Before the Judges: Pierre Boutet, Presiding
Bankole Thompson
Benjamin Mutanga Itoe

For Chambers: Ms Roza Salibekova
Ms Anna Matas

For the Registry: Mr Geoff Walker

For the Prosecution: Mr Joseph Kamara
Mr Kevin Tavener
Ms Bianca Suciu (Case Manager)
Ms Lynn Hintz (intern)

For the Principal Defender: Mr Lansana Dumbuya

For the accused Sam Hinga Norman: Dr Bu-Buakei Jabbi
Mr John Wesley Hall
Mr Alusine Sesay
Ms Claire da Silva (legal assistant)
Mr Kingsley Belle (legal assistant)

For the accused Moinina Fofana: Mr Arrow Bockarie
Mr Michiel Pestman

For the accused Allieu Kondewa: Mr Charles Margai
Mr Ansu Lansana
Mr Martin Michael (legal assistant)
PRESIDING JUDGE: Good morning. Mr Jabbi, are you ready to resume the examination-in-chief of the accused, please?

MR JABBI: Yes, My Lord.

PRESIDING JUDGE: Please do so.

WITNESS: SAMUEL HINGA NORMAN [Continued]

EXAMINED BY MR JABBI: [Continued]

Q. Good morning.

A. Good morning, My Lord.

Q. Now, I believe the last two days of your testimony have brought us very close to moving on to the mainland after your arrival in Monrovia. Just before we make that move, one or two things which you may wish to talk briefly about. I wish to mention the meeting -- are you okay now?

A. Yes, My Lord.

Q. The meeting that you held with the hunters on the Liberian side of the bridge after your arrival in Monrovia from Conakry. Just to ask if you have anything more to say about that meeting, what transpired there?

A. Yes, My Lord.

Q. Let us, please, remember the pace factor.

A. I'm learning, My Lord. At Gendema, locally called Bo Njala, the Liberian end of the Mano River bridge, I met a group of hunters. Mainly Kamajors. They, indeed, were happy to see me, but it was not a large group of them. I did not count
their number but my estimation, they could have been anything between a hundred to 150 men - young men. I briefly explained to them the purpose of my being there to talk to them. That I had been appointed by the elected President of Sierra Leone as the coordinator of civilian resistance in Sierra Leone, to work with ECOMOG Liberia and to assist the ECOMOG forces in the effort of restoring the ousted civilian government to power and restore democratic rule in Sierra Leone. That my duty, in addition to that of being a minister, was to encourage the various chiefdom hunters and other civilian organisations in the effort of restoring the elected government of the people of Sierra Leone. That they, and those who were to join them later, would be required to give their fullest support to the ECOMOG forces. Among other things, I also informed them that arrangements would be made for their logistical and other needful supplies with the ECOMOG commanders.

This was the most I could remember out of what I remember discussing with them to give them encouragement, My Lords.

Q. Thank you. Do you wish to say anything about the highlights of responses by others at that meeting?

A. Yes, My Lords.

Q. Yes, please.


Q. What was he?

A. He was, at that time, one of the hunter leaders, normally referred to in operation as commanders, in Pujehun, Pujehun District. These were various forces under their chiefdoms and in their districts.
Q. Yes, what did he say?
A. He obviously was very happy and he expressed his happiness in the usual hunter salutation, and there was a huge response from those who were around.

Q. What was the usual hunter salutation?
A. Normally when we meet, we would raise our right hand like this [indicated] and use the word "safe", that is, everything will be safe. And the rest of them will respond equally the same way.

Q. Yes.
A. After that, they broke into dancing, the usual Kamajor hunter dancing, and I felt happy myself.

Q. Were there -- you want to say something?
A. No, I will listen to you.

Q. Were there any other individual responses?
A. There were various individual responses from those fighters who had come from their various chiefdoms.

Q. Okay.
A. Especially letting me know that since it was very difficult to disseminate information, they will go to their various chiefdoms and inform their other colleagues who were mainly concentrated in Sorkwehun. That is the Mende language for a built-up hide-out. They had all fled the towns.

Q. Would you want to spell that word in the original language?
You said Sorkwehun.

Q. And you said it means?
A. A concentrated hide-out in the bushes.

Q. A concentrated hide-out in the bushes.
A. These were places they had clandestinely arranged to hide their people who had fled the various townships from fear of probable retaliation.

Q. By the people, you mean civilians?

A. Yes, civilian men, women and children, including chiefs also, especially.

Q. Now, you used one phrase a number of times when referring to hunters. You said, for instance, they were forces in their respective chiefdoms and districts.

A. Yes, My Lord.

Q. You said something like that once or twice.

A. Yes.

Q. Now, can you just explain to the Court what was the system of cooperation or organisation between these different districts and chiefdom forces of hunters?

A. Yes, My Lord. Before the elections, parliamentary and presidential --

Q. Of what year?

A. Of 1996.

Q. Yes, carry on.

A. Beginning from the onset of the war, 1991, up until 1996, there had been a lot of experiences across the nation. Nobody knew exactly who this rebel was. One would easily be declared a rebel if one was not known in the locality. So, those hunters in their various localities - meaning village, town, section, chiefdom, district and region - put together an understanding that no one would go to the other's terrain for any operational reason without the knowledge and consent of those of the other terrain or locality.
Q. Knowledge and consent before or after?
A. Before they go there. They should know there should be a co-operation so there can not be any misunderstanding that will result into mistaken casualty. Meaning, they just look at you and say, "You are a rebel," and there is a mob justice from the villagers, from everybody. That is how it was in this country.

Q. Let's keep watching the pace, please, as you have done so well so far.
A. Thank you, My Lord. It was also because of this reason that the old colonial rule was reinforced in the administration of this country.

Q. Watching the pace, please.
A. That whoever, meaning man and woman, who travels from one's own community to another community should report to the chief and declare his or her identity. That was how it was, My Lords.

Q. Now, before your moving to mainland Sierra Leone as national coordinator of the civil defence groups, was there a Civil Defence Force organisation?
A. There was no use, definitely, at that time of the word "Civil Defence Force". There had in existence been the word "CDU", "Civil Defence Unit".

Q. Referring to?
A. Referring to an organisation that had been set up in Sierra Leone, Freetown proper, by NUSS, the National Union of Sierra Leone Students and other organisations to resist the AFRC military junta. So, long before CDF proper was used, there was CDU that I was not automatically in control of, nor in charge of.

Q. You mean before your appointment in Conakry?
A. As national coordinator.
Q. Before that time you were not in control of those groups?
A. Of CDU, no, I wasn't.
Q. Just for clarification, who formed the CDU?
A. I do not know who, as a person like myself under whom CDF operated, who formed CDU. But I do understand that one of the prominent members of CDU, who I perceived to have been one of the leaders, was a parliamentarian.
Q. By the name of?
A. Mr MS Kallon, who later joined us in Liberia.
Q. Beyond what you have said so far about the CDU, do you know if that organisation might have been set up by government, for instance?
A. No, I don't.
Q. Thank you. Now we go back to our stage before entry to the mainland.
A. Yes, My Lord.
Q. You have said before that you requested the permission and leave of His Excellency the President for relocation --
JUDGE ITOE: Please, can you take that question again? Can you take your question again from the start?
MR JABBI: Yes, My Lord.
Q. I was asking that we go back to the pre-movement to the mainland, the period just before that. I was just recapping that you had requested the leave of His Excellency the President for relocating from Monrovia to the mainland because of certain affairs you had in respect of the intentions of the Charles Taylor government, and that His Excellency gave the leave. Now, the question comes: Were there any arrangements between the local hunters and yourself as the proposed national
coordinator? Were there any arrangements for moving -- between you for moving to the mainland?
A. Yes, My Lord.
Q. Yes, please.

A. Up to the time of deciding to move from Monrovia to the mainland of Sierra Leone, there had been other groups that had already been put up existing and operating in Monrovia, of Sierra Leoneans. Among them, men and women that were not hunters. They were students and some of them were housewives.

So, to just leave them like that was not wise. So preparations were made and arrangements were made how they were going to stay and how their welfare would be taken care of. We had Sierra Leone women's group who were actively working with ECOMOG in the interests of displaced residents from Sierra Leone to Monrovia.

Q. Was that before or since your arrival in Monrovia?
A. They were there before my arrival, but they were not organised until I had arrived and I had held meetings with them. And there were students, also, residing with me and resident in most of the camps, with whom arrangements had been made to operate information periodicals, known as Sierra Leone Letter. Their welfare had already also been reported to ECOMOG as an issue to be addressed. They were part of the food and medical welfare assistance that was the content of whatever I received from ECOMOG. So, not telling them that I was about to move, because that was very strictly secret, they were told that in the eventuality of anything happening to me, what was being arranged would be their directive. Supplies, who was to receive and how they were to be distributed; who could carry their communication
to the chief of staff, General A Wan Mohamed, how it could get to 
either me or His Excellency the President. Those are the 
arrangements made in an envelope. The next arrangement was 
fighter supplies of arms and ammunition, food, medicine, 
transport from Monrovia to Waterside, Bo Njala. Correction, Bo 
Gendema. Now, Bo Njala and Bo Gendema are only connected by the 
Mano River bridge.

Q. Which of those is on which country's side of the bridge?
A. Bo Njala is on the Liberian side; Bo Gendema is on the 
Sierra Leone side.

Q. Thank you.
A. Now, after the bridge had been captured by ECOMOG and 
hunter forces --
Q. Pace, please.
A. Thank you. After the bridge had been captured by ECOMOG 
and hunter forces from the RUF and AFRC forces, Bo Gendema was 
established. And all fighters, Sierra Leoneans, crossed over to 
Sierra Leone side and a protection cordon was formed from the 
Atlantic Sulima to Fairo and Bomborhun, the crossing point --

Q. On the Sierra Leone side?
A. On the Sierra Leone side, so Gendema was safe.

JUDGE ITOE: The protection cordon, can you take that 
again, please?

THE WITNESS: Yes, My Lord.

JUDGE ITOE: A protection cordon was established?

THE WITNESS: Yes, My Lord. This means --

JUDGE ITOE: No, from what you said.

THE WITNESS: Okay.

JUDGE ITOE: What did you say?
THE WITNESS: I said protection cordon was formed, established, to keep Gendema safe.

MR JABBI:

Q. From where to where?

10:22:31 A. From the Atlantic Sulima. That is a town called Sulima on the Atlantic.

Q. Can you spell that, please?

A. It is -- I think the letter is S-O-L-I-M-A.

Q. Maybe S-U, if I may suggest that.

10:22:55 A. Sometimes it is spelt Sulima, S-U.

Q. S-U. To where?

A. To Fairo, another chiefdom headquarters, on the main road now from Gendema to Zimmi.

Q. Is the spelling of Fairo F-A-I-R-O?


Q. What chiefdom and district is Bomborhun?

A. Bomborhun is a town under Zimmi. That's in Makpele Chiefdom in Pujehun District. So it's a little semi-circle like that from the Atlantic Ocean to the Mano River. And this

Bomborhun, before the bridge was built, was a crossing point between Sierra Leone and Liberia. So those were important areas where the hunters formed a cordon, a defensive line to keep Gendema safe.

Q. Now, can you just give us an idea of the time when this was done, the period?

10:24:08 A. Yes. This was done between July, the capture of the bridge, and August 1997.

Q. Between July and August.

A. 1997.
Q. You said just now "July, the capture of the bridge"?

A. That is what I am saying.

Q. So the bridge was captured in July?

A. I really do think so. There were fightings over the bridge. At one time we could capture and at another time other enemy forces could capture, so it became a draw/draw between us and the enemy forces, meaning the AFRC and the RUF. So it is public knowledge that every time the bridge was captured by us, I would go on the BBC and, every time the bridge was captured - recaptured by the RUF/AFRC combined team, Charles Taylor would go on the BBC. Eventually I made a statement. I said, "Whoever" --

Q. Watch the pace, please.

A. I am watching the pace. I said, "Whoever eventually captured the bridge will end up winning the war." Eventually the ECOMOG and the hunter forces captured the bridge and I was invited to cross over on foot to celebrate the victory, together with a lot of ECOMOG colonels and generals and so. So, after that event, it was then that --

Q. So after that event --

A. -- that the top military officers of ECOMOG decided to organise the hunters to form the defensive cordon I had explained to My Lordships about.

Q. Thank you. Now, that final victory of capture of the bridge, can you see whether you can be specific about the timing?

A. I know it is 19 -- it was in 1997, but not having the diary in my hand and those were days when things happened fast, to be very specific on the date, I could not, but the month and the year, I believe it was July, the month. The year was 1997. It could be any time between -- because the fighting lasted for
about seven days, continuously, every day, every night, and it could have been any time between the last end of June to the first week of July or the second week of July 1997.

Q. Thank you. Now we really must move to the mainland.

A. If you say so.

Q. Thank you. The first question I want to pose is how was the place to which you were to move on the mainland. How was it selected, determined, et cetera?

A. My Lords, there was no meeting to select, only I was told that there had been traditional investigations and that unless and until I moved to a part or place inland, the entry of ECOMOG into Sierra Leone through the bridge to Zimmi and Kenema could be a stalemate.

Q. Traditional investigations. By whom, or on which side?

A. I will come to that, My Lord.

Q. Thank you.

A. At first I did not add credence to what I was told. But, eventually, I was convinced that it would be better trying to move. So I was told that a town called Talia --

Q. In what chiefdom?

A. Talia, Yawbeko Chiefdom.

Q. What district?

A. Bonthe District, had been selected, and that all arrangements were being made to make the area safe for me and those leaders who could move with me to be safe.

Q. Are you saying that this base, Talia, was not selected by you personally?

A. Yes, that is what I'm saying, My Lords, that I never chose Talia. As I have told you, it was a matter of traditional
selection, meaning, normally, in the days of traditional wars, leaders of wars never went to front line until inquiries were made in the traditional way before such moves could be made. These were traditional hunters whom I have been selected by His Excellency to coordinate and link up with conventional forces because of my military training. So I could not overlook and downplay their own traditional importance because of my conventional knowledge.

Q. So Talia was preselected for your move?

A. Yes, My Lord.

Q. When did you finally move to Talia?

A. I moved to Talia on or about September 15, 1997.

Q. Now, apart from this final move to Talia, did you personally make any visits to Talia before the final transpired?

A. No, My Lord.

Q. Now, can you tell the Court the act of transferring to Talia; the events, circumstances, means, et cetera, of actually finally transferring to Talia?

A. Yes, My Lord.

JUDGE ITOE: Please, let me have the confirmation of the dates, the period when you say you moved to Talia?


JUDGE ITOE: Thank you.

MR JABBI:

Q. The next question was that you tell the Court the circumstances, the means and other aspects of that final motion of transferring from Monrovia to Talia; if you can tell the Court how everything happened.

A. Thank you, My Lord. This was an issue of very strict
secrecy. Only the chief of staff and myself knew about the
movement. The date was open to me. So, a request had been
placed for transport to take me from Monrovia, Rick's Institute,
to the Mano River Bridge, Gendema. At the same time, there was a request for a helicopter sufficiently fuelled for a longer
distance to fly from Monrovia to Gendema, synchronising the
timing. I just took leave of my wife and said I would be coming,
and I took leave of the students and others who were there and I said, "I will be coming back this evening."

Q. Please watch the pace.

A. And I went to the vehicle with no suspicion of anything
whatsoever, because I was not having any other thing excepting a bag that had been prepared and sent ahead unknown, even to my wife. When the vehicle moved, the helicopter was flying above.

Eventually --

Q. This helicopter, and the vehicle by whom was --

A. The vehicle was provided by ECOMOG. The helicopter belonged to the government of Sierra Leone that was then a base at Monrovia in use with ECOMOG and eventually upon request by myself - Sierra Leone government helicopter. At a point on the road, communication was made with the helicopter and it landed in the middle of the road and I transferred from the vehicle into the helicopter and flew direct to Gendema. I there asked for a few of those commanders that were around --

Q. Which commanders?

A. The hunters, to board the helicopter with a few hunters and their guns. When it was known that I was at the helicopter then there was a big rush, but we eventually managed to take off and then those who were around who knew Talia while we were in the
helicopter were told that I was heading for Talia and that they
could direct the pilot; they did. We eventually got to Talia.
That was the second time that I met with a man called Kondewa.
Kondewa. It was him who had been sent to convince me that
traditionally I should move from where I was if the war were to
come to an end quickly and government restored.
Q. That is to move from Monrovia?
A. From Gendema. From Gendema where they thought that that
was my base to Talia. That's how I went to Talia.
Q. How long did you take in Gendema?
A. I would calculate my stay in Monrovia, together with that
of my stay in Gendema as a coordinator, that it all started from
the day I arrived and addressed the hunters at Bo Njala, I then
considered myself to be at Gendema.
Q. When the helicopter actually came and landed at Gendema,
how long did you take there before it flew?
A. Not very long. Anything about an hour.
Q. Thank you.
A. This was all in the morning. It was before noon I had
already landed in Talia, from morning to noon.
Q. Then arrival at Talia, you went to --
A. Yes, it was another event that I survived. We
crash-landed, almost. There was no preparation for the
helicopter to land and no place, so we almost -- we crash-landed.
It was then that the place was eventually brushed and an opening
enough was made for the helicopter to take off and fly off. I
met Kondewa and some of the town's elders.
Q. Any particular names?
A. The paramount chief was blind. He's late now, but he could
not come, but he had appointed a man called Murana, Chief, to act
in the place of paramount chief who received me. I told him I
was there to stay a while. There was no traditional reception
arranged at all, nothing of that sort. I met other elders in the
chiefdom who were eventually called and told that Chief Norman
had arrived and when the news spread, there was a huge crowd. I
did not address the crowd. I only called for a closed meeting.
In one of the places - we had several eventually - that we called
Walehun.

Q. What is the spelling?
Q. What is Walehun?
A. It is not a hide-out, really, it is a secluded area where
meetings are held. One could be seen sitting, but one could not
be easily heard, and normally during the dry season our
traditional --
Q. Pace, please. Pace, please.
A. -- during the dry season in our towns and villages, it is
traditional that our women are moved from the thatched houses to
this area called Walehun to avoid fire disaster. That is where
they arrange food and other things. It is not normally a place
for men, it is a place for women in our traditional set-up. But,
during the war, we adopted the name Walehun and if the enemy
could hear Chief Norman had gone to Walehun, they would know I
was among women and children and so. That was a code word for
our meeting place in the various councils that we eventually
formed in Talia.

Q. Walehun was there just for a meeting place?
A. There was a series of Walehun - Walehun I, Walehun II,
Walehun III, and wherever they met and they wanted me to appear
and explain things to them, I would. Like, one of them was used
by the War Council of Base Zero. I think the others was Walehun
I was an important Walehun.

Q. You have just used the word "Base Zero".
A. Yes.
Q. Was that another name for Talia?
A. That was the code name for the residents of the area that I
was eventually to be hosted, so Talia was not used because it was
a commonplace that the enemy would know and may eventually
attack, so it was Base Zero. The meaning is a place that never
existed, Base Zero. It's like the base of generals and field
marshals in war.
Q. Now, when you arrived in Talia, what types of people did
you find there?
A. The normal chiefdom people initially. Eventually when
messages were sent to outline chiefdoms and districts, very, very
clandestinely most of the chiefs and other important people whom
we wanted to save from abductions and probable elimination
converged at Base Zero.
Q. From, for example?
A. From Kailahun; from Kenema; from as far as Freetown; from
Bonthe; from Bo; from Puhehun - all over - Moyamba. Most
districts. The only district we did not get a chief
representative from was probably Kono. We had some people from
the north, some people from -- I would say Kono. That's all.
Q. By the north, you mean the Northern Province of Sierra
Leone?
A. Yes. They had Kapras and some of them sent their men for
training to Talia. We had General Khobe who usually visited also
Freetown by some -- together with some Freetownians. We had
media men, whom I encouraged to be around to see what was going
on to inform the nation and the world about -- electronic and
press. They were all at Talia.

Q. You mentioned General Khobe just now. Who was that?
A. General Khobe was the Freetown branch of ECOMOG that
eventually linked up with the Monrovia branch of ECOMOG, together
with the hunters. They were soldiers and police men who launched
the final attack to oust the AFRC from power.

Q. You said that he occasionally visited you, General Khobe.
A. Yes, My Lord.
Q. Where?
A. At Base Zero.

Q. At Base Zero. Can you tell the Court any of those
visits -- explain to the Court any of those visits and the
purposes? Watching the pace, please. Watching the pace, please.
A. Yes, My Lord. I would but this become a sequence of
events, because I would be coming to the visit of General Khobe
at Base Zero, so it would develop right up to that. But if you
wish -- if you want me to --
Q. No, if you think perhaps it's better to bring it at a later
point --
A. Appropriate time.

Q. -- by your own assessment, that is quite welcome.
A. Thank you, My Lord.
Q. So what would you want to say before you deal with that?
A. I want to say I had departed Monrovia and arrived Base
Zero. So the arrangements would be put in place for whatever
operated at Base Zero to start. So I'm now dealing with my
arrival and arrangements thereafter.

Q. By all means.

A. Thank you, My Lord. Upon my arrival and meeting with the
resident traditional leaders, I requested to meet with the
paramount chief, even though impaired, I would like to talk to
him. My lodging was prepared. Personal securities were
selected - not by me, by those who were elders - and, upon
observation, I realised that there had been hunters in the area
and were really organised. They had their commander, they had
their various little group of hunters who were posted to various
places to throw early warning signals. So, really, I met the
place as an area that had really organised themselves. I was
pleased with that, so that did not give me any apprehension to
move to anywhere else again. Two days after my arrival I was
taken to see the paramount chief.

Q. Do you remember his name?

A. Yes. An old man of about 90-something years. He was
called Joe Jamgba, J-A-M-G-B-A. Joe Jamgba. He could not see
me, but we shook hands, and he told me he was happy to have me in
his chiefdom. He called traditional people, men and women, to
pour libation and to offer prayers. Normally when I met chiefs,
we always present Gordon's Gin, which is normally the wine - the
liquor that is used at libation. So libation was poured, prayers
were offered. I was also presented with gifts, including a very
white, fully grown up rooster, a cockerel.

[CF26JAN06B - SGH]

And he formally handed me over to his own selected man who
was acting in his place, Chief Murana. And I obtained from him
freedom of the chiefdom. After that, the party returned to Talia
and I arranged with the various section chiefs together with the
commander that was there.

Q. What name?

10:58:46 A. A Mr Collier.

Q. Can you possibly say the full name for that commander?

A. The full name?

Q. Yes.

A. That was the home of the Colliers; there were so many. But
this was a commander and he in fact eventually, after the rigours
of selection of commanders, he became the number one commander.
But I do not remember now his first name, only that he was called
Collier.

Q. You said this was the home of Colliers.

10:59:20 A. Yes.

Q. Just to avoid confusion, are there any other Colliers --

A. Yes.

Q. -- that you know clearly who were not this commander?

A. Yes. His elder -- the commander's elder brother is called
Mr Momoh T Collier, MT Collier. There was the younger brother,
another Collier. Then there were the children: Willy Collier,
various names that I could remember probably.

Q. But just to say that they were not this commander?

A. No. No. He was -- he became eventually the number one
commander of all the commanders that had been synchronised by
Alhaji Daramy Rogers, who was the man that was charged with the
interviews of those that were capable of trusting with command.

Q. Okay. Now, you had met with the paramount chief and
returned?
A. And met with the other chiefs to make arrangements for the
defence of the area.

Q. Can you name some of these?
A. One among them, who was the head, was -- yes, was old

Pa Joe Jamgba, who was one of the very able town chiefs. And he
liaised with the rest of them to meet with me and the other
elders to make arrangements, and these arrangements were put in
place for safety. It was after the arrangements --

Q. Pace, please, please.

A. It was after the security arrangement that the name
Base Zero was discussed and eventually adopted.

Q. Would you perhaps want to take a rest at this point?
A. It is up to Their Lordships. I --

PRESIDING JUDGE: We were planning to go until 11.15, but

if you want to rest now --

THE WITNESS: I would be grateful.

PRESIDING JUDGE: You want to rest now?

THE WITNESS: Yes, My Lord.

PRESIDING JUDGE: Very well. The Court will adjourn for 15

minutes. Thank you.

[Break taken at 11.04 a.m.]

[Upon resuming at 11.33 a.m.]

MR JABBI: Mr Witness, welcome back.

Q. Just before the break you were not very full with the name
of the Collier you were calling commander. After refreshing
yourself, I hope, would you want to make a try again?

A. Thank you, My Lords. The commander whose second or first
name I didn't remember at that time, the only other name I could
remember him for was Rufus.
Q. Rufus?
A. Rufus Collier was the commander.
Q. Would you want to continue with your narrative of the arrangements?
A. Yes. I arrive, the arrangements, and after having met with the paramount chief, the other chiefs for other eventual arrangements which included meeting with the other leaders, both traditional and administrative, the head of the administrative arrangement was a man called -- he was an old man, a town chief.

He lived in the town very close to Talia called Nyandehun.
Q. The town was called Nyandehun?
A. The town is Nyandehun.
Q. Yes?
A. The chief's name was Mbaimba Jobai.
Q. Mbaimba Jobai.
A. He was the one I spoke to to reach the other chiefs and the other leaders, traditional leaders, meaning those in our set-up traditionally who are responsible for grown-up men and women.

PRESIDING JUDGE: Can you spell out the name of the chief, please.
A. Yes, My Lord. Mbaimba is M-B-A-I-M-B-A; Mbaimba.
PRESIDING JUDGE: Thank you.
PRESIDING JUDGE: Thank you.
THE WITNESS: And the village is Nyandehun.
MR JABBI: N-J or N-Y?
Q. Carry on.

A. Yes, My Lord. The eventual arrangements after meeting with those people became now the arrangement for security for myself and others, including those of us who had arrived and those who would eventually arrive; welfare, for civilians and hunters; sanitation, for civilians and hunters, that is, operating the hunters. And sanitation is usually -- for Kamajors, it is considered in the Holy Bible, in the book of the Deuteronomy 23, verses 9 to 11 and that is very strict for hunters, Kamajors especially. Then separation of residential, especially for hunters and the civilians, and people of status because we were expecting paramount and other chiefs. And from there the exercise of freedom of the chiefdom, especially for movement of hunters for training and other purposes.

These were all arranged, My Lords. Then arrangement for communication to other chiefdoms, districts and regions. And also for non-governmental organisations that were still operating within the country, so that we could liaise with them. Eventual communication to the outside world, this was eventually arranged.

After a series of meetings with General Khobe, I had the privilege of having two reporters at the base.

Q. [Overlapping speakers]

A. One was for print, the other was for electronic. Yes, for the print was a Mr Kelvin Lewis, for print, so that he could eventually inform the nation and the world what was happening at the base. And for the electronic media, whenever there was opportunity to telephone through him the BBC, and through the BBC, the world, was Mr Prince Brima. He is late now. Both did extremely well, especially Prince Brima.
Q. What about the other news?

A. The print reporter, Mr Kelvin Lewis.

Q. Is he alive?

A. Yes, he is alive he is the editor of the present day Awoko newspaper. So whatever was happening I am sure they could testify to, good or bad.

Q. You have had said, "After series of meeting with General Khobe"; where were those meetings held?

A. Oftentimes, he came to Base Zero. Some other times he sent helicopter to pick me up to meet him in Lungi, or sometimes in Hastings, and then both of us together with our security and so could go around the areas reachable at that time around Freetown, to make security assessment of the town before the final taking over of Freetown by the combined ECOMOG forces, the loyal soldiers, police and the hunters and the CDU.

Q. Are you finished with the arrangements that were put in place?

A. Yes, and I will now go to the separate Walehuns. That is the various areas where it was arranged that those who had arrived after some time we have put this arrangement into place, we started receiving paramount chiefs and other chiefs, the traditional leaders and heads. Districts were represented at Base Zero by either the various chiefs that had come from the various chiefdoms of the districts, or elders who had managed to arrive at Base Zero and these few areas were put together. One of the most urgent was after we received one of our elders who was in Conakry and through whom arms and ammunitions were arranged between himself and the President for the supply of those commodities to the other hunters around Kailahun and Kenema
by the name of Mr Chief George Jambawai. He, upon arrival --

Q. Jambawai was chief of where?

A. He was acting in place of Madam Sallay Gendemeh in, I think, Malegohun. Malegohun is a name. So he was referred to as Chief George Jambawai.

Q. Malegohun, Kenema District?

A. I think so. I wonder is Malegohun Kenema or Kailahun.

Q. I know it is not Kailahun.

A. Okay, then it could be Kenema. Upon his arrival I had a meeting with some chiefs, one of the senior chiefs among them was Chief Quee.

JUDGE ITOE: Mr Norman, do you know when he arrived?

THE WITNESS: Yes, My Lord. It was in October, around the month of October 1997, Jambawai -- maybe in the middle of October he arrived at Base Zero.

MR JABBI:

Q. From?

A. From Conakry and told me about the assistance he had received from the President, His Excellency the President, in arms and ammunition, that he was fortunate to cross with from Guinea into Sierra Leone and to give to the hunters of Moaoma [phon], that is beyond the river Moa, towards Kailahun area and part of Kenema. And at the meeting that was requested by Chief Quee, it was --

Q. Can you give the full name of that chief, Chief Quee?

A. I think it is GW Quee and either it was James or something. xxxx xxxx xxxx xxxx xxxx xxxx xxxx . Chief Quee told me that Mr Jambawai, George Jambawai, Chief George Jambawai, had suggested to him that it would be better to form a war council to
assist me, just like the War Council was also assisting the President in Conakry, because we were too far apart.

Q. Okay. Just before we deal with that, you have spoken about some ammunition that Chief Jambawai --

A. Arms and ammunition.

Q. Arms and ammunition that Chief Jambawai had said he had obtained through the President and taken into --

A. Sierra Leone from Guinea.

Q. Into Sierra Leone from Guinea. Do you have any idea of what quantities, what types?

A. No, I would not be correct if I talk about quantity, but he told me about shotguns and shotgun cartridges conveyed.

Q. Okay, continue.

A. A meeting was called of a wider group of chiefs and elders and this was discussed and accepted and the War Council was formed to assist me at Base Zero towards the end of October 1997.

Q. Walehun I was --

A. A War Council.

Q. -- a War Council meeting place?

A. Yes. We did not refer to War Council even by telephone or by talking to people. We only said there was a meeting at Walehun I and we would understand that was the War Council.

Q. So, in effect, Walehun I became a pseudonym for the War Council?

A. Yes, for the War Council for security reasons.

Q. Carry on.

A. And then they were to then assist me in naming members of this War Council. As far as I could remember --
Q. Excuse me, please. You have spoken about Walehun I and others. Would you want to go through the list of Walehuns?
A. Yes. Where I was normally to be contacted became Walehun II. And there were other responsibilities. The other responsibilities were welfare, training and appointments.

PRESIDING JUDGE: Is this part of Walehun II?
THE WITNESS: No, My Lord, Walehun II was just exclusively to me.

PRESIDING JUDGE: Okay. What is welfare, training and so on?
THE WITNESS: It became Walehun III.

MR JABBI:
Q. All those other three became Walehun III?
A. Walehun III had their different settings. For welfare, Paramount Chief Charlie Caulker was in charge. For training, CPO Dumbuya.
Q. Do you by chance know his full name?
A. His initials are MS Dumbuya. Those are -- we only used to call him MS and did not consider that these days were coming where I would need his full name.

Q. Carry on.
A. For appointment, Alhaji Daramy Rogers was in charge. And these were automatically members of the War Council at Base Zero.

The chairman of the War Council, they themselves appointed when the Council first met. We selected that they should do their -- we arranged that they should do their selection, focusing on districts that were there at Base Zero.

Q. By "they", you mean?
A. The paramount chiefs and elders who were to meet and then
form and name the members of the War Council, with me excluding.
After they met --
Q. With you?

11:57:42 A. Excluding. I was not a member. I would only be invited to
the Council.
Q. So as national coordinator you were not a member of the War
Council?
A. Not that I was not to be. I chose not to be a member.

11:57:51 That I could be advised by the War Council and if I am to be
advised by the War Council I should not be a member. And they
accepted that suggestion.
Q. Carry on please.
A. Under Moyamba District, there was Chief GW [sic] Quee of
Njama Kowa Chiefdom, he became the chairman.
Q. Of the War Council?
Q. What were those names?
A. GW Quee, My Lord. Under same Moyamba we had Chief - that
was a section chief - Kombe Kajue. Kombe Kajue.
Q. Full name, if possible?
A. Yes. It's -- I think C-O-M-B-E, Kombe; and then
Q. Is that his full name?
A. That is his full name, Kombe Kajue. Chief Charles Caulker.
Commonly called Charlie Caulker of Bumpe Chiefdom.
Q. What district?
A. Moyamba District. Still under Moyamba District. And at
that time there had been a man who had been appointed as regent
chief in Shenge, who was called Mr Lamin. He also became a
member of this council. Of Shenge Kagboro chiefdom. So there
were four people under Moyamba to my memory.

Then we come to Bonthe. Under Bonthe, the paramount chief
of Nongoba Bullom Chiefdom, town called Gbap; G-B-A-P, he was
called Charlie Tucker; then the speaker of Kwamebai Krim.
Of Bendu Cha.

Q. What is Kwamebai a name of?

A. That is Kwamebai Krim Chiefdom. The town was Bendu Cha.

Then the host chief, Mr JB Murana, who was representing Chief Joe
Chiefdom, Yawbeko. That is an amalgamated chiefdom. Yomi [phon]
and Bayko [phon] Chiefdom amalgamated. And the town was in
Talia. He was our host chief; Chief Momoh G Collier; Woman
paramount chief, Madam Sebureh of Bom Chiefdom, Madina Town. Bom
Chiefdom; And then Chief Mbaimba Jobai, whose name I have given
to you.

That was a membership for Bonthe District. For

Bo District, there was Chief Ngahiteh, N-G-A-H-I-T-E-H, Aruna. A
section chief in Bo; Mr FM Kanneh, he is a teacher. He was
representing Jiama Bongor Chiefdom under Bo District; there was a
man who was assisting as his secretary, his name I only knew as
Mr Kobbie, K-O-B-I-E, Kobbie. Not related to General Khobe. He
was combinely representing -- performing the duty of a secretary
Njala; Komboyia Chiefdom.

Q. Can you spell the Komboyia as well?

Rogers, he is a man from Moyamba District but he was allowed to represent religious leaders of Bo District at the council. And also representing the other directors as an appointment.

Q. Which other directors?

A. They were like the director of training, director of logistics and a series of them. So he was a director of appointment and also an Alhaji and so they voted him to represent them at the War Council.

For -- if I may proceed, for Kenema, My Lord. There was Chief Pa Vandi Zoka, Z-O-K-A, Vandi Zoka. The people of Kenema were not many at the area where we were; distance was a bit longer.

For Kailahun, Chief George Jambawai. Chief George Jambawai, I think he was representing Sallay Gendemeh, Malegohun, I think, or Niawa, from whom the recommendation had come for the formation of -- Then, there was Mr Kandeh Samai, who later became administrator for Kailahun District for the civil defence.

PRESIDING JUDGE: Can you spell that name, please.


PRESIDING JUDGE: Thank you.

MR JABBI:

Q. Those are two different names.

A. Kandeh Samai.

Q. Two separate names?

A. Kandeh Samai, that was his name. I know probably they are both like surnames. But those are his names. There was no representation for Kono and the entire Western Area. These are, as far as I can remember, the names composing the Base Zero War Council, My Lords.
Q. And according to you, you were not a member of that council?
A. I wasn't a member of that council. I can only sit when I am invited for them to advise and I am very grateful for some of the advices they gave me. One of them is standing out very prominently. It was they --
Q. Just before that, please, why did you opt not to be a member of the council?

JUDGE THOMPSON: My learned counsel, he has already --
JUDGE ITOE: He has answered that question.
JUDGE THOMPSON: Yes, quite.
MR JABBI: As your Lordships please.
JUDGE THOMPSON: And remember there is a rule against previous inconsistent statements. I mean, it applies in a sense. You are examining in chief; he has already given that answer. In fact, he prefaced his evidence with that qualification.
MR JABBI: As Your Lordships please.
THE WITNESS: Thank you, My Lords.
MR JABBI:
Q. Just before I was about to raise that question, you were about to make some statement.
A. Yes, I was, My Lords. I said I am grateful to them for the advice I received. At hindsight now I am sure that if they had not been in being and had not advised me and I had not listened to the advice, perhaps they could have been different with me today negatively.
Q. Just explain.
A. To just explain, there was a time when a complaint had reached me that one of the commanders in the field had become
violent to a civilian. I requested that he should be brought to
Base Zero. He was brought. Upon the presentation of the
complaint, elders and myself were summoned to sit on a trial of
that commander. Evidence was brought which were conclusive that
he was guilty of violence. And I was requested to endorse the
judgment which I endorsed and the punishment was death. He was
to be hanged to set an example that nobody could go free with
violence to civilians, among them as hunters whose duty was to
defend the civilians not to offend them.

When the area for such execution was being prepared by
hanging, an emergency meeting of the War Council was convened and
I was invited. The chairman of the War Council said to me,
"Chief Norman, we would not want to authorise you to carry out
that punishment because you do not have state authority in Sierra
Leone. That is our advice and recommendation." I asked for a
few minutes to consider their recommendation and advice. I
returned and bowed to their recommendation and advice and the
execution was not carried out. But other punishment to remove
him from command, withdraw all rights of status of command and
withdraw him from the area of responsibility were carried out.

That is why I believe that I am grateful to them. I will remain
grateful them.

Q. That's just one example of the instances of advice from the
War Council that you said you were going to itemise?

A. Yes, My Lord, one of them. Others were relative to
distribution of arms and ammunition.
THE WITNESS: Yes, My Lord.

PRESIDING JUDGE: And you sat on the trial.

THE WITNESS: Yes.

PRESIDING JUDGE: With others. Who were they and who designated these people to sit on that trial?

THE WITNESS: Okay. These were all the members of the War Council I have named, together with other leaders and administrators. Among those leaders was the senior commander, Mr Rufus Collier. One of his own commanders, sub-commanders, who was serving under Mr Rufus Collier, named Borbor Tucker, alias Jegbeyama. That alias is J-E-M-G-B-E-Y-A-M-A. Jegbeyama. That was a nickname of the eyes of an eagle.

It was also attended by large group of hunters. So that they would know, all of them, most of them, were in training they would know what would befell any of them if they came to command and did acts to civilians of the nature of violence. Thank you, My Lords.

PRESIDING JUDGE: Thank you.

MR JABBI:

Q. Who was this offender?

A. The offender's name was Vandi Vanjawai.

Q. And where was he posted at the time of the offence?

A. He was posted to a town called Gondama and he had authority around Bandajuma Soa, Jiama Bongor and Tikonko Chiefdom. Those are three chiefdoms and this Gondama is on the main road between Bo and Koribundu. So that was the area where he was. He committed the crime specifically in a town called Gbaama, G-B-A-A-M-A, Gbaama in Jiama Bongor Chiefdom.
Q. You referred to that crime as violence against civilians.
A. Yes.

Q. Now, who presided over that trial?
A. Chief JW Quee presided over that trial and in assistant to him were Alhaji Daramy Rogers and the other chiefs that were there, I think two other chiefs. One was Madam Sebureh and the other was -- Paramount Chief Madam Sebureh and the other was, I believe, Chief Caulker, Charlie Caulker.

Q. You spoke about instances of good advice from the War Council.
A. Yes.

Q. Are you minded to mention any other?
A. Some of them, as I have told you, instances of how the distribution of arms and ammunition could be done. Distribution of welfare, things like food, medicine, the distribution of them not in at the base itself, but to out-lying areas, where arrangements were made especially to some of our starving people in most of the hide-outs. Particularly the distribution of salt and some other edibles. They also advise whenever there were other minor disputes.

Q. Okay.

MR JABBI: My Lords, I am looking at the clock. I didn't know if this would be a suitable point.

PRESIDING JUDGE: Well, we normally go to 1.00 o'clock, but if the witness is requesting that we adjourn now, we can do it, but we would prefer to go on until 1.00 o'clock.

JUDGE ITOE: I want to make a remark. I don't think it is, with due respect, the right of counsel to determine the calendar of the Court. It is for the Court to examine how it is going to
move, particularly when we have 35 minutes to normal rising time. If the defendant complains at any stage that he is tired or so well maybe we could examine a request like that, but I don't think it is right to us to move at the pace of counsel.

12:26:57 MR JABBI: My Lord, I was just suggesting that the Court move at a pace suggested by myself. I was just trying to draw attention to the issue so the Court can consider it.

PRESIDING JUDGE: Mr Prosecutor, you stood up.

MR TAVENER: Yes, I did, Your Honour. I wanted to raise a matter in closed session at the end of this session, so I just thought I would put the Court on notice to that effect. It will only take about ten minutes, but it would require closed session.

PRESIDING JUDGE: You mean, what do you mean by "this session," you mean this session this morning?

MR TAVENER: Yes, that's correct.

PRESIDING JUDGE: Thank you. So, Mr Jabbi, are you prepared to proceed? We are listening to you.

MR JABBI: My Lord, I am sorry. The prosecutor has just requested.

12:28:04 PRESIDING JUDGE: At the end of the session.

MR JABBI: At the end of this morning's session he said. I wonder, therefore, how many minutes more I could use in order to make provision for that session, closed session, before lunch time.

12:28:28 JUDGE THOMPSON: But he intends to make an application. I take it he will be making an application for closed session. Am I right, Mr Prosecutor? Because that is an application which you will be asking the Court to consider, is it? Because at this point in time I am not sure whether there is anything in the
rules authorizing the interposition of a closed session whilst
the evidence is being presented, unless the over-riding or
overall interests of justice so require.

MR TAVENER: It is a procedural matter.

JUDGE THOMPSON: Yes, because I am a little at a loss
myself that there is nothing that I understand from the rules
that could justify this, unless as an exceptional and
extraordinary application.

MR TAVENER: It is a brief matter that relates to security
and I felt it best that we dealt with it in closed session.

JUDGE THOMPSON: Right. I will not press you on that.

PRESIDING JUDGE: Mr Jabbi.

MR JABBI: My Lord, in the circumstances --

PRESIDING JUDGE: He suggested that ten minutes would be
sufficient to dispose of that, so we are still half an hour away
from that. So we are prepared to hear from you.

MR JABBI: It is just a question of -- he says it is a
question of security.

PRESIDING JUDGE: Dr Jabbi, he suggested he would make this
application at the end of this morning's session. We are not
there yet, we are prepared to hear you.

MR JABBI: As My Lord pleases. My Lord, may I also make a
special request to the Bench that whilst the witness is narrating
a stretch of incidents, I be allowed to sit down until I am about
to intervene again? I have been standing up for a very long time
and just momentary rest from time to time, if that is permitted.

PRESIDING JUDGE: I have personally no problem with that,
with this kind of application. We understand that it may be
difficult upon you after three hours of standing up. So,
provided it is done in a proper way and when you are asking
questions and if there is an intervention you stand up.

MR JABBI: Yes, certainly, My Lord. Thank you very much,
My Lord.

Q. Yes, now, Mr Witness, you have been talking about various
arrangements. You have spoken about pieces of advice considered
very good for you in hindsight in terms of the operation of the
War Council. Would you want the Court to -- do you want to tell
the court anything more about the War Council?

A. Well, My Lord, I had just come to the conclusion of naming
the members of the War Council when I said I was grateful to them
for some pieces of advice. And then I was requested to indicate
one of them, which I have said was most important.

Now, after concluding with the names, that there were other
directors, whom I was just beginning to talk about that
directorate, when this issue came up. So, I thought that I would
now go back to the issue of the directors, various directors.

[CF27JAN06C - SV].

Now the arrangement to put together the directors who were
then part of Walehun III came about, again, suggestion for
control of things and events. There was a request to government
for more supplies of weapons that I was not obviously getting
from the ECOMOG and these were conventional weapons since the
hunters were now being trained to respond to the use of

conventional weapons by the RUF and the --

MR JABBI:

Q. Please, watch your pace.

A. Thank you, I'm watching the pace. By the RUF and the AFRC.

Q. Can you give an idea of the timing of that request; when
was it?

A. This was just about the beginning of October.

Q. Year?

A. 1997 at Base Zero and this prompted the visit of General Khobe which developed into my own visit to General Khobe at Lungi Airport.

Q. The visit of General Khobe to?

A. To discuss --

Q. No, to which place?

A. To Base Zero from his base in Lungi to discuss the provision of conventional weapons. When I made a corresponding visit in the same October I was told that there had been an arrangement in fact by government to procure arms and ammunition for the use of hunters. So a request was made for the preparation of trainers, preparators, so that these men who were not a military organisation, an ordinary civilian hunters, to be introduced to conventional weapons.

Following that meeting, I was told that a request had been put forward to His Excellency the President, President Kabbah, and that he was going to consider a meeting between himself, General Khobe and I. Indeed, less than a week after that, still in October, a meeting was convened between the three of us and I was picked up by a helicopter to Lungi where, in the presence of General Khobe, I was assured by His Excellency -- I was assured by His Excellency the President that arrangements had been put in place and that the weapons would soon be on the way and would be delivered before the end of that October of 1997.

Q. Where was His Excellency the President when he gave that assurance?
1 A. At Lungi.
2 Q. He was part of the meeting you were talking about?
3 A. We were three; him the President, General Khobe and myself.
4 Q. Before we proceed further let me take this opportunity to give you a very short advice.
5 A. Thank you.
6 Q. In your narrative you obviously are naming people involved here and there in various capacities. It would be appreciated if you do not speculate as to whether any of those people you mention might have been a witness before this Court, because some of those people may well have given testimony as protected witnesses. So it would be good not to speculate on whether a name you mention has been a witness before this Court.
7 A. Thank you.
8 Q. Thank you.
9 A. I'm grateful for that advice.
10 Q. So can you carry on, please?
11 PRESIDING JUDGE: But that should not preclude you from naming names as such. The only advice is that, if you have a name, you should refrain from saying that person was or was not a witness.
12 THE WITNESS: Yes, My Lord. I take the distinction and I'm most grateful.
13 MR JABBI:
14 Q. Thank you. So would you want to continue?
15 A. I have ended the narrative of the meeting between the President, myself and General Khobe and his assurance of the supply of the weapons that had been requested. And, as I say, the weapons indeed arrived at Lungi. I again was requested to
travel to Lungi. At that time I hadn't known before that it was
to see those weapons, but upon arrival towards the end of
October, just somewhere around November, I was shown a huge
quantity of weapons -- assorted weapons in a store at Lungi by
General Khobe. Among them I saw explosives, rocket propelled,
mortars, general purposes guns and AKs, huge quantity of boxes of
ammunition and explosives, and these were all said to be for the
use -- eventual use of the hunters.

Q. Yes, carry on, if you want to.

A. I would prefer to hold it there.

Q. Now this round of visits that you made to Lungi which you
have just narrated, who requested that visit to be made -- those
visits to be made to Lungi concerning all what you have just
narrated about the weapons?

A. I believe I said there was a request --

PRESIDING JUDGE: Indeed, you did say so.

THE WITNESS: Yes, My Lord, for conventional weapons. That
prompted the meetings.

MR JABBI:

Q. Now, were those --

JUDGE ITOE: But who made -- who invited you to the
meetings following the requests?

THE WITNESS: My Lord, the request came from the hunters
that in response to the conventional weapons that were being used
by the enemy, meaning the RUF and the AFRC, and, since the ECOMOG
was not supplying conventional weapons, they would prefer that
government be approached for the supply of conventional weapons
and this was what I conveyed to General Khobe. After some time
General Khobe then requested that I should travel to Lungi for a
meeting, which I did. That was the sequence that prompted the meetings.

MR JABBIE:

Q. So in fact the request was by General Khobe after -- the invitation to come to Lungi was by General Khobe after the request by the hunters. Yes, Mr Witness, do you know if those weapons ultimately reached the hunters?

A. Yes, My Lord. I said I was requested again to travel to Lungi where I was shown a huge quantity of a point of assorted weapons.

JUDGE ITOE: This second time who invited you to come to Lungi?

THE WITNESS: It was General Khobe, My Lord, and it was after my arrival that I discovered that the weapons that had been requested had indeed arrived. That's where I was when it was requested by you to whether I needed something to say. What I wanted to say was immediate delivery was not made of those weapons. I returned and held a meeting at Base Zero with commanders -- a general meeting to inform them of the arrival of these weapons. And it was after that general meeting that a request was placed for the delivery of part of those weapons and ammunition to hunters across the country so that they can also use conventional weapons. And the director of logistics was then requested to make a list of the request from the various commanders in the field and information was also sent to Monrovia of the arrival of those weapons. Resulting from that information, I was requested to make a trip to Monrovia.

MR JABBIE:

Q. Please, watch your pace.
A. I'm looking. To see the chief of staff and to inform him of the availability of those conventional weapons so that commanders of ECOMOG that were already inland in Sierra Leone can know that hunters would be conveying such weapons under the command of ECOMOG for use by hunters. Indeed I made that trip to Monrovia.

PRESIDING JUDGE: On this last part of your evidence, Mr Witness, you say the intent was to inform -- I just want to understand clearly what you're saying here, to see the chief of staff in Monrovia to inform him about the availability of these weapons that are now being distributed to the hunters.

THE WITNESS: Yes.

PRESIDING JUDGE: So the ECOMOG commanders inland in Sierra Leone would know that now hunters under their command are to be using conventional weapons.

THE WITNESS: Yes, My Lord.

PRESIDING JUDGE: Okay, that's basically what your trip was all about.

THE WITNESS: Very correct, My Lord.

PRESIDING JUDGE: Okay, thanks.

THE WITNESS: And the chief of staff was so informed. I spent the night in Monrovia. The next day he invited some of the commanders that were in charge of the various unit commanders in Sierra Leone and they were informed of this development and that the chief of defence -- the chief of staff of General Malu then gave his okay for the delivery of those weapons, but that his commanders would be in strict control of the hunters attached to their various units whether or not to use those weapons. I accepted that condition and returned and conveyed it to the
hunter commanders.

PRESIDING JUDGE: Can you repeat that last part again for me, please?

THE WITNESS: Yes, My Lord. That --

PRESIDING JUDGE: ECOMOG commanders --

THE WITNESS: ECOMOG commanders were to be in charge of the use of those weapons by the hunters.

PRESIDING JUDGE: And you agreed to that?

THE WITNESS: Yes, My Lord, and I accepted.

PRESIDING JUDGE: Dr Jabbi, before you proceed ahead now, we're getting close to 1.00 and, given the suggestion that was made by the Prosecutor about an application -- and I would like to hear a little bit more from the the Prosecution. Our preference at this time would be to hear that after the break unless you say it is so urgent that we should hear it now. This is clearly our preference and we will adjourn and then take it at 2.30. And you're suggesting that at 2.30 when we normally resume we should go into a closed session to hear the application. Am I right?

MR TAVENER: Fortunately, Your Honour, with the assistance of defence counsel my concern has been addressed by communications.

PRESIDING JUDGE: So there is no need to go into closed session?

MR TAVENER: There's no need.

PRESIDING JUDGE: The problem is resolved?

MR TAVENER: It's resolved.

PRESIDING JUDGE: As my brother Justice Thompson has said, this is the exceptional circumstances that we would like to go in
to closed session, especially when the accused is giving
evidence. And as part of his evidence, to break in a closed
session would be very, very exceptional. But I'm certainly glad
to see that this problem has been solved and I know what the
problem was now, so we assume it's been taken care of and the
witness has been informed of that. If there is any problem, I
know that you're going to stand up and make the Court aware of
the problem.

MR TAVENER: Thank you.

PRESIDING JUDGE: Thank you very much. Given what I've
said, we're prepared to break now, Dr Jabbi. This is what you
were suggesting at that time, unless you feel that there might be
a few more questions to complete this area.

MR JABBI: Yes, My Lord, just one or two.

PRESIDING JUDGE: Fine.

MR JABBI:

Q. Now you have mentioned General Khobe in all the narrative
about the visits to Lungi. Can you just tell the Court about
what role General Khobe played in the Sierra Leone Army, if any?

A. It's a long story. I would prefer to reserve that --

Q. After lunch?

A. -- with the consent of Your Lordships after the session.

PRESIDING JUDGE: In other words, it's not an answer you
can give in one minute or two?

THE WITNESS: No, My Lord. It will take up to 30 minutes.

PRESIDING JUDGE: We may as well take this opportune moment
to break. So we'll adjourn to 2.30 and we'll continue with your
answer to that question. Thank you very much.

THE WITNESS: Thank you, My Lord.
PRESIDING JUDGE: Mr Jabbi, are you ready to -- Mr Jabbi.

JUDGE ITOE: Your earphones.

MR JABBI: Thank you, My Lord.

PRESIDING JUDGE: Thank you. Are you ready to continue the examination of the witness, please?

MR JABBI: Yes, My Lord.

PRESIDING JUDGE: And when we left off we were with General Khobe. That's where you were.

MR JABBI: Yes, indeed, My Lord.

Q. Now, Mr Witness, I started posing a question in respect of General Khobe and you indicated it might need a little bit of time, which I hope we can now take. My question then was what role was General Khobe playing in the Sierra Leone Army?

A. Thank you, My Lord.

JUDGE ITOE: But before you answer that question, please, let us have a confirmation of General Khobe's nationality.

THE WITNESS: Thank you, My Lord. I would want to come to that just after completing the authorisation of the distribution of conventional weapons to the hunters.

MR JABBI:

Q. Very well.

A. I indeed obtained a qualified authorisation from the chief of staff to the ECOMOG commander in Monrovia that, indeed, the hunters could use the conventional weapons, provided that they were under the authority of the ECOMOG field commanders in Sierra Leone. That means that those weapons were to be distributed
inside Sierra Leone wherever there was coordination between the ECOMOG commanders and hunters directly to the ECOMOG commanders, then to the hunters wherever there was coordination between the ECOMOG commanders and the hunters to the ECOMOG commanders, and so were the weapons eventually distributed and issued for use to the hunters.

PRESIDING JUDGE: So are you suggesting that the weapons were to be forwarded to the ECOMOG commanders, who would then issue the weapons to the hunters?


PRESIDING JUDGE: Yes, conventional weapons, yes.

THE WITNESS: Wherever there was this. And so were the weapons distributed. At no time did I distribute the weapons over and above the authorities of the field commanders of ECOMOG to the hunters. And that was how it was until finally General Khobe became the commander of the Sierra Leone Army.

MR JABBI:

Q. Okay.

A. Now to General Khobe.

JUDGE ITOE: You say that was how it was until General Khobe became what?

THE WITNESS: The commander of the Sierra Leone Army.

JUDGE ITOE: Of the Sierra Leone Army?

THE WITNESS: Chief of Defence Staff of the Sierra Leone Army.

JUDGE ITOE: I see, General Khobe?

THE WITNESS: Yes, My Lord.

MR JABBI:

Q. Just before we get to General Khobe proper, you have just
described a scenario of control over the use of the conventional
weapons by the hunters?
A. Hunters.

Q. Now, apart from the use of the conventional weapons, what
was the direction of control as between the ECOMOG forces and the
hunters before that time, before the weapons came?
A. Before the conventional weapons were issued and part of
when they were issued, the direction was in two ways. One was
ECOMOG Liberia and the other was ECOMOG Sierra Leone. Meaning
that the chief of staff to the commander of ECOMOG Liberia, with
whom I had co-ordinational meeting or connection, and the sub
ECOMOG command that was being operated under Colonel Maxwell
Khobe in Sierra Leone. So those were the directions.

Q. Okay. So as between ECOMOG Sierra Leone and the hunters,
who was in control of who?
A. It was Colonel Maxwell Khobe that the hunters, not being a
military force of their own, never operated whenever there was
loyal troops in Sierra Leone in any area without the direction of
such loyal command; and after ECOMOG Liberia had crossed into
Sierra Leone, never without the authorisation or under the -- or
without the authority of ECOMOG Liberia.

Q. So we now get to General Khobe proper.
A. Yes, My Lord.

Q. First of all, the question that was posed by His
Lordship --

JUDGE ITOE: Excuse me, Mr Norman, you talked of Colonel
Maxwell Khobe.

THE WITNESS: Yes, My Lord.

JUDGE ITOE: I hear counsel echoing General Khobe.
THE WITNESS: Yes, My Lord. I will explain.

JUDGE ITOE: I'm lost somewhere.

THE WITNESS: I will explain. Initially Maxwell Khobe arrived on the scene as a colonel.

MR JABBI:

Q. When?

A. In Sierra Leone.

Q. When?

A. I was not actually involved as to when he came. I heard of the arrival of a Colonel Maxwell Khobe after I had arrived in Monrovia. So the rank of a colonel grew up into the rank of a general by promotion of the same man. So when I knew him, at the time when some activities occurred, when his rank was a colonel, then I refer to him as Colonel Maxwell Khobe. He became a general after the reinstatement of and the return of the President of Sierra Leone from Guinea to Sierra Leone. So that is how the one person became at one time a colonel and, at another, a general.

Q. Now, of what nationality was Colonel, later General Khobe?

A. General Khobe was a Nigerian known to me.

Q. Do you know what role he played in the Sierra Leone army on his arrival when he was only colonel?

A. Yes, My Lord.

Q. Yes, please.

A. At the time of the arrival of Colonel/General Maxwell Khobe --

JUDGE ITOE: I think you can now refer to him as general.

THE WITNESS: Thank you, My Lord.

JUDGE ITOE: Yes, please.
THE WITNESS: Time of arrival of General Maxwell Khobe, the head of the Sierra Leone Army had changed by circumstances beyond the control of government, and so the chief of defence staff found himself also in exile with the government. The substantive Sierra Leonean chief of staff found himself -- wrong, not found himself, he was already in Sierra Leone, but the position about his own status had changed. Other officers had assumed leadership of the army and so when General Khobe arrived at the time under the authority of ECOWAS to become the bridge head commander of ECOMOG in part of Sierra Leone, he was authorised to be in contact with loyal servicemen of the Sierra Leone Army and the Sierra Leone police, and to also put together any group of other non-uniformed Sierra Leoneans for the purposes of eventual restoration of the democratically elected government in Sierra Leone.

MR JABBI:

Q. And just to complete that; what role did he play by the time that he was general?

A. After the restoration of the democratically elected government and the reinstatement of the President of the Republic of Sierra Leone and the return of the President, General Khobe was then honoured with a transfer the army normally refer to as transfer to Y list. Meaning, obtaining the recognition of his rank in his own country, but the transfer of authority of such rank to another country. That is Y list posting. That arrangement was done on behalf of General Khobe and General Khobe became the chief of defence -- chief of defence of the Sierra Leone Army. That means he became, by authority of transfer, an arrangement between two governments -- he became the head of the
Sierra Leone Army as a non-Sierra Leonean with equal authority as if he was a Sierra Leonean.

Q. Now, still on General Khobe, about whom you have explained the invitations in respect of the conventional arms you were invited to Lungi a few times. Now, can you tell the Court if there were any other interactions between General Khobe and the national co-ordinator whilst based in Base Zero?

A. Yes, My Lord. General Khobe, when he was a branch of ECOMOG command in Sierra Leone, became the custodian of weapons that were used by the loyal Sierra Leone forces and the hunters. And so --

Q. Please keep watching your pace and the pens, as you have been putting it.

A. Thank you. And in that capacity he could distribute orders and supplies to all those who were involved in the fighting without normally passing through the national co-ordinator. Nevertheless, we had a lot of interactions as individual human beings and a lot of discussions regarding the direction of the operations. At this time there was less communication between myself and His Excellency the President regarding the military operations within Sierra Leone.

JUDGE ITOE: Are you saying there was less communication?

THE WITNESS: Less, My Lord. Most of the communication regarding military operations in Sierra Leone was, at that time now, more -- or between General Khobe and the President of Sierra Leone, but we continued to meet and talk and discuss issues more often. And, finally, when both of us eventually met in Freetown and I became recognised by him as a deputy defence minister and him to me as a chief of defence of Sierra Leone Army, there was
then direct interaction on military matters.

MR JABBI:

Q. When was this first or ultimate introduction of yourselves directly, the other as deputy minister of defence and the other as the chief of defence staff? When was that final meeting?

A. About a week. To be precise, 17th March 1998.

Q. And that was obviously after the President had returned to Sierra Leone?

A. My Lords, I would prefer to put it after the reinstatement of the President.

Q. Now, apart from the custody, control and distribution of weapons being the responsibility of General Khobe at the times that you have indicated, were there any other interactions between the Base Zero establishment and General Khobe?

A. When General Khobe visited Base Zero at a time when I was together the other members among whom were members of the War Council, he was introduced at a huge hunters line-up up at the training field, together with the presence of the other traditional and other leaders of the chiefdom and the various chiefdoms, representatives that were at Base Zero, and he was introduced to them. At that time he was not a general, as a colonel, but as Maxwell Khobe, now known as General Maxwell Khobe.

He shook hands with some of them and congratulated some of them that were assisting in the effort of reinstating the government and president and he requested, personally requested, their support, that he was another national whose only duty was to assist the people of Sierra Leone in trying to reinstate their own elected government, as that was part of the job him and other
soldiers of ECOMOG had been entrusted. I can remember there was
a huge jubilation, clapping and shouting and so on, after his
statement and I felt proud of him myself and I still owe him a
lot of gratitude on behalf of the people of Sierra Leone.

Q. How many times did General Khobe visit Base Zero whilst you
were there?
A. I could remember three times.

Q. Three times. You've already mentioned one, have you?
A. I have mentioned some. Maybe I left out one, but I believe
I covered the three.

First, he visited after I had arrived at Base Zero and put
arrangements together. Second, he arrived and together with him
was the press people, two of them, whom I have named here. And I
believe the third was followed immediately by an invitation to

Lungi.

Q. What was the purpose of that particular invitation to
Lungi?
A. It was for me following my request for conventional
weapons.

Q. I see.

JUDGE ITOE: That was when you got there and you were shown
the weapons in boxes in --
MR JABBI: In the beginning.

JUDGE ITOE: In the beginning.

THE WITNESS: Yes, did that the last time.

JUDGE ITOE: Yes.

MR JABBI:

Q. So, apart from these visits concerning the weapons -- apart
from the visits or invitations to Lagos -- I'm sorry, to Lungi.
Apart from the invitations to Lungi concerning the weapons, were there any other invitations to Lungi for any other purpose?

A. Yes, we -- at that time we had -- I could remember there were invitations after the dealing with the weapons and this was now to find out about the proper allocation of Radio 98.1.

Q. What was Radio 98.1?

A. A radio station that is still operating as Radio Democracy 98.1. That was the radio initially known as 98.1 that was used as a clandestine radio communication to people of Sierra Leone and the world. And so him and I met and they wanted a proper allocation of this. So this was long time before I even left for Base Zero. I was then in Monrovia at that time and so the chief of staff asked if I could help, together with someone known to me as Mr Spencer who became the minister of communications and information. We held a series of meetings trying to make sure that whether it could be safe for that radio station to be operating, for the staff and for the radio station itself. So that was the time after knowing -- hearing of Maxwell Khobe I first knew him following our subsequent meetings.

Q. Any other mode of interaction between you?

A. Before finally we got together as minister and chief of staff?

Q. Yes. Let us say before, as you put it, the President was reinstated?

A. No, I think there could have been, but these are the most important that I can remember.

Q. That you can remember. Now, for the purposes of a summary on Maxwell Khobe, what would you therefore say were his specific functions in Sierra Leone?
A. To serve as a soldier. That was his specific function, I would imagine.

PRESIDING JUDGE: His specific function was as Chief of Defence Staff, wasn't that what he was?

THE WITNESS: That was an appointment. He was really --

PRESIDING JUDGE: The head of the whole military.

THE WITNESS: The head of the whole military, but his service to the nation was that of a soldier.

MR JABBI:

Q. In the particular circumstances of his service to his country as a soldier, in the particular circumstances and considering the historical transition point, especially in respect of the restoration of the government of President Kabbah, what would you characterise his role and function to have been?

A. Exemplary, My Lord.

Q. Now, you have explained a lot about the role of ECOMOG and there was a stage where you mentioned training in respect of the conventional weapons. Can you tell this Court whether ECOMOG performed any training functions other than in the use of those particular weapons?

A. My Lords, I would --

JUDGE ITOE: First of all, in the use of those weapons.

Training in the use of those weapons.

MR JABBI: My Lord, I have adopted that already as being in evidence, the training in the use of those weapons.

JUDGE ITOE: A decision was taken on the state of the evidence.

MR JABBI: I see the point, My Lord.

JUDGE ITOE: The state of the evidence is not that.
MR JABBI:

Q. I hope you perceive the fine distinction His Lordship is making?

A. I'm appreciative.

Q. A decision was taken in respect of the training in the use of those weapons. Did the training take place?

A. I would imagine the training took place. They were far afield from where I was and there was no incidents of an accident after the weapons had been released to them.

Q. Was that training by ECOMOG a precondition for the use of those weapons?

A. I would also want to imagine that was precisely why the chief of staff took that measure.

PRESIDING JUDGE:

Q. But you don't know?

A. I wouldn't know, My Lord. These were men far afield from me.

Q. Yes. The system was in place. Weapons were transferred to ECOMOG.

A. Precisely.

Q. You assumed that normally before they would issue these weapons to hunter, they would train them, but you don't know?

A. Well, as a trained soldier, I would.

Q. You're speculating, but you don't know?

A. Thank you, My Lord.

MR JABBI:

Q. But you are also saying that a specific demand, as it were, was made by ECOMOG in that respect?

A. Yes.
Q. What was that demand?
A. The demand was -- as a trained soldier, I know that weapons are not just given to people to use like that. They would be trained in the use of those weapons and so the chief of staff was in place to have told me, "Yes, I would allow, but under the direction and the supervision of my officers".
Q. What was to be under the direction and supervision of his officers?
A. The use of those conventional weapons, My Lord.

Q. Now, apart from training in the use of those conventional weapons, were there any other exercises of training by ECOMOG?
A. Well, I would imagine, yes, there was.
Q. Not only in respect of those weapons?
A. I would imagine there was. Whether it was --

JUDGE ITOE: I think we need to avoid guessing here.

JUDGE THOMPSON: Yes, quite. I think we should [overlapping speakers].

JUDGE ITOE: We should stick --
MR JABBI:

Q. If you don't know for sure -- if you do not know for sure, please indicate so.
A. I know for sure that the director of training, who was Mr MS Dumbuya, was doing training at the base and when they --
Q. At Base Zero?
A. At Base Zero. When they left and went to the commanders in field far away from me whether they were accepted or they were trained further, I could not tell any knowledge of this. But I can imagine. Only that.

JUDGE THOMPSON: Counsel, this is the difficulty -- I think
you need to be very careful in this line in examination-in-chief. Some of it would appear leading because -- and also, as my learned brother has said, we may be entering a territory here where these matters are so highly contentious and they become very, very speculative, because clearly, I would not know how to evaluate, in terms of evidentiary material, what comes out as speculation or a product of one's imagination. There is a world of difference between giving directives for training, giving certain weapons under certain conditions and whether those conditions really were adhered to in practice. You yourself know that. So I would suggest that you be very careful how you tread here. If the witness does not know whether the training did take place, I think the Court ought to be treated with candour.

MR JABBI: Thank you very much, My Lord. That was the situation I was probing and it transpires that in some aspects of it his direct knowledge is not apparent.

PRESIDING JUDGE: His evidence is essentially the training that took place at Base Zero, he's aware of it. But outside of Base Zero he doesn't know. He has not seen it. That's what he's told you.

MR JABBI: Thank you, My Lord.

Q. With respect to the training that took place in Base Zero, the training that took place in Base Zero, was there any ECOMOG involvement in that training?

A. No, My Lord.

Q. Thank you. Now obviously you have indicated that there were certain specific areas of the operations both at Base Zero and outside Base Zero that you wanted to talk to. Do you yourself have any other general area in respect of operations
either at Base Zero or outside that you would want to address?
A. Apart from the special arrangements and so on, military
operations inside Base Zero or immediately around Base Zero never
took place. In the other places where there were concentration
of RUF forces and AFRC forces, of course operations took place
and most, if not all, of the bases were eventually taken either
singularly by the hunters or co-ordinatingly by the hunters and
ECOMOG forces.
Q. Thank you. Now if we may shift focus slightly. Earlier on
this morning you made reference to the use of Civil Defence Unit
as distinct from the official adoption of the phrase Civil
Defence Forces?
A. Yes, My Lord.
Q. Can you now tell this Court how the official designation of
Civil Defence Forces came about?
A. Yes, My Lord. Civil Defence Forces, CDF, came about after
the reinstatement of president and government of Sierra Leone and
after Chief Hinga Norman, as deputy defence minister, had met
with General Maxwell Khobe, as Chief of Defence Staff of Sierra
Leone Army, and after arrangements had been put together to
co-ordinate all forces in the country that were of civilian
character so that they can augment needs whenever it arose to
support the military forces that were operating in the country
then under ECOWAS arrangement.
Q. Now just for some basic dates, if I may put it that way.
You referred to after the reinstatement of the elected
government. What date do you give for that? When was that?
A. I would say any time beginning from May 1998. From May
1998 up to the present the CDF has been in being specifically as
CDF.

Q. No, my specific question was: What date do you recognise as the time when the government was reinstated?

A. Government was reinstated on 10th March 1998, My Lord.

Q. So you are saying that it was after that time that the official designation CDF came into being?

A. Yes.

Q. After that time?

A. Yes, My Lords.

Q. You also mentioned your coming together as deputy minister of defence with General Khobe as a point after which the CDF as an official designation was established. When was that coming together between the Deputy Defence Minister and General Khobe?

A. As the chief of defence of Sierra Leone Army it was any time about a week after the reinstatement. So I would calculate it to be around 17th March.

Q. At any rate, around mid-March?

A. Mid-March.

Q. 1998?

A. Yes, My Lord.

Q. So I just wanted those specific dates indicated. Can you now continue to explain the emergence of this designation and the establishment of the organisation of the CDF?

A. Yes, My Lord. When General Khobe and myself met, we deliberated on the issue of maintaining the hunters since we were no longer looking up to ECOMOG, we were now very strictly to the government of Sierra Leone. So we were to draw up a program so that the entire chiefdoms of the country can then have their hunters in the various chiefdoms and so supplies of whatever
sort - whether weapons, meaning arms and ammunition, food, medicine and so on - can be equitably distributed without much rancour. This was how a request was put through the chief of defence staff to the government of Sierra Leone to create a specific budget within the monetary means available to government at that time so that the hunters could be adequately taken care of. And this is a 149 chiefdom country, so an arrangement had to be put together and that was how specifically the issue of CDF came about. Only surprisingly to me, I later found out that indeed there was CDF under the laws of war in the Geneva Convention operating and, interestingly, on almost the same terms that General Khobe and the staff had drawn up.

Q. Now this last statement you have made that you found out there was CDF existing --

A. Under the Geneva Convention.

[CDF26JAN06E - EKD]

Q. Are you referring to the concept, or to the real organisation?

A. I'm referring to the real organisation of the CDF as it was drawn up by the military staff of General Khobe as comparable to what I later saw in the Additional Protocols of the Geneva Convention. Specifically, Protocol 1 Article 61 of protocols additional to the Geneva Convention of 8 June.

JUDGE THOMPSON: Counsel, don't you think you might want to reformulate your question? Probably just to simplify it.

MR JABBI: Yes, I am just waiting for him.

JUDGE THOMPSON: I think you are on difficult terrain if you don't simplify it.

MR JABBI: Yes.
Q. Now, insofar as such a designation was used in the Sierra Leone context, was there the use of that phrase, "Civil Defence Forces" for the official designation of an organisation in Sierra Leone before the dates you have given, that is --

A. No.

Q. -- let's say before March 1998?

A. No. No, My Lord.

Q. So what you are therefore saying is that the CDF, both as a designation and an organisation, arose only after March 1998?

A. Yes, My Lord. After I met General Khobe and the officers, I was told that any organisation that was required for the purposes of assistance, and that organisation during the period of war is not uniformed like soldiers and armies; they are all classified as members of civil defence. According to them, they said this even starts with the police, the fire force, the prisons, to all local hunters, to students, labour organisation - all sorts of organisation that the army could look up to for assistance.

Q. Thank you. In order to clinch certain matters, I would like us to go back to Base Zero. How long did the establishment at Base Zero exist?

A. As long from the -- around 15th September 1997 to 10th March 1998.

Q. So effectively there was no further Base Zero operation at Base Zero after the government was reinstated?

A. Yes, My Lord.

Q. At Base Zero a War Council had emerged and you have given some details about that. How long did such a War Council exist?

A. Again, the War Council at Base Zero lasted for as long as
Base Zero lasted. I also want to state some omission about some operation at Base Zero, which I want to apologise. It was not deliberate; it is only a slip, memoriam. That is the declaration of Black December.

Q. Yes, can you expand on that?

A. Thank you, My Lords, I will try to explain.

PRESIDING JUDGE: Would you wait just a minute, please?

THE WITNESS: Thank you.

[Trial Chamber conferred]

PRESIDING JUDGE: Counsel, I do have some difficulties with this last direction that we seem to be taking, given the decision on the judgment of acquittal in respect of some allegations. So I am not sure this is an area you want to explore. You seem to be taken by surprise by my comment. We have struck down some allegations, as such. More specifically with reference to Black December. Do you want to pursue this, because, as far as this Court is concerned, those allegations which have been struck down have no more existence in law. So I don't see why we should be moving in that direction, but this is your case. I am just talking of our decision in respect of some allegations. We didn't strike out all allegations, but certainly allegations having to do with Black December. I don't have the decision in front of me now, but I thought, if not all, most of the allegations having to do with Black December have been struck out.

JUDGE ITOE: I think I have that same reflection.

PRESIDING JUDGE: As I say, I don't have the decision in front of me now. This is only my own memory of our decision. If you want some time, it might be in fact a good time - it is
quarter to four - to break for 15 minutes to allow you to check
into this. Because, as I say, if this is no more in existence, I
don't see why we should hear about that. Unless you convince the
Court that to hear that portion would allow us to understand
better some other portions. I don't know. It is your case.

JUDGE ITOE: To be fair to counsel, really, I don't think
it is counsel who introduced the Black December. It is the
witness himself who sprung it up and said he forgot to mention
Black December. So I think that --

THE WITNESS: My Lords --

JUDGE ITOE: -- the position of the Presiding Judge is very
valid and we would like to --

THE WITNESS: My Lords --

JUDGE ITOE: -- as the Presiding Judge has said, like to
give you some time to verify that decision and see whether it is
necessary in your examination-in-chief of this witness to visit
areas which have been struck out by the judgment of acquittal.

PRESIDING JUDGE: What I suggest we do, and I will ask
Justice Thompson to speak about it as well, is give you some time
to look at that decision. It is a public document, so that
decision may be made available to the witness, if need be, at
this particular moment if he hasn't seen it and then move from
there.

JUDGE THOMPSON: I don't have anything useful to add, just
to endorse what the Presiding Judge has said, and also what the
Honourable Justice Itoe has said, that, clearly, it would be
multiplying the issues and even complicating the issues if we
were to revisit an area which is already a subject of a judicial
decision, to wit, the decision on the motion for judgment of
acquittal. Certainly it would not serve any useful purpose and I think that you would be perfectly within your professional rights in advising your client not to pursue that particular line, even if he thinks that might shed some light here. Because we have to go by the road map, that is the indictment, and that is our guide.

MR JABBI: Thank you very much, My Lords. My Lord, as Justice Itoe has just said, I did not, of course, broach this idea. But I am leading him. I am grateful that Your Lordships have raised the point this time. My Lord, there was some uncertainty, if I may put it that way, perhaps not confusion, but there was some uncertainty when this decision came out as to whether defence could then decide to ignore all those pieces of evidence relating to those items that had been struck out. I think --

PRESIDING JUDGE: My very recent comment --

MR JABBI: Yes, indeed, it clears it altogether. I am just making the historical point that in fact there was that little appearance --

JUDGE ITOE: We are telling you -- I am saying here that I failed to see any uncertainty in that decision and so the motion which you filed sort of left us wondering as to what the uncertainty was in that decision. As far as we are concerned, the decision was clear and that is why we are coming in with this comment at this point in time.

MR JABBI: My Lord, we certainly accept and we are grateful for the point that you are making now. We are very grateful for it, indeed.

JUDGE ITOE: We want to say that we are clear from the
outset. The decision was not ambiguous anywhere.

MR JABBI: Yes, indeed, My Lord. My Lord, in that case, maybe rather than rise, that particular set of episodes the witness was about to introduce could be shelved and then I could proceed with some other.

PRESIDING JUDGE: Indeed. So, Mr Witness, you have heard our comments on that. We feel that the Black December Operation at this juncture appears to be of no relevance any more. So it is being shelved for the time being and your counsel will see if there is any part of it that needs to be reassessed, but for the time being we would prefer that we leave that aside.

THE WITNESS: Thank you, Your Lordships, I'm greatly relieved and I'm sorry if there had been any embarrassment caused. I am greatly relieved.

MR JABBI:

Q. Now, my last question before the shelved idea was introduced was how long the War Council operated.

JUDGE THOMPSON: And the answer was as long as Base Zero existed. In other words, it in fact was -- it lasted during the lifespan of Base Zero. I have here something like it existed 15/9/97 to 10/3/98.

MR JABBI: In answering the question I put -- my question was slightly more general than the answer.

JUDGE THOMPSON: I thought the answer was in fact virtually saying that Base Zero existed from 15/9/97 to 10/3/98.

MR JABBI: Yes.

JUDGE THOMPSON: And then I heard the answer that the War Council lasted for as long as Base Zero lasted. So I thought, by logical reasoning, the answer was inclusive in the
previous answer.

MR JABBBI: My Lord, in giving that answer, what he specifically said was, "The War Council in Base Zero existed as long as Base Zero existed".

JUDGE THOMPSON: That's correct. Yes, it was localised to Base Zero.

MR JABBBI: Yes, My Lord. Whereas my question was --

JUDGE THOMPSON: Your question now is of a wider genesis, in fact.

MR JABBBI: Yes, My Lord.

Q. My question was: How long did the War Council exist?

A. My Lord, I do not have any control over the War Council. The War Council of Base Zero was the one that was specifically for Base Zero. The one that was operating in Conakry used by the Government of Sierra Leone in exile was outside of my control.

Q. Thank you.

JUDGE ITOE: Are you referring to Conakry or to Base Zero?

MR JABBBI: I am beyond both now. My question is trying to go beyond both. So if I may just pose the question again, My Lord.

JUDGE ITOE: Okay, why don't you take one by one.

MR JABBBI: Yes, the third one now I am coming to.

Q. Now did a War Council exist after March 1998 anywhere in Sierra Leone?

A. Not to my knowledge, My Lord.

Q. Thank you. Did any of the designations established during the time of the War Council in Base Zero -- did any of those designations continue in operation after March 1998?

A. Yes, My Lord. They continued until 18th January 2002.
Q. Who do you mean by "they", "they continued"?
A. The designations you were referring to, My Lord.

PRESIDING JUDGE: Are you meaning the designation or the organisation?

THE WITNESS: The designation of the organisation that were referred to as directors of logistics and a director of war, director of training. All these ones continued and because the arrangement that was overseeing their welfare only ceased as from 18th January, year 2002.

PRESIDING JUDGE: What is happening, I think, is this morning you intended to speak about the directors and then we moved out of there. I don't think -- what you have just mentioned now about various directors, I don't think it has been led into evidence yet. So presumably you are talking of something new now.

THE WITNESS: I am only responding to the question that he asked because everything else in that direction, My Lords, came to an end after the statement of "Di wa dan dan".

JUDGE THOMPSON: Perhaps the difficulty here is that counsel might need to make himself explicit when he used the words "designations".

MR JABBI: My Lord, maybe I will ask the witness himself to do that.

JUDGE THOMPSON: One was thinking that you were on the same radar screen as the witness when you said "designations" and of course his response now indicates that perhaps he may not be on the same radar screen as you are.

JUDGE ITOE: You used "designations". It was not he who used it.
MR JABBI: My Lord, I believe otherwise, with the greatest respect, that the witness's answer is on the same wavelength as the question.

JUDGE THOMPSON: I prefer it to be on the same radar screen.

MR JABBI: Pardon, My Lord?

JUDGE THOMPSON: I prefer it to be on the same radar screen, not the same wavelength.

MR JABBI: I would also say that, even that obtained, my question was whether the designations used at the time of the Base Zero War Council continued after March 1998.

JUDGE THOMPSON: I can see that.

MR JABBI: He even started giving examples.

JUDGE THOMPSON: Well, it's the generality of the term "designations".

MR JABBI: He started giving examples of those designations.

JUDGE THOMPSON: I see.

MR JABBI:

Q. Now you gave a few examples of what you understood of the word "designation" that I used in the question. On the basis of that understanding, can you name those designations that continued so that we are sure we are on the same radar screen?

A. That continued up to 18th January?

Q. After March 19 --

A. After March --

Q. 1998. Just the names, to start with?

A. That was the directorate of logistics, of war, of -- and
commands, commanders. All those ones came to an end now after "Di wa dan dan" statement in the month of January 2002.

Q. So they were operational between March 1998 and 2002?
A. Yes.

JUDGE ITOE: What of the other designations like the Walehuns and what have you? What happened to those?

THE WITNESS: All of those ones have gone. They went together with, in fact, what we now know as the organigram of command structure of the civil defence. All the [indiscernible].

We are only referring to them now as a matter of records.

PRESIDING JUDGE: But at Base Zero, you had described, if I'm not mistaken, Walehun III --

THE WITNESS: Yes, My Lord.

PRESIDING JUDGE: -- as being different than the War Council and it was composed of directors, if I am not mistaken.

THE WITNESS: Yes, My Lord.

PRESIDING JUDGE: Who were these directors? How do you describe them? How many of them?

THE WITNESS: At Base Zero the directors were not plenty as they became now after the establishment of the organigram. So that's why the Walehun I, II and III were so limited. We had a director of training at Base Zero, the director of appointment at Base Zero, the director of logistics at Base Zero. Those directorates existed. And so they then ran now into the various directorates under the organigram, which I have not reached to yet to explain to Their Lordships.

PRESIDING JUDGE: So the only directorate by the same name that more or less remained was the directorate of logistics?
THE WITNESS: Say that again, My Lord.

PRESIDING JUDGE: I said the only directorate that continued to exist as such was the directorate of logistics after Base Zero.

THE WITNESS: After Base Zero, yes, My Lord. Yes, that directorate of training had gone, the directorate of appointment had gone. You're correct, My Lord, and thanks.

MR JABBI:

Q. Between 1998, March -- just for complete clarification, between 1998 March and "Di wa dan dan" pronouncement of 2002 which directorates were operational?

A. All directorates were recorded for the organigram. Functional was directorate of logistics, directorate of personnel. And those two were really functional, were necessary.

Logistics and personnel, specifically. All other directorates now that were smaller to them, like medical, communication and so on, were only functioning now as a matter of record.

JUDGE ITOE: Mr Witness, these directorates, you had earlier mentioned -- I don't have a clear understanding of the number of directorates that you had. Can you enumerate them? We want to know what these directorates, where you've mentioned them -- time and again you mention some, you don't mention others and so on and so forth.

THE WITNESS: My Lord, this is what I mean that if I was really getting as to the area of coming to the directories that existed between 10th March 1998 to 18th January 2002, I will come along with the organigram then you can -- My Lords will see exactly how many directories existed right up to that time.

MR JABBI:
Q. I believe that part of what His Lordship is asking for, for instance, is the directorates that existed at Base Zero, just to begin from there. The other one we can deal with later.

A. I have told My Lords that the directorate that existed was specifically that of logistics. The directorate of training had gone, and the directorate of appointment had gone.

Q. You slightly shifted the focus --

JUDGE THOMPSON: That was after Base Zero.

THE WITNESS: Yes, My Lord.

MR JABBI:

Q. No, my question was: To begin with let us deal with the directorates that existed at Base Zero. Then we can talk about which of them continued and which of them is continued later.

A. Fine.

Q. Let us talk about what directorates existed at Base Zero.

A. I will name them. Directorate of logistics, directorate of training, and directorate of appointment, My Lords.

JUDGE ITOE: These were the only three directorates you say existed at Base Zero?

THE WITNESS: Base Zero.

JUDGE ITOE: That is what you are saying?

THE WITNESS: Yes, My Lords.

JUDGE ITOE: What is there? Three: Logistics, training and appointment?

THE WITNESS: Appointment.

MR JABBI:

Q. If I may also pose this question, just to have this historical point clearly established: How long did your operation as national co-ordinator of CDF last?
A. This was an appointment by government of Sierra Leone in
the person of His Excellency the President, and I have not been
informed by His Excellency the President that that appointment
has ceased.

Q. That is up to now, eh?

A. My Lord, I will not want to go beyond the answer I have
given.

Q. And the second part -- forgive us for trying to be very
clear about some of these things, especially the stages in which
they happened or did not happen. You have given us a clear
indication of the directorates that existed in the Base Zero
period. So once more, please, which ones survived the Base Zero
period?

A. One survived, and that was directorate of logistics, My
Lords.

Q. Thank you. Now, for the period preceding -- the period
coming before March 1998, can you explain to the Court your
knowledge of the command structure of individual hunter groups?

A. Yes, My Lord.

Q. Yes, please.

A. Up to 18th -- up to 10th March and beyond, right up to
10th -- to 18th January 2002 -- 10th March 1998 up to that and
including --

JUDGE ITOE: To? 10th March 1998 to?

THE WITNESS: Right up from Base Zero to 10th March 1998,
and then from 10th March 1998 to 18th January 2002, the
terminology of commander was that of battalion commander that was
in charge of a whole district; senior battalion commander in
charge of three districts or four districts or five districts as
the case may be; then chiefdom commanders; then section
commanders, which were the section of every chiefdom of 
Sierra Leone; then you have town and village commanders. Those
were the command structure right up to 10th -- right up to
Base Zero, and from Base Zero right up to 10th March 1998, and
then from 10th March 1998 to 18th January 2002, when the
statement of "Di wa dan dan" was declared.

PRESIDING JUDGE: So this was the command structure right
from the moment you were at Base Zero up to 2002?

THE WITNESS: Yes, My Lord.

MR JABBI:

Q. Was that also the command structure before Base Zero came
into being?

A. This was the structure of the hunters right up to
Base Zero. The structure from town to village to section to
chiefdom was right up to Base Zero. Right up to Base Zero. And
I would say that, in fact, right up to March -- 10th March 1998,
after that easier organigram was then put together and battalion
commanders, senior battalion commanders, then directors came in
to the actual organigram. The structure and the organigram are
completely different.

PRESIDING JUDGE: But my question to you, Mr Witness, was:
You are saying that prior to Base Zero and the hunters'
structure, they have essentially village commanders -- I mean
taking it from the bottom and going up, village and town
commanders, section commanders, chiefdom commanders?

THE WITNESS: Stop there, My Lord.

PRESIDING JUDGE: And then nothing on top of that.

THE WITNESS: Right up to Base Zero. Nothing on top of
that.

PRESIDING JUDGE: From Base Zero you added to that.

THE WITNESS: From Base Zero right up to the 10th, that is the reinstatement of government, and when the organigram was put together then the terminology of battalion commander, senior battalion commanders and the directors came in in addition to what we have got right up to Base Zero, My Lord.

PRESIDING JUDGE: Right. But from Base Zero on to March 98 and subsequent to that --

THE WITNESS: Yes.

PRESIDING JUDGE: Did you, because you have said, that you had then a battalion commander who was in charge of a whole district and you had senior battalion commanders who were in charge of three, four, five districts, and then you had chiefdom commanders, section commanders and so on.

THE WITNESS: That was arrangement --

PRESIDING JUDGE: From Base Zero or subsequent to Base Zero.

THE WITNESS: Subsequent to Base Zero it was at the level of chiefdom commanders.

PRESIDING JUDGE: Before? That is at Base Zero --

THE WITNESS: That is before. Before. Right up to --

PRESIDING JUDGE: So the battalion commanders came in the terminology and the chain of command from March 1998 after Base Zero.

THE WITNESS: Yes, My Lord. Yes, My Lord, that is very correct.

PRESIDING JUDGE: Thank you.

THE WITNESS: That is very correct. You see, My Lord, we
are developing now into a greater control of the organisation for
administrative purposes after the reinstatement of the President.
That was where battalions, battalion directors and so on came in
and then finally it ended up with national co-ordinator --
co-ordination committee which was then above rising up to the
President. But we have not come to that stage yet.
PRESIDING JUDGE: Okay.

MR JABBI:

Q. Well, if we may come to it, because it seems the upshot of
the narrative comes up to that now. You have mentioned just now
a national co-ordinating committee.

A. Yes, My Lord.

Q. When did that --
PRESIDING JUDGE: Mr Jabbi, before we embark upon that, I
suggested at 4.15 we would like to break. So I think it may be a
bit more than a few minutes in the evidence in this respect. So
we will take a pause of 15 minutes, we will come back and then
you can carry on with that aspect.

MR JABBI: Yes, My Lord.

PRESIDING JUDGE: Thank you.

[Break taken at 4.18 p.m.]

[Upon resuming at 4.43 p.m.]
PRESIDING JUDGE: Dr Jabbi, you're ready to resume the
examination-in-chief?

MR JABBI:

Q. Yes, Mr Witness --
PRESIDING JUDGE: Maybe you should put your headphones on.

MR JABBI: Thank you, My Lord.

PRESIDING JUDGE: We may speak to you once in a while.
MR JABBI:

Q. Yes, Mr Witness, more or less you broadly came up to March 1998, which we designated as the time of the reinstatement of the civilian government and we have been trying to pursue things after that date. Now if I may begin with the government after its return from exile, if I may call it that. Was the war in existence still? After March 1998 was there --

A. We, meaning Sierra Leone, were still in the state of war up to the reinstatement of the President and government.

Q. Did that state of war continue after that reinstatement?

A. Yes, My Lord.

Q. According to your testimony so far, the government did so much whilst in Conakry towards the situation in the country. After its return, with still a continuing state of war, can you tell the Court what strategies and what particular operations were mounted by government in respect of that continuing war?

A. Yes, My Lord. After the reinstatement of government and the presidency, the restoration of constitution and democracy, various organs of government were reinstated. Cabinet of ministers became functional; ministries of government with their directorates and permanent secretaries also became functional; part of the army was being put back in place, together with the police; destroyed government and other public offices were being repaired to become functional; schools and colleges were being relocated and ordered functional; most of our people who had left their chiefdoms and towns also started returning to their places of origin; arrangements were made to discourage further hostilities within the country, especially between remnants of the renegade soldiers, on one part; the RUF, on one part, and the
hunters, whose organisation had now specifically been called the
Civil Defence Forces; ECOMOG was proper, meaning it was properly
officered now in Sierra Leone, specifically Freetown and part of
the UN military mission had been posted to Sierra Leone. Those
were some of the activities that I could remember that were in
Sierra Leone.

Q. In terms of challenges, realities on the ground as a result
of the war so far, can you enlighten the Court in that area?
A. Yes, My Lords. Even though hostilities were being
discouraged, there still continued to be hostilities against the
civilian population by renegade soldiers and the RUF, and the
defence of those civilians being pursued by the CDF at that time.
Q. I also asked about the effects of the war on the ground
which constituted a challenge to government. How much effect
arising from the war was apparent on the ground generally in the
country?
A. This, My Lord, is what I meant by hostilities continuing.
That was the effect on the ground. Government itself did not
feel particularly safe with the continuation of such hostilities
in the country.

Q. In terms of the extent of government territorial control,
for instance, can you say anything specific?
A. Yes, I would say that there was no total government control
in the entire country at that time. Some parts were still under
the control of hostile forces to government.

Q. Do you have any particular examples?
A. Yes. From, in fact, Kailahun, for example, right across to
Kono, and part of the north, save Lungi airport and its most
immediate environ, were all considered a no-go area for loyalists
of government. So one would say de jure government indeed had
authority, but de facto the authority was not total.
Q. As part of the effects of the war would obviously be things
like any effect on structures, physical facilities --

JUDGE THOMPSON: Counsel, you want to ask the question,
rather than suggest?

MR JABBI:

Q. In the area, say, of physical and structural effects of the
war, can you enlighten the Court?

PRESIDING JUDGE: Maybe you could be a bit more precise.

We're talking of the war. As the witness is describing now,
after the restoration or overall? What is the --

MR JABBI: Well, overall when government returned.

Obviously they were in a better position to directly observe
effects of the war in order to see what challenges they had in
terms of recovery. So I just want to elicit any possible
information on that area.

Q. When government returned, obviously it had to assess a lot
of things, observe and assess. So, in terms of effects of the
war on physical structures, social facilities, et cetera, or even
the -- I don't want to use that terminology that we --
demographic effects, for instance, movements of people from place
to place --

JUDGE THOMPSON: Why not ask a general and omnibus

question? Because, clearly, you certainly are not giving
evidence, and by putting things in subsets and sub-categories you
may be falling foul of one of the rules which govern
examination-in-chief. Why not try and put an omnibus question
and then follow it up with whatever answers you have? You can
also ask "Anything else?" But this kind of listing of the possible effects, in my --

JUDGE ITOE: In effect, a lecture preceding the question.

JUDGE THOMPSON: Quite right, yes. Thank you for the help.

MR JABBI: Thank you very much.

JUDGE THOMPSON: Reformulate it. I know the law of diminishing returns does affect all of us. But, at the same time, we do not sacrifice the rules governing examination-in-chief to that law principle.

MR JABBI: One of the instances of the law of diminishing returns I may have observed, is that omnibus questions may not elicit from the witness the details that might be expected. But I will proceed that way.

PRESIDING JUDGE: As was suggested to you, you can follow up by subsequent questions as such, but let's start with the beginning.

MR JABBI: Yes, My Lord.

Q. Now, what did government, on its return, observe as some of the challenging effects of the war that they would have to contend with in terms of recovery?

A. My Lords, I would wish that I had been head of government to answer that question. But all I will say is I will try to answer as the Deputy Minister of Defence, not even as a sitting minister -- cabinet minister.

JUDGE ITOE: And as a Sierra Leonean, also, an observer, just an ordinary observer.

THE WITNESS: That is only in that category that I will make an attempt.

JUDGE ITOE: Yes.
THE WITNESS: Thank you, My Lords. I have given indications here of government return and efforts that government made in putting together some of the injured and destroyed structures, and the effort of government to have repairs done and so on. That is why, again, I said, My Lords, that in some of the areas government's authority practically was incapable of being extended because of the presence of hostile forces to government. I gave geographical locations, roughly, of that area.

JUDGE ITOE: Kailahun and Kono?

THE WITNESS: From Kailahun to Kono, to the north, save -- the entire north, save just small part of that north that was Lungi. For the part of the south and the east, because of excessive number of hunters and the presence of the ECOMOG soldiers, there was a lot of government control, right up to the west, where it was the seat of government where, in fact, United Nations military forces' presence has started to be felt.

So the effect on the ground was, I would say, that the economic source to government was all occupied by forces aggressive to government. So government was in a very deplorable condition to socially provide needs for its people. So in that condition, government was gradually, very slowly, but steadily, regaining authority, supported by Ecowas forces and later by forces of the United Nations.

PRESIDING JUDGE: Ecowas forces, you mean ECOMOG? Or you mean greater than that?

THE WITNESS: Greater than that, My Lord.

PRESIDING JUDGE: There was more than just military support?

THE WITNESS: There was more. Political, military and
otherwise.

MR JABBI:

Q. Did government find it necessary in that period to --

JUDGE ITOE: Be careful, learned counsel. Again I see you going in a direction which was going to suggest an answer to the witness.

MR JABBI: My Lord, I will rephrase it. Your Lordship's clairvoyance, perhaps, should be accepted right away.

Q. You have been talking about areas of the country being occupied by forces and groups, to use your phrase, aggressive to government?

A. I would say hostile.

PRESIDING JUDGE: Yes, I think the word that had been used was "hostile".

JUDGE ITOE: The economic base of government, where government had strong economic bases, occupied by hostile forces. That is what it is clear from his testimony. And so government could not provide for the people, because it didn't have the resources.

MR JABBI:

Q. So I was just -- my intention was to ask what efforts government put in place to recover those area -- control of those areas?

A. Fine. Government sought the assistance of greater forces in the arrangement put together under ECOWAS and the United Nations. And also government sought economic assistance from other governments and other organisations. Those were clearly the efforts of government, which were really commendable.

Q. Since there was what you call some state of hostility
still, what was the role of the hunters in that recovery process?

A. The role of the hunters, My Lords, in the recovery period
and process was to give every assistance to the forces that had
accepted assisting the government of Sierra Leone. These
particular efforts was also responsive, aggressive military
action.

Q. Did the hunters play any role in that?

A. Indeed, My Lord, they did. They did until when their own
assistance was no longer necessary and at the statement of -- at
the time of the statement, "The war done done", the hunters'
assistance efforts then ended.

Q. So before that assistance ended, what forms did it take;
the hunters' assistance effort towards recovery and engaging the
hostile forces?

A. Yes, My Lord. The forms were multi-purpose. Some part of
the assistance was active military support to the armies that had
come in support; ECOMOG and eventually UNAMSIL. Another was to
assist their people to return to their various villages and to
form a preemptive, preventive -- preemptive, preventive,
defensive measures.

Q. Okay, that opens an important new area, but, just before I
take it up, just one final question on the role of the hunters in
respect of the actual conflict. During this period of assisting
government and other forces to recover more and more of the
country, under what control did the hunters operate?

A. Thank you, My Lord. It was after the reinstatement, that
is beginning from 10th March right up to when "Di wa dan dan dan"
statement was made, they were then directly under the control of
the chief of defence staff of the Sierra Leone Army. The
hunters, I mean.

Q. Yes. And that was the situation throughout the country?
A. That was the situation throughout the country. And the chief of defence staff of the Sierra Leone Army was working in liaison with the ECOWAS and other forces of the UN. So wherever there was no presence of Sierra Leone Army, but there was the presence of the UN forces and ECOWAS forces and the hunters, the hunters will operate directly under the military orders of whichever forces -- military forces were in the area.

PRESIDING JUDGE: I would appreciate if you could clarify that for my understanding.
THE WITNESS: Yes.

PRESIDING JUDGE: You say on the one hand that the hunters were under the control of the CDS of the Sierra Leone Army.

THE WITNESS: Yes.

PRESIDING JUDGE: However, in some areas they were not. Which areas is it that they were not? In other words, you are saying there were areas where the Sierra Leone Army had no control or they were not deployed, whatever it was. I'm not sure what it was. Can you clarify that?

THE WITNESS: Yes, My Lord. We are talking about very difficult time when the Sierra Leone Army was in fact almost non-existent.

PRESIDING JUDGE: Indeed.

THE WITNESS: So the assisting forces were either ECOMOG or UNAMSIL. Whichever of these two was operating in areas where Sierra Leone Army was not, the hunters will operate directly under the authority of such army. That was what I meant, My Lord.
PRESIDING JUDGE: Thank you.

MR JABBI:

Q. Were there any areas of operation in the country where one of those forces was not present, that is to say either the Sierra Leone Army or ECOMOG or UNAMSIL, or did they between them practically cover the whole of Sierra Leone?

A. The renegade soldiers and the RUF that had formed a new army known to this country, called the People's Army, were in places I have named as those places that had been under the control of forces hostile to government. And in those areas the United Nation forces, UNAMSIL, or ECOMOG under ECOWAS were not operating. And, equally so, the Civil Defence or the hunters were not operating.

Q. A slight modification of the last question.

A. Yes, My Lord.

Q. Were there any areas in the country where hunter groups were operating, but one or other of those troops - government, ECOMOG or UNAMSIL - was not operating? I will ask it again.

A. After 10th March right up to when "Di wa dan dan" was declared, there was hardly any place like that.

Q. So what you are saying is that after March 18th to 2002 there was either a Sierra Leone Army group or a UNAMSIL group or an ECOMOG group in control of wherever the hunters were operating?

A. No, sir, I will remove the Sierra Leone Army and I will say correctly that there were United Nations UNAMSIL presence and ECOWAS or ECOMOG presence, together with that of the CDF or hunters, but none exclusive to the Sierra Leone Army at all at that time.
JUDGE ITOE: Mr Witness, are you suggesting that the
hunters never operated independently anywhere else against what
you call the renegade soldiers and the rebels? Where the back-up
forces were not existent. Are you suggesting they never operated
anywhere without the support of ECOMOG, UNAMSIL and the other
forces?

THE WITNESS: I'm not -- that is not what I am stating at
all, My Lord. But I am specific about the period 10th March 1998
to when 'di wa don don' was declared. There was nowhere where
these forces were operating without specifically being under the
control of either UNAMSIL or ECOMOG forces. That is, if they
went into the field and attacked and so on, they may have done so
with the knowledge of those two forces.

PRESIDING JUDGE: Are you making a difference here between
knowledge - you used the word "knowledge" - and/or direction? Is
it the same for you to do that in those circumstances you are
describing?

THE WITNESS: That is precisely the predicament of that
period, especially facing me as the Deputy Minister of Defence,
that we had all converged now into small part of this country and
we were to recover the other parts. And so the Sierra Leone Army
existed in the person of the chief of defence staff under whom
the hunters were operating. So I will suggest that that
authority extended from the chief of defence to the other foreign
forces that were all under his control. So the hunters being
anywhere else within the area of control were specifically under
the control of the Sierra Leone Army.

PRESIDING JUDGE: Did I understand your last answer to mean
that the chief of defence staff had some control over the foreign
forces?

THE WITNESS: All the forces that had now come to Sierra Leone and the return of the authority of Sierra Leone, in the person of the President, was now vested, defence-wise, in the chief of defence staff.

PRESIDING JUDGE: So whether it was ECOMOG or UNAMSIL operating, whatever, within the country after the return of the government, they were essentially under the control of the CDS.

THE WITNESS: To some stage the middle of the way when escalation of hostilities again occurred, and then the superior force authority was, so to speak, transferred to UNAMSIL right up to most recently.

PRESIDING JUDGE: So, could you give the Court an indication as to when the expression you just used, when the hostility increased, what is the time frame you have in mind when you say this?

THE WITNESS: Yes, My Lord. A situation developed in Sierra Leone in the year 1999, when the UN was requested to use the terminology of robust forces. So from that stage on the UN extended its peace-keeping role to some form of procurement of stability and then the keeping of such stability right up to peace. That was the period, My Lord.

PRESIDING JUDGE: Thank you.

MR JABBI:

Q. Now, there was a phrase you used earlier on which suggested the sort of relationship that the hunters had to the civilian population. I just want us to look at that issue, almost from the beginning of the war up to this period we are talking about, the period from March 10th to January -- March 10, 1998 to
January 2002. If we can deal with it in stages. Let us say, for example, from the beginning of the war to the establishment of Base Zero, what was the sort of relationship and interaction between the hunters and the local communities?

A. Yes, My Lord. From 1991 to May 24, 1997, the hunters and their people's relationship was that of a protectionist stage or state. That the people were encouraging their own kith and kins, that were not uniformed and called soldiers, to do their own security of their own geographical area. Security of their own people in those areas as their own responsibility, providing for their most immediate need and that was food. Because they used their traditional weapons at that time: Spears, sticks, machetes, to protect themselves and their people. And that relationship was reassuring to the people. Until in the middle of the way between 1991 to 1997, incidences started occurring, and people started moving from their own localities to strange localities of people whose custom and culture they were not used to. So then suspicion became rife and times became difficult. That was how it was right up to the start of operation between such local forces and the ECOMOG that was assigned to reinstate the government.

Q. Okay, if I may also mention an aspect of that relationship. This time to ask what the relationship between the hunters and the Sierra Leone army was over the period from the beginning of the war to the establishment of Base Zero? The relationship between the hunters and the Sierra Leone Army.

A. Thank you, My Lord. It started from relationship of friendly nationals. The people regarded their soldiers as part of them, and the soldiers also accepted their own people as being
friendly with them and so they could be trusted. That was from
1991 to 1993 and part of 1994. But the hostile force at that
time, being guerrilla in practice, then decided to inject a
situation of disbelief and destabilisation. That is, the
civilian people started seeing men in the uniform of their own
very army attacking their villages. And so, whether this was
their very soldiers or it was the tactics of the rebel, the
resulting situation was that of hostility between the civilian
people and their own soldiers. That was one side of it.

Of my own knowledge, I knew that most of the supplies that
were meant for the soldiers were not getting to the soldiers in
the front line. And so the soldiers resorted into collecting
what the civilians would need to eat and the civilians did not
take kindly to this. Again, that was another source of
hostility. So these friendly soldiers and friendly civilians to
soldiers situation or relationship started diminishing. And that
was the time, unfortunately for me, I was made regent chief.
With the background knowledge of military discipline, I
approached the officers and recommended some measure of
disciplinary activities, which definitely did not go down well
with the soldiers. And when I, with other chiefs, decided then
that our own young men should be given the opportunity of
defending us and then the soldiers to pursue the enemy, that
came the situation that brought me personally into serious
conflict with soldiers. So that situation between the soldier
and the civilian became constrained and only grateful to God that
by now it is receding, even as I'm sitting down here.

Q. The original question was the relationship between the
hunters and the civilian populations at various stages of the
period we are looking at and you have explained up to the
establishment of Base Zero. Now if I may ask from the
establishment of Base Zero, which you estimated to have been
around 15th September 1997 roughly --

A. Yes, My Lord.

Q. -- to the reinstatement of the civilian government in
March 1998, that period of some six, seven months, I think, can
you explain what the relationship between the hunters and their
respective civilian populations was during that short period, the
period from September '97 to March '98?

A. From the onset, My Lord, even long before that, from 1991
to the time that you have mentioned, these hunters were the
product of the civilian people. I did not record, in my own
memory, any situation that there was conflict between civilians
and their hunters. So whether there was any situation between
them at all, it was situation of the people producing their own
defence and their defence remaining loyal to them right up to
now.

Q. However, there were sometimes allegations of certain
civilian populations being --

JUDGE ITOE: Is that a question?

MR JABBI: It is the premise for a question, My Lord.

JUDGE ITOE: A premise for a question?

MR JABBI: Yes, My Lord.

JUDGE ITOE: Are you calling the answer by setting that
premise?

MR JABBI: No, I am just setting the scene.

JUDGE ITOE: I am just asking you to be very cautious
because we have to observe the rules of the game.
MR JABBI: I am just setting the scene and then I will pose a certain question. I will make sure I will not be underhand in any way. My Lord, what I'm saying is that there were allegations that certain civilian populations were harassed, even sometimes attacked during the war. I am asking if the witness has anything to say about what armed groups were responsible for attacks on civilians during that time.

THE WITNESS: I'm very sure that the question is not supposing that there were armed groups attacking civilians. I am aware of the allegation, even against myself, that some civilians that were supporters, sympathisers to forces that were hostile to government and people were being selectively attacked by hunters. That was what I heard during that time and is what I continue to hear, even as an allegation not only against the hunters, but against Chief Hinga Norman.

It was very difficult to distinguish the difference between civilians and the forces, especially the RUF that had no distinctive military uniform that was operating in this country. If they were attacking, they were RUF. If they were attacked, then they became civilian. So the situation became extremely muddy and difficult. And right up to now I'm holding onto my own understanding that it was a matter of genuflecting. As soon as they were attacked they became civilian, when they were attacking they were called rebels. So the difference is only out of true evidence that is being placed before Their Lordships which, in Their Lordships' own wisdom, they will have to discern whether indeed these were civilians or these only became civilians to take refuge.

MR JABBI:
Q. If I may ask a final question on that.

PRESIDING JUDGE: And, Dr Jabbi, that will be your last question this afternoon. We will adjourn after that.

MR JABBI: Thank you very much, My Lord.

Q. If I may ask a final question on that. You have just stated the difficulty of distinguishing the RUF in terms of combat or conflict or attack. With respect to the hunting groups, was there any such occasion of difficulty of distinguishing them in operation?

A. I will first start by saying I believe that there was no deliberate hunters' attack against known civilians, that if civilians were hurt it only became a result of an attack against the enemy or the hostile forces to government.

Q. Having heard that first statement in response to the question I will just repeat the question, if there are any further statements to follow. The question was: Was there any occasion where there was confusion or lack of distinction or clarity in telling whether a group was the hunters group or not?

A. Please repeat.

Q. You spoke about a difficulty in identifying a true RUF at various times. My question now is whether there was any such occasion where it was not easy to tell whether a group in operation at a certain time was a hunters group or not?

A. My Lords, my statement was that Your Lordships have wisdom sufficient enough to discern between that allegation against the hunters by whoever has made that before you, compounded with the difficulty of discerning between civilians and the RUF. I am not in a position to say that that did not happen or it happened. I am in a position to say that there had been series of complaints
of that nature and a refutation of the same nature.

JUDGE THOMPSON: Learned counsel, perhaps the methodology here may well be problematic. Here we have speculative, argumentative responses to what may well be a question itself which may create some kind of uncertainty and may well invite this kind of response, not deliberately, but because the question itself is problematic in respect of the fact that what has happened in this Court is that the Prosecution has led evidence which -- certain pieces of evidence in support of certain allegations which are contained in the indictment.

It would seem to me that perhaps to get over this bottleneck, counsel might well want to advert not to allegations, but to perhaps specific pieces of evidence that may well have been led before this Court, that perhaps are calling for rebuttal or refutation or explanation or whatever. Because if you continue in this line of examination-in-chief I think we might in fact not get anywhere. It may not be productive. That is my own random response to your line of inquiry at this stage. Again, I don't know whether this time we are on the same wavelength.

MR JABBI: My Lord, that reminds me of your earlier statement about diminishing returns. When one looks at the clock, although I am --

PRESIDING JUDGE: I had suggested to you it would be your last question and you seem to be insisting on asking more questions. So maybe we will impose it upon you and we'll adjourn now until 9.30 tomorrow morning. Court is adjourned.

[Whereupon the hearing adjourned at 5.48 p.m., to be reconvened on Friday, the 27th day of January 2006, at 9.30 a.m.]
WITNESSES FOR THE DEFENCE:

WITNESS: SAMUEL HINGA NORMAN

EXAMINED BY MR JABBI