

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T  
TRIAL CHAMBER I

THE PROSECUTOR  
OF THE SPECIAL COURT  
v.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

WEDNESDAY, 17 NOVEMBER 2004  
9.43 a.m.  
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding  
Bankole Thompson  
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison  
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds  
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara  
Mr Mohamed Bangura  
Mr Kevin Tavener  
Ms Adwoa Wiafe  
Ms Bianca Suci  
Mr Mohamed Steven  
Ms Alison Reed (intern)

For the Principal Defender:

Mr Ibrahim Yillah  
Mr Kingsley Belle.

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.  
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie  
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai  
Mr Yada Williams

1 Wednesday, 17 November 2004  
2 [The witness entered court]  
3 [The three accused not present]  
4 [Open session]  
5 [Upon commencing at 9.43a.m.]  
6 PRESIDING JUDGE: Good morning learned counsel. We're  
7 resuming the proceedings and we would be calling on the  
8 standby counsel or, rather, the court-appointed counsel  
9 defence team of the first accused to proceed with the  
10 cross-examination of this witness.  
11 Mr Witness, good morning.  
12 THE WITNESS: Morning, sir.  
13 PRESIDING JUDGE: How are you this morning?  
14 THE WITNESS: I'm not fine, but I can manage.  
15 PRESIDING JUDGE: You are not?  
16 THE WITNESS: I'm not well. I have some stomach pain.  
17 PRESIDING JUDGE: I see. Well, you will go as far as you can.  
18 THE WITNESS: Okay, sir.  
19 PRESIDING JUDGE: And we'll see how it evolves. So this is  
20 the court-appointed lawyer for Mr Hinga Norman who will  
21 now ask you questions on his behalf.  
22 THE WITNESS: Okay.  
23 WITNESS: TF2-008 [Continued]  
24 JUDGE BOUTET: Just before you do, Mr Counsel, I just want to  
25 be reassured that the system is indeed functioning this  
26 morning. It doesn't appear to be, because I can hardly  
27 hear the witness. I thought they had fixed that last  
28 night, but it doesn't appear to be working again, so --  
29 maybe the mic is not open, I don't know. Nothing seems

1 to be coming out of the speaker, so -- does it work in  
2 your case?

3 MR HALL: I chose to leave this off so we don't have to be  
4 pushing the button after every question, because the  
5 technicians warned us that if we left this on, it could  
6 pick up his voice and re-transmit it.

7 JUDGE BOUTET: Okay. We'll try it and see how we can proceed.  
8 You are a bit closer to the witness than we are, so at  
9 times we lose what the witness is saying, but we'll try.

10 Proceed, Mr Hall.

11 PRESIDING JUDGE: And the courtroom itself is so warm. What  
12 is happening? What is happening to the air conditioning  
13 in this courtroom? May we know what is happening.

14 MR WALKER: It has been reported, Your Honour.

15 PRESIDING JUDGE: It has been reported, but we are putting on  
16 with it for too long a time. I think that this  
17 technology should be properly put in order, because it  
18 affects the conditions of work here for everybody.  
19 Please let a clear message be sent to the technicians for  
20 this to be put right. We aren't here to hold hearings in  
21 an oven. If it becomes unbearable, we may have to  
22 suspend the hearings until the technology is put right.  
23 We don't have voice distortion. We don't have the air  
24 conditioning in place. At times things, you know, go  
25 wrong. I mean, we should put things right. It is  
26 important. And let those who are responsible for this  
27 take note of this comment, you know, which is coming from  
28 the Bench.

29 JUDGE BOUTET: Thank you, Mr Presiding Judge.

1 Mr Hall, you can proceed. So if we have to ask the  
2 witness to repeat, it may be because of the system not  
3 working properly. We'll try to do the best we can.  
4 Thank you.

5 CROSS-EXAMINATION BY MR HALL:

6 MR HALL:

7 Q. Mr Witness, you talked yesterday about what you call the  
8 concerned group. How was this group of people organised?  
9 Who put them together?

10 A. Well, this group was put together by the committee for  
11 those who were interested in reversing the coup in the  
12 shortest possible time.

13 Q. And were some of these people government leaders, or were  
14 they --

15 A. No, they were not government leaders at all.

16 PRESIDING JUDGE: Please, please, let us get it. You said the  
17 group was put together by who?

18 THE WITNESS: Community people, those who were interested.

19 PRESIDING JUDGE: It was put together by community people as a  
20 concerned group?

21 THE WITNESS: Yes.

22 MR HALL:

23 Q. At the time --

24 JUDGE THOMPSON: Did you say interested in reversing?

25 THE WITNESS: In reversing the coup.

26 JUDGE THOMPSON: And you say they were not government  
27 officials?

28 THE WITNESS: They were not government officials.

29 JUDGE THOMPSON: Thank you.

1 MR HALL:  
2 Q. At the time the group was put together, was  
3 President Kabbah still in the country?  
4 A. He was not in the country. At that time he has gone out  
5 of the country.  
6 JUDGE THOMPSON: Just a minute. He is asking about Kabbah.  
7 Can we have that, please.  
8 THE WITNESS: Okay. He was not in the country.  
9 MR HALL:  
10 Q. So this concerned group was organising to defend against  
11 the coup?  
12 A. Yes, of course.  
13 Q. And you had no military of your own?  
14 PRESIDING JUDGE: Mr Hall, it was organised to do what?  
15 MR HALL: Defend against the coup.  
16 JUDGE THOMPSON: Learned counsel, could you slow down a bit.  
17 MR HALL:  
18 Q. As a group you had no military; correct?  
19 A. Yes.  
20 Q. But you know of the CDF; correct.  
21 A. I knew what?  
22 Q. As a group you knew about the CDF?  
23 A. I knew about CDF?  
24 Q. Yes?  
25 A. Yes.  
26 Q. And the CDF at the time was that -- at the time was run  
27 by Hinga Norman?  
28 A. Yeah, up to the time of the coup. Yes.  
29 Q. Mr Norman was in charge then?

- 1 A. Up to the time of the coup he was in charge.
- 2 Q. The Kamajors as a group existed prior to the coup;  
3 correct?
- 4 A. Yes.
- 5 Q. And how long -- you may have testified to this, but it is  
6 not in my notes -- how long after the coup was it that  
7 you had this meeting to reverse the coup?
- 8 A. Well, to my experience, it was about two or three weeks  
9 to organise. Took us this time to organise this group.
- 10 Q. And where did this group go to meet?
- 11 A. To meet?
- 12 Q. Yes?
- 13 A. We were meeting in the town, in Bo Town.
- 14 Q. Okay. Had there been any communication with anyone in  
15 government about assistance in reversing the coup?
- 16 A. No, not at all.
- 17 Q. So there had been --
- 18 JUDGE BOUTET: Mr Hall, what was your question, again? I'm  
19 sorry, I missed it.
- 20 MR HALL: There had been no meeting with anybody from the  
21 government prior to this.
- 22 JUDGE BOUTET: Prior to the concerned group meeting?
- 23 MR HALL: In Bo.
- 24 JUDGE BOUTET: In Bo.
- 25 MR HALL: Yes.
- 26 PRESIDING JUDGE: Have you heard the question, Mr Witness?
- 27 THE WITNESS: Prior to the concerned meeting group, had there  
28 been any connection with the any government, or any  
29 consulting with any government officials, I said no.

1 MR HALL:  
2 Q. All Sierra Leone had to defend itself at this point then  
3 was the CDF; is that a fair statement?  
4 A. Pardon?  
5 Q. The only military type of force that Sierra Leone had to  
6 defend itself at the time you met was the CDF?  
7 A. Yes, of course.  
8 Q. And you knew about the CDF --  
9 PRESIDING JUDGE: Please wait.  
10 MR HALL: Sorry.  
11 Q. How familiar were you with the CDF at the time of this  
12 meeting?  
13 A. Pardon?  
14 Q. How familiar were you with the existence of CDF at the  
15 time of this meeting?  
16 A. Well, I knew CDF at that time that they were going --  
17 they were allied forces to SLA to go to war front  
18 [inaudible] -- they didn't know the terrain, so the CDF  
19 was there to join them to go on the war front and that  
20 was the main purpose of the CDF at that time. They were  
21 working together with SLA up to the time of the coup.  
22 PRESIDING JUDGE: Just a minute, please.  
23 JUDGE BOUTET: I'm just trying follow your evidence on this,  
24 Mr Witness. You were asked how familiar you were with  
25 the CDF prior to your concerted -- concerned group  
26 meeting. Your answer, if I understand it, is you were  
27 there because the CDF, prior to the coup, were working  
28 together with the SLA to fight the rebels at the time.  
29 Am I --

1 THE WITNESS: Yes, sir, that's correct.

2 JUDGE BOUTET: So that is how you knew of the CDF?

3 THE WITNESS: Yes.

4 MR HALL:

5 Q. And then the SLA also broke off?

6 A. Pardon?

7 Q. The SLA also went against the government later too; is

8 that correct?

9 A. Yes, because the coup d'etat.

10 Q. So that left the CDF to defend the country?

11 A. Of course, yes.

12 Q. When you met in Bo to -- deciding to reverse the coup as

13 quickly as possible, did you discuss bringing ECOMOG into

14 to help defend?

15 A. No.

16 Q. How long before --

17 PRESIDING JUDGE: Please wait. Please we want to get the

18 reply. "When we were discussing in our group to reverse

19 the coup, we did not involve ECOMOG"; is that what you're

20 saying?

21 THE WITNESS: Yes, sir.

22 MR HALL:

23 Q. At some point, however, ECOMOG became involved?

24 A. Yeah, of course, later.

25 Q. Now, you talked about going to Base Zero, the War

26 Council?

27 A. Pardon?

28 Q. The War Council went to Base Zero?

29 A. Well, the War Council did not go to Base Zero. The War



1 Council was formed at Base Zero. The War Council didn't  
2 go to Base Zero as per se, because at that time there was  
3 no War Council.

4 JUDGE BOUTET: The evidence-in-chief of the witness is,  
5 indeed, that the War Council was created and formed at  
6 Base Zero in the circumstances described. It did move  
7 out of there at some given time, but at the outset that  
8 is where it was created. At least, that is the evidence  
9 of this witness in-chief.

10 MR HALL:

11 Q. You were at Base Zero four months, I believe, you said?

12 A. About that time.

13 Q. During that four months how often did you see Hinga  
14 Norman there?

15 A. Well, very often. He was staying at Base Zero and he  
16 only usually goes out for detail for arms, ammunition and  
17 other food rations. But we were all staying there.

18 Q. Did Hinga Norman appoint the entire War Council?

19 A. Yes.

20 PRESIDING JUDGE: What is your question? Did Hinga Norman  
21 appoint the entire War Council?

22 MR HALL: Yes.

23 Q. And was the War Council picked from the group that was  
24 already at Base Zero?

25 A. Pardon?

26 Q. Was this War Council picked from the group of people  
27 already at Base Zero?

28 A. Yes. Those who were at Base Zero at that time.

29 Q. How did the idea of a War Council arise?

1 A. Well, as the -- as I told you, those members of War  
2 Council were -- people were present now present at that  
3 place and the administration was -- at that time was only  
4 in the hands of the National Coordinator, the High Priest  
5 and the Director of War. So there were a lot of  
6 atrocities and activities the Kamajors reported. So the  
7 National Coordinator himself thought it safe that there  
8 should be an administrative wing, that we should sit down  
9 over some of these things to recommend to him what to do.  
10 So that was the idea. That is where the War Council was  
11 born.

12 Q. Is it fair to say, Mr Witness, then that Hinga Norman  
13 wanted the War Council to help manage the war?

14 A. Pardon?

15 Q. Is it fair to say that Hinga Norman --

16 PRESIDING JUDGE: Mr Hall, take it slowly for him. He has  
17 some difficulty, you know. Take it slowly, please.

18 MR HALL:

19 Q. Is it fair to state that Hinga Norman wanted the War  
20 Council to help manage the war?

21 A. To help manage the war?

22 Q. Yes.

23 A. Yeah, yeah, of course, yes. At that stage, that started  
24 the formation of the -- that was the reason for the  
25 formation of the War Council.

26 Q. And as a part of that it was to bring organisation to the  
27 loose-knit groups known as the Kamajors?

28 A. Pardon?

29 Q. As part of the duties of the War Council was to bring

1 organisation to the loose-knit group of Kamajors?  
2 A. The loose-knit group of Kamajors?  
3 Q. Yes, loose-knit.  
4 A. Sorry, I don't --  
5 PRESIDING JUDGE: Losing what?  
6 MR HALL: Loose-knit. Let me state it another way.  
7 PRESIDING JUDGE: Please don't use idiomatic expressions. Use  
8 straight English words, you know, which he will  
9 understand and give us accurate responses. Can you --  
10 can Mr Hall reframe his question, please.  
11 MR HALL:  
12 Q. You testified yesterday that the Kamajors were in  
13 disarray around the country?  
14 A. I talked about disarray when there was -- after the coup  
15 they were in disarray. That is the time I talked about  
16 disarray.  
17 Q. Because they are spread out all over the country?  
18 A. Yeah.  
19 Q. And they have different leaders all over the country?  
20 A. After the coup that was exactly true what happened. That  
21 was what had happened. They were in disarray because the  
22 National Coordinator was not in the country now and we  
23 didn't know his whereabouts. So they were scattered all  
24 over. At that time when we were training at Base Zero,  
25 the formation of the War Council, they were brought back  
26 under the control of the National Coordinator. That is  
27 what I said yesterday.  
28 Q. There were literally hundreds of groups of Kamajors  
29 throughout the country?

- 1 A. Yes.
- 2 Q. And how would anybody communicate with this hundreds of  
3 groups?
- 4 A. Yeah.
- 5 Q. How?
- 6 A. Yeah. I told you yesterday that every base, every group  
7 has a commander. And all these commanders were coming to  
8 Base Zero to take instruction from the High Command or  
9 the National Coordinator. So when they came, whatever  
10 instruction they were given, they have to take back to  
11 their fighting groups in their various locations.
- 12 Q. And all those leaders came to Bo, to Base Zero?
- 13 A. All of them. Every group or location where the Kamajors  
14 were based, they were coming. When they came, all got  
15 training, facilities, instruction.
- 16 Q. You were trained as a Kamajor; correct?
- 17 A. Myself?
- 18 Q. Yes?
- 19 A. Yes.
- 20 Q. What are the laws of the Kamajor?
- 21 A. Huh?
- 22 Q. What are the laws of the Kamajor?
- 23 A. Well, the society per se, when you are --
- 24 PRESIDING JUDGE: Your question, Mr Hall, was related to the  
25 training and training has nothing to do with --
- 26 THE WITNESS: Oh, okay.
- 27 PRESIDING JUDGE: No, no, Mr Witness, I'm not talking to you.  
28 I'm talking to learned counsel. The question was related  
29 to his training and not the laws of the Kamajors. Are

1           you asking him whether he was initiated? If you're  
2           asking him to say whether he was initiated, which he has  
3           said, then you can put the question to him as to what the  
4           laws of the Kamajors were, because the issue of the laws  
5           of the Kamajors has nothing to do with the training. If  
6           he was trained, "Yes, I was trained." Then you say, what  
7           are the laws? Are you seeing the distinction I'm  
8           creating?

9   MR HALL: No, because I think if he was trained, he would have  
10           been trained in the laws.

11   PRESIDING JUDGE: In which laws? He was being trained as a  
12           soldier. There was initiation. Please create a  
13           distinction between initiation and training.

14   MR HALL:

15   Q. As part of your training you were told about the law of  
16           the Kamajors?

17   A. No, the training, no.

18   Q. How did you ever come to know the law of the Kamajors  
19           then?

20   A. Well, when you join the Kamajors, any society has its own  
21           rules and regulations. When you join, they will not tell  
22           you that this is the law of the Kamajors, law of Kamajor,  
23           no. But there will -- be around the initiate there will  
24           be some civilians they want to be spectators who are not  
25           Kamajors. They will never tell you.

26   Q. You were not told, then, that as a Kamajor you were to  
27           protect the civilians?

28   A. Well, that was the prerequisite of being initiated and of  
29           being a member of the society to protect your territory.

1 Q. And protect --

2 PRESIDING JUDGE: Mr Hall, was it territories -- to protect

3 territories or civilians?

4 MR HALL: Civilians was the question.

5 PRESIDING JUDGE: Pardon?

6 MR HALL: The question was protect civilians.

7 [MULTIPLE SPEAKERS]

8 PRESIDING JUDGE: So you say it was one of the objectives?

9 THE WITNESS: Prerequisites.

10 PRESIDING JUDGE: One of the objectives was to protect

11 civilians?

12 THE WITNESS: Yes. I said that in my statement.

13 JUDGE THOMPSON: Did you say one of the prerequisites of being

14 initiated, because I want to have it clearly.

15 THE WITNESS: Yeah, because you have --

16 JUDGE THOMPSON: Is it a prerequisite of the initiation?

17 THE WITNESS: That was the objective of the Kamajors.

18 JUDGE THOMPSON: I see. In other words, the objective of the

19 Kamajors was to protect civilians.

20 THE WITNESS: Yes.

21 MR HALL:

22 Q. And were you told this in training or did you just know

23 this generally?

24 A. Well, you were told -- you be told at training. You be

25 told at the training base. At the same time --

26 JUDGE THOMPSON: Just a minute. You can be told at the

27 training base. Yes.

28 MR HALL:

29 Q. And another part of one of the Kamajor rules was to not

1 plunder civilian property; is that correct?

2 A. Yes, when you join the Kamajors they tell you that you  
3 should not loot, you should not rape, you should not do  
4 that, all those things. Then in the society law --

5 JUDGE THOMPSON: Let us take it step by step. He is not  
6 asking you a multiplicity of questions. Let's just take  
7 it bit by bit, otherwise we get a disentangled piece  
8 here. He asked whether it was your -- one of the rules  
9 that you should not loot.

10 MR HALL: Correct.

11 Q. And you and I are on the same wavelength, my next  
12 question was what you answered; that another was that you  
13 don't rape the women?

14 A. Yes.

15 JUDGE THOMPSON: Was not to loot.

16 MR HALL:

17 Q. This was told to all Kamajor trainees during their  
18 training?

19 JUDGE BOUTET: Well, that's where we are getting confused,  
20 Mr Hall, because you keep insisting on training. He has  
21 told you that is not necessarily the case. So if -- your  
22 question first was: You were told this in training.  
23 Some of the answers of the witness were "not  
24 necessarily", and then he has been talking that some of  
25 the rules were not to loot, not to rape women. So rules,  
26 as I understand it, does not necessarily mean the rules  
27 that were issued to them and that they were trained in as  
28 such, so it would be important for other understanding  
29 that you try to differentiate, if there is any

1 differentiation. I may be wrong, but it is not clear if  
2 this is training or if it was something other than  
3 training. I have the feeling that if it was something  
4 other than training, as one of my brothers has said, it  
5 may have been related to initiation rather than training,  
6 or maybe they got some additional training in that. I  
7 don't know.

8 MR HALL:

9 Q. Okay, let's clear that up for the Court. Did you learn  
10 this at training or in initiation?

11 A. Well, they will tell you in the training that you were  
12 going to defend civilians. These are the rules. When  
13 you join the society, they will tell you. When you have  
14 your attire on, you have this, and when you are headed  
15 for combat, you should not touch woman, you should not  
16 rape women and we were encouraged to not loot properties.  
17 This, of course, generally when you join the society.

18 JUDGE BOUTET: So these are the rules -- Mr Witness, slowly  
19 please. These are the rules that you are being told and  
20 given when you join the society?

21 THE WITNESS: When you join the society. When they receive  
22 your training fee, this is not explained here.

23 [Inaudible] when you come you have it in your mind so  
24 that -- so that you should not be exposed.

25 JUDGE BOUTET: In other words, prior to going for training at  
26 Base Zero these are notions that you already -- and these  
27 are rules that you know of as a Kamajor.

28 THE WITNESS: Yes, because I'm sorry, that is a society law.  
29 I'm explaining to the Court. I don't know what will



1           happen the next time. I'm explaining to you the society.  
2           This we never explained. It was never explained in the  
3           field.

4   PRESIDING JUDGE: Never mind. It has been explained here.

5   THE WITNESS: Okay, sir.

6   PRESIDING JUDGE: It has been explained here. Nothing can be  
7           hidden, you know, before the law, unless you want us to  
8           administer an injustice because part of what you are  
9           explaining, I imagine, the way it is coming out, you  
10          know, goes to the credit of the Defence -- the conduct of  
11          the Defence and the accused persons. Do you understand  
12          me?

13   THE WITNESS: Yeah.

14   PRESIDING JUDGE: Right.

15   MR HALL:

16   Q. A more specific question about the laws of war. At any  
17          time were Kamajors told about the laws of war? For  
18          instance, were they given a pamphlet from the  
19          International Red Cross --

20   MR KAMARA: Objection, Your Honour, that is a legal question.  
21          Laws of war, it is a legal question and counsel may want  
22          to rephrase that question.

23   PRESIDING JUDGE: No, counsel is saying: Were they given any  
24          materials or so? Some material on what?

25   MR KAMARA: It is in addition to his first premises. In fact,  
26          the question is not only a legal question, it is also  
27          ambiguous. Firstly, he asked whether they were taught  
28          anything about the laws of war, and secondly, whether  
29          they were given pamphlets. So, firstly, if counsel can

1 differentiate the two questions and then ask one at a  
2 time. And then the first premise is what I am arguing;  
3 it is a legal question. It is not for this witness to  
4 respond to a question of law.

5 PRESIDING JUDGE: Let us get the question again, please.

6 Let's get the question again.

7 MR HALL: I phrased it as two parts.

8 PRESIDING JUDGE: No, no, put your question the way you put  
9 it. We have not asked you to rephrase it.

10 MR HALL:

11 Q. Were Kamajors, at any time, during training, initiation  
12 or whatever, told by trainers about the laws of war? As  
13 an example, were they given something like --

14 PRESIDING JUDGE: No, no, that there were rules of war.

15 JUDGE THOMPSON: Rules of combat.

16 PRESIDING JUDGE: Stop there. Mr Kamara, are you objecting to  
17 this question?

18 MR KAMARA: Yes, Your Honour. Objection on the fact that it  
19 is a legal question and this witness is a lay witness.  
20 He is not in a position to respond to legal issues.

21 PRESIDING JUDGE: Well --

22 JUDGE THOMPSON: Learned counsel, why is it a legal question?

23 Where here you are basing your case, the Prosecution is  
24 basing its case on the assumption that there were armed  
25 factions engaged in a war situation and also that there  
26 were certain norms and guidelines. Why is it  
27 objectionable for this witness to be asked, as a Kamajor,  
28 and who has told us that one of the objectives was to  
29 protect society, protect civilians? Why is it

1 objectionable for him not to answer the question that  
2 whether he was taught -- or the Kamajors were taught in  
3 their training the laws of war --

4 PRESIDING JUDGE: Let me take it from that. What is wrong  
5 with this witness, who says he was trained as a Kamajor,  
6 telling this Court, you know, what the content of his  
7 training was?

8 MR KAMARA: Your Honours, if I may take it at a time.

9 JUDGE THOMPSON: Before you answer my learned brother the  
10 Presiding Judge, if this question is objectionable, why  
11 is this indictment necessary?

12 MR KAMARA: Your Honour, I agree with you as regards to the  
13 premise of the Prosecution that we're here and based on  
14 the arm factions, but the question my learned friend  
15 seeks to get from this witness is laws of war. What are  
16 those laws of war that this witness knows that he can  
17 answer to and that laws of war is an issue of legalese.  
18 It is only meant for lawyers to understand what the  
19 context of laws of war are.

20 JUDGE THOMPSON: No. The point is that isn't the basis of  
21 this indictment that the accused persons violated certain  
22 international humanitarian law, to wit, the laws of war?  
23 In other words, that they did not in the process of  
24 combat observe certain humanitarian norms and principles.  
25 Isn't that the substratum of the indictment?

26 MR KAMARA: It is the gravamen of the indictment, Your Honour.  
27 And that is why we are here as lawyers to guide and  
28 elicit the facts that point out what is this breach of  
29 the laws of war. It is not for an ordinary lay witness

1 to probe further, or to be put in a position to be able  
2 to answer what is --

3 JUDGE THOMPSON: A witness who is alleging that certain  
4 violations took place in the course of the combat and  
5 who, in fact, has admitted that he was a member of one of  
6 the armed factions. You're saying that he is not in a  
7 position to answer the question whether during their  
8 training they were taught about the norms, the  
9 humanitarian norms upon which the indictment is based?

10 MR KAMARA: I concede to that.

11 JUDGE BOUTET: If I may add to what my brother Judge Thompson  
12 has just said. If I follow your reasoning, only lawyers  
13 could fight the wars in accordance with the rules of the  
14 war, because only they are able to understand the rules.  
15 So I thought the rules that apply to the laws of war to  
16 combatants is to train combatants to understand what the  
17 rules are and what you may or may not do has nothing to  
18 do with being a lawyer. It has to do with proper  
19 understanding of how the conduct of hostilities is to be  
20 done, not as to whether or not you have a trained  
21 certificate in law, otherwise, it is useless to even have  
22 this trial today.

23 MR KAMARA: Yes, Your Honour, I'm not saying that he is not in  
24 a position to say. What he is in a position to say is  
25 what he was told in the training.

26 JUDGE BOUTET: Whether he has been trained in the rules of  
27 war, he can certainly understand that.

28 PRESIDING JUDGE: Anyway, I think we should move. We should  
29 move. Mr Kamara, I'm afraid the objection is overruled.

1 Mr Hall, you may put that question. It is a perfectly  
2 legitimate question.

3 MR KAMARA: Thank you, Your Honour.

4 JUDGE BOUTET: But, Mr Hall, if you can break your question  
5 into parts.

6 PRESIDING JUDGE: But Mr Kamara's objection was premised on  
7 the first arm of your question.

8 MR HALL:

9 Q. As Kamajors, in your training, were you told about the  
10 laws of war?

11 A. Not at all. I said before this Court yesterday --

12 PRESIDING JUDGE: No, no, please. You better wait. Don't  
13 expound until you're asked to.

14 THE WITNESS: Okay.

15 MR HALL:

16 Q. You never saw anything like a booklet from the  
17 International Red Cross that showed the rules of war?

18 A. No, not to my knowledge.

19 Q. Nobody told you anything about shooting unarmed people?

20 PRESIDING JUDGE: Please take it easy, Mr Hall. No book from  
21 the Red Cross was ever given to us on the rules of war,  
22 isn't it? Is that not the answer that you want?

23 Mr Hall, I'm referring to you.

24 MR HALL: No. That is the question. That is not the answer.

25 PRESIDING JUDGE: We have to move fast on these matters.  
26 We're losing a lot of time.

27 JUDGE BOUTET: The question was whether they were given a  
28 booklet by the Red Cross showing the rules of war and the  
29 answer was no.

1 MR HALL:  
2 Q. And you were never told about shooting unarmed civilians?  
3 A. Pardon.  
4 Q. You were never told you could not shoot an unarmed  
5 civilian?  
6 A. No.  
7 Q. But you were told --  
8 PRESIDING JUDGE: Please wait, Mr Hall.  
9 JUDGE THOMPSON: We're trying to get the answers. I was never  
10 told that I could not shoot at unarmed civilians.  
11 MR HALL:  
12 Q. But you were told to protect civilians?  
13 A. I was told.  
14 Q. Were you told about shooting unarmed enemy combatants?  
15 A. Pardon?  
16 Q. Were you told about shooting an unarmed enemy combatant?  
17 A. Unarmed?  
18 Q. Unarmed?  
19 A. Did you say armed or --  
20 Q. Unarmed?  
21 A. Combat, combats, combatants?  
22 Q. Combatants?  
23 A. As long as you are the opposing side, so we were not told  
24 that as long as somebody has a gun you should not get rid  
25 of him out of your way.  
26 PRESIDING JUDGE: Please answer the question. Were you taught  
27 that you should not shoot at an unarmed combatant?  
28 THE WITNESS: No.  
29 JUDGE THOMPSON: I would like to interject something at this

1 point. Your answers, do they relate to you alone or are  
2 you speaking for the collective?  
3 THE WITNESS: Well, he's referring to the training.  
4 JUDGE THOMPSON: Yes. Are you speaking for -- because it is  
5 important for me to know this.  
6 THE WITNESS: I'm talking what happened at training.  
7 JUDGE THOMPSON: At the training?  
8 THE WITNESS: Yeah, at the training.  
9 JUDGE THOMPSON: All right.  
10 PRESIDING JUDGE: Let me follow up from there. At the  
11 training in which you participated?  
12 THE WITNESS: Yes.  
13 JUDGE THOMPSON: Were you the only trainer?  
14 THE WITNESS: No.  
15 PRESIDING JUDGE: When he was being trained?  
16 JUDGE THOMPSON: Yes, when you were being trained?  
17 THE WITNESS: I was [inaudible].  
18 JUDGE THOMPSON: So you were not told this when you were being  
19 trained.  
20 THE WITNESS: [Overlapping speakers] 1997.  
21 JUDGE BOUTET: Training here, Mr Witness, is training at Base  
22 Zero by the people you described yesterday; that is, the  
23 National Coordinator plus a few other names I don't  
24 recall, but that is what you mean by training?  
25 THE WITNESS: That is what I mean.  
26 JUDGE BOUTET: And it was of a duration of three weeks, you  
27 said?  
28 THE WITNESS: Not three weeks. Three days, four days as the  
29 case may be. It was just to teach somebody to cock and

1 fire. You're talking training that you undergo you got  
2 all these rules and regulations. Where can you train  
3 these people [inaudible] say 1,500, 2,000?  
4 JUDGE BOUTET: So training had to do with how to use a weapon?  
5 THE WITNESS: Weapons.  
6 JUDGE BOUTET: To fire?  
7 THE WITNESS: To cock and fire, that's all.  
8 JUDGE BOUTET: That's it, okay.  
9 JUDGE THOMPSON: Thank you.  
10 JUDGE BOUTET: That is what you call cock and fire?  
11 THE WITNESS: Cock and fire, yes.  
12 MR HALL:  
13 Q. As a member of the War Council then, are you saying you  
14 knew nothing about the laws of war?  
15 A. Exactly, I don't know.  
16 Q. And you, with others, undertook -- 14 others undertook  
17 the responsibility of strategising this war, knowing  
18 nothing about the law of war?  
19 A. Yes, we were just as the community people, whereas I told  
20 you yesterday the thing started as a vigilante group in  
21 Bo [inaudible] so still after the overthrow we still  
22 continued with this vigilante organisation to defend our  
23 areas and civilians and ourselves. So this --  
24 Q. Slow down a bit and wait for the Court. Go ahead and  
25 complete your answer. I'm sorry?  
26 A. Huh?  
27 Q. You can complete your answer. I'm sorry?  
28 A. As I said yesterday, the defence of the civilians or the  
29 community started as civil vigilantes. These used --



1 [inaudible] to defend their areas, to guide community  
2 people. So this was going on for some time until when  
3 these Kamajors came here. So even as I told you about  
4 this law, it was when, as I told you yesterday, what  
5 I want to explain that area, that when the community  
6 people were nominating initiates these laws were there,  
7 but immediately after the overthrow there was no control  
8 over initiation. Nobody was giving the initiate now. So  
9 they were just going. At that time even when we had Base  
10 Zero there was no law. All these laws were not  
11 highlighted to the fighters [inaudible]. So there was  
12 that kind of qualification of initiation. So that was  
13 what I explained.

14 Q. But at that time the government had been overthrown, the  
15 country was in a national emergency and the CDF was  
16 organised with your direction --

17 JUDGE BOUTET: Are you asking a question? Are you asking the  
18 question if the country was in a national emergency?  
19 This is the term you are using. Do you think the witness  
20 will be able to understand that, this kind of technical  
21 term?

22 MR HALL: Well, he said they were there to reverse the coup.

23 JUDGE BOUTET: Well, I thought a national emergency was  
24 different than a war, but it may be that in your language  
25 it is the same.

26 MR HALL:

27 Q. Well, the country is at war, the government is overthrown  
28 and it is important to get as many soldiers together as  
29 quickly as possible; correct?

- 1 A. Pardon?
- 2 Q. Your country is now at war, the government has been  
3 overthrown and you, as a War Council for concerned  
4 citizens, organised to reverse the coup and it was  
5 important then to get as many people together as quickly  
6 as possible to fight this war; correct?
- 7 A. Yes.
- 8 Q. And as a result of that --
- 9 PRESIDING JUDGE: What is correct?
- 10 MR HALL: To get as many --
- 11 PRESIDING JUDGE: Because you were getting into a mini lecture  
12 in asking your question. What is correct? What has he  
13 said is correct? I don't know what he has said is  
14 correct.
- 15 MR HALL: Actually every step of it; that the country was at  
16 war, that the government had been overthrown, that it was  
17 necessary to reverse the coup as quickly as possible and  
18 get as many soldiers together as quickly as possible.
- 19 PRESIDING JUDGE: Yes, that is what he said was correct.
- 20 MR HALL: Correct.
- 21 THE WITNESS: No, that was not it. The first thing that we  
22 met -- we put in place was to -- in order to be able to  
23 reverse the coup was to change the national coordinator.  
24 We had the power at that time to put the Kamajor together  
25 so therefore we traced him.
- 26 MR HALL:
- 27 Q. Who appointed Hinga Norman?
- 28 A. Huh?
- 29 Q. Who appointed Hinga Norman national coordinator?

- 1 A. The Kamajor society.
- 2 Q. Not the president?
- 3 A. Well, I don't know whether he was appointed by the  
4 president but I know that he was the leader of the  
5 Kamajors and called national coordinator.
- 6 Q. So it would be that all the region chiefs would have  
7 appointed him national coordinator?
- 8 A. Sorry.
- 9 Q. The region chief would have appointed him national  
10 coordinator?
- 11 A. He was a region chief when he was appointed national  
12 coordinator, is that what you mean?
- 13 Q. No. Did the region chiefs get together to appoint him --  
14 if the Kamajors appointed him, who in the Kamajors did  
15 it?
- 16 A. At the time -- let me explain that. The appointment  
17 started from the time of NPRC when he was a region chief  
18 at the [inaudible] the NPRC appointed him region chief  
19 knowing him as an ex-serviceman. So they called him  
20 organise the vigilante group. They started training  
21 vigilantes at his base. So that was where I knew -- I  
22 know that his appointed started. So even when the  
23 government came to power, they do not have to remove him  
24 again so continued from that point.
- 25 Q. When the government --
- 26 A. He was appointed by NPRC to organise the vigilantes.
- 27 JUDGE BOUTET: What is NPRC?
- 28 PRESIDING JUDGE: What is NPRC, yes, that was going to be my  
29 question.

1 MR HALL:  
2 Q. What is NPRC? Can you spell that out?  
3 A. NPRC, National Provisional Council, Ruling.  
4 PRESIDING JUDGE: Provisional Ruling Council?  
5 THE WITNESS: Yes.  
6 JUDGE BOUTET: When were they organised -- or when did they  
7 exist?  
8 THE WITNESS: Well, the NPRC?  
9 JUDGE BOUTET: Yes.  
10 THE WITNESS: This is -- I have forgotten the date now, the  
11 year. Before the general election, before the coming of  
12 the elected SLPP power, but I cannot remember now.  
13 JUDGE BOUTET: But it was before 1997?  
14 THE WITNESS: Before 1997. Before 1997.  
15 JUDGE BOUTET: Thank you.  
16 PRESIDING JUDGE: And you say Mr Norman was appointed by this  
17 NPRC to train who? The vigilante groups?  
18 THE WITNESS: The vigilantes, yes.  
19 PRESIDING JUDGE: And what else? The vigilante groups and  
20 which other groups?  
21 THE WITNESS: No but that [inaudible].  
22 PRESIDING JUDGE: The vigilante groups?  
23 THE WITNESS: At that time they were vigilantes. The Kamajor  
24 -- the issue started from these vigilantes.  
25 PRESIDING JUDGE: You said somewhere in your reply that when  
26 the government came they could not reverse the situation.  
27 Which government? They could not reverse the situation,  
28 they allowed him to continue in this capacity.  
29 THE WITNESS: Yes, the SLPP led government.

1 PRESIDING JUDGE: When the SLPP government came to power they  
2 allowed that?

3 THE WITNESS: Yes, he still continued to be the organiser.

4 MR HALL:

5 Q. So Hinga Norman was the national coordinator before the  
6 coup then?

7 A. Pardon?

8 Q. Hinga Norman was the national coordinator for the CDF  
9 before the coup?

10 A. Yes.

11 Q. When the coup occurred, Sierra Leone had no government,  
12 no army?

13 A. Yes, Sierra Leone had no government at that time --  
14 elected government. At that time Sierra Leone had no  
15 elected government.

16 PRESIDING JUDGE: After the coup there was no elected  
17 government?

18 THE WITNESS: Yes.

19 MR HALL:

20 Q. The president was in exile?

21 A. Yes.

22 Q. And when you came to Bo you knew Hinga Norman was in Bo?

23 A. Pardon?

24 Q. You came to the CDF to help reverse this coup; correct?

25 JUDGE BOUTET: He is from Bo so I --

26 THE WITNESS: I cannot get you clear.

27 JUDGE BOUTET: [Overlapping speakers] I don't understand your  
28 question, too.

29 MR HALL:

1 Q. The concerned citizens came together to come to Hinga  
2 Norman to organise the CDF to put down the coup?

3 A. That was not in Bo. Hinga Norman was not in Bo. When  
4 the concerned group came together, the line that Chief  
5 Norman was in Guinea, Conakry. So the delegation  
6 consequently was sent to Hinga Norman to threaten him  
7 into starting in Conakry. He was not in Bo.

8 PRESIDING JUDGE: And he was not in Conakry, either.

9 THE WITNESS: He was not in Conakry either, we went there.

10 PRESIDING JUDGE: You went to look for him in Liberia.

11 MR HALL:

12 Q. But you went to look for him to get him to fight this war  
13 for you?

14 A. Yes. To organise the Kamajors, because he was the  
15 national coordinator.

16 Q. And when you came looking for him, he was out of the  
17 country looking for war material to supply the troops?

18 A. Yes.

19 [HN171104B 10.43 a.m.]

20 Q. And while you were --

21 A. Yes?

22 Q. While you were on the War Council, Mr Norman often left  
23 the country on these types of missions?

24 A. Yes.

25 Q. You testified yesterday to him showing up with a  
26 helicopter -- in a helicopter?

27 A. Pardon?

28 Q. You testified yesterday that he showed up one time in a  
29 helicopter with armaments and food?

- 1 A. Yes.
- 2 Q. CDF did not have its own helicopters, did it?
- 3 A. No.
- 4 Q. Whose helicopter was it?
- 5 A. Well, this was a -- the headquarter was the -- it's  
6 combats headquarter military kind of helicopter. 'Cause  
7 as I saw the description on it.
- 8 JUDGE BOUTET: Do you know whose helicopter it was?
- 9 THE WITNESS: Well, I can't tell. I don't know whose  
10 helicopter it was.
- 11 MR HALL:
- 12 Q. How many different times did you see Mr Norman come in on  
13 a helicopter?
- 14 A. I can't remember them, they are so many times.
- 15 Q. Would it be a different helicopters he'd come in on or  
16 always the same one?
- 17 A. The same helicopter.
- 18 Q. At some point ECOMOG joined forces with the CDF; is that  
19 correct?
- 20 A. Yes.
- 21 Q. And that's who General Khobe was attached to?
- 22 A. Yes.
- 23 Q. As between ECOMOG and the CDF, was any group in control  
24 or were they operating independent?
- 25 A. Well, the CDF was independent. 'Cause where the CDF was  
26 staying, there was no presence of the ECOMOG. ECOMOG  
27 were Lungi, Freetown at that time, while CDF was in the  
28 south and east. So the CDF was independent and ECOMOG  
29 was independent.

- 1 Q. At times the Kamajors would take control of some  
2 territory, would ECOMOG come in then to back them up?
- 3 A. No.
- 4 Q. The Kamajors, then, were on their own; is that correct?
- 5 A. Yes.
- 6 PRESIDING JUDGE: I got the first arm of the question. If  
7 Kamajors took over some territory, ECOMOG would not come  
8 to reinforce them.
- 9 MR HALL: Would not back them up.
- 10 PRESIDING JUDGE: Which other question followed after that?
- 11 MR HALL: The Kamajors then were on their own.
- 12 THE WITNESS: Yes.
- 13 MR HALL:
- 14 Q. Do you have any idea the number of Kamajors that were  
15 involved in the war -- rough number?
- 16 A. No.
- 17 Q. Hundred thousand, two hundred thousand?
- 18 A. No, I can't estimate, 'cause I told you initiation was  
19 just [inaudible].
- 20 Q. There was essentially no way of knowing who was involved?
- 21 A. Huh?
- 22 Q. There was no way of knowing, at central command, who was  
23 involved and fighting in the war, was there?
- 24 A. Yes, indeed. No involvement Kamajors, that's what I'm  
25 saying. We only know what commanders, but the number of  
26 Kamajors under their operational list, I can't tell,  
27 except the various commanders who were minding the  
28 operational areas.
- 29 Q. When the country had the coup and the Kamajors were



- 1 recruiting, it was going on all over the country?
- 2 A. Pardon?
- 3 Q. The recruiting of Kamajors -- the initiating of Kamajors  
4 was done all over the country?
- 5 A. Well, would not be all over the country, but initiation  
6 was going on wherever initiators were. So I can't say  
7 all over the country, because I was not all over the  
8 country. Initiation was going on wherever initiators  
9 were.
- 10 Q. So the War Council had no way of knowing how many CDF  
11 forces there were?
- 12 A. No.
- 13 Q. No way of knowing how many were being initiated?
- 14 A. How many initiators were there?
- 15 PRESIDING JUDGE: Please, split that question. The War  
16 Council did not know how many Kamajors there were in all;  
17 is that not the first question?
- 18 MR HALL: In all, yeah.
- 19 PRESIDING JUDGE: They wouldn't also know how many were  
20 initiated?
- 21 MR HALL: How many initiators there were -- [Overlapping  
22 speakers]
- 23 PRESIDING JUDGE: Or how many initiators?
- 24 THE WITNESS: Yeah, exactly.
- 25 MR HALL:
- 26 Q. Every community was organising together on its own to put  
27 together a Kamajor group?
- 28 A. Well, at that time every community was there to defend  
29 his area by having vigilantes and the Kamajors, of

- 1 course. But this was organised under initiators and  
2 these initiators were reporting to the national  
3 coordinator.
- 4 Q. But each community was gathering troops on its own to  
5 join the CDF?
- 6 A. No, that I have told you. When the community was doing  
7 this, that was before the coup. After the coup everybody  
8 was just joining the society now to defend. It was no  
9 longer a community coming together and have these people  
10 to do this.
- 11 Q. So there was no organisation whatsoever?
- 12 A. There was organisation, but for initiation, people were  
13 joining of their own accord as a membership. The CDF was  
14 there as an organisation.
- 15 Q. Is it fair to say that all these people had a common  
16 goal?
- 17 A. What you say?
- 18 Q. Is it fair to say that all these people had the common  
19 goal of protecting democracy in Sierra Leone?
- 20 A. Pardon? Be clear, please.
- 21 Q. Is it a fair statement, Mr Witness, that all these people  
22 joining the Kamajors had as their common goal protecting  
23 democracy in Sierra Leone?
- 24 A. Yes, yes, that was the common goal, exactly.
- 25 Q. To restore democracy?
- 26 A. Yes.
- 27 Q. And you obviously shared in that view, because you were  
28 one of the concerned citizens wanting to reverse this  
29 coup?

1 A. Yeah.

2 Q. And you became a member of the War Council to reverse the  
3 coup?

4 A. Yes.

5 Q. And restore democracy?

6 A. Yes.

7 PRESIDING JUDGE: So you shared this view, that is why you  
8 became involved --

9 THE WITNESS: In the society --

10 PRESIDING JUDGE: -- up to being a member of the War Council?

11 THE WITNESS: Yes.

12 MR HALL:

13 Q. Did the War Council sitting in Bo actually sit in  
14 judgment of somebody who was accused of violating the  
15 laws of Kamajors by killing an innocent civilian?

16 A. No. In Bo?

17 Q. Anywhere?

18 A. Well, you said Bo. If you say Bo, no.

19 Q. Anywhere else?

20 PRESIDING JUDGE: You're saying that the War Council never sat  
21 in Bo?

22 THE WITNESS: Never met at Bo.

23 JUDGE BOUTET: Mr Hall, my recollection of the evidence was  
24 the War Council existed as a complete body only at Base  
25 Zero. When he moved into various locations they were an  
26 administrative body of the War Council, but the War  
27 Council in itself, as an entity -- but you may wish to  
28 pursue that if you want to.

29 MR HALL:

- 1 Q. Did the War Council sitting anywhere, wherever you were,  
2 consider charges against a soldier -- CDF soldier for  
3 killing an innocent civilian?
- 4 A. Yes.
- 5 Q. Did you conduct a military tribunal out in the bush --  
6 out in the field?
- 7 A. I can't call it military tribunal. I don't know what is  
8 a military tribunal. But a meeting was held, and  
9 delegation was done. Whether it was based on the  
10 military or what? So I can't say it was a military  
11 tribunal, because I don't know what a tribunal is.
- 12 Q. All right. But you had people tell you what happened and  
13 you made a judgment, based on what you heard, whether or  
14 not the person committed this violation?
- 15 A. Yes, we met on the issues, and then the delegation was  
16 done. And we find out that the Kamajor who were in  
17 question committed the crime, he killed, burnt down and  
18 looted. The War Council met on that.
- 19 Q. How many times?
- 20 A. Well, many times. I can remember two or three incidents  
21 now, but this happened many times.
- 22 PRESIDING JUDGE:
- 23 Q. And a verdict was reached after the questioning?
- 24 A. Sir?
- 25 Q. You arrived at a verdict after the questioning?
- 26 A. What was the verdict?
- 27 Q. I say you arrived at a verdict --
- 28 A. Yes, yes, sir, we arrive --
- 29 Q. -- after the questioning?

1 A. We arrived at a recommendation. As war Council we can't  
2 take a verdict.

3 Q. I see, okay.

4 A. Yeah, we recommend.

5 JUDGE BOUTET: So you would do investigation and make  
6 recommendation to the national coordinator?

7 THE WITNESS: Make recommendation. Yeah, exactly.

8 MR HALL:

9 Q. Do you happen specifically to remember the name Vanjawai?

10 A. Yes.

11 Q. Was that man tried by your group?

12 A. Pardon?

13 Q. Was Vanjawai tried by your group?

14 A. Not tried. He was investigated. I want to use the  
15 language that I'm using.

16 JUDGE BOUTET: Mr Hall, you keep using this notion of trial.  
17 The witness has been saying consistently all they're  
18 doing is investigating and making reports. If you want  
19 to call that a trial, he does not call that a trial.

20 MR HALL: Okay, fair enough.

21 PRESIDING JUDGE: He knows the name Vanjawai.

22 THE WITNESS: Yes, I know Vanjawai.

23 MR HALL:

24 Q. And he was investigated?

25 A. Yes.

26 Q. I believe it was shooting a civilian or looting?

27 A. Killing civilian, one Jeneba, cutting hair of --

28 PRESIDING JUDGE:

29 Q. Pardon me?

- 1 A. Killing civilian, a pregnant woman, by the name of Jeneba  
2 at Kponima, Jaiama-Bongor Chiefdom.
- 3 Q. A pregnant woman called --
- 4 A. Jeneba.
- 5 Q. Jene --
- 6 A. Jeneba.
- 7 Q. Jeneba?
- 8 A. Yes.
- 9 Q. And this happened where?
- 10 A. At Kponima, Kponima village, Jaiama-Bongor Chiefdom.
- 11 Q. K-O --
- 12 A. K-P-O-N-I-M-A.
- 13 Q. Kponima?
- 14 A. Yes.
- 15 Q. In the Jaiama-Bongor Chiefdom?
- 16 A. Yes. And cutting hair of one section speaker.
- 17 Q. And --
- 18 A. Cutting hair - hair is cut off - of one section speaker  
19 by the name of Foday Hayama.
- 20 Q. One section speaker?
- 21 A. Section speaker, yes, by the name of Foday Hayama.
- 22 Q. Foday --
- 23 A. Hayama, H-A-Y-A-M-A.
- 24 Q. Hayama?
- 25 A. Hayama.
- 26 Q. Foday Hayama?
- 27 A. Yes. He was found guilty of that offence.
- 28 MR HALL:
- 29 Q. And what was the recommendation for him?

1 A. Yeah, as this was not the only person that's killed so  
2 far. So in order to put in [inaudible] to put a stop to  
3 these kind of things, the War Council recommended a  
4 threat of death penalty -- a threat of death penalty.  
5 Recommended a threat of death penalty, though not to be  
6 carried out, but to instill fear in commanders to stop  
7 that kind of behaviour. Since this was just to serve as  
8 a threat, another recommendation was made, which was made  
9 to be implemented. That was pegging of Vanjawai at Base  
10 Zero, stopping him from going to warfront. That's what  
11 we meant, pegging.

12 PRESIDING JUDGE: Pegging?

13 THE WITNESS: Pegging, yes. To peg him at Base Zero.

14 PRESIDING JUDGE: P-E-G-G-I-N-G?

15 THE WITNESS: P-E-G-G-I-N-G, yes.

16 MR HALL:

17 Q. Was Mr Norman one of the people that gave evidence  
18 against Vanjawai?

19 A. What?

20 Q. Was Mr Norman one of the people to give evidence against  
21 Vanjawai?

22 A. No, he was not [inaudible]. How could he give evidence  
23 against him?

24 Q. He was not there at the time?

25 A. Yeah, he was not at where the incident took place. It  
26 was reported to all of us, including to the War Council,  
27 including Chief Norman himself. So how can he give  
28 evidence?

29 PRESIDING JUDGE:

- 1 Q. Let's get one thing clear. Was Chief Norman at this  
2 trial?
- 3 A. He was there, he was at the meeting --
- 4 Q. Not at the trial anyway; at that inquiry?
- 5 A. No, he didn't -- what I'm saying, sir -- yes, sir, he was  
6 at the meeting where this recommendation was made. He  
7 was in the meeting where this trial came now, when the  
8 people came now. We don't call it trial, but when the  
9 people came that's when for investigation. The  
10 recommendation was made in his presence in the Council,  
11 and when the -- the investigation was also done in his  
12 presence.
- 13 Q. You said the recommendation was made in his presence and  
14 what else?
- 15 A. His presence by the War Council, cause he was in that  
16 meeting -- the War Council meeting at that time. And  
17 then during the investigation he was there.
- 18 Q. And then?
- 19 A. During the investigation he was present.
- 20 MR HALL:
- 21 Q. Did Chief Norman actually bring to the War Council the  
22 allegations against Vanjawai?
- 23 A. Pardon?
- 24 Q. Did Chief Norman bring to the War Council the allegations  
25 against Vanjawai?
- 26 A. If he bring to the War Council the allegation --
- 27 Q. Was he the one that told you?
- 28 A. Not Chief Norman told us about killing of this -- I told  
29 you not Chief Norman. It was another commander. The



1 regional operation commander brought this report to us --  
2 to the War Council, together with Chief Norman.

3 Q. Together with Chief Norman?

4 A. Yeah, we -- no, we in the War Council together with Chief  
5 Norman. He's a member of the War Council. He was there  
6 when the reports was made by the regional operation  
7 commander. That's what I'm saying. He's not giving  
8 report to us against Vanjawai.

9 Q. Since you did this many times, had complaints like this  
10 brought to you --

11 A. Yeah.

12 Q. -- leaders in the field knew to report these violations?

13 A. Pardon?

14 Q. Leaders in the field must have known to report these  
15 violations?

16 A. Leaders of the warfront who made these reports might have  
17 known?

18 Q. Yes.

19 PRESIDING JUDGE: But this is what the witness has said. He  
20 said it's a commander in the field who came and made the  
21 report against Vanjawai, in the presence of Norman.

22 MR HALL: One did, but because there were so many others -- he  
23 said they heard many.

24 Q. So this may be argumentative, but because you heard so  
25 many, then other leaders in the field must have known to  
26 report them; correct?

27 A. According to the system there, we had a regional  
28 operation commander to whom all the battalion commander  
29 report were responsible. So we received this report from

1 regional commander, not from any other commander. He  
2 came to the base with reports weekly, fortnightly, as the  
3 case may be. So for me to get report from other  
4 commander, it was very impossible. I only dealing with  
5 the regional commander.

6 PRESIDING JUDGE:

7 Q. And in the case of Vanjawai, which regional commander  
8 made the report? Do you remember the name?

9 A. Yeah, that is Albert J Nallo. He was the regional  
10 commander for the south.

11 Q. You say it's Nallo?

12 A. Albert J Nallo.

13 Q. Nallo?

14 A. Yes.

15 Q. The regional commander of the south, you say?

16 A. Yes, sir. The general operational commander of the  
17 south.

18 JUDGE BOUTET:

19 Q. So, Mr Witness, the way it was reported to the War  
20 Council from the warfront, it would be reported to the  
21 regional commander wherever they may be, and the regional  
22 commander would come to the War Council. Is that the way  
23 it was happening?

24 A. That's correct.

25 Q. Can you inform us as to how many regional commanders  
26 there might have been, because you're talking of Nallo  
27 being the original commander for the south?

28 A. We had a regional commander for the east. That was Musa  
29 Junisa.

- 1 Q. So you had two regional commanders?
- 2 A. Yes.
- 3 Q. One for the south and one for the east?
- 4 A. Because as we did not have -- at that time we are not  
5 having much control over the north and the west, so there  
6 was no appointment for a regional commander to be there,  
7 to my knowledge.
- 8 Q. That's okay, we're asking you to your knowledge. And  
9 this is at a time that you are at Base Zero?
- 10 A. Yes, that was exactly.
- 11 MR HALL:
- 12 Q. So I take it from your testimony, then, that complaints  
13 had to come up through a chain of command?
- 14 A. Pardon?
- 15 Q. Complaints had to come up through a chain of command to  
16 be reported to you?
- 17 A. Yeah.
- 18 Q. And everybody in the chain of command knew this  
19 apparently?
- 20 A. Some people did it, some people did not. Like, somebody  
21 in the east, for him to travel on foot to go and report  
22 whatever incidents happen, and goes back, that he will  
23 not allow that to lose that time from the warfront,  
24 commander is there and come to Base Zero. So the people  
25 were around, but in the south they were -- that was the  
26 area where was.
- 27 Q. Part of that, then, I guess, is a problem of lack of  
28 facilities -- communication equipment. You couldn't send  
29 a radio transmission or a telephone transmission to

1 inform somebody of this. It had to be somebody  
2 travelling physically to tell you; correct?  
3 A. Pardon?  
4 Q. You had no facilities for communication?  
5 A. Yeah, at that time, yes.  
6 Q. So literally you had to have people driving between  
7 cities or running between cities to pass on information?  
8 A. Yes.  
9 Q. And that was the nature of this conflict?  
10 A. Nature of what?  
11 Q. The nature of this conflict was you had no modern  
12 communication equipment to get the word out or to get the  
13 word back; correct?  
14 A. I don't understand you. I don't -- please be clear. You  
15 know, you talk --  
16 MR KAMARA: Your Honours, will counsel rephrase the question.  
17 By saying "nature of conflict", it sounds very ambiguous  
18 and unclear.  
19 JUDGE THOMPSON: It also sounds argumentative to say that lack  
20 of communications was the nature of the conflict. It's  
21 quite a very broad statement. I think you're right.  
22 PRESIDING JUDGE: Certainly argumentative, but very  
23 speculative.  
24 MR HALL: Your Honour, I submit it is not speculative, because  
25 he said there was no communication --  
26 PRESIDING JUDGE: I said it is speculative. Move on, please.  
27 We should not argue. When a ruling comes from the Bench,  
28 please move along, because we have to move.  
29 JUDGE THOMPSON: My criticism is that singling out one

- 1 variable to say it was the nature of the conflict, would  
2 seem very, very broad indeed -- an oversimplification.
- 3 MR HALL:
- 4 Q. So when the allegation against Vanjawai was brought, it  
5 was his regional commander came directly to Base Zero to  
6 report it?
- 7 A. Yeah, the regional commander reported to Base Zero.
- 8 Q. Was Vanjawai with him?
- 9 A. Pardon?
- 10 Q. Was Vanjawai with him?
- 11 A. He came and reported first; Vanjawai was not there. And  
12 then later on Vanjawai was invited and Vanjawai came.
- 13 Q. And how did you get the word to Vanjawai?
- 14 A. Huh?
- 15 Q. How did you get the word to Vanjawai?
- 16 A. The regional commander went back and brought him. They  
17 ask him to go and bring him.
- 18 Q. How far did he have to go?
- 19 A. Well, he has to leave the Bonthe District to Bo District.  
20 It's a very long distance. It take two days travelling.
- 21 Q. Was the allegation against Vanjawai the worst that you  
22 heard as a group?
- 23 A. Pardon?
- 24 Q. Was the allegation against Vanjawai the worst you heard  
25 as a group?
- 26 A. It's what we heard as a group?
- 27 PRESIDING JUDGE: No. Witness --
- 28 THE WITNESS: Yes.
- 29 PRESIDING JUDGE: -- the allegation against Vanjawai, was that

1 the worst allegation you heard from the group?

2 THE WITNESS: It was one of the worst allegations. One of the  
3 worst allegations anyway -- one of the worst.

4 MR HALL:

5 Q. And those others?

6 A. Were also killing and looting.

7 Q. What was the worst punishment given out for any of these  
8 violations?

9 A. Well, as I told you, there was no prescribed punishment  
10 for those crimes.

11 PRESIDING JUDGE: Mr Witness, what was the worst punishment  
12 that could be given or that was that given? Mr Hall, is  
13 that what you want to know?

14 MR HALL: Yes.

15 THE WITNESS: Or that was given.

16 MR HALL: What was the most severe punishment?

17 PRESIDING JUDGE: What was the severest punishment?

18 THE WITNESS: Well, that the punishment was he's to be pegged,  
19 as I told you.

20 PRESIDING JUDGE: No, no, no. That is not what he is asking.  
21 What would be the severest punishment that could be given  
22 to any offender? Is that what you're saying?

23 MR HALL: Yes.

24 Q. What was the severest that you actually handed out?

25 A. What was the --

26 Q. What was the worst punishment?

27 PRESIDING JUDGE: The maximum punishment, the severest  
28 punishment.

29 THE WITNESS: Was given to him or --

1 MR HALL: Anybody.

2 THE WITNESS: Well, the severest punishment given to anybody  
3 committed at that time was to peg him, to stay -- not to  
4 go to warfront. Because when you tell Kamajor not to go  
5 to warfront, he will fight back. So as far as War  
6 Council was concerned, that was the severest punishment  
7 recommended to the national coordinator to be implemented  
8 -- for implementation.

9 MR HALL:

10 Q. Was Vanjawai the only one who was put under a threat of a  
11 sentence of death?

12 A. No, he was not the only one.

13 Q. How many others? A rough number. You don't need the  
14 exact number?

15 A. How many?

16 Q. Yes.

17 A. There were about three of them at that day -- on that  
18 particular day.

19 Q. On one day there were three?

20 A. On that particular -- when Vanjawai case was on, that's  
21 what I'm saying, on that particular day.

22 Q. On all days -- on all the days put together, how many  
23 people were put under a threat of -- [Overlapping  
24 speakers]

25 A. I can't remember that now. In fact, before this time,  
26 there was no threat of death punishment for anybody. It  
27 was because when the excess of this atrocity over  
28 [inaudible], therefore we decided the War Council  
29 recommended there's to be threats to that, so that they

1 will stop it. All [inaudible] soldiers to stay at the  
2 base some time.

3 Q. What did the War Council do to get the word out to keep  
4 other people from doing this?

5 A. What did War Council do to --

6 Q. To keep soldiers from committing atrocities?

7 A. I have told you what the War Council did. Whenever a  
8 Kamajor committed atrocity, this brought to the knowledge  
9 of the War Council investigating. War Council recommend  
10 to the national coordinator that this particular  
11 commander should stay here for some time to join -- to be  
12 in the town, overlooking the town, so that watching him,  
13 monitor his movement. That was the highest  
14 recommendation or punishment given to commanders.

15 Q. Understand. My question is what did you do to prevent  
16 other possible violations by other people?

17 A. I don't know. I don't understand the question actually.

18 PRESIDING JUDGE: To prevent other people, they pegged people,  
19 they sentenced the threat -- they had the death threat  
20 and so on, on the offenders. Is that not it? That's the  
21 threat -- that's a threat. Did you want them to take a  
22 microphone around the place?

23 JUDGE THOMPSON: Like, learned counsel, are you asking about  
24 preventive measures?

25 MR HALL: Yes.

26 JUDGE THOMPSON: As distinct from the deterrent effect of --  
27 possible deterrent effect of the --

28 MR HALL: I didn't want to use the word "preventive measures",  
29 but that's what I meant.



1 JUDGE THOMPSON: Yeah, quite.

2 MR HALL: But I'll just use that word.

3 Q. Did the War Council do anything preventive to get the  
4 word out to other people not to do this?

5 A. Yes, there was also cells -- Kamajor cells were there.  
6 When any Kamajor commit a crime, they were put in that  
7 cell. Recommendation was made these Kamajors --  
8 particular Kamajor should go to that cell, and that  
9 recommendation was made to the national coordinator. So  
10 the cells were there, and that Kamajor cell were quite  
11 different from any other cell.

12 Q. Did the War Council do anything, though, to say, for  
13 instance --

14 PRESIDING JUDGE: When you say that Kamajor cell was different  
15 from the others, what do you mean?

16 THE WITNESS: It looks like a house -- like house they put in  
17 it a cell. It was just a cage, like this table. When  
18 you are taken there, you go under that cage, you be there  
19 lot. You know, massive wood, like -- just like this  
20 table. It can take two or three people together. So you  
21 can't stand, you just remain sitting or you lie down.

22 MR HALL:

23 Q. Did the War Council do anything to get the word to  
24 soldiers in the field not to be doing these kind of  
25 things, like tell their commanders to tell them not to do  
26 this?

27 JUDGE BOUTET: Mr Hall, I would like that you move a bit --  
28 first, the witness has said, I don't know how many times,  
29 that all he did was make recommendations. You may ask

1 him if he then made recommendations to that effect, but  
2 he never did anything other than make recommendation to  
3 the National Director. So unless you ask him --  
4 otherwise we're going in circles.

5 MR HALL: We'll back up a step.

6 Q. Did you say to Hinga Norman, "Get the word out to other  
7 people to get this to stop"?

8 A. Yes, this was recommended to him, that disciplinary  
9 action should be taken against some of these people, and  
10 that to instill discipline to these Kamajors. This was  
11 recommended to the national coordinator by the War  
12 Council.

13 Q. How about the district commander who brought them there?

14 A. This was only business between the national coordinator,  
15 the Director of War and the High Priest now to tell the  
16 commanders. We are not having much reason with the  
17 commanders. They will not take instruction from War  
18 Council. They will take instructions from the national  
19 coordinator, the Director of War and the High Priest.  
20 That's what I'm saying. War Council will have sent  
21 message to the warfront that to go and tell them to be  
22 disciplined? No.

23 Q. So to sum it up, everything you said went to Mr Norman?

24 A. What?

25 Q. Everything you said went to Mr Norman?

26 A. Yeah, yes, that's what I said. That is what I'm saying  
27 now.

28 Q. Have you said in the town of Bo that you disliked  
29 Mr Norman?

- 1 A. Pardon?
- 2 Q. Have you said in the town of Bo that you dislike or hate  
3 Mr Norman?
- 4 A. I dislike, I hated?
- 5 Q. Yes. Have you said in the town of Bo that you dislike or  
6 that you hate Mr Norman?
- 7 A. I will never say that one. I have never said that one.  
8 If there is anybody who loved Norman, I loved Norman more  
9 than any other person.
- 10 Q. So if anybody comes in here and testifies to that,  
11 they're lying?
- 12 A. It's lying, it's blatant lie.
- 13 Q. If more than one person come in and say that --
- 14 PRESIDING JUDGE: Please wait, please wait. I want to get the  
15 words you used properly. Is it that you say you loved,  
16 admired Norman more than any other person. Please repeat  
17 what you said. Don't say that was -- repeat what you  
18 said. What did you say?
- 19 THE WITNESS: I said that if there's anybody who loved Norman,  
20 not more than I. I loved him and admired him.
- 21 MR HALL:
- 22 Q. Did you tell that to the Defence investigators?
- 23 A. What?
- 24 Q. Did you tell that to the Defence investigators -- that  
25 you liked Norman?
- 26 A. I did not say that to them, but I like him naturally.
- 27 Q. Did you say that to the Prosecutors?
- 28 A. If I say that to the Prosecutors?
- 29 Q. Yes.

- 1 A. No.
- 2 Q. How long have you been in Freetown waiting to testify?
- 3 A. What?
- 4 Q. How long have you been in Freetown waiting to testify?
- 5 A. A month now.
- 6 Q. A month?
- 7 A. Yes.
- 8 Q. And how much are you being paid per day while you're  
9 here, for your witness fee?
- 10 A. For -- pardon?
- 11 Q. How much are you being paid for being here?
- 12 A. I'm not being paid. I have not been paid. But what they  
13 did, they said subsistence allowance, but I not being  
14 paid.
- 15 PRESIDING JUDGE: You say you have been here for about a  
16 month, Mr Witness?
- 17 THE WITNESS: Yes, sir. Yes, sir.
- 18 PRESIDING JUDGE: You say you have not been paid, but you have  
19 received what you call a subsistence allowance?
- 20 THE WITNESS: Subsistence allowance.
- 21 MR HALL:
- 22 Q. We have a record of your payments through July 7th, and  
23 it shows you had seven meetings through July 7th with  
24 investigators or the Prosecutors?
- 25 A. I've what?
- 26 Q. Through July 7th you've met seven times with  
27 investigators or the Prosecutors; is that correct?
- 28 A. July 7th?
- 29 Q. Yes.

1 A. Yes, we used to meet with investigators, but since I came  
2 here -- I thought we were referring the time I came here  
3 for this statement.  
4 Q. Separate question.  
5 A. Okay.  
6 Q. Up to July 7th you met seven times?  
7 A. Okay.  
8 PRESIDING JUDGE: Mr Hall, can you give the timeframe, please?  
9 When has he met seven times, please?  
10 MR HALL: From April 8th, 2003 through July 7th -- excuse me,  
11 July 2nd.  
12 JUDGE BOUTET: 2004?  
13 MR HALL: 2004.  
14 MR MARGAI: April?  
15 MR HALL: April 8th. To July 2nd, 2004.  
16 THE WITNESS: [Overlapping speakers] correct. Though I can't  
17 remember, that's correct.  
18 PRESIDING JUDGE: Mr Hall, what are you suggesting? Are you  
19 saying that from April 8th, 2003 to July 2nd, 2004 he's  
20 met the Prosecution seven times?  
21 MR HALL: Correct.  
22 PRESIDING JUDGE: Yes, what do you --  
23 THE WITNESS: I say yes.  
24 MR HALL:  
25 Q. Since July 7th, how many times have you met with them?  
26 A. I can't remember the time, except July, because I was not  
27 recording.  
28 Q. Well, more than five times?  
29 A. I say can't remember the time, so you can't bring my

1           mouth to say more than five times. I can't remember;  
2           that's my answer.  
3    Q.    Is Albert Nallo a friend of yours?  
4    PRESIDING JUDGE: Mr Hall, about how many more minutes do you  
5           have?  
6    MR HALL: Two or three.  
7    Q.    Is Albert Nallo a friend of yours?  
8    A.    Pardon?  
9    Q.    Albert Nallo, is he a friend of yours?  
10   A.    He is not a friend of mine, but we are all in the CDF.  
11   Q.    He was one of the concerned citizens who came together  
12           the first time with you?  
13   A.    To Base Zero?  
14   Q.    Yes.  
15   A.    Yes.  
16   JUDGE BOUTET: Well, is it a concerned citizen, because  
17           concerned citizens, as I understood it, was in Bo and he  
18           eventually went to Base Zero.  
19   MR HALL: Correct. That's one of the names I wrote down as  
20           one of the original.  
21   JUDGE BOUTET: I don't know, because his answer was in Base  
22           Zero.  
23   MR HALL:  
24   Q.    In the concerned citizens group, he was in that group?  
25   A.    He was in a group of the concerned citizens.  
26   JUDGE BOUTET: Thank you.  
27   MR HALL:  
28   Q.    But you're saying you're not close to Mr Nallo?  
29   A.    What?

- 1 Q. You are not close to him?
- 2 A. We are in the combatant, we are in the CDF. So for say  
3 there is a brother relationship or friendship that's to  
4 [inaudible] no, but we are all the combatants.
- 5 Q. But you're not friends?
- 6 A. That's what I'm saying.
- 7 Q. Okay. Lastly, I put it to you that there was no Death  
8 Squad nor Special Forces at Base Zero; was there?
- 9 A. Pardon?
- 10 Q. There was no Death Squad or Special Forces at Base Zero?
- 11 A. There were -- there was. I'm telling you that there  
12 were.
- 13 MR HALL: That's all I have, Your Honour.
- 14 JUDGE BOUTET: Thank you.
- 15 PRESIDING JUDGE: The Tribunal will take a break and we will  
16 resume shortly. We will rise, please.
- 17 [Break taken at 11.35 a.m.]
- 18 [On resuming at 12.02 p.m.]
- 19 [HN171104C]
- 20 PRESIDING JUDGE: We are resuming the session. Your witness  
21 is not there, Mr Kamara.
- 22 MR KAMARA: Yes, Your Honour. We have a report that he's  
23 fallen ill and he's unable to continue this afternoon.
- 24 PRESIDING JUDGE: Would he be available today?
- 25 MR KAMARA: It is unlikely that he will be available today,  
26 but there's a medical team attending to him as I speak.
- 27 PRESIDING JUDGE: There is a possibility, of course, that he  
28 might not even be here tomorrow.
- 29 MR KAMARA: There is a possibility.

1 PRESIDING JUDGE: Where do we move from there, that's my  
2 question.

3 MR KAMARA: Your Honours, I would suggest that, in the  
4 interim, we go on to the standby witness that we have.  
5 We have already isolated, pursuant to the instructions of  
6 this Court --

7 JUDGE BOUTET: What's the witness number and which is which?

8 PRESIDING JUDGE: Have you discussed with the Defence?

9 MR KAMARA: Yes, Your Honour, we were discussing that and we  
10 were unable to come --

11 JUDGE BOUTET: Sorry, Mr Kamara, there seems to be some audio  
12 problem again. There seems to be a continuous problem  
13 this morning. There is this noise in the background.

14 MR KAMARA: The standby witness we have for today is TF2-017.

15 PRESIDING JUDGE: Which was number 30 on the list at the  
16 outset?

17 MR KAMARA: Number 28.

18 JUDGE BOUTET: From what I can see, it's a witness who may be  
19 there for some time.

20 MR KAMARA: Yes, Your Honour.

21 JUDGE BOUTET: My Presiding Judge was asking you if you had  
22 discussed that with the Defence and can we be informed if  
23 they are also ready to proceed?

24 MR HALL: I'll speak to that first, Your Honour. Number 017  
25 is two more down the witness list by my count. They have  
26 told us they are going to strike 092 -- they will not  
27 call that witness, and I stand to be corrected if I'm  
28 incorrect. There is still some doubt as to 200 who  
29 apparently is not in Freetown and cannot be called.



1 JUDGE BOUTET: That's the one I had on my list as well. I had  
2 092, 200, and 071 has been done.

3 MR HALL: So next would be 017, but because of the length of  
4 the statements, which appear to be about 150 pages of  
5 statements, we don't think we could be ready to  
6 cross-examine that witness tomorrow and as a compromise  
7 we suggested they call 068, because that person has  
8 shorter statements.

9 JUDGE BOUTET: And you would be prepared --

10 MR HALL: We would make ourselves prepared for that witness.

11 JUDGE BOUTET: Certainly I can speak on behalf of my  
12 colleagues. We are not prepared to lose any more time.  
13 We want to go ahead and hear evidence. We did not sit on  
14 Monday because it was a holiday, and we had informed all  
15 concerned that we would sit on Wednesday afternoon, which  
16 is this afternoon. I understand what's happening to the  
17 witness is beyond your control, Mr Prosecutor, but having  
18 said that, certainly if there is a compromise solution to  
19 what is being proposed, I don't know whether you are  
20 ready to proceed with this witness 068 instead of 017  
21 now. As I look at my sheet, I can appreciate that 017  
22 may be a fairly lengthy witness -- only looking at the  
23 number of statements or the date of interviews for this  
24 witness. Before I ask you to respond, we'll see what  
25 other counsel for the Defence have to say in this  
26 respect. Mr Bockarie?

27 MR BOCKARIE: I share the same sentiments expressed by Mr Hall  
28 in respect of witness 017, sir.

29 JUDGE BOUTET: You, too, would be prepared --

1 MR BOCKARIE: Yes, I would be prepared, if at all, to take on  
2 witness 068.

3 JUDGE BOUTET: Mr Margai?

4 MR MARGAI: The position is the same.

5 JUDGE BOUTET: Thank you very much. Prosecution?

6 MR TAVENER: Witness TF2-068 is not here at the moment.  
7 I imagine he can be made available this afternoon,  
8 probably by 2.30. If there is a delay, it will be by  
9 3.00, but I expect by 2.30. Obviously, I need an  
10 opportunity to speak with him.

11 JUDGE BOUTET: So assuming that we are moving ahead and hear  
12 TF2-068 this afternoon, the next witness in line for the  
13 Prosecution, if I can just look ahead a bit, would be  
14 witness 017.

15 MR KAMARA: Yes, Your Honour.

16 JUDGE BOUTET: So that will give you on the Defence side an  
17 additional day or day and a half - I'm not sure how long  
18 this witness 068 will take - so either Friday, or Friday  
19 will be 017.

20 MR HALL: For what it is worth, we expected 017 by Thursday or  
21 Friday. That's how we were planning.

22 JUDGE BOUTET: I've said all of this and my Presiding Judge  
23 has reminded me that we still have not finished with the  
24 witness who is here today. We hope that he's not ill to  
25 the extent that he will not be able to come back tomorrow  
26 or the day after. We still have to complete the  
27 cross-examination by the second and third accused, but at  
28 least we are trying to lay out some of the work ahead to  
29 see how we are going to proceed, but I'm certainly glad

1 to hear from you Mr Hall that that was part of your plan  
2 and, if the plan is maintained, you should have no  
3 problem going ahead on Thursday with 017, if we are at  
4 that stage.

5 MR TAVENER: The next witness will be an insider witness and  
6 the Prosecution will be seeking a closed court. I don't  
7 know whether my friends would agree to that without an  
8 argument, or if they wish an argument as well.

9 JUDGE BOUTET: As you know, the procedure is we hear the  
10 application in closed session, then make the  
11 determination, and then make the announcement in public  
12 session and then, depending as to where we go, we move.  
13 I will consult with my brothers, but if that is the case  
14 we could adjourn until 2.30 and, if we are moving ahead  
15 with 068, we will hear the application in closed session  
16 on the closed session issue, make that determination, and  
17 then proceed ahead from there.

18 Mr Prosecutor, would it be possible for you to make  
19 your application on the closed session now before we  
20 break for lunch, and we will have time to give  
21 consideration to that during the lunch break and then  
22 come back this afternoon.

23 MR TAVENER: I don't have my material here, but I am sure  
24 I could at least make most of the points, this  
25 area having been --

26 PRESIDING JUDGE: You say you don't have the material.

27 MR TAVENER: I have some notes, but I am sure I could make the  
28 application without the notes, this application having  
29 been made a number of times before. So certainly I won't

1 go over the law in the area -- Your Honours have been  
2 quite clear about that. There are only particular issues  
3 in respect of this person in respect of whom those points  
4 need to be made. I can do that, if required.

5 JUDGE BOUTET: Dr Jabbi?

6 MR JABBI: My Lords, I am not dealing directly for the moment  
7 with the suggestion in respect of an application for a  
8 closed session. We were informed by the Prosecution that  
9 there is some medical attention being given to witness  
10 TF2-008. May it not also be quite useful to us if we  
11 could have an idea of the results of that medical  
12 examination before we deal with the other issues?

13 JUDGE THOMPSON: For my own enlightenment, may I then ask for  
14 what purpose -- the Prosecution has made that  
15 statement -- you would want us to go on an inquiry  
16 further than what the Prosecution has told us. I just  
17 need to be satisfied, that's all.

18 MR JABBI: The Prosecution actually said it is unlikely that  
19 TF2-008 might be available this afternoon, but that there  
20 was some medical attention being given to him as he was  
21 speaking at the time. Whatever result or report may be  
22 given from that medical examination may well affect our  
23 decision as to what we do next. He might just be  
24 available.

25 JUDGE THOMPSON: I thought what has been proposed is that it  
26 would seem as if the Prosecution is acting out of an  
27 abundance of caution and saying that we are in a kind of  
28 no-man's land now, so to speak, so why not have some  
29 standby arrangement because of, as I gather from them,

1 the probability that this witness may not be available  
2 for this afternoon.

3 MR JABBI: Or perhaps might be available, depending on what  
4 that medical report may be.

5 JUDGE THOMPSON: I may be wrong, but it seemed as if  
6 I construed their own position that it is more probable  
7 than not that he will not be available, so why should we  
8 not go on and make some standby arrangements.

9 MR JABBI: I am not saying we should not do the standby  
10 arrangement, but I'm just saying that perhaps, if we were  
11 to get the medical opinion, it might affect our view of  
12 what to do.

13 JUDGE THOMPSON: I do understand that, but at this point in  
14 time, beyond what they have said, why would we need to  
15 probe, other than just allow the witness to receive the  
16 medical attention that he is currently receiving? It is  
17 just my own curiosity.

18 PRESIDING JUDGE: But, Dr Jabbi, you have finished with that  
19 witness?

20 MR JABBI: My Lord, I'm just --

21 PRESIDING JUDGE: No, I'm saying you have finished with that  
22 witness.

23 MR JABBI: On behalf of the first accused, yes.

24 PRESIDING JUDGE: On behalf of the first accused, that's what  
25 I mean; you understand me very well. I would have  
26 understood it if this were coming from either  
27 Mr Bockarie, Mr Margai or Mr Williams, but you have  
28 finished with this witness. That is a very pertinent  
29 point. You have nothing to do with that witness any

1 more, at least for now, unless you obtained extraordinary  
2 leave from the Court to revisit the witness.

3 MR JABBI: It is not for the purpose of my wanting to revisit  
4 him --

5 PRESIDING JUDGE: What I wanted to suggest to you was that the  
6 Prosecution, like my learned brother said, is putting in  
7 place these measures out of an abundance of caution.  
8 Don't you think we could easily take the application to  
9 move into a closed session and then we will see what  
10 happens. We would examine the application and give a  
11 ruling on it, but it does not mean that if this witness  
12 is available this afternoon we would not give priority to  
13 the witness. Our priority remains on the witness who is  
14 before us and of whom we have not yet disposed.

15 Before we know what is going to happen to him  
16 medically, which we cannot speculate on at this point in  
17 time, we have to get to somewhere. We don't have to  
18 waste any time. Why don't we move ahead and take the  
19 application to move into a closed session and then, if he  
20 appears this afternoon, we will take his evidence in  
21 terms of priority.

22 MR JABBI: I don't particularly mind, but perhaps the Court  
23 would also want to suggest that at least information be  
24 provided by the time we come back from lunch in respect  
25 of 008.

26 PRESIDING JUDGE: Yes, I think the Prosecution may be able to  
27 give us a briefing on his medical condition at that time.  
28 As we say, if he is ready and he comes in the afternoon,  
29 we will brush aside every other person and take him on.

1 MR JABBI: As Your Lordships please.

2 PRESIDING JUDGE: That will be our attitude tomorrow. Even if  
3 we have gone a long way with this other witness, when  
4 that other witness comes, we would like to finish with  
5 him and close the chapter. Thank you.

6 JUDGE BOUTET: I was going to add to that. The witness had  
7 told us, certainly in response to the Presiding Judge  
8 this morning, that he was not feeling well when he was  
9 asked a question at the very beginning of the day. So it  
10 does not come as a total surprise that all of a sudden  
11 he's sick. With due respect to the witness, I think it  
12 is the proper course of action to take at this moment and  
13 we will move back into proper action.

14 But my question to you Dr Jabbi or Mr Hall is are  
15 you ready to proceed with this application on closed  
16 session? I thought that is why you were standing up.

17 MR JABBI: No, My Lord, we are not objecting to the making of  
18 the application at all.

19 JUDGE BOUTET: Mr Bockarie?

20 MR BOCKARIE: Yes, Your Honour, I just want to know whether  
21 the entire testimony on the cross-examination is going to  
22 be part, as we did with our last witness.

23 JUDGE BOUTET: You know as much as we do.

24 PRESIDING JUDGE: That can only come when the application is  
25 being made. You have no objection to the application  
26 being made.

27 MR BOCKARIE: In general, no, Your Honour.

28 JUDGE BOUTET: All we are canvassing at this moment is are you  
29 prepared to proceed with the application?

1 MR BOCKARIE: I am.

2 JUDGE BOUTET: Thank you. Mr Margai?

3 MR MARGAI: My Lords, we are not averse to the application.

4 JUDGE BOUTET: Thank you. In this case, Mr Prosecution, we  
5 will move into a closed session to hear your application  
6 and, once this is done, we will make the determination.  
7 Thank you.

8 Mr Walker, would you please make the necessary  
9 arrangements so that we can sit in closed session now.

10 MR WALKER: Yes, Your Honour.

11 [At this point in the proceedings a portion of the  
12 transcript, pages 64 to 69, was extracted and sealed  
13 under separate cover, as the session was heard in camera]

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1 [On resuming at 2.36 p.m.]

2 [Open session]

3 PRESIDING JUDGE: Good afternoon, learned counsel. We are now  
4 in an open session for the purposes of the ruling that is  
5 going to be delivered by our colleague, the Honourable  
6 Judge Boutet on the Prosecution's application for the  
7 evidence of witness number TF2-068 to be taken entirely  
8 in a closed session. After that, of course we shall move  
9 into whatever.

10 [Ruling]

11 JUDGE BOUTET: This is the ruling of the Court on the  
12 application by the Prosecution for a closed session to  
13 hear the evidence of witness TF2-068. Mindful of  
14 Article 17(2) of the Statutes which provides that the  
15 accused shall be entitled to a fair and public hearing  
16 subject to measures ordered by the Special Court for the  
17 protection of victims and witnesses, and pursuant to  
18 Rules 75 and 79 of the Rules of Procedure and Evidence of  
19 the Special Court, the Trial Chamber Rules that the  
20 entire testimony of witness TF2-068 will be held in  
21 closed session. This exceptional measure is required for  
22 this witness because he is an insider witness and is well  
23 known on account of the positions he holds in his  
24 community, and if any part of his evidence is heard  
25 publicly it would lead to his identification and  
26 compromise his safety and security. That ends the  
27 ruling. Thank you.

28 PRESIDING JUDGE: Thank you. That's our ruling. So we shall  
29 move into closed session.

1 JUDGE BOUTET: Court Management, can it be confirmed when we  
2 are in closed session and, when we are, please inform us.  
3 [At this point in the proceedings a portion of the  
4 transcript pages 72 to 118 was extracted and sealed under  
5 separate cover, as the session was heard in camera]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-008	1
CROSS-EXAMINED BY MR HALL	3
WITNESS: TF2-068:	
EXAMINED BY MR TAVENER	72
CROSS-EXAMINED BY DR JABBI	97

C E R T I F I C A T E

We Roni Kerekes, Ella K Drury and Maureen P Dunn,  
Official Court Reporters for the Special Court for Sierra  
Leone, do hereby certify that the foregoing proceedings  
in the above-entitled cause were taken at the time and  
place as stated; that it was taken in shorthand (machine  
writer) and thereafter transcribed by computer, that the  
foregoing pages contain a true and correct transcription  
of said proceedings to the best of our ability and  
understanding.

We further certify that we are not of counsel nor related  
to any of the parties to this cause and that we are in  
nowise interested in the result of said cause.

Roni Kerekes

Ella K Drury

Maureen P Dunn