then initiated. Nobody
13 would bring anything to us then.

14 Q. After the initiation, where did the initiates go?

15 A. Ours, we did not go anywhere. We were just there, in
16 Talia.

17 Q. Mr Witness.

18 A. Yes.

19 Q. There are certain pieces of allegations before this Court
20 that I would like to put to you and invite your comment. I would
21 want you to listen attentively until I go through them.

22 A. I'm listening.

23 Q. And then I will invite your reaction or comment.

24 A. I will answer them.

25 MR LANSANA: Your Honours, I will start with TF2-096,
26 testifying on 8 November 2004, page 20. I will start from 19,
27 Your Honours, lines 17 to 23.

28 Q. Listen, Mr Witness.

29 A. I'm listening.

1 Q.

2 "Q. Who were these leaders?" The person is
3 being asked about Talia.

4 "Q. Who were these leaders?"

5 "A. Pa Allieu Kondewa was there. Francis
6 Gomoh was there, Joe Tamidey was there."

7 My question is, Mr Witness, was Allieu Kondewa one of the
8 leaders of the Kamajors at Talia?

9 A. He was not a leader. His own business was just to
10 initiate.

11 Q. Thank you.

12 A. Okay.

13 MR LANSANA: Your Honours, in the interests of
14 expeditiousness, the transcript covers TF2-109, 189, 134.

15 PRESIDING JUDGE: On this same issue?

16 MR LANSANA: On the same issue. In the interests of
17 expeditiousness, I would take this answer to cover all of them.

18 Q. Mr Witness, there is evidence before the Court --

19 MR LANSANA: Your Honours, I refer to TF2-096, 8 November
20 2004, page 28.

21 MR KAMARA: My Lord -- sorry, Mr Lansana. I'm a bit
22 worried with the comments of my learned friend with regards to
23 I'll take that answer to cover all the other transcript
24 references. My Lord, that is a bit irregular. I can understand
25 the haste to complete but, My Lord, we cannot --

26 MR LANSANA: I take exception to my learned friend talking
27 about being in a haste to complete. I said in the interests of
28 expeditiousness. If my learned friend wants me to continue
29 asking the questions specifically, I will do so. If he wants me

1 to do that, let him say that. But he shouldn't speak for me to
2 say I'm in a haste to complete my examination-in-chief. I take
3 exception to that and wouldn't accept that.

4 PRESIDING JUDGE: It didn't sound pejorative to me.

5 MR KAMARA: Thank you, My Lord.

6 PRESIDING JUDGE: Why are you getting so hypersensitive to
7 that kind of remark.

8 MR LANSANA: I apologise.

9 PRESIDING JUDGE: Counsel, your point about irregular,
10 you're saying that it would be more appropriate for him to go
11 through -- because what he's used is one sample of the same kind
12 of evidence.

13 MR KAMARA: Yes, My Lord.

14 PRESIDING JUDGE: Of course, I thought this was something
15 that should not really be a contentious issue that, probably, in
16 an address, when he's addressing the Court, could refer to that.

17 MR KAMARA: Yes, My Lord, one sample is enough for the
18 Court, but the fact to mention that I will use that to cover all
19 the other --

20 PRESIDING JUDGE: It's probably a very --

21 MR KAMARA: It's for the records, My Lord.

22 PRESIDING JUDGE: It's probably a very artful manner of
23 speaking. I think we should proceed, really. I don't see any
24 difficulty with this.

25 MR KAMARA: My Lord, as long as the Bench will not address
26 that as he had put it.

27 PRESIDING JUDGE: Yes. Quite frankly, I don't think this
28 is something we should be so technical about.

29 MR KAMARA: As My Lord pleases.

1 MR LANSANA: Your Honour, maybe my learned friend didn't
2 understand me properly. Your Honour, what I actually meant
3 was --

4 JUDGE ITOE: Lay the matter to rest. You don't need to go
5 back to there.

6 PRESIDING JUDGE: This is not something which is really
7 going to vitiate the process. In addresses, it will be dealt
8 with.

9 MR LANSANA: With matters dealing with Kondewa, the third
10 accused, as being boss at Talia, all those other issues in the
11 transcript dealing with that --

12 PRESIDING JUDGE: I think you can resolve it further over a
13 cup of tea later on.

14 MR LANSANA: Your Honour, I prefer beer.

15 Q. Mr Witness.

16 A. Yes.

17 Q. There is another allegation that I want to bring to your
18 notice and invite your reaction.

19 A. Okay.

20 MR LANSANA: Your Honour, I'm dealing with TF2-096, on
21 8 November 2004, page 28, page 29, page 31, 33, 34 and 35.

22 Sorry, Your Honours, it continues on to 35, 36. I'm sorry about
23 that. I will just paraphrase.

24 Q. Mr Witness.

25 A. Yes.

26 Q. This witness testified in this Court that she was selling
27 food at Talia, and that food was cassava. And she had a sister
28 who, too, was selling food with her. Three bodyguards, according
29 to her, of Kondewa went to buy food from them. Kafi, Jini and

1 Jahman. Kafi, Jini and Junisa, sorry. Those were the names of
2 the bodyguards alleged to have been from Kondewa. Jahman was not
3 satisfied with his dealings with the girl, because she did not
4 add more sauce to his cassava. He decided to take the issue to
5 Nyandehun, where he said Kondewa resided. According to this
6 witness, after Jahman and the other two Kamajors had returned to
7 Nyandehun, Kamajors came and took the girl from Talia to
8 Nyandehun. Later, this witness went to Nyandehun and she saw her
9 sister in a cage, put there under the orders of Allieu Kondewa.
10 This sister, the witness's sister, was only released upon the
11 payment of the ransom of 40,000 leones. Did this incident take
12 place, to your knowledge?

13 A. It did not happen. If anything of that sort happened, they
14 would have reported it to me.

15 Q. According to your knowledge, was there any cage prepared by
16 the Kamajors at Nyandehun?

17 A. There was no cage.

18 MR LANSANA: Your Honours, I will go to TF2-188, 31st May
19 2005, at page 14, 15 and 16. I shall paraphrase.

20 Q. Mr Witness, listen to this carefully.

21 A. I'm listening.

22 Q. This witness is a lady. According to her, she was captured
23 from Blama and taken to Talia, with her mother. They were taken
24 to Talia by Kamajors and they were -- they had luggage, and that
25 luggage was taken from them by Kondewa, Allieu Kondewa.
26 According to this witness, Allieu Kondewa gave orders for her
27 mother to be killed. And, according to her, her mother was
28 killed. Did this incident happen, to your knowledge?

29 A. That didn't happen. It couldn't have happened without my

1 knowledge.

2 Q. As someone who could be resident in Talia during the war,
3 are you aware of Kamajors capturing people from outside Talia and
4 taking them to Talia?

5 A. That did not happen.

6 MR LANSANA: Your Honours, that will be all for this
7 witness.

8 PRESIDING JUDGE: Thank you. Counsel for the first
9 accused, cross-examination?

10 MR SESAY: I have no questions, Your Honour.

11 PRESIDING JUDGE: Counsel for the second accused?

12 MR BOCKARIE: None, Your Honour.

13 PRESIDING JUDGE: Mr Prosecutor, your witness.

14 CROSS-EXAMINED BY MR KAMARA:

15 Q. Good afternoon, Mr Jobai.

16 A. Yes, good afternoon.

17 Q. You said you were section chief.

18 MR LANSANA: No, that's not correct, section speaker.

19 MR KAMARA: Section speaker, sorry.

20 THE WITNESS: Section speaker.

21 MR KAMARA:

22 Q. At Talia Yawbeko; correct?

23 A. Yes.

24 Q. And you resided in Talia?

25 A. Yes.

26 Q. You also said you never left Talia?

27 A. Yes.

28 Q. During the period you were at Talia, did you see Chief
29 Norman?

1 A. I saw him.

2 Q. After his arrival at Talia, there was an increased influx
3 of Kamajors into Talia; is that not so?

4 A. Yes.

5 Q. Such that you were unable to account for each and every
6 person there.

7 A. Yes.

8 Q. And these Kamajors will come for different reasons.

9 A. Yes.

10 Q. Some will come for initiation.

11 A. Yes.

12 Q. Others will come for the supply of arms.

13 A. Yes.

14 Q. And others will come for training.

15 A. Yes.

16 Q. Thank you. You said you knew the third accused, Allieu
17 Kondewa.

18 A. I know him.

19 Q. He was your initiator?

20 A. Yes. He's my priest.

21 Q. You have a lot of respect for him, don't you?

22 A. Yes.

23 Q. And over and above that, you're good friends?

24 A. No, there is no friendship between us, besides the fact
25 that he initiated us. If someone initiates you, you would have
26 to fear that person.

27 Q. Yes. You'll agree with me if I state that once a Kamajor,
28 is always a Kamajor?

29 A. Oh, yes. I have the medicine in my body, so there is no

1 way to take it out again.

2 Q. So you would want to help your high priest as much as you
3 could; is that not so?

4 A. What sort of help? No, what would I have to help him with?
5 Nothing.

6 Q. A Kamajor helping another Kamajor in need of help, that's
7 what I'm asking.

8 A. There's no other help. I have no other help for him,
9 besides the fact that I have respect for him. If someone
10 initiates you, he's your Kamoh and you have to respect and fear
11 him.

12 Q. Thank you.

13 A. In fact, it's taken a very long time without seeing him.

14 Q. Yes, he's been here, that is why. Now, Mr Jobai, you said
15 you handed over your children for initiation; is that not so?

16 A. Yes.

17 Q. And after that exercise, your children assisted in the
18 defence of the chiefdom?

19 A. Yes, to protect that of our town.

20 Q. Yes. Generally, after every initiation, Kamajors are
21 deployed back to their towns for defensive operations; do you
22 agree with that?

23 A. When once you are initiated and there you will graduate,
24 you will go back to where you came from.

25 Q. Yes. When you mentioned about report, did Kamajors ever
26 report to you in any form?

27 A. No.

28 Q. Did civilians make complaints about Kamajors to you?

29 A. Not even a civilian reported a Kamajor to me.

1 Q. A Kamajor report to you would be such that a Kamajor is
2 reporting to another Kamajor; do you agree with me?

3 A. I said, they did not report to me.

4 Q. Thank you. Was there, in your chiefdom, any civilian
5 authority that wasn't a Kamajor, between the period 1997 and
6 1999?

7 A. No, there is no such leader.

8 Q. Therefore, an aggrieved civilian has no independent source
9 to explain to; is that not correct?

10 A. No.

11 Q. Well, I suggest to you, Mr Jobai, that is why no one
12 reported to you; you'll agree with me?

13 A. No.

14 Q. I also suggest to you that you, as a Kamajor, would have a
15 bias in support of the Kamajors, and that is why no civilian
16 reported to you; you'll agree with that?

17 A. No, that would not happen. If a colleague Kamajor was
18 reported, I'll always say the truth. But they did not report
19 that to me.

20 Q. Yes, I've suggested a reason why.

21 MR KAMARA: No further questions, My Lord.

22 PRESIDING JUDGE: Thank you. Mr Lansana, any
23 re-examination?

24 MR LANSANA: I have no questions in re-examination.

25 PRESIDING JUDGE: Mr Witness.

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Thank you for your testimony. You are
28 now released.

29 THE WITNESS: Okay.

1 [The witness withdrew]

2 PRESIDING JUDGE: Mr Margai, your next witness?

3 MR MARGAI: My Lord, the next witness is Sampha Carpenter.

4 PRESIDING JUDGE: And he'll be testifying in --

5 MR MARGAI: In Mende.

6 PRESIDING JUDGE: -- what language?

7 MR MARGAI: In Mende. And he'll be led by my learned

8 friend Lansana.

9 JUDGE ITOE: And he's your seventh witness?

10 MR MARGAI: Yes, My Lords.

11 JUDGE BOUTET: Mr Margai, the name is Carpenter?

12 MR MARGAI: Yes, My Lords, Carpenter.

13 WITNESS: SAMPHA CARPENTER [Sworn]

14 [The witness answered through interpreter]

15 EXAMINED BY MR LANSANA:

16 Q. Good afternoon, Mr Sesay.

17 A. Good afternoon.

18 JUDGE BOUTET: Is it Sesay or Carpenter?

19 PRESIDING JUDGE: Sesay.

20 JUDGE ITOE: Is it Carpenter, Sampha?

21 PRESIDING JUDGE: What's the name?

22 THE WITNESS: I am called Sampha Sesay, but I do the work

23 of a carpenter.

24 PRESIDING JUDGE: Oh, I see.

25 MR LANSANA: Your Honour, Mendes have no surnames. Their

26 surnames are professional.

27 PRESIDING JUDGE: Just a little comedy of errors.

28 JUDGE ITOE: You have given your witness a totally

29 different characterisation.

1 MR LANSANA: Sampha, the carpenter. Sampha Carpenter.
2 JUDGE ITOE: Please, let him give us his real names.
3 PRESIDING JUDGE: I hope he wasn't sworn at Carpenter.
4 MR LANSANA: Well, I don't know what Court Management did.
5 PRESIDING JUDGE: I think that was at the prompting of
6 Mr Margai. I think we all assumed he was Mr Carpenter. But I
7 hope he was not sworn as Carpenter.
8 JUDGE BOUTET: And he's listed as such.
9 MR LANSANA: Your Honours, we'll wait for your directive,
10 as such. We'll take Sampha Sesay, the carpenter.
11 PRESIDING JUDGE: Mr George, what was he sworn as?
12 MR GEORGE: Carpenter, Your Honour.
13 PRESIDING JUDGE: Let the oath be administered again.
14 MR LANSANA: As it please, Your Honour.
15 WITNESS: SAMPHA SESAY [Sworn]
16 [The witness answered through interpreter]
17 EXAMINED BY MR LANSANA:
18 Q. Good afternoon, Mr Sesay.
19 A. Yes, good afternoon.
20 Q. I will be asking you some questions.
21 A. Okay.
22 Q. And I want you to listen very carefully and attentively.
23 A. Okay.
24 Q. Please make sure that you understand the question before
25 you go on to answer it.
26 A. Agreed.
27 Q. When you answer it, go slowly because you are being
28 interpreted in other languages.
29 A. Okay.

1 Q. And over and beyond that, the learned justices are taking
2 you down, and the stenographers, too, will be taking your
3 testimony down.

4 A. Agreed.

5 Q. All right. Thank you.

6 A. Okay.

7 Q. Can you tell the Court your names again?

8 A. Yes. My name is Sampha Sesay.

9 Q. What's your occupation?

10 A. I'm carpenter, and I have a workshop.

11 Q. And that is why they call you Sampha Carpenter; correct?

12 A. That is not my name. The name I gave to that person, that
13 is not what I told him.

14 PRESIDING JUDGE: Counsel, do you really want to revisit an
15 area that we've laid to rest? Is it so material?

16 MR LANSANA: It isn't.

17 PRESIDING JUDGE: Well let's move on.

18 MR LANSANA: As Your Honour pleases, it isn't. Just to
19 tidy it up.

20 THE WITNESS: All right.

21 MR LANSANA:

22 Q. What village do you hail from?

23 A. I was born at Sogbini, but I now live at Bauya, Sogbini,
24 Junction.

25 Q. Do you know Tihun?

26 A. Yes. That is my -- that is the town of my birth.

27 Q. Can you tell this Court the distance between Bauya Junction
28 and Tihun?

29 A. Yes.

1 Q. Please oblige the Court.

2 A. It's four miles.

3 Q. Have you lived in Bauya Junction all your life?

4 A. No.

5 Q. Where else have you lived?

6 A. When I left the place when I was young, I went to Bo to
7 train carpentry.

8 Q. My interest, Mr Witness, is this war. Were you at Bauya
9 Junction between the period May 1996 to May 1998?

10 A. Yes.

11 Q. Whilst you were at Bauya Junction, did you visit Tihun?

12 A. Yes.

13 Q. Can you tell the Court how frequently you visited Tihun
14 from Bauya Junction?

15 A. Yes.

16 Q. Go ahead.

17 A. At the time I was at Bauya, at times, every two or three
18 days, I must go there.

19 Q. You must go there?

20 A. Maybe two days.

21 Q. I take it every two days you must go to Tihun; correct?

22 A. Yes.

23 Q. Do you know Allieu Kondewa?

24 A. Yes.

25 Q. Can you tell this Court how you came to know Allieu
26 Kondewa?

27 A. Yes.

28 Q. Please oblige the Court.

29 A. Okay. I know Allieu Kondewa to be an initiator.

1 Q. Thank you. Over and beyond that, do you know Allieu
2 Kondewa for any other thing?

3 A. I know that he's a good man and that he will settle
4 disputes between people and, wherever he is, there will be
5 dancing.

6 Q. You said dancing. What did you know him to do as far as
7 dancing is concerned?

8 A. Like, for example, wherever he is, just to entertain the
9 crowd that is there, so we'd let children to dance, just to
10 encourage the people who were with him.

11 Q. Thank you.

12 A. The crowd.

13 Q. Thank you.

14 A. Okay.

15 Q. Are you a Kamajor?

16 A. Yes.

17 Q. Are you an initiated Kamajor?

18 A. Yes.

19 Q. Who initiated you?

20 A. Mr Kondewa.

21 Q. Do you know when that was?

22 A. 1996, it was, but I don't know the dates now.

23 Q. Thank you very much. That's enough. When you were
24 initiated by Allieu Kondewa, were you initiated with other
25 people?

26 A. Yes. We were many.

27 Q. You were many.

28 A. Yes.

29 Q. Were you all of your age?

1 A. Yes. All of us who were -- who he initiated, some of them
2 were older than I am now. Some of them were of my age group, but
3 some of them are older than they were.

4 Q. How would you describe those who were younger than you
5 were?

6 A. Like, for me sitting here, I am 61 years old. There are
7 people who were 30, there were some other who were 62.

8 Q. Is it to your knowledge, or do you know of any other
9 initiation, apart from yours?

10 A. Yes.

11 Q. Where was that initiation?

12 A. They did that initiation at Gambia.

13 Q. The initiation at Gambia, were you physically present?

14 A. I went there once. I didn't spend the night there. I
15 returned that day.

16 Q. I'll abandon that. Mr Sesay, did you see Kondewa at any
17 time at Tihun Sogbini?

18 A. Yes, he was based in Tihun Sogbini itself.

19 Q. What was he doing?

20 A. The work that I knew him to be doing was that he was going
21 to the bush, get his herbs, and he would initiate the Kamajors.

22 Q. Now, you will listen carefully. There are some pieces of
23 allegation before this Court that I want to put to you and invite
24 your reaction thereto.

25 A. Okay.

26 Q. At the end of each one of them, I will ask for your
27 reaction.

28 MR LANSANA: Your Honour, I'll refer the Court to the
29 evidence of TF2-190 on 10 February 2005, starting from page 14,

1 line 7 to 11; and page 15, lines 2 to 19.

2 Q. Mr Witness, listen.

3 A. I'm listening.

4 Q.

5 "A. We agreed that the authorities should call
6 another meeting where Mr Allieu Kondewa is
7 coming there to meet two weeks later after the
8 very same meaning. That is in Tihun Sogbini.
9 Tihun Sogbini, that is where the next meeting
10 should take place."

11 Page 15:

12 "Q. Who chaired that meeting?

13 "A. Well, Kamoh Lahai Bangura spoke, Dr Jigbao
14 also spoke, but finally Dr Allieu Kondewa
15 chaired the meeting, because his presence was
16 there also."

17 According to your knowledge, did Allieu Kondewa chair any
18 meeting at Tihun Sogbini?

19 A. I have never learnt or seen that Kondewa attended any
20 meeting. If the chiefdom people will even hold any meeting, if
21 they called any meeting, he would not attend it.

22 Q. The same witness said, line 9:

23 "A. We discussed at the meeting how we should
24 resist against the junta rule. Secondly, the
25 strategies we shall use to attack the juntas.

26 "Q. At that meeting were any instructions
27 given to anyone?

28 "A. Yes, sir.

29 "Q. Go on and tell the Court.

1 "A. Well, from that meeting I was given order
2 by Mr Allieu Kondewa to mount up checkpoints.

3 "Q. Where were you to mount these checkpoints?

4 "A. I was to mount the first checkpoint at
5 Bauya Junction, because that's the entrance to
6 Tihun on the way from Bo."

7 Mr Witness, according to your knowledge, did Allieu Kondewa
8 ever give orders for checkpoints to be mounted around Bauya
9 Junction?

10 MR KAMARA: My Lord, I am a bit concerned there with
11 specifics as to dates.

12 THE WITNESS: No. No.

13 MR KAMARA: We're not sure where we are as to the time
14 frame.

15 PRESIDING JUDGE: Just a minute, witness.

16 MR KAMARA: We are not sure where we are as to time frame.
17 The questions have been put to the witness in abstract and we
18 don't know what time, and he has given evidence of a period he
19 was in Bo. If we can narrow the time frame and then we'll
20 know --

21 PRESIDING JUDGE: Yes. Clearly create a degree of
22 specificity. Can you supply that?

23 MR LANSANA: Your Honour, I will supply that. I will only
24 want to have Your Honours recall that when I was interviewing
25 this witness earlier on, a few moments ago, this witness said
26 that between the period May 1996 and May 1998, he didn't have
27 cause and he did not leave Bauya Junction for anywhere else.

28 PRESIDING JUDGE: I think from an abundance of caution,
29 it's important to interject these time frames so that we don't

1 leave anything to uncertainty or ambiguity.

2 MR LANSANA: Your Honour, yes. That's why when I ask them
3 questions, I said, "Did Allieu Kondewa ever." That covers any
4 period of time that the Prosecution may be interested in. Ever,
5 ever. That's why I use it guardedly and use it purposefully.

6 PRESIDING JUDGE: I think counsel more or less is right in
7 asking for some degree of specificity where this is possible.

8 MR LANSANA: As it please, Your Honour.

9 PRESIDING JUDGE: Just for the purpose of clarity --

10 MR LANSANA: I have no problems with that.

11 PRESIDING JUDGE: -- for the records.

12 MR LANSANA: I only hesitate, these are people who don't
13 know dates. That's the only problem.

14 PRESIDING JUDGE: Yes, we are familiar with the situation.
15 But let's do the best we can.

16 MR LANSANA: As it please, Your Honour. Much obliged.

17 Q. Mr Sesay.

18 A. Yes.

19 Q. This witness, whose testimony I'm narrating to you,
20 testified that what he was testifying to was something that
21 happened between May 1996 and May 1998. Do you appreciate that
22 period?

23 A. May 19 --

24 Q. 1996.

25 A. Just as I've said, I was in Bauya. I did not leave the
26 town. I would have known.

27 Q. Now back to my question: During that time when you were at
28 Bauya when, according to you, you went nowhere else, was it to
29 your knowledge that Allieu Kondewa, during his sojourn at Tihun

1 gave any instructions to any Kamajor or Kamajors to mount a
2 checkpoint at Bauya Junction?

3 A. No, I don't know about that. In fact, he had no business
4 in that, besides the initiation. That was not his
5 responsibility.

6 MR LANSANA: Your Honour, the same witness, TF2-190, at
7 page 17, testified thus -- Mr Witness, please listen.

8 THE WITNESS: Okay.

9 MR LANSANA: Sorry, My Lord, I have to take it earlier.
10 Q.

11 "Q. Mr Tucker, after mounting these
12 checkpoints was your group engaged in any other
13 activity other than this checkpoint mounting?
14 You said you had 20 men with you who
15 volunteered after that meeting at Tihun and
16 then you mounted these checkpoints. Other than
17 mounting these checkpoints, was this group of
18 yours engaged in any other activity?

19 "A. Yes, sir.

20 "Q. Yes, tell the Court.

21 "A. I and my 20 men organised ourselves to
22 launch an attack on the Mokanji soldiers.

23 "Q. So was the attack launched?

24 "A. Yes, sir.

25 "Q. What was the outcome of that attack?

26 "A. It was successful. We had plenty weapons
27 from the soldiers.

28 "Q. So what did you do with the captured
29 weapons you said you had?

1 "A. I handed them over to Mr Allieu Kondewa.

2 "Q. Where did you hand these weapons over?

3 "A. In Mr Allieu Kondewa's house in Tihun."

4 Mr Sesay, did this incident I've just read to you ever
5 happen at all?

6 A. It never happened. It's a very big lie. It's a black lie.
7 That man had no business with guns.

8 JUDGE ITOE: Who did not have business with guns?

9 THE WITNESS: Allieu Kondewa had no hands in the business
10 of guns. He was just an initiator. I did not see that happen,
11 nor did it happen, even.

12 MR LANSANA: Your Honours, the same witness, TF2-190.

13 PRESIDING JUDGE: He said it's a black lie. Do you want
14 to --

15 MR LANSANA: Your Honour?

16 PRESIDING JUDGE: He said it's a black lie?

17 MR LANSANA: Yes, Your Honour.

18 PRESIDING JUDGE: Okay. I thought I heard something
19 different. Let's go.

20 MR LANSANA: Yes, Your Honour. Your Honours, the same
21 witness, TF2-190, at page --

22 JUDGE ITOE: I don't know the distinction between a black
23 and a white lie.

24 MR LANSANA: Your Honour, it's a manner of speech in Mende.
25 We share some similarities with the English in that.

26 JUDGE ITOE: I take you as an authority on this.

27 MR LANSANA: I really am, second only to Dr Jabbi.
28 Your Honours, I'll go on.

29 JUDGE ITOE: We're here to recognise you as authorities on

1 the issue. You go ahead.

2 MR LANSANA: Your Honour, I'll prove it.

3 Q. Mr Sesay, listen very carefully.

4 A. Okay.

5 MR LANSANA: At page 18, Your Honours, line 15 through to
6 21.

7 "Q. Did your group receive any instructions
8 for any attack?

9 "A. Yes, sir.

10 "Q. From whom did you get those instructions?

11 "A. From Mr Allieu Kondewa.

12 "Q. What were those instructions?

13 "A. I was instructed to lead the battle to
14 attack and capture Bo from the soldiers."

15 Q. Mr Sesay, did you know whether Allieu Kondewa ordered any
16 attack on Bo, or any town at all?

17 A. No. I didn't know about that, and I told you that that man
18 had no business in that, except initiation, because he was the
19 leader of all the other initiators. I'm only hearing that here
20 for the very first time.

21 Q. Thank you, Mr Witness.

22 MR LANSANA: Your Honour, I will now refer to the evidence
23 of TF2-014, testifying on 10 March 2005, starting from lines 17
24 to 19 on page 17, lines 8 to 16.

25 Q. Mr Sesay, listen to this.

26 A. Okay.

27 Q.

28 "Q. How long did you stay there?

29 "A. At Tihun Sogbini we did not stay there up

1 to a month but about weeks when -- because
2 there Kondewa was. But we were driven from
3 there. The paramount chief Steven Wonnie Bio
4 IV."

5 Page 17, witness continues:

6 "A. Initiating. One of the initiates -- we
7 had one stage in our society that we had to go
8 through which we called a Kamajor ambush when
9 you have been initiated. In that particular
10 ambush the man was not able to go through.
11 During that time one of his eyes got bust. You
12 know, he struck the eye on a palm tree. So
13 when he struck the palm tree, Kondewa and the
14 others took him carried him to a secluded area
15 and they killed him. They burnt him. From the
16 time Chief Wonnie Bio understood that, he stood
17 firmly that the Kamajor movement should move
18 from Tihun Sogbini. So we moved."

19 Mr Sesay, what is your reaction to what I've just read?

20 A. It's a black lie. It's a lie. Because at that time that
21 the man was doing that initiation, if such a thing happened, he
22 wouldn't have continued the initiation. So it's just a lie. I
23 didn't see that happen; I didn't hear that; I don't even believe
24 it.

25 Q. Mr Sesay, what were the -- before I ask that question, was
26 Kondewa at Tihun Sogbini for all time, or did he leave at some
27 point in time?

28 A. He left Tihun and went to Talia Yawbeko.

29 Q. Thank you very much. What made him leave?

1 A. We ourselves were in doubt, because the time he left the
2 town, we were --

3 THE INTERPRETER: Your Honours, may the witness lower his
4 pace.

5 PRESIDING JUDGE: Witness, please go slowly. Go slowly.
6 Take that again.

7 THE WITNESS: Okay. When that man left that town, he
8 didn't say goodbye, he just went, unceremoniously, and we were
9 worried that he went, and we were sad.

10 MR LANSANA:

11 Q. May I ask you why -- when you say you, in the first place,
12 what do you mean? You and who else?

13 A. We, all of us who were in that chiefdom. We were sad when
14 he left the place without saying goodbye, and he didn't do
15 anything bad to us. We didn't drive him away from the place. He
16 just went, without telling us.

17 MR LANSANA: Your Honour, that will be all for this
18 witness.

19 PRESIDING JUDGE: Mr Sesay, your witness.

20 MR SESAY: I have no questions.

21 PRESIDING JUDGE: Mr Powles, any questions?

22 MR POWLES: No questions, Your Honour.

23 PRESIDING JUDGE: Mr Prosecutor.

24 MR KAMARA: Yes, My Lord, just a few.

25 CROSS-EXAMINED BY MR KAMARA:

26 Q. Good afternoon, Mr Sesay.

27 A. Yes, good afternoon, old one.

28 Q. You said you yourself are a Kamajor; is that correct?

29 A. Yes.

1 Q. You became one in 1996?

2 A. Yes.

3 Q. Did you participate in any combat?

4 A. No.

5 Q. So you are a non-combatant Kamajor; you agree with me?

6 A. I only became a Kamajor to protect my chiefdom, and where I
7 was so that bad people wouldn't go there.

8 Q. Yes; you did not involve in any combat?

9 A. Yes.

10 Q. There were others initiated together with you who got
11 involved in combat; is that not so?

12 A. Well, I can't say much about that, because where I am at
13 Bauya, I am at a junction, and sometimes we would make some
14 arrangements and they would not explain that -- they would not
15 tell me.

16 Q. Therefore, you're not in a position to know anything that
17 involves combat with Kamajors, combat involving other Kamajors?

18 MR LANSANA: Your Honours, I'm a bit -- not comfortable
19 with him saying "anything."

20 PRESIDING JUDGE: Is there an objection?

21 MR LANSANA: Yes, Your Honour.

22 PRESIDING JUDGE: What is it?

23 MR LANSANA: The objection is it's an unfair question.
24 When he says you're not in a position to say anything, it doesn't
25 logically follow from the answer that counsel received from the
26 witness. The answer he received from the witness is sometimes,
27 not all times. So he cannot say you are not in a position to
28 know anything. It's right for him to say you're not in a
29 position to know some things.

1 PRESIDING JUDGE: I don't see the point of that
2 distinction. I think he's entitled to put it him and the witness
3 will answer.

4 MR LANSANA: As it please Your Honour. I just thought it
5 an unfair question.

6 JUDGE ITOE: I hope it doesn't become an exercise in
7 grammar.

8 MR KAMARA: Thank you, My Lord.

9 PRESIDING JUDGE: Continue, counsel.

10 JUDGE ITOE: Maybe that's fair.

11 MR KAMARA: Much obliged, My Lord. Thank you for the
12 reminder.

13 Q. Mr Witness, you said there are times when you said you were
14 not involved or informed about combat activities involving
15 Kamajors. Am I stating the position correctly?

16 A. Yes. I only protected myself to be at my house so that bad
17 people would not come and harm me.

18 Q. Yes. So, therefore, you're not in a position to know
19 anything about combat activities relating to the other Kamajors?

20 A. I would hear, but to say that I myself would go there like
21 when I was asked if I will go to the war front, I did not go to
22 any war front. That is what I said, I didn't go to any war
23 front.

24 Q. Yes, I agree with you. So if you're not told, you wouldn't
25 know?

26 A. Except when they go and, if they came back, and they told
27 me, then I would know.

28 Q. Yes. Now, Mr Sesay, Kamajors from Bauya Junction would
29 often times leave and go on deployment; is that correct?

1 A. In fact, they weren't even based there, those Kamajors that
2 came. And I told you --

3 THE INTERPRETER: Your Honours, may the witness go over
4 that one?

5 PRESIDING JUDGE: Mr Witness, please repeat that part of
6 your testimony. Say that again, the last part.

7 THE WITNESS: What is it?

8 PRESIDING JUDGE: Say that again, all what you've just said
9 in answer to counsel. Put the question again, counsel.

10 MR KAMARA: Yes, My Lord.

11 THE WITNESS: When they said when the Kamajors were based
12 in Bauya, if they would go and -- I told them the Kamajors went
13 and they were based at Sumbuya Junction. That is where they were
14 based, not at Bauya.

15 MR KAMARA:

16 Q. Mr Sesay, you were not a Kamajor at Bauya, Bauya Junction;
17 correct?

18 A. We were many who were there, but to say that we were at a
19 checkpoint or going to the war front, that was not how it
20 obtained. But, as you said, they were sending people to go to
21 the war front, those were the Kamajors who were based at Sumbuya
22 Junction.

23 Q. All right. And those based at Sumbuya Junction would leave
24 for the war front and then come back; is that not so?

25 A. Yes.

26 Q. And when they got back, they would report to you as to what
27 may have happened at the front; is that correct?

28 A. No.

29 Q. Will you be informed?

1 A. I said, no.

2 Q. Thank you. Where was your workshop; where was it located?

3 A. My workshop, even as I speak, is at Bauya Junction.

4 Q. So you were together with these Kamajors that you were
5 moving back and forth from the war front?

6 MR LANSANA: Your Honours, that's an incorrect statement of
7 the evidence.

8 JUDGE ITOE: That is incorrect, because he said those who
9 were going to the war front were from Sumbuya.

10 MR KAMARA: Sorry, My Lord, I'll take that back. Sorry, My
11 Lord. Apologies.

12 Q. How far was Sumbuya or how far is Sumbuya to Bauya
13 Junction?

14 A. Sixteen miles.

15 Q. Thank you. And how far is Bauya Junction to Base Zero?

16 A. It's also 16 miles.

17 Q. In your evidence a few minutes ago in answer to a question
18 posed, you said the third accused, Allieu Kondewa, had no
19 business with guns; is that correct?

20 A. Yes.

21 Q. And you still stand by that; he had no business with guns?

22 A. He had no -- strongly, he had no business with guns. I'm
23 insisting.

24 Q. Are guns not used during initiation? Tell this Court.

25 A. At the time we were initiated, they never fired guns at us.
26 They only gave us medicine and it was sprinkled on us.

27 Q. No one tested you; is that what you mean to say?

28 A. We believed that whatever he did was guaranteed, so when he
29 gave us that concoction, we all got our own different ways.

1 Q. Did you test yourself?

2 A. I did not test myself, but I knew that at that time I had a
3 guarantee that the medicine would work.

4 Q. At subsequent initiations, is it correct to state that guns
5 were used to test initiates?

6 A. I did not see that.

7 Q. Is it to your knowledge that guns were used to test
8 initiates? Tell this Court.

9 A. I said, I did not see that. And when I was initiated,
10 nobody fired any gun at me, but I knew I was -- I knew I had a
11 guarantee in me that the medicine would work.

12 Q. Yes, you did not see. Is it to your knowledge -- did you
13 know that guns were used to test initiates?

14 A. I said, I don't know. I did not see that.

15 Q. Nor did you hear that?

16 A. Yes.

17 Q. Thank you.

18 PRESIDING JUDGE: Counsel.

19 MR KAMARA: Yes, My Lord.

20 PRESIDING JUDGE: We'll take a 30-minute break.

21 MR KAMARA: Yes, My Lord.

22 [Break taken at 4.31 p.m.]

23 [Upon resuming at 5.05 p.m.]

24 PRESIDING JUDGE: Mr Margai, we're in your hands. Oh, have
25 you finished?

26 MR KAMARA: No, My Lord.

27 PRESIDING JUDGE: Continue then.

28 MR KAMARA: Yes, My Lord. I'm almost done. Thank you.

29 Q. Mr Sampha Sesay.

1 A. Yes, sir.

2 Q. Stephen Wonie Bio is a paramount chief of Sogbini chiefdom;
3 am I correct?

4 A. Yes.

5 JUDGE ITOE: The name again.

6 MR KAMARA: Stephen Wonie Bio.

7 Q. He was the paramount chief between 1997 unto date?

8 JUDGE ITOE: Of what chiefdom? Sogbini?

9 MR KAMARA: Sogbini Chiefdom, My Lord.

10 THE WITNESS: Even now, yes.

11 MR KAMARA:

12 Q. Mr Sesay, in your evidence this afternoon, you did say you
13 were in doubt why Allieu Kondewa left Sogbini Chiefdom; am I
14 correct? Is that not what you said?

15 A. Yes.

16 Q. I am suggesting to you, Mr Sesay, you know very well the
17 reason why he left. You are trying to conceal the truth before
18 the Court.

19 A. No. If he did not bid farewell and it still confuses, even
20 as I speak to you. And we were there together. I'll have to
21 tell you.

22 Q. Did you ever ask when the initiator left unceremoniously?
23 Did you inquire from anyone?

24 A. Some people asked and he said nobody wronged him. He just
25 thought by himself that he had to go. Because he was an
26 initiator, wherever he wanted to go, there he would go.

27 Q. Without bidding farewell?

28 A. Well, he did not bid farewell to us.

29 Q. Thank you. In your summary, you stated that -- it is

1 stated that you went to Base Zero several times between the
2 period of 1996 to 1998; is that correct? Or it's usual for you
3 to travel between Base Zero and Sogbini Chiefdom.

4 A. Sometimes. At Tihun, I told you I used to go there, at all
5 times.

6 Q. Between May of 1996 to May of 1998, how often did you
7 travel to Base Zero?

8 A. I didn't go there frequently. I only went there twice,
9 because I am based at a junction. We didn't abandon the junction
10 for bad people.

11 Q. You went there only twice for the entire period; is that
12 what your answer is?

13 A. Yes. Because that is another chiefdom. We were in Sogbini
14 and they were in Yawbeko.

15 JUDGE ITOE: What, between 1996 and --

16 MR KAMARA: And May 1998. He went there only twice.

17 Q. What was your purpose for those visits? Let's take the
18 first one: Why did you have to go to Talia, the first time you
19 went there, between 1996 and 1998?

20 A. When I went there, when they said that place was Base Zero,
21 I wanted to go there to know the place, to know how the crowd
22 was. I met a large crowd there and I returned.

23 Q. You met a large crowd. When you say large crowd, are you
24 referring to large crowd of Kamajors; is that what you're
25 referring to?

26 A. Kamajors and civilians, all of them were there, because
27 wherever Mr Kondewa would be, people would go there for
28 protection.

29 Q. Are you saying that Allieu Kondewa was more or less a

1 symbol of protection?

2 A. He's a protector of people. He will talk to people. He
3 will encourage people. That's why people liked him.

4 Q. And that made him equally important, because of that power
5 of protection, you said; is that correct?

6 A. Well, to me, the way I saw it, that he was protecting
7 people, and he was -- he was defending people. Well, whosoever
8 advocate for someone is a good person, and he did that.

9 Q. And people looked up to him?

10 A. Yes. People were looking up to him to represent them, but
11 I can't -- I know I can't say much about that. But the way I saw
12 him, I only spoke for myself. But I knew that, wherever he was,
13 people would be happy because they would be -- they would be
14 happy, he will talk to people very well.

15 Q. And therefore he's a leader of his people; would you agree
16 to that?

17 A. Which people?

18 Q. Those people that converged there to kind of solicit his
19 support or protection. You said, always where he is, people
20 converge around him. Now, I'm specifically referring to that
21 group of people. They look up to him; correct, as a leader?

22 A. Yes. Yes, if we're talking about initiation, he was the
23 leader for all of them.

24 Q. Apart from initiations, you also mentioned that he would
25 settle disputes; he will encourage people; people would be happy
26 around him. Didn't you say that?

27 A. Yes.

28 Q. For those purposes, isn't he a leader of the people?

29 A. Oh, well. He is a leader for the person he has protected,

1 not for everybody.

2 Q. Thank you. Now, you gave evidence that the Death Squad
3 were based at Sumbuya. Well, let me put it to you: Have you
4 ever heard the name Death Squad?

5 JUDGE BOUTET: What's the name again, sorry?

6 THE WITNESS: Yes.

7 MR KAMARA: Death Squad.

8 Q. You've heard about them?

9 A. Yes.

10 Q. And they were based at Sumbuya Junction?

11 A. Yes.

12 Q. The leader of that group was one Borbor Tucker.

13 A. Yes.

14 Q. These were people that were feared, the members of the
15 Death Squad. They were feared by the civilians.

16 A. Well, they were there to protect the civilians. I don't
17 think that they were afraid of them. I think they were -- I
18 think they were there to defend the civilians. I think the
19 civilians were only afraid of the juntas.

20 Q. At that checkpoint, that is at Sumbuya --

21 THE INTERPRETER: Your Honours, would counsel repeat the
22 question.

23 MR KAMARA:

24 Q. At Sumbuya Junction where Death Squad was base, they will
25 stop all persons trying to go through that checkpoint; is that
26 correct?

27 A. I don't know about that, because I'm not settled there.
28 I'm settled at Bauya.

29 Q. You never went to Sumbuya Junction between 1997 to 1998?

1 A. No.

2 Q. And members of the Death Squad never came to Bauya
3 Junction; is that true?

4 A. They will come from Talia, and they will pass through a
5 junction and go to Sumbuya. If you come from Sumbuya going to
6 Talia, you will have to pass to our place. And if you come from
7 Talia, going to Sumbuya, you will have to pass to our place. But
8 to say that they came and based at a place, no, I didn't see
9 that.

10 Q. When you said you went to Talia, you must have gone through
11 their junction; yes, from the explanation?

12 A. Oh, no. I said, I came from Bauya to Talia. When you said
13 Death Squad, they will come from Talia and they will pass through
14 Bauya go to Sumbuya. And when you are coming from Sumbuya as
15 well, they will have to pass through Bauya again to go to Talia.

16 Q. All right. When they are passing, they are heavily armed?

17 A. I did not see them with any guns.

18 Q. They will pass through with nothing in their hands, just
19 swinging their hands empty; is that what you are suggesting?

20 A. They had sticks.

21 Q. No cutlasses?

22 A. No, I didn't see that with them.

23 Q. Now, do you know to whom this group was answerable to, the
24 Death Squad?

25 A. That Death Squad, they were young men who organised
26 themselves, just to defend our land. So the only leader they had
27 was Jegbeyama. I didn't hear anything that they were taking
28 orders from any other person.

29 Q. And they were defending the land with their sticks against

1 the AFRC soldiers; is that what you're saying?

2 A. Yes.

3 Q. Thank you. Is it to your knowledge that there were a lot
4 of complaints against the Death Squad, particularly with looting
5 of civilian groups?

6 A. I don't know about that, because I was not there. I heard.
7 Jegbeyama would be the right person to answer that question.

8 Q. Is it to your knowledge -- do you know, did you hear about
9 complaints against the Death Squad; that is the question?

10 A. No. I said, I don't know about that.

11 Q. And you also do not know as to any other wrong they
12 committed?

13 A. Yes.

14 Q. And these people were merely 16 miles away from you; is
15 that correct?

16 A. Yes.

17 Q. Mr Sesay, I'm putting it to you that you are deliberately
18 concealing the truth from this Court; is that not so?

19 A. No, I'm saying the truth. What I saw is what I will say
20 here. If I didn't see it, I can't say I saw it happened, and I
21 took an oath here.

22 Q. Thank you. You saw nothing wrong done by the Death Squad;
23 is that correct?

24 A. Yes.

25 Q. You heard --

26 A. -- I didn't see that.

27 Q. You heard nothing wrong done by the Death Squad or Kamajors
28 in general; is that correct?

29 MR LANSANA: Your Honour, I'm constrained to object.

1 PRESIDING JUDGE: On what grounds?

2 MR LANSANA: The question --

3 PRESIDING JUDGE: What rule is he violating governing
4 cross-examination?

5 MR LANSANA: Your Honour, it's an unfair question.

6 PRESIDING JUDGE: That's all?

7 JUDGE ITOE: How is it unfair?

8 MR LANSANA: It's very ambiguous.

9 THE WITNESS: What I've said, I've repeated. I've repeated
10 it.

11 PRESIDING JUDGE: Witness, please.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Counsel is speaking. I will hear one at
14 a time. Yes, go ahead.

15 MR LANSANA: Your Honour, it is a very unfair question.

16 PRESIDING JUDGE: Particulars of unfairness?

17 MR LANSANA: And it is very vague to the witness.

18 PRESIDING JUDGE: Particulars of unfairness.

19 MR LANSANA: I just [indiscernible]. The series of
20 questions preceding this last one to which I'm objecting were to
21 the effect that this witness is testifying to the fact that he
22 heard or saw nothing wrong --

23 PRESIDING JUDGE: Let's take his earphones off.

24 MR LANSANA: Yes, I would prefer that.

25 PRESIDING JUDGE: Mr George, would you do that, please?

26 Yes, counsel, let us be as precise as you can. You attacked the
27 question on grounds of unfairness and vagueness. Particulars of
28 unfairness? One.

29 MR LANSANA: Particulars of unfairness, the first is the

1 last series of questions asked of this witness contained and
2 concerned the Death Squad.

3 PRESIDING JUDGE: Yes.

4 MR LANSANA: The last question was: You never saw or heard
5 any wrongs committed by the Death Squad and Kamajors? If the
6 witness answers, yes, does that relate to the Death Squad or to
7 the Kamajors?

8 PRESIDING JUDGE: Well, then the -- that's not --

9 MR LANSANA: If he answers, no, does it refer to the Death
10 Squad or the Kamajors?

11 PRESIDING JUDGE: If that was the question --

12 MR LANSANA: It's unfair to him.

13 PRESIDING JUDGE: -- then it's a double-barrelled question.

14 MR LANSANA: Precisely.

15 PRESIDING JUDGE: Counsel, let's deal with that aspect
16 first. Do you agree that the question is double-barrelled?
17 Because if it is double-barrelled, all you need to do is take
18 them singularly.

19 MR KAMARA: Yes, My Lord, if my learned friend has
20 difficulty with it.

21 PRESIDING JUDGE: Well, if it is double-barrelled, you can
22 be candid. If you put the conjunctive to him, then perhaps we
23 need to have the questions put separately.

24 MR KAMARA: I will do that.

25 PRESIDING JUDGE: Yes, quite.

26 MR KAMARA: I will do that.

27 PRESIDING JUDGE: And so you will not complain about the
28 vagueness, you will drop that?

29 MR LANSANA: I will drop that.

1 PRESIDING JUDGE: All right. Let's proceed it.

2 MR KAMARA: Thank you, My Lord.

3 Q. Mr Witness --

4 THE INTERPRETER: The witness does not have the earphones
5 on, Your Honours.

6 PRESIDING JUDGE: Please replace his earphones.

7 JUDGE ITOE: He's helped himself.

8 PRESIDING JUDGE: Yes. Counsel, we can get over that as
9 quickly as we can.

10 MR KAMARA: Yes, My Lord.

11 PRESIDING JUDGE: Two questions. One.

12 MR KAMARA:

13 Q. You knew nothing about acts committed against the civilians
14 by the Death Squad? You knew nothing about acts committed by the
15 Death Squad against civilians; is that not so?

16 A. Yes.

17 Q. And you equally know nothing about acts committed against
18 civilians by Kamajors, generally?

19 A. Yes, I can't say, because they didn't do that to me. They
20 didn't do anything to me.

21 Q. You are an ordinary carpenter going about your ordinary
22 carpentry business; is that so?

23 A. In fact, at that time, there was no work. Because
24 everybody was outside. We were just sitting there.

25 Q. Whilst the other Kamajors went to the front, you stayed at
26 home; is that what you're saying?

27 A. Those who will go to the war front?

28 Q. Yes.

29 A. Yes, when they go to the war front, I would stay at home,

1 yes.

2 Q. So you know nothing that happened at the war front?

3 A. I don't know anything.

4 MR KAMARA: Thank you. No further questions, My Lord.

5 PRESIDING JUDGE: Thank you, counsel. Mr Lansana, any
6 re-examination?

7 MR LANSANA: Your Honour, I have no questions in
8 re-examination.

9 PRESIDING JUDGE: Thank you. Mr Margai, how many witnesses
10 will you have for tomorrow's hearing?

11 MR MARGAI: I have four witnesses, but not for tomorrow, My
12 Lords.

13 PRESIDING JUDGE: Why not? Let me release this witness.

14 MR MARGAI: Very well.

15 PRESIDING JUDGE: Mr Witness. Mr Witness.

16 THE WITNESS: Sir.

17 PRESIDING JUDGE: Thank you for your testimony.

18 THE WITNESS: Okay.

19 PRESIDING JUDGE: You're released.

20 THE WITNESS: Okay.

21 [The witness withdrew]

22 PRESIDING JUDGE: Yes, Mr Margai.

23 MR MARGAI: Yes, My Lords --

24 PRESIDING JUDGE: The inquiry from the Bench was how many
25 more witnesses do you have for tomorrow's hearing?

26 MR MARGAI: Four more witnesses, not for tomorrow, My
27 Lords.

28 PRESIDING JUDGE: Why?

29 MR MARGAI: My Lords, I'm conscious of the need for an

1 expeditious, but fair and impartial trial. I'm also cognisant of
2 the need for us, as defence counsel, to present a firm
3 conscientious but robust case on behalf of our client, which we
4 are doing at the moment, and we continue to do.

5 My Lords, I'm also informed that this session lasts up to
6 about 7 December. I stand to be corrected on that. Putting all
7 of those together, My Lords, I believe we have made tremendous
8 stride in taking, hitherto, seven witnesses, with four witnesses
9 remaining. My Lord, quite candidly --

10 JUDGE ITOE: We would have done more, Mr Margai, if we
11 didn't accede to your request. Do you concede to that? I mean,
12 if we didn't --

13 MR MARGAI: Yes, I do concede to that, but as to save time,
14 My Lords --

15 JUDGE ITOE: Our strides would have been more gigantic, you
16 know, than they are.

17 MR MARGAI: I appreciate that. At the same time, My Lords,
18 I'm sure Your Lordships will also appreciate the reciprocal
19 effort by us in reducing the witness list from 20 to 12, as we
20 said we would, and even further reducing it to 11.

21 PRESIDING JUDGE: Well, having heard that exposition,
22 clearly, perhaps we need to -- if you have a short application --

23 MR MARGAI: Yes, what I have to say, My Lords.

24 PRESIDING JUDGE: You better get to that.

25 MR MARGAI: Honestly, I felt that --

26 PRESIDING JUDGE: And the reason I'm,

27 MR MARGAI: -- the seven witnesses would last up to about
28 Friday. And, because of that, we concentrated on interviewing
29 just the seven.

1 PRESIDING JUDGE: Right.

2 MR MARGAI: I have not even contacted the remaining four.
3 I don't even know them by sight.

4 PRESIDING JUDGE: All right. Given the state of affairs as
5 you narrated, and given that we usually bring the proceedings to
6 a close at 5.30, if you have a short application, just make it
7 short, and then let's consider it and give a ruling.

8 MR MARGAI: I'm respectfully applying for the remaining
9 four witnesses, whose testimony, in the totality, time-wise, will
10 not be outside of four hours, to be taken on the next adjourned
11 date, as I believe -- again, I stand to be corrected -- that
12 Monday is reserved for the RUF, which means I could start on
13 Tuesday and conclude on Tuesday.

14 PRESIDING JUDGE: Right. Okay. Counsel for the first
15 accused, was your reaction to that application? Make it short;
16 we almost are out of time.

17 MR SESAY: My Lord, I'm not opposed to the application. I
18 was just wondering whether, given the fact that my learned
19 colleague has just informed the Court that they have not even had
20 time to talk to the witnesses, the remaining four witnesses --

21 PRESIDING JUDGE: Your position is either you object or you
22 don't.

23 MR SESAY: I'm not objecting.

24 PRESIDING JUDGE: Thank you. Learned counsel?

25 MR BOCKARIE: We have no objection, Your Honour.

26 PRESIDING JUDGE: Mr Prosecutor, what's your response?

27 MR KAMARA: My Lord, we are ready for them any time; no
28 objection.

29 PRESIDING JUDGE: I can see that. Your batteries are fully

1 recharged. By the unanimous ruling of the Bench, this trial is
2 adjourned to Tuesday, 17th October 2006, at 2.30 p.m., prompt.

3 MR MARGAI: I'm grateful, My Lords.

4 [Whereupon the hearing adjourned at 5.32 p.m., to be
5 reconvened on Tuesday, the 17th day of October 2006,
6 at 2.30 p.m.]

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EXHIBITS:

Exhibit No. 169 26

WITNESSES FOR THE DEFENCE:

WITNESS: JOSEPH DICKSON MURANA 2

CROSS-EXAMINED BY MR KAMARA 2

WITNESS: ABIBU BRIMA 27

EXAMINED BY MR LANSANA 27

CROSS-EXAMINED BY MR BANGURA 56

WITNESS: BAIMBA JOBAI 74

EXAMINED BY MR LANSANA 74

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