

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

FRIDAY, 10 FEBRUARY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

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

For Chambers: Ms Roza Salibekova
Ms Anna Matas

For the Registry: Mr Geoff Walker
Ms Maureen Edmonds

For the Prosecution: Mr Desmond De Silva
Mr Kevin Tavener
Mr Joseph Kamara
Ms Lynn Hintz (intern)

For the Principal Defender: No appearance

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

For the accused Moinina Fofana: Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the accused Allieu Kondewa: Mr Ansu Lansana

1 [CDF10FEB06A - EKD]

2 Friday, 10 February 2006

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.45 a.m.]

6 WITNESS: ALBERT JOE EDWARD DEMBY [Continued]

7 PRESIDING JUDGE: Good morning. Good morning, Mr Witness.

8 Good morning, Dr Jabbi.

9 MR JABBI: Good morning, My Lords.

10 PRESIDING JUDGE: Are you ready to proceed to resume the
11 examination-in-chief of your witness?

12 MR JABBI: Yes, My Lords.

13 PRESIDING JUDGE: Please do so.

14 EXAMINED BY MR JABBI: [Continued]

15 Q. Good morning, Mr Witness.

16 A. Good morning.

17 Q. Now, yesterday you took the Court as far as Yamandu, where
18 Boama Chiefdom and Jiama Bongor chiefs and sub-chiefs were
19 considering the raising of a civil militia group.

20 A. Yes, My Lord.

21 Q. Can you tell the Court what types of persons constituted
22 the group you were raising there -- they were raising?

23 A. My Lord, we said voluntary people, that people who want to
24 join the civil militia. We did not specify age, sex, et cetera.

25 Q. Did you specify, for example, whether you were referring to
26 those who were Kamajoisia?

27 A. They may be involved, if interested, but all of them said
28 anyone, whether Kamajoisia, teachers, people from all walks of
29 life.

SCSL - TRIAL CHAMBER I

1 Q. And were they able to raise a group, in fact?

2 A. At that particular time in the meeting, no, but it was
3 suggested that the chiefs should organise that.

4 Q. Were the chiefs eventually able to organise it?

5 A. Yes, I think, because people started going over, including
6 my younger brother, Arthur Demby.

7 Q. Go over where?

8 A. To Telu Bongor.

9 Q. Was there any indication of numbers required from each
10 chiefdom?

11 A. I left the chiefs -- I left that with the chiefs.

12 Q. Okay.

13 A. So I don't know whether numbers were indicated or not.

14 Q. And do you know what happened to the group that went over
15 to Telu Bongor?

16 A. Yes, My Lord. Few days after they had started assembling,
17 they were attacked by men in military uniform alleged to be
18 rebels.

19 Q. They were attacked by men in military uniform alleged to be
20 rebels. Do you know if the attackers were in fact all in
21 military uniform?

22 A. I did not ask that, but they said they appeared in military
23 uniform.

24 JUDGE ITOE: So you do not know whether all of them were in
25 military uniform?

26 THE WITNESS: Yes, My Lord.

27 JUDGE ITOE: That you did not know.

28 THE WITNESS: That I did not know.

29 MR JABBI:

SCSL - TRIAL CHAMBER I

1 Q. Did you yourself stay in Gerihun for all these activities?

2 A. No, My Lords. I was there, I think, for only two days and
3 I went back to my duty station, Kenema. It was while I was there
4 that I learnt that the rebels had attacked Telu and that my
5 younger brother, Arthur Demby, was one of those killed.

6 PRESIDING JUDGE: When you say, Mr Witness, "When I was
7 there", you mean in Kenema?

8 THE WITNESS: Yes, I returned to Kenema, my duty station.
9 While I was in my duty station, Kenema, I heard that rebels had
10 attacked Telu and that my younger brother, Arthur, was one of
11 those killed.

12 MR JABBI:

13 Q. Was your brother Arthur one of those who volunteered to
14 join this militia group?

15 A. That was what I was told later.

16 JUDGE ITOE: That is Arthur Demby?

17 THE WITNESS: Arthur Demby.

18 MR JABBI:

19 Q. Were the volunteers paid?

20 A. No, My Lord. In fact, it did not take place. Immediately
21 they were assembling, this incident took place and the whole
22 programme was abandoned.

23 Q. And meanwhile you had returned to Kenema?

24 A. Yes, My Lord.

25 Q. Now, you indicated that the time you came to Gerihun to
26 kick-start that arrangement was March/April 1994?

27 A. Around that period, My Lord, yes.

28 Q. When you went back to Kenema, what was the state of the
29 war?

SCSL - TRIAL CHAMBER I

1 A. At that time the war has already reached Bo District, part
2 of Bonthe District, and the whole of Pujehun District, including
3 Kono, Kailahun and part of Kenema Districts.

4 Q. So the extreme south of the Southern Province had all been
5 affected by the war by that time?

6 A. Yes, My Lord.

7 Q. Now, what was the composition of those resisting the war at
8 that stage?

9 A. We had the Sierra Leone Army, with an element of the
10 Liberian soldiers who had escaped the war in Liberia, and formed
11 themselves into a group called ULIMO.

12 MR JABBI: U-L-I-M-O, My Lords.

13 Q. Any others in the people fighting against the rebels?

14 A. Well, the Kamajor movement had already started in the
15 different chiefdoms at that time also, coupled with the
16 Kamajoisia that were fighting with the soldiers.

17 Q. What you call the Kamajor movement had already started in
18 those areas by that time?

19 A. Yes, My Lord.

20 Q. In addition to what you had earlier called Kamajoisia?

21 A. Yes. By --

22 Q. Now --

23 A. Sorry, continue.

24 Q. Carry on, carry on.

25 A. By --

26 JUDGE ITOE: It was Kamajoisia who were fighting alongside

27 the soldiers?

28 THE WITNESS: Yes, those who that ERECOM, Eastern Region

29 Defence Committee, My Lords, that I had said earlier, that were

SCSL - TRIAL CHAMBER I

1 given to the soldiers as a guide, plus the Kamajor movement that
2 I am about to define or explain to this Court.

3 MR JABBI:

4 Q. Take your time, please. So can you explain what you mean
5 by the Kamajor movement?

6 A. Yes. The Kamajor movement was a voluntary mass
7 mobilisation of men, women and children from all walks of life
8 who took up defensive weapons: Shotguns, knife, axe, spear,
9 stick, et cetera, to beat back their enemies --

10 Q. By "their enemies", what do you refer to?

11 A. Rebels, sobels, juntas, which I will, as time goes on, tell
12 you that. But those that came to attack them in their
13 localities. So to beat back their enemies in the defence of
14 their lives, their families, their properties and their
15 community. That is the group that we called Kamajor movement.
16 And it became a pride of every man, woman and grown-up child to
17 contribute in the defence of his community -- of the community.

18 Q. By "grown-up child", what age base are you thinking of?

19 A. Well, in our Mende tradition, if a child is able to put his
20 hand over his head and touch the adjacent ear, he is regarded as
21 a grown-up child. That is - may I demonstrate, My Lord - like
22 this. [Indicating]. So if they commit any crime, they will
23 punish them more than those that are younger.

24 Q. When this mass mobilisation was taking place, was there any
25 process of initiation?

26 A. My Lord, that is again another area that needs to be
27 defined. But I want us to look at this civil militia. Let me
28 expound on it before coming to the initiation.

29 Q. Thank you.

SCSL - TRIAL CHAMBER I

1 JUDGE THOMPSON: What is learned counsel's preference?

2 MR JABBI: Apparently the witness has --

3 JUDGE THOMPSON: Yes, a methodology.

4 MR JABBI: Yes, My Lord.

5 JUDGE THOMPSON: So what is your preference?

6 MR JABBI: I would like to go along with him for a while.

7 Q. Yes, you want to explain to us about --

8 A. Yes, this Kamajor movement, My Lord, started at village
9 level, then the entire chiefdom. They at village level appointed
10 their leader/commander usually from among ex-servicemen in that
11 area or strong and active man. That, at chiefdom level, when the
12 paramount chiefs and their sub-chiefs realise the formation of
13 this civil militia, called Kamajor movement, they brought all of
14 them under one umbrella called "Chiefdom Kamajors". They were
15 then under the command, control, and the supply of food,
16 logistics, et cetera, under the chiefdom authorities led by their
17 paramount chief or regent, as the case may be. These were
18 completely independent and confined to the defence of their

19 chiefdoms initially.

20 Q. That is each group in the chiefdom?

21 A. Yes, each chiefdom Kamajor under the control and command of

22 the chiefdom.

23 Q. Now, you have tried to distinguish the original Kamajoisia

24 from this group you are now calling the Kamajor movement.

25 A. Yes.

26 Q. Which was not confined to traditional Kamajoisia alone.

27 A. Yes, I can give the definition of that also.

28 Q. Why is the group called Kamajor movement? Why is this

29 development called the Kamajor movement?

SCSL - TRIAL CHAMBER I

1 A. The Kamajor movement, as I have said, is a voluntary mass
2 mobilisation. The aim of it was, in the case of any attack, they
3 will defend their area, physically using the defensive weapons
4 they have. It may be spontaneous or after they have been driven
5 from the town --

6 Q. After who have been driven from the town?

7 A. They, these Kamajors, have been overpowered by the rebels
8 or their enemy, they will now go either to an internally
9 displaced camp, organise themselves and make a comeback to
10 attack, or while they're out of this country in neighbouring
11 country called refugee camp, they will also organise themselves.
12 This is very important because I will be making reference to the
13 refugees, Kamajors, that fought from outside Sierra Leone into
14 Sierra Leone and their achievements.

15 PRESIDING JUDGE: Mr Witness, can you give me some time
16 frame as to that? Where are we time-wise?

17 THE WITNESS: We are in 1994.

18 PRESIDING JUDGE: So what you are describing now is 1994?

19 THE WITNESS: From 1994 onwards to 1996.

20 PRESIDING JUDGE: So when you are talking of Kamajor
21 refugees and those that had been displaced to displaced camps --
22 that had been moved out of their villages and were now in
23 displaced camp, we are still in that time frame '94 to '96?

24 THE WITNESS: Yes, My Lord.

25 PRESIDING JUDGE: Thank you.

26 MR JABBI:

27 Q. To be a bit more precise, what period in 1996? From 1994
28 to what period in 1996 are you talking about?

29 JUDGE ITOE: Why doesn't the precision start from 1994, if

SCSL - TRIAL CHAMBER I

1 he has it?

2 THE WITNESS: From 1994 --

3 MR JABBI:

4 Q. Well, what period in 1994?

5 A. I said in March 1994.

6 Q. From around March 1994?

7 A. Around March 1994. Because after December 1993, the war
8 escalated from Nomo Faiama as I said yesterday. So as it was
9 progressing, people were moving from their respective homes and
10 were placed in internally displaced camps, those in the centre of
11 the country, but those in Kono and Kailahun cross over to Guinea
12 and were in refugee camps.

13 JUDGE ITOE: Precision in 1996? We have March 1994.

14 MR JABBI:

15 Q. Yes, from March 1994 to when in 1996 are you dealing with
16 at the moment?

17 A. November, when the Abidjan Peace Accord came into being.
18 Although it followed thereafter, but for now we'll confine

19 ourselves to up to the Abidjan Peace Accord, because the war
20 really escalated --
21 Q. During that time?
22 A. -- during that time.
23 Q. So now you have expounded a little further on the Kamajor
24 movement of that period.
25 A. Yes.
26 Q. Whilst this movement was developing, was there any
27 phenomenon of being formally initiated into it?
28 A. No. As I said, it was a voluntary mass mobilisation. It
29 just happened at times voluntarily, et cetera. No formality.

SCSL - TRIAL CHAMBER I

1 Nobody was conscripted or asked to. Immediately the enemy
2 attacked the town --

3 JUDGE THOMPSON: Could you take that again?

4 MR JABBI:

5 Q. Let's go slowly, please?

6 A. Sorry. Sorry, My Lord.

7 JUDGE THOMPSON: You said there was no requirement of
8 initiation. It was a spontaneous movement. Go ahead.

9 THE WITNESS: I said there was no requirement, and the word
10 "initiation", My Lord, is not in this area. Nobody was
11 initiated, nobody was conscripted, et cetera.

12 JUDGE THOMPSON: I follow your trend.

13 MR JABBI:

14 Q. So at that stage no initiation, no conscription?

15 A. No.

16 Q. Nobody was required to join it?

17 A. No. Voluntary.

18 JUDGE ITOE: What he is saying is that people were not

19 forced to join it?

20 THE WITNESS: Yes, My Lord.

21 JUDGE ITOE: Isn't it?

22 THE WITNESS: Yes, My Lord.

23 MR JABBI:

24 Q. Were they paid to be induced?

25 A. They were not paid to be induced. They were not paid when
26 they were defending their area.

27 Q. Now, what about the phenomenon of initiation; when did it
28 develop?

29 A. As the war progressed, around 1996/97, some people

SCSL - TRIAL CHAMBER I

1 developed mystic medicinal herbs, which when used rendered people
2 immune to bullet wounds. Actually, My Lord, the word
3 "initiation" is what we refer to as immunisation. And these
4 people, men and women --

5 JUDGE ITOE: You mean the initiates?

6 THE WITNESS: No, the initiators. That's what I want to
7 come -- I'm coming to.

8 MR JABBI:

9 Q. The initiators you mean were both men and women?

10 A. Men and women, My Lord. These medicinal people were men
11 and women and called "initiators". And those who used this
12 medicinal herb were called "initiates". Initiators, for
13 example --

14 JUDGE ITOE: Let's get that clear. Those who used --

15 THE WITNESS: Yes.

16 JUDGE ITOE: I'm not very clear on this. Are you saying
17 that those on whom these --

18 THE WITNESS: Yes, it is applied --

19 JUDGE ITOE: -- things were administered.

20 THE WITNESS: Yes, the herbs were applied, or immunised,

21 were called initiators. They were initiated.

22 JUDGE THOMPSON: You mean initiates.

23 MR JABBI:

24 Q. Let's get that clear.

25 A. Yes.

26 Q. From your explanation so far - correct me if I am wrong -

27 the initiators were those who applied the medicinal herbs to

28 people?

29 A. Yes. Who developed and applied.

SCSL - TRIAL CHAMBER I

1 Q. Who developed and applied.

2 A. Yes.

3 Q. And the initiates were those to whom it was applied?

4 A. Yes.

5 JUDGE THOMPSON: Is that it?

6 THE WITNESS: Correct.

7 JUDGE THOMPSON: Before you go further, you said the word

8 "initiation is what we refer to". Could you just expand on "we"?

9 Who is "we"?

10 THE WITNESS: The general public referred to initiation --

11 JUDGE THOMPSON: As immunisation.

12 THE WITNESS: -- as immunisation.

13 JUDGE THOMPSON: So that's what you mean when you say "we"?

14 THE WITNESS: We, yes, My Lord.

15 JUDGE THOMPSON: In other words, the general public.

16 THE WITNESS: General public.

17 JUDGE THOMPSON: In other words, there is a popular view

18 that initiation is immunisation.

19 THE WITNESS: Yes.

20 JUDGE THOMPSON: All right.

21 THE WITNESS: When you are initiated you are immunised

22 against bullet wounds.

23 JUDGE THOMPSON: Thanks. It's clear.

24 MR JABBI:

25 Q. So is that to say that immunisation was the main

26 objective --

27 A. Yes, of those medicinal herbs. Like polio vaccine, like

28 anything. These people, My Lord --

29 Q. The initiators?

SCSL - TRIAL CHAMBER I

1 A. The initiators, My Lord.

2 JUDGE ITOE: Yes, he has to create that distinction. Call
3 them initiators, because we have the terms "initiators" and
4 "initiates", so be very specific.

5 THE WITNESS: Yes, the initiators, My Lord, were like
6 private medical doctors who sat in their homes or places of
7 practice, and people who want to be immunised or be initiated go
8 to them, pay them before they are immunised. They were not under
9 the control of government or chiefs, but private individuals.
10 They came from all regions of the country and composed of men and
11 women. Example, Allieu Kondewa, Mama Munde the woman,
12 Kamoh Brima, et cetera.

13 MR JABBI:

14 Q. To help the Court, can you indicate the places where some
15 of these names you are calling were? In what chiefdom, for
16 example?

17 A. It's unfortunate that I cannot do that, except where some
18 of them worked. Some of them worked in Kenema, Bo, et cetera.

19 We only heard of them. But their original homes, I cannot tell.

20 Q. Thank you.

21 A. That individuals who were not connected with the fighting

22 also came, together with their family, paid and they were

23 immunised.

24 Q. When you say "individuals who were not connected with the

25 fighting", what do you mean?

26 A. I mean civilians who were not combatants also.

27 Q. Civilians who were not combatants would also seek

28 immunisation?

29 A. Either individually, or with their family, so that they can

SCSL - TRIAL CHAMBER I

1 be protected against bullet wounds.

2 Q. Did such civilians include women, for instance?

3 A. Yes.

4 Q. So women could be immunised?

5 A. Yes, but not the fighting group.

6 Q. Not as fighting?

7 A. Yes.

8 Q. Did such people seeking immunisation also include children?

9 A. Yes, they came with their family, I said.

10 Q. Family, including any children in that family?

11 A. Yes, any children. That the paramount chiefs and their

12 sub-chiefs in most chiefdoms invited these initiators to their

13 chiefdoms to immunise the already formed chiefdom Kamajors and

14 paid for them. That these paramount chiefs and their sub-chiefs

15 sent to people who are from that chiefdom who has the resources

16 to help them in the initiation of the already Kamajors they had.

17 That --

18 Q. Keep watching the pens, please.

19 A. Yes. That my chiefdom, Baoma Chiefdom, for example, after
20 meetings, sent a senior section chief, AB Tomboyekkeh --
21 MR JABBI: My Lords, Tomboyekkeh is T-O-M-B-O-Y-E-K-E-H.
22 THE WITNESS: Tomboyekkeh.
23 MR JABBI: Tomboyekkeh.
24 PRESIDING JUDGE: Who was he?
25 THE WITNESS: Senior section chief.
26 PRESIDING JUDGE: Thank you.
27 MR JABBI:
28 Q. Of what chiefdom?
29 A. Baoma Chiefdom. To request from us, example, those of us

SCSL - TRIAL CHAMBER I

1 who had the resources --

2 Q. Those of you hailing from that chiefdom?

3 A. Hailing from that chiefdom, to help them with funds.

4 Q. For what purpose?

5 A. For the initiation of their already formed chiefdom

6 Kamajors. I contributed substantial amount.

7 Q. How much?

8 A. 1,500,000 as was requested, because I believed that the

9 Kamajors were doing good job in the defence of our chiefdom, and

10 by immunising them gave them extra protection, either really or

11 psychologically.

12 Q. Yes. Now did one have to be immunised before becoming part

13 of the Kamajor movement?

14 A. My Lord, the Kamajor movement had been there before this

15 initiation started.

16 PRESIDING JUDGE: Your witness has just testified that he

17 was solicited for money for those Kamajors that were part of the

18 Kamajor movement. So he is clear from his evidence that they

19 were organised as a group before they were initiated. This is a
20 follow-up to.

21 THE WITNESS: Yes, My Lord.

22 JUDGE ITOE: They were organised before initiation. They
23 were organised long before. They did not need to be initiated in
24 order to become Kamajors at that time.

25 THE WITNESS: Correct, My Lords.

26 MR JABBI: Thank you very much, My Lord.

27 Q. And what you have just explained applied for the period you
28 named earlier?

29 A. And beyond.

SCSL - TRIAL CHAMBER I

1 Q. And even beyond?

2 A. Even beyond.

3 Q. Now, do you know if Chief Sam Hinga Norman was involved in
4 the formation of this Kamajor movement?

5 A. My Lord, this Kamajor movement, as I have said, occurred in
6 nearly all chiefdoms. And at that time Chief Norman was only
7 regent chief in his chiefdom. If ever Kamajor movement took
8 place in his chiefdom, I cannot tell. But what I can say --

9 Q. Please keep your pace.

10 A. Yes, My Lord. What I can say, he was not involved in the
11 rest of the 148 chiefdoms, especially that of my chiefdom. He
12 was neither consulted, nor informed of the initiation, et cetera,
13 of our Kamajors.

14 PRESIDING JUDGE: When you say "our Kamajors" you mean in
15 your own --

16 THE WITNESS: My own chiefdom.

17 PRESIDING JUDGE: -- your own chiefdom?

18 THE WITNESS: Yes, My Lords.

19 MR JABBI:

20 Q. What about, let us say, in the Kenema District, where you

21 were actually based; was he involved at all?

22 A. No, My Lord. Chief Norman, with all due respect to him,

23 only came of prominence after the 1996 general election in which

24 the President appointed him Deputy Defence Minister. And some

25 time in 1997, during the interregnum - that is during the time of

26 the coup - he was appointed co-ordinator, national. That was the

27 time Chief Norman became nationally known or involved in national

28 activities.

29 Q. Let's take those two moments --

SCSL - TRIAL CHAMBER I

1 JUDGE ITOE: Please, can you wait for us to take down that
2 reply?

3 MR JABBI: Yes, My Lord.

4 Q. Let's take those moments, one after the other, just to
5 specify the timing. You say Chief Norman did not come into
6 national prominence until his appointment as deputy minister of
7 defence. When was that appointment?

8 A. March 1996, after my appointment as vice-president.

9 Q. After your own appointment as vice-president?

10 A. Yes, after my appointment and swearing in.

11 Q. And the other point, his appointment as
12 national co-ordinator; when was that? Can you put a time frame
13 on it?

14 A. It is said -- because I did not leave this country. They -
15 I mean he, President Kabbah and others - went to Guinea during
16 the coup.

17 Q. Which coup?

18 A. The coup of 1997, 25 May. And that while I was in Lungi --

19 Q. You were in Lungi?

20 A. Yes, I did not leave this country. I managed to find my

21 way to Lungi airport.

22 Q. We will come to that.

23 A. Yes.

24 JUDGE THOMPSON: Counsel, are we diverging from your

25 question?

26 THE WITNESS: No, it's a period he wants, My Lord.

27 MR JABBI: I just want him to indicate a rough time frame

28 before the appointment as national co-ordinator.

29 THE WITNESS: Yes, 1997, while they were in Guinea, I

SCSL - TRIAL CHAMBER I

1 learnt he was appointed. But the exact date 1997 I don't know.
2 But I heard of it later, that he was appointed while they were in
3 Conakry.

4 MR JABBI:

5 Q. That is after the coup of May 25, 1997?

6 A. Yes, yes.

7 JUDGE THOMPSON: Thank you.

8 MR JABBI:

9 Q. You were, in fact, saying that until he came into
10 prominence he had nothing to do with the development of the
11 Kamajor movement; not so?

12 A. No. I said I did not know what happened in his chiefdom.

13 Q. Thank you very much.

14 JUDGE ITOE: The witness is very precise.

15 MR JABBI: Indeed, My Lord. I'm sorry about that.

16 Q. You do not know what happened in his own chiefdom?

17 A. Yes, as regent chief.

18 Q. But insofar as other chiefdoms were concerned, do you know

19 whether he was involved?

20 PRESIDING JUDGE: He has testified to that.

21 JUDGE ITOE: He has said the 148. As to the 148 he
22 certainly was not involved but that he could not say anything
23 about Jiamia Bongor.

24 MR JABBI: Thank you, My Lords.

25 PRESIDING JUDGE: And he knew about his own chiefdom in
26 Baoma and he was not involved.

27 THE WITNESS: Yes, My Lords.

28 MR JABBI: Thank you very much, My Lords.

29 Q. Now I will like us to concentrate on yourself a little bit.

SCSL - TRIAL CHAMBER I

1 A. Yes, My Lord.

2 Q. Because you have started saying something in that
3 direction. Now, from let us say 25 May 1997, what was your own
4 movement after your series of movements after that event?

5 A. On the morning of 25 May --

6 Q. So please --

7 A. -- Sunday --

8 Q. Proceed as slowly as possible.

9 A. The President telephoned to me about 5.00 a.m. wanting to
10 know whether I have heard of shooting in the town, which I said
11 no. After inquiring by telephone from other ministers, it was
12 confirmed that there was heavy shooting around State House. At
13 that time the President was staying at his private house at Juba
14 Hills.

15 Q. You want to carry on? Carry on.

16 A. It's a long process. You asked me about it. While I
17 stayed --

18 Q. Okay, just a minute, please.

- 19 A. Yes.
- 20 Q. Now, you are talking about the coup of 25 May?
- 21 A. Isn't that what you asked?
- 22 Q. Yes, indeed. Were you in fact surprised that that coup
- 23 took place?
- 24 A. Well, yes, although there were rumours and you have jumped
- 25 a very important period which would have thrown light to this
- 26 incident.
- 27 Q. An important thing --
- 28 A. Period, yes.
- 29 Q. -- that will throw light on the coup?

SCSL - TRIAL CHAMBER I

1 A. Well, on the coup and certain events.

2 Q. Preceding the coup?

3 A. Yes.

4 Q. Yes. Can you enlighten us before you proceed?

5 A. Yes. The general election, which took place in February
6 1996, brought President Kabbah's government, the SLPP government,
7 into power. That the SLPP government continued to give
8 logistical support to the Kamajors, as it was done by the NPRC,
9 that SLPP took over from. That by --

10 Q. What form of logistical support?

11 A. Money --

12 JUDGE ITOE: Dr Jabbi, you are not authorised to ask
13 questions when sitting down.

14 MR JABBI: I'm sorry, My Lord. I'm very sorry, My Lord.

15 Q. What forms of logistical support did the SLPP continue to
16 give?

17 A. Money, which the paramount chiefs themselves requested from
18 the governments, the NPRC before and the SLPP after, to buy food

19 and shotgun cartridges for their militia.

20 Q. Yes, carry on.

21 A. That by November 1996 there was this Abidjan Peace Accord

22 was signed between the Government of Sierra Leone and the RUF.

23 But soon after that the war resumed.

24 [CDF10FEB06B - SGH]

25 JUDGE ITOE: Soon after the signing of that accord?

26 THE WITNESS: Yes, My Lord, less than two months. There

27 was also general dissatisfaction among the soldiers mainly based

28 on their welfare. In my capacity as vice-president, I organised

29 a reception in which I invited the senior military officers and

SCSL - TRIAL CHAMBER I

1 the ministers.

2 MR JABBI:

3 Q. Time?

4 A. 1997. Early 1997, January.

5 Q. January?

6 A. January/February, yes, about that. The purpose of the

7 get-together was to see how best we could address their needs.

8 It was a frank discussion and it ended in a very friendly mood.

9 Two weeks after, that is in March, I organised another reception

10 for the NCOs - non-commissioned officers - in the army and the

11 ministers again. What came out clearly was their dissatisfaction

12 over the rice supply and distribution; that while the senior

13 officers were getting from 500 to 50 bags of rice per person, the

14 privates were getting one bag to two people. We tried to

15 convince them so that the rice can be monetised [sic]. That is,

16 they be paid money instead of rice. But all the sections in the

17 army rejected that proposal.

18 PRESIDING JUDGE: Always at that same reception?

19 THE WITNESS: Yes, those that were there.

20 PRESIDING JUDGE: Those that were there.

21 THE WITNESS: Yes. And in one of our meetings with the

22 President, that is Chief Sam Hinga Norman Deputy Defence

23 Minister --

24 MR JABBI:

25 Q. Can you indicate a time for that meeting, please?

26 A. Around May. Around May. Sometime in May.

27 PRESIDING JUDGE: '97?

28 THE WITNESS: Yes, '97, My Lord.

29 JUDGE ITOE: [Overlapping speakers]

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: [Overlapping speakers]

2 THE WITNESS: Before the coup. A meeting was called by the
3 President in State House, our usual meetings, which was attended
4 by the Deputy Defence Minister Chief Sam Hinga Norman.

5 PRESIDING JUDGE: [Overlapping speakers]

6 THE WITNESS: Before the coup. A meeting was called by the
7 President in State House, our usual meetings, Which was attended
8 by the Deputy Defence Minister Chief Sam Hinga Norman; the Chief
9 of Defence Staff Hassan Conteh; the Chief of Army Staff Max
10 Kanga; the Commander of the Navy, Commander Sesay; the
11 Inspector-General of the police, Teddy Williams; and myself. In
12 that meeting Chief Sam Hinga Norman, who sat on my immediate
13 left, pointed to the two army officers who were sitting on my
14 right.

15 PRESIDING JUDGE: Who were?

16 THE WITNESS: Who were sitting --

17 PRESIDING JUDGE: Who were they?

18 THE WITNESS: The two army officers, the chief of defence

19 staff, the chief of army staff.

20 JUDGE ITOE: Were sitting on your right?

21 THE WITNESS: Yes, they were sitting on my right,

22 Chief Norman, and the others on my left.

23 JUDGE ITOE: That is Conteh?

24 THE WITNESS: Hassan Conteh, Chief of Defence Staff;

25 Max Kanga, Chief of Army Staff. Chief Norman then told the

26 President, "Please sir," to quote him, "these two gentlemen are

27 planning coup," putting his hand across my chest.

28 MR JABBI:

29 Q. And pointing to?

SCSL - TRIAL CHAMBER I

1 A. To both these two army officers on my right. The President
2 then said, "Gentleman, have you heard?" And they denied.
3 Chief Norman then told the President, "Sir, you have not
4 experienced coup, but if you do survive this, you will sign the
5 death warrant for these people."

6 JUDGE ITOE: Referring to those two people?

7 THE WITNESS: Yes, the army staff and the chief of defence
8 staff. At that point the Chief of Army Staff Max Kanga went into
9 tears. Then scarcely one week or so, the coup took place.

10 MR JABBI:

11 Q. Now, apart from telling the two people, "Have you heard,"
12 did the President do anything after that accusation by
13 Chief Norman?

14 A. Not to my knowledge.

15 Q. By the way, where are those two gentlemen now:
16 Hassan Conteh and Max Kanga?

17 A. They faced court martial after the interregnum and were
18 found guilty and executed. The President signed their death

19 warrants.

20 Q. Now after the coup, when the coup took place --

21 A. Yes, My Lord.

22 Q. -- can you now tell us your own movements immediately

23 following that?

24 A. Well, after my discussion I have said, the telephone

25 conversation from the President, the security forces evacuated me

26 and my family to an unknown destination. Unfortunately for me, I

27 left my lodge penniless and I was therefore trapped within the

28 country. By the time assistance came, it was very risky for me

29 to move both by sea and air. Immediately after the coup was

SCSL - TRIAL CHAMBER I

1 announced, or a few days after, it appeared in the papers that
2 had the army not taken over or staged a coup, Chief Norman and I
3 had planned to use Kamajors to stage coup.

4 Q. You mean in the newspapers?

5 A. Yes, it appeared in the newspapers.

6 Q. Where? Which newspapers?

7 A. Well --

8 Q. In which country?

9 A. In Sierra Leone here. While I was in my hide-out, the
10 paper was shown to me. But I cannot now say which of the
11 newspapers, but I read it. Also, the then coup leader Johnny
12 Paul Koroma invited the RUF to join them, which was supported by
13 the RUF leader Foday Sankoh while in detention in Nigeria. I,
14 however, by August 1997, succeeded in reaching Lungi airport. It
15 was while I was at Lungi airport that I confirmed that the
16 President and most of his ministers, including Chief Sam Hinga
17 Norman, were in Guinea -- were in Conakry, Guinea. It was also
18 while I was in Conakry that I heard --

19 Q. In Conakry?

20 A. Sorry, at Lungi. Sorry. It was also while I was in Lungi
21 that I heard through the BBC "Focus on Africa" from one
22 Eddie Massallay that they, the Kamajors, were fighting the junta,
23 that is --

24 Q. Watch your pace, please.

25 A. Yes. The junta, My Lords, was a name we gave to the
26 combined RUF and the AFRC, that is the military junta that staged
27 the coup.

28 I was also at Lungi when I heard, because people were
29 moving from Guinea to Lungi by boat, who were bringing news for

SCSL - TRIAL CHAMBER I

1 us from Conakry. They told us that the President had sent
2 Chief Sam Hinga Norman to the Liberian Sierra Leone border on
3 Mano River, where Eddie Massallay had made his broadcast.

4 Shortly after, we were again told that Chief Hinga Norman
5 had moved with some of his Kamajors to a location in Sierra Leone
6 called Base Zero.

7 Q. Now, when the informants told you that the President had
8 sent Chief Norman to the Sierra Leone, Liberia border, did the
9 informants tell you for what purpose?

10 A. Yes. They said to co-ordinate the activities of the
11 Kamajors since Eddie Mansaray had announced that they were
12 fighting. So that he can co-ordinate their activities and get
13 help from ECOMOG in Liberia. [Indiscernible]

14 Q. And you said you also heard that Chief Norman -- after some
15 time, you heard that Chief Norman had moved with his Kamajors?

16 A. With some of his Kamajors.

17 Q. With some of his Kamajors to Base Zero?

18 A. Yes, My Lord.

19 Q. Did Chief Norman have Kamajors of his own?

20 A. No, those that he went to co-ordinate. Not his own.

21 Q. Carry on, please.

22 A. While at Lungi, or immediately I arrived in Lungi, I met a

23 Nigerian colonel called Colonel Maxwell Khobe, who had come from

24 Liberia to replace Colonel Arche, who was head of the Nigerian

25 contingent. Not ECOMOG, My Lord, but Nigerian contingent was --

26 who had come to replace Colonel Arche, who was the Nigerian

27 commander, and the Nigerian contingent was in Sierra Leone.

28 PRESIDING JUDGE: How do you spell that name, please?

29 THE WITNESS: What?

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: How do you spell the name?

2 THE WITNESS: Arche, A-R-C-H-E. Arche. Arche.

3 Colonel Arche. That the Nigerian contingent was in Sierra Leone
4 at the time of this May 25th coup. So Colonel Khobe replaced
5 Colonel Arche and we met for the first time at Lungi. He told me
6 that the President asked that I stay in Lungi, much against my
7 wishes. Colonel Khobe was then liaising with Chief Sam Hinga
8 Norman at Base Zero. And at this time the international
9 community had resisted or refused to accept or recognise the new
10 government. So it was with the people of Sierra Leone. So
11 meetings were organised between the AFRC coupists and the
12 Kamajors, who were the only defence mechanism for the legitimate
13 SLPP government. General Khobe -- sorry. Colonel Khobe used to
14 fly by helicopter from Lungi to Base Zero and collect
15 Chief Norman and some of his Kamajors to Lungi.

16 After spending the night at his hotel, airport hotel where
17 we were, these Kamajors should be flown the following morning to
18 Hastings, where meetings were held between the two warring

19 factions. Such shuttle took place about at least three times.

20 PRESIDING JUDGE: These meetings at Hastings?

21 THE WITNESS: Hastings, My Lord. At three different times.

22 They will come for few days meeting and go back to Base Zero.

23 After a while Chief Norman -- Colonel Khobe again will go and

24 bring them.

25 PRESIDING JUDGE: Could you specify who from those from

26 Base Zero attended these meetings at Hastings, if you know?

27 THE WITNESS: Yes. I remembered the first time they came

28 it coincided with the time President Kabbah came from Conakry to

29 meet them. In that group I remember seeing Paramount Chief

SCSL - TRIAL CHAMBER I

1 Charles Caulker, Eddie Massallay.

2 MR JABBI: Massallay.

3 THE WITNESS: Massallay.

4 MR JABBI: M-A-S-S-A-L-L-Y [sic], My Lords.

5 THE WITNESS: Arthur Koroma. It's over a year -- ten years
6 ago.

7 PRESIDING JUDGE: That's okay.

8 THE WITNESS: Yes. But -- yes. So as I said, at the first
9 meeting of these Kamajors when they came, the President flew from
10 Conakry, came and addressed them.

11 MR JABBI:

12 Q. Where?

13 A. At the airport.

14 Q. At the airport?

15 A. At the Lungi airport tarmac.

16 Q. Before or after they went across to --

17 A. No, immediately they came.

18 Q. From Base Zero?

19 A. From Base Zero. Shortly after, the plane brought President
20 Kabbah. He addressed them, mainly thanking them for their
21 resilience, support for his government and he promised his
22 continuous support for their struggle. But while these meetings
23 were being organised or held, the Nigerian contingent headed by
24 Colonel Maxwell Khobe were planning a alternative in case
25 negotiations failed. Colonel Khobe consulted with me, as
26 vice-president, almost every day or evening or night.

27 Q. Whilst you were in Lungi?

28 A. Yes. As to his activities. I also had some senior
29 military and police officers at the hotel and we guided them

1 about the terrain of Freetown.

2 Q. Senior military officers of what nationality?

3 A. Sierra Leoneans who did not join the coup.

4 PRESIDING JUDGE: Dr Jabbi, before you pursue this line of
5 questions it would be a good time to take a recess for the
6 morning. So the Court is adjourned. Thank you.

7 [Break taken at 11.35 a.m.]

8 [Upon resuming at 12.05 p.m.]

9 PRESIDING JUDGE: Dr Jabbi, before you pursue the
10 examination-in-chief of this witness I would just like to ask you
11 to bear with me for a few moments. I just want to deal with the
12 issue of the motion that was to have been heard this morning.

13 MR JABBI: Thank you, My Lord.

14 PRESIDING JUDGE: I had intended to speak about it when we
15 first resumed with the activities this morning, but it slipped my
16 mind, but I have not forgotten.

17 As Mr Bockarie had raised it yesterday as well, yes, this
18 hearing was scheduled, as we know, for 9.30 this morning. You

19 know as well that there was a notice that was filed by the
20 Attorney General seeking an adjournment of the hearing to -- and
21 I will read for the record what is indicated on the document.
22 "I regret that, due to my present involvement in a matter
23 of national security together with most of my senior law
24 officers, I am unable to attend on the said hearing of Friday,
25 10th February 2006 and would respectfully request an adjournment
26 at the earliest time convenient to the Court. Yours faithfully,
27 Attorney General and Minister of Justice, FM Carew."
28 We agree to this postponement, but to a very short time
29 because we are still of the view that this must be proceeded with

SCSL - TRIAL CHAMBER I

1 the most urgent manner, as such. We had fixed the oral hearing
2 to this morning and, given these submissions by the Office of the
3 Attorney General and our indication that he is to come himself to
4 make these submissions, we have agreed to postpone that hearing
5 to next week and that will be at 9.30 Tuesday morning. We were
6 informed that he would be available Tuesday. Therefore, this is
7 Tuesday, the last postponement of that oral hearing of that
8 motion. If the Office of the Attorney General is unable to
9 attend then, then we will have to proceed without.

10 MR BOCKARIE: We are very much grateful, Your Honours.

11 PRESIDING JUDGE: Does that answer your concerns for time
12 being?

13 MR BOCKARIE: Very well, Your Honour, thank you.

14 PRESIDING JUDGE: So this hearing of the oral motion is now
15 fixed at 9.30 this coming Tuesday which is 14th February, if I am
16 not mistaken, yes. At 9.30.

17 MR BOCKARIE: Thank you.

18 PRESIDING JUDGE: Thank you. So Dr Jabbi -- and that

19 applies, obviously, to your motion as well.

20 MR JABBI: Yes, indeed, My Lord.

21 PRESIDING JUDGE: So we are now back to you and with the
22 continuation of the examination-in-chief of your witness

23 Dr Demby.

24 MR JABBI: Thank you, My Lord.

25 PRESIDING JUDGE: Thank you.

26 MR JABBI:

27 Q. Yes, Mr Witness, just before the break you just started an
28 aspect of your Lungi narrative, if I may call it that. Would you
29 like to continue?

SCSL - TRIAL CHAMBER I

1 A. Yes, My Lord. Yes, that while I was at Lungi and during
2 one of the visits of these Kamajors from Base Zero, one of the
3 Kamajors by the name of Eddie Massallay reported Chief Sam Hinga
4 Norman to me, saying that he'd been one of the senior Kamajors.

5 Q. He who?

6 A. He, the Eddie Massallay, was not appointed the leader and
7 commander of the Kamajors of the Southern Region, but Mr Daramy
8 Rogers, now Alhaji Daramy Rogers. He was very bitter about such
9 appointment. Chief Sam Hinga Norman responded in his presence
10 that the appointments to positions at Base Zero by the
11 appointment committee of the War Council.

12 JUDGE ITOE: We are done, because you have missed
13 something. That appointments to positions at Base Zero --

14 THE WITNESS: Yes.

15 JUDGE ITOE: -- were?

16 THE WITNESS: Done.

17 JUDGE ITOE: Yes, or were made.

18 THE WITNESS: Or were made by the appointment committee of

19 the War Council.

20 PRESIDING JUDGE: What is the time again of this meeting
21 between Eddie Massallay and you and Chief Norman? And this is in
22 Lungi?

23 THE WITNESS: Yes, in Lungi. This shuttling between Lungi
24 and Base Zero took place in September, because I have it in my
25 diary of the visit of the President to Lungi. That
26 was 19 September. So it was during this period that
27 Eddie Massallay made his complaint to me.

28 MR JABBI:

29 Q. The President's visit to Lungi you say was 19 September

SCSL - TRIAL CHAMBER I

1 what year?

2 A. 1997, My Lord.

3 Q. Thank you.

4 PRESIDING JUDGE: Yes, Dr Jabbi.

5 THE WITNESS: That the appointment, as I said, was done by

6 the appointment committee of the War Council. It was that

7 committee which incidentally was headed --

8 JUDGE THOMPSON: Are you narrating what Chief Norman said

9 or are you --

10 THE WITNESS: I am narrating what Chief Norman said in the

11 presence of Eddie Massallay when I asked him after they

12 complained. I said, "Chief, this is the complaint." He said,

13 "What happened is what Chief Norman said".

14 JUDGE THOMPSON: Yes, I just wondered whether you were in

15 fact punctuating the narration with your own comments.

16 THE WITNESS: No, not right. No.

17 JUDGE THOMPSON: Thank you.

18 THE WITNESS: That the appointment -- Chief Norman said in

19 the presence of Eddie Massallay that appointments were made by
20 the appointment committee of the War Council. And that
21 incidentally Mr Daramy Rogers, now Mr Alhaji Daramy Rogers, was
22 the chairman of that appointment committee. I tried to pacify
23 Eddie Massallay to accept his position as the administrator and
24 leader of the Pujehun District which was given to him.
25 Eddie Massallay accepted my plea, but he did not forgive
26 Chief Norman.

27 JUDGE THOMPSON: Is that an opinion?

28 THE WITNESS: Yes, this one.

29 JUDGE THOMPSON: That is an opinion?

SCSL - TRIAL CHAMBER I

1 THE WITNESS: Yeah, that is my opinion, that he did not --
2 because long after --

3 JUDGE THOMPSON: Yes, okay.

4 THE WITNESS: He again brought up his case and we appeared
5 before President Kabbah to mediate between them.

6 PRESIDING JUDGE: When you say "we appealed", who is the
7 "we"?

8 THE WITNESS: The President --

9 PRESIDING JUDGE: You said, "We appealed to President
10 Kabbah to mediate".

11 MR JABBI: My Lords --

12 THE WITNESS: No.

13 JUDGE THOMPSON: Is it "appeared" or "appealed"?

14 MR JABBI: I thought I heard "appeared".

15 JUDGE THOMPSON: "Appeared".

16 THE WITNESS: I said "appeared". What happened was that he
17 did not forgive. That the long after we appeared before
18 President Kabbah with his complaint, same complaint, and

19 President Kabbah tried to mediate between them. But I later
20 found out that that animosity continued as that Eddie Massallay
21 had nothing good to say about Chief Sam Hinga Norman. Also,
22 while I was in Lungi, Colonel Khobe called me one night and
23 showed me a cache of arms stored at a secret location.
24 Incidentally, this was the period in which the Sandline
25 International arms saga was going on. He did not specifically
26 tell me -- he did not specifically tell me that those arms were
27 Sandline International arms, but that those arms were sent to him
28 by the President, Alhaji Dr Ahmad Tejan Kabbah.
29 I thereafter discussed with him, if my memory serves me

SCSL - TRIAL CHAMBER I

1 well, in the presence of Chief Norman, that some of those arms be
2 supplied to the Kamajors at Base Zero. But that he must first
3 get clearance or consult with President Kabbah in Guinea.
4 Whether he consulted with President Kabbah or whether the arms
5 were indeed delivered to the Kamajors, I cannot now tell. We
6 also discussed that in case his intended intervention to reverse
7 the coup takes place, he must involve the Kamajors from Base Zero
8 which he accepted.

9 PRESIDING JUDGE: When you say that he accepted, you mean
10 Colonel Khobe?

11 THE WITNESS: Colonel Khobe accepted to involve the
12 Kamajors in the intervention.

13 PRESIDING JUDGE: And you, in the last part of your
14 evidence, you said that he indicated that he must first consult
15 with President Kabbah.

16 THE WITNESS: In the giving of the arms to the Kamajors.

17 PRESIDING JUDGE: Who was to consult with President
18 Kabbah - Mr Norman?

19 THE WITNESS: No, no. It was a combination between
20 Colonel Khobe and I when he took me to where the arm cache was.
21 PRESIDING JUDGE: That's fine.
22 THE WITNESS: And I consulted -- and I consulted with him
23 that some of those arms should be supplied to the Kamajors in
24 Base Zero. After consultation with President Kabbah, in which I
25 said my memory is not very clear whether Chief Norman was there
26 that night with us or not.
27 PRESIDING JUDGE: Yes. Thank you.
28 THE WITNESS: To my greatest surprise, My Lords, on the
29 night General Khobe came to inform me that all was ready for him

SCSL - TRIAL CHAMBER I

1 to intervene the following morning, he made no mention of the
2 Kamajors' participation. And, indeed, the Kamajors did not
3 intervene in that co-operation. It was only the Nigerian
4 contingent based in Sierra Leone, with loyal soldiers, and
5 policemen that did the intervention.

6 [CDF10FEB06C-RK]

7 Thereafter in February, 12 or 13 1998 -- 12 or 13 February,
8 I don't know the exact date -- President Kabbah and his ministers
9 returned to Sierra Leone and he was reinstated. My Lords, this
10 period May 25, 1997 to 2000 -- incidentally, it is the period,
11 perhaps, within your purview -- it's very crucial in Sierra
12 Leone. And as Vice-President of this nation, I want to tell
13 you --

14 JUDGE THOMPSON: At that point in time?

15 THE WITNESS: Yes, this point in period, My Lord. That the
16 most atrocities took place. That is the period from the day of
17 the coup to the day of the intervention and beyond. I shall
18 expound on that later. Yes.

19 JUDGE ITOE: Let us have the date. Do you, perchance, have
20 the dates of the intervention?

21 THE WITNESS: I think --

22 JUDGE ITOE: If you can't be very precise, Dr Demby, if you
23 can't be very precise --

24 THE WITNESS: Yes.

25 JUDGE ITOE: Then we wouldn't insist.

26 THE WITNESS: Yes, at least February 12th. February 12th
27 was the time President Kabbah and the others returned. I think
28 one or two weeks before that.

29 MR JABBI:

SCSL - TRIAL CHAMBER I

1 Q. Now, did President Kabbah return to Sierra Leone from
2 Guinea before March 10, 1998?

3 A. Yes, I think, yes.

4 PRESIDING JUDGE: He just testified that he returned on 12
5 or 13 February.

6 THE WITNESS: Yes, about that period, but definitely I
7 think before March.

8 MR JABBI:

9 Q. Now, if we can go back to Lungi for awhile.

10 A. Yes.

11 Q. Were there any ministers of President Kabbah's government
12 in Lungi?

13 A. Yes.

14 Q. Who did not leave Sierra Leone?

15 A. Yes, they were with me. With me were the then Foreign
16 Minister Mr Maigore Kallon and the then Deputy Minister of
17 Finance MB Daramy, now Minister of Development and Economy
18 Planning.

- 19 Q. You spoke about a visit made by President Kabbah on
20 19 September 1997 to Lungi?
- 21 A. Yes, My Lord.
- 22 Q. Do you know if he came to Lungi at any other time before 19
23 September 1997?
- 24 A. From the period I was in Lungi, August to that period, no.
- 25 Q. So whilst you were there the first time, he came there?
- 26 A. Yes, My Lord.
- 27 Q. Then did he come there thereafter before the taking of
28 Freetown?
- 29 A. No.

1 Q. So he came there only once whilst you were there?

2 A. Yes.

3 Q. Talking about yourself, did you at any time leave

4 Sierra Leone between the period August 1997 and February 1998?

5 A. No, My Lord.

6 Q. Now, did you leave Lungi itself for any other part of

7 Sierra Leone during that period?

8 A. No, My Lord. I only left there once and finally after the

9 intervention when we came to Freetown and I did not return to

10 Lungi thereafter.

11 Q. The visits of some of the people from Base Zero to Lungi

12 from time to time, which you narrated, did those people stay in

13 Lungi for the time that they came for those negotiations?

14 A. Yes, My Lord.

15 Q. The people from Base Zero?

16 A. Yes, we were shuttled from Base Zero to Lungi. Some stayed

17 with us in the hotel, others outside. The following morning they

18 were usually shuttled from Lungi to Hastings for that meeting.

19 At the end of the day they returned to Lungi.

20 Q. Whilst they were at Lungi, did you discuss with them the

21 subject matter of their trip?

22 A. Yes, My Lord. Every time they were in Lungi they mixed

23 freely with us, I mean the two ministers and myself. And, at

24 times, senior military officer and a senior police officer will

25 discuss the strategies that they could take in the meeting and

26 they will tell us in return what happened.

27 Q. Now from these interactions with them, what did you learn

28 of the end product of their negotiations?

29 A. It was crystal clear that the junta was not prepared to

1 relinquish power and, therefore, Colonel Khobe had no alternative
2 but to intervene militarily.

3 Q. Now, do you know if, during that time whilst you were at
4 Lungi, there were any Kamajors based in the greater Freetown
5 area?

6 A. No, there were none.

7 Q. Those senior Sierra Leone Army officers whom you say were
8 with you in Lungi, do you know their names?

9 A. Well, I will give you the name of the most senior. That is
10 Colonel Fallah Sewa.

11 MR JABBI: Colonel Fallah Sewa. Fallah is F-A-L-A-H [sic],
12 My Lords. And Sewa, S-E-W-A.

13 THE WITNESS: I cannot now recollect the names, but there
14 were some captains.

15 Q. Roughly, how many of them were there?

16 A. About four or five, but not all stayed in the hotel where
17 we were. They scattered in Lungi and just came in as one of
18 them, Tom Carew, came over from Lungi the day chief of defence

19 staff later came from Conakry and said he has been sent by the
20 President to join us. He was then the most senior to -- well, he
21 was the colonel, also, so let me go and see. He and Fallah Sewa,
22 but he came later.

23 Q. At that time, what position did Colonel Carew hold in the
24 Sierra Leone Army?

25 A. He was a junior, even though he was a colonel. There were
26 people who were more senior to him that we are dealing with, so I
27 cannot really tell his position. Also, Fallah Sewa was a
28 colonel, but whether he was in charge of this group or that, I
29 cannot tell.

SCSL - TRIAL CHAMBER I

1 Q. Then can you say, roughly, what time it was that

2 Colonel Carew came over from Conakry to join you at Lungi?

3 A. December/January, something like that.

4 Q. December 1997/January 1998?

5 A. Yes.

6 Q. Something like that?

7 A. Yes, but not long before the intervention.

8 Q. The police officers you are also talking about, can you

9 name them?

10 A. Mr Bobo Sawyer I think he was ASP.

11 Q. ASP Bobo Sawyer?

12 A. Yes, he was ASP. He was a senior police officer, and there

13 were others, but I had very little to do with them because I was

14 under strict security or protection.

15 Q. Now, you mentioned Sierra Leone Army officers who took part

16 in the intervention, in retaking Freetown from the junta?

17 A. Yes, together with the police officers.

18 Q. Were those the officers that were in fact staying in Lungi

19 with you or some others?

20 A. Yes, and the majority of them were in Kossoh.

21 MR JABBI: Kossoh, My Lords, K-O-S-S-O-H. I'm quite sure

22 maybe only two of you need take that spelling.

23 Q. Now, let's talk a little bit more about Kossoh. Where is

24 Kossoh?

25 A. Kossoh is at the highway when one leaves the Orugu Bridge.

26 On your right a little, about a quarter mile from Orugu Bridge,

27 on the right you have Kossoh, and on the left you have and Jui,

28 before you reach Hastings.

29 MR JABBI: Orugu Bridge, My Lords, O-R-O-G-U [sic]. Orugu

SCSL - TRIAL CHAMBER I

1 Bridge. And Jui, J-U-I.

2 Q. So what you are saying is that on your way out of Freetown,
3 after Orugu Bridge, a quarter mile, according to you, you have on
4 your right-hand side Kossoh?

5 A. Yes.

6 Q. On the left-hand side, Jui?

7 A. Yes, My Lord. Then, just ahead, another quarter to half a
8 mile, you reach Hastings.

9 Q. Hastings, where the President is?

10 A. Where the air strip is, yes, and the military -- from the
11 police training school, et cetera.

12 JUDGE THOMPSON: Dr Jabbi, is that the new nomenclature?

13 MR JABBI: For?

14 JUDGE THOMPSON: Kossoh.

15 MR JABBI: Hastings, My Lord?

16 JUDGE THOMPSON: Kossoh.

17 THE WITNESS: Kossoh Town.

18 JUDGE THOMPSON: It's Kossoh Town?

19 THE WITNESS: Kossoh Town.

20 MR JABBI: That is why I said only two of Their Lordships

21 would need the spelling of Kossoh.

22 THE WITNESS: Kossoh Town. Sorry.

23 MR JABBI:

24 Q. Kossoh Town. Now, who had control of the Kossoh Town area

25 during this period that you are narrating? Kossoh Town to

26 Hastings. Let's say from Orugu Bridge to Hastings?

27 A. When I found my way in Kossoh --

28 Q. Town?

29 A. Kossoh Town, sorry, it was the Nigerian contingent that was

SCSL - TRIAL CHAMBER I

1 in charge of that general area.

2 Q. Up to Hastings?

3 A. Yes, My Lord.

4 Q. Did you yourself stay in that area for any time?

5 A. Yes, My Lord, for about two months.

6 JUDGE ITOE: You mean in the Kossoh Town area?

7 THE WITNESS: Kossoh Town itself, not area, My Lord.

8 MR JABBI:

9 Q. In Kossoh Town itself?

10 A. Itself in the Nigerian camp. They protected me after --

11 Q. May 25.

12 A. After May 25, I moved to two, three places. Finally, I was

13 rescued or brought to Kossoh Town by the Guinean Army that

14 disguised me as Guinean officer to cross the town, and they

15 handed me over to Colonel Arche, the then commander of the

16 Nigerian contingent.

17 Q. Now --

18 JUDGE ITOE: So they disguised you and gave you what rank,

19 MR JABBI: Major-general, My Lord.

20 THE WITNESS: A general. The told me at every checkpoint,

21 "Look our general has come. He wants to see our foremost

22 position and my [indiscernible], so give us way." So they opened

23 the gate, saluted me and we crossed.

24 JUDGE ITOE: So you were a Guinean general?

25 THE WITNESS: Yes.

26 MR JABBI:

27 Q. How long did you stay a Guinean general?

28 A. Well, not even a night. It was arranged by my sister in

29 Conakry and they knew exactly the house I was in.

SCSL - TRIAL CHAMBER I

1 Q. In Freetown?

2 A. In Freetown? I was told by a friend to get myself ready
3 and by 5.30, 6.00 they arrived and took me straightaway. But --

4 Q. Now -- sorry. Carry on. Carry on.

5 A. But previously, attempt to take me to Lungi through the
6 ferry was not possible by these Guinean people. So they decided
7 that they should take me to Kossuh Town to the Nigerians that had
8 helicopter that will take me across. So that was how I found
9 myself in Kossuh Town.

10 But in Kossuh Town, again, there was problem with the
11 Nigerian helicopter and it took about two months, almost two
12 months, and the two ministers met me in Kossuh, Maigore Kallon
13 and Daramy. We stayed together until the helicopter was ready to
14 ferry us across.

15 Q. Now in that Kossuh Town and Hastings area whilst you were
16 there, were there any loyal Sierra Leone soldiers?

17 A. My Lord, I was so protected that I was almost a detainee,
18 that I only saw outside through the window, so -- but fortunately

19 two or three of my security officers that were with me before the
20 coup were there. They saw me one day in that house. But other
21 than that I saw no other person, but I learned that there were
22 some policemen and army people, loyal army and police people
23 there, but I never saw them and we never interacted.

24 Q. Now, you have, of course, said that you never left Lungi
25 for any other part of Sierra Leone whilst you were there?

26 A. Yes, My Lord.

27 Q. But did you ever, not necessarily during that period, but
28 did you ever visit Base Zero?

29 A. No, My Lord. Up to now, I do not know the chiefdom and the

SCSL - TRIAL CHAMBER I

1 town that is called -- that was nicknamed Base Zero.

2 Q. And maybe finally for this morning, when did you leave
3 Lungi to come back to Freetown?

4 A. Two days before the President and entourage had arrived
5 from Guinea. We went -- I mean the ministers and some of us were
6 at Lungi and those from Guinea, the advance party, we all came to
7 Freetown a day or two -- or at least two days before the
8 President and entourage again finally arrived.

9 MR JABBI: My Lord, at this point if I can avoid pressuring
10 your lunch period as was done yesterday.

11 PRESIDING JUDGE: Thank you, Dr Jabbi. Court is adjourned
12 until 2.30. Thank you.

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

14 [CDF10FEB06D - CR.]

15 [Upon resuming at 2.50 p.m.]

16 PRESIDING JUDGE: Good afternoon. Dr Jabbi, are you ready
17 to proceed with the examination-in-chief of the witness?

18 MR JABBI: Yes, My Lord.

19 MR BOCKARIE: Yes, Your Honour, sorry for interrupting.
20 Your Honour, Mr Fofana was complaining of a stomach upset, so he
21 went to see his doctor. It's very likely that he may not be
22 available for this afternoon's session.

23 PRESIDING JUDGE: Are you suggesting that we shouldn't be
24 proceeding?

25 MR BOCKARIE: No, it's just to inform the Court.

26 PRESIDING JUDGE: That's fine, that's okay. I just want to
27 make sure that we do understand what your comment is; that is
28 just to inform the Court, not to make any other representation?

29 MR BOCKARIE: Yes, Your Honour. Thank you.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: The record will reflect that the accused
2 is absent due to medical consultation.

3 MR BOCKARIE: Yes, Your Honour.

4 PRESIDING JUDGE: Thank you.

5 MR JABBI: For a moment I thought, My Lord, he was trying
6 to ask for a shorter afternoon today.

7 PRESIDING JUDGE: That's why I asked the second question.

8 JUDGE ITOE: Because he has to go to Kenema.

9 PRESIDING JUDGE: Let us proceed, please.

10 MR JABBI: Thank you, My Lord.

11 Q. Now, Mr Witness, you have just finished your narrative of
12 Lungi, bringing that period up to early 1998. I want to take you
13 over that period we have just covered to look at some other
14 issue. Can you tell the Court the state of play between the army
15 and the Kamajor movement in the period just before the coup of 25
16 May 1997?

17 A. Yes, My Lord. Whilst the Kamajors --

18 Q. And please watch your pace.

19 A. -- were at their respective chiefdoms --

20 JUDGE ITOE: That's before 25 May 1997?

21 THE WITNESS: Yes, My Lord. And the military involved in
22 the fighting, soldiers were deployed in different regions in the
23 south-east. And wherever soldiers are deployed, the Kamajors in
24 that area were placed at their disposal by their paramount
25 chiefs. And they, as an ally, continued to defend that general
26 area.

27 JUDGE ITOE: They, the Kamajors, as an ally of the
28 soldiers?

29 THE WITNESS: Yes, My Lord. To a larger extent, this

1 co-operation worked well, and the soldiers did train some of
2 these Kamajors in the use of automatic weapons. They also
3 occasionally help them with cartridges and food. They were also,
4 at certain times, deployed outside their area, their chiefdoms,
5 by the chief of defence staff. So by and large, they, as allies,
6 fought together.

7 MR JABBI:

8 Q. Can you give a time frame to this co-operative
9 relationship?

10 A. Yes.

11 Q. Say, roughly, from when to when?

12 A. 1996, because that was the time I was fully involved as
13 vice-president to know what was happening at the war front, as I
14 made regular visits to their deployments -- that is from 1996 to
15 the time of the coup.

16 JUDGE ITOE: You say you made regular visits to their
17 places of deployment?

18 THE WITNESS: Yes, at the war front.

- 19 JUDGE ITOE: As vice-president?
- 20 THE WITNESS: Yes, My Lord.
- 21 MR JABBI:
- 22 Q. By the time of the coup, what was the state of interaction?
- 23 A. It was relatively cordial, although the soldiers had
- 24 misgivings.
- 25 Q. Yes, carry on.
- 26 A. Had misgivings about support or loyalty of the party.
- 27 Q. Which party?
- 28 A. The SLPP, the government in power.
- 29 Q. The Sierra Leone People's Party?

SCSL - TRIAL CHAMBER I

1 A. Party, the Sierra Leone People's Party. The army had
2 misgivings.

3 Q. Concerning?

4 A. Concerning the support that the government was giving,
5 saying that the government was giving or paying more attention to
6 the Kamajors than to them, which, in my opinion, was wrong
7 because the government only provided food and condiments.

8 Q. To?

9 A. To the Kamajors, and nothing more. No salaries, no other
10 benefits, My Lord. There are reasons for these assumptions,
11 which I prefer to say at a latter date when I'm dealing with
12 others, but there were reasons why they came to that conclusion.

13 JUDGE ITOE: That there were reasons. There are reasons
14 for these assumptions, you say, by the soldiers?

15 THE WITNESS: Yes.

16 JUDGE ITOE: By the soldiers?

17 THE WITNESS: Yes, by the soldiers.

18 MR JABBI:

19 Q. Wouldn't you perhaps think stating them now?

20 A. Well, I want to do it after giving reasons for several of
21 these complaints, and not just to give in isolation because it
22 has political ramifications, which I want to deal with it in a
23 more systematic way. But if you prefer, I will do it, just this
24 one.

25 Q. What, then, were the complaints you want to talk about?

26 A. Well, there are a lot of allegations or reports that
27 Kamajors did this - burnt houses --

28 Q. Please watch your pace.

29 A. That Kamajors killed people, burnt houses, looted,

SCSL - TRIAL CHAMBER I

1 et cetera. Several, over 12, 13 of them I will line up and
2 report to this Court the result of my investigations. And during
3 that time, I will tell the Court why all these things happened
4 and what is the effect.

5 JUDGE THOMPSON: Learned counsel.

6 MR JABBI: Yes.

7 JUDGE THOMPSON: Do you have a structure for the
8 presentation of the evidence-in-chief? Do you have a structure
9 at all?

10 MR JABBI: Yes, My Lord.

11 JUDGE THOMPSON: That, surely, what the witness is saying
12 is that perhaps you need to revise your structure --

13 MR JABBI: My Lord.

14 JUDGE THOMPSON: See if he can harmonise his own proposal
15 for restructuring that [indiscernible] scheme.

16 MR JABBI: I believe, My Lord, what he is saying is that
17 the greater portion of what he would want to say on this belongs
18 to a later period.

19 JUDGE THOMPSON: Yes, well, I mean, that's what I am saying
20 and we're not at cross-purposes.

21 MR JABBI: Yes.

22 JUDGE THOMPSON: I am merely saying that if you have a
23 structure with a particular sequence in terms of the episodes and
24 the incidents and events, and if you can integrate his own
25 proposal for that structure for how he wants to testify with
26 yours.

27 MR JABBI: Yes, My Lord.

28 JUDGE THOMPSON: So that you avoid the possibility of us
29 having to listen to speeches, remembering that

SCSL - TRIAL CHAMBER I

1 examination-in-chief is not a speech, nor is cross-examination,
2 nor is re-examination.

3 MR JABBI: Indeed, My Lord.

4 Q. Now, let us say at early 1997 up to the coup time, from the
5 beginning of 1997 up to the coup, what was the extent in the
6 country, generally, of Kamajor operations? In what areas,
7 principally, were Kamajors operating?

8 A. Kamajors were operating mainly in Kailahun District. Well,
9 let me give the general umbrella, the south, east.

10 Q. The south?

11 A. And the Eastern Regions.

12 Q. The South and Eastern Regions.

13 A. Although the Konos called their own soldiers Donsos.

14 MR JABBI: Donsos, D-O-N-S-O-S.

15 Q. Now, apart from the Kamajors and the Donsos, were any other
16 hunting groups operating in respect of the war in the first three
17 months -- I mean, the first four or five months of 1997? That is
18 from the beginning of 97 to the coup? Were there any other

19 hunting groups or civil militia operating in the war in other
20 parts of the country?

21 A. Yes, My Lord, the Tamaboros in Koinadugu District I learnt
22 that they were also involved in the fighting.

23 MR JABBI: Tamaboros, T-A-M-A-B-O-R-O-S. Tamaboros.

24 Q. Now, in what area were the Tamaboros operating?

25 A. In the Koinadugu District.

26 Q. Koinadugu District. So those are three militia groups you
27 have named: Donsos, Tamaboros and Kamajors, operating in the
28 respective areas you have called. Were there any other such
29 groups operating anywhere else in the country fighting the war?

SCSL - TRIAL CHAMBER I

1 A. Yes, My Lord. At different times, we had in the other
2 Northern Regions the Kapras and Gbethis.

3 Q. That's for the period up to May 1997?

4 A. No. At that time --

5 Q. For the moment, I want us to confine ourselves --

6 A. No, those are the only periods.

7 Q. -- to the period up to 1997. I'm sorry, May 1997. Let's
8 say from January to May 1997. So during that period, apart from
9 the Donsos, the Tamaboros, and the Kamajors operating in those
10 areas you have named, were there any other civil militia groups
11 fighting in the war?

12 A. Not to my notice.

13 Q. Do you know what role or conception Chief Hinga Norman,
14 during that period, had with the respective civil militia groups
15 you have just referred to?

16 A. Chief Hinga Norman was the Deputy Defence Minister and, up
17 to that time, the paramount chiefs and their sub-chiefs were
18 responsible for their respective militia. But, they made

19 requests for logistical support from government usually through
20 chief -- through the Deputy Defence Minister, Chief Sam Hinga
21 Norman or, to me, as vice-president. I --

22 Q. Carry on.

23 A. I cannot tell whether they did make direct requests to
24 the President. But, all requests from them was relayed by Chief
25 Norman and I to the President, who alone had authority to
26 disperse government phones.

27 Q. Now, when you say the paramount chiefs and local committees
28 made logistical requisitions through you during that time --

29 A. Occasionally.

SCSL - TRIAL CHAMBER I

1 Q. Occasionally. Was that because of you personally, or
2 because of the position you held?

3 A. Because of my position as vice-president and my easy
4 accessibility to them.

5 Q. What would you say, also, about the fact that some of that
6 requisition was directed through Chief Hinga Norman? Was it
7 because of his personal or official capacity?

8 A. I have said it was because he was Deputy Defence Minister
9 at that time in question.

10 Q. Now, apart from the two of you, and as you say, you don't
11 know if such a requisition was done directly to the President, so
12 apart from those three personages, do you know whether
13 requisitions were made to or through any other personage?

14 A. Up to the period you are talking about, before the coup no.
15 That is -- my memory -- I cannot remember. Before.

16 Q. Okay.

17 A. Before 25 May 1997.

18 Q. Now, let us take the period following the reinstatement of

19 the civilian government, the legitimate civilian government, when
20 you had returned to Freetown. What was the general state of war
21 after the government returned?

22 A. The coup had allowed the rebels to come to Freetown. So
23 during the coup --

24 Q. Please watch your pace.

25 A. -- the whole of the country was in the hands of the junta.
26 By the time we returned the rebels had just been pushed out of
27 the greater Freetown.

28 Q. The rebels had just been pushed out --

29 A. The greater Freetown, the junta.

1 JUDGE ITOE: That they had not, or they had just?

2 THE WITNESS: They had just. During the intervention, they
3 pushed them out of the seat of power, but they were in the
4 greater part of the country still.

5 MR JABBI:

6 Q. So how did the government seek to get control of the
7 remaining part of the country outside the greater Freetown area?

8 A. When the government returned, Colonel Khobe, then commander
9 of the Nigerian -- was then the commander of the Nigerian forces.
10 The government then sought the assistance of ECOMOG. So --

11 Q. Where was ECOMOG by that time?

12 A. In Liberia, My Lord.

13 Q. So by that time, the Nigerian contingent you have been
14 talking about was not part of ECOMOG?

15 A. That particular group in Sierra Leone, no. This was a
16 bilateral agreement, through which, as early as 1991, President
17 Momoh had approached the Nigerian President for military help.
18 So this small contingent of Nigerian troops remained in Sierra

- 19 Leone when the coup took place, but were unavailable to reverse
- 20 the coup by themselves at that time.
- 21 Q. Now -- carry on.
- 22 A. So they moved to Kossuh Town. There, they were until
- 23 General Khobe came.
- 24 Q. Colonel by that time?
- 25 A. Yes, colonel at that time -- organised them and they
- 26 reverted, or they pushed the junta out of the seat of power.
- 27 Q. Ultimately?
- 28 A. Ultimately.
- 29 Q. Now, the question was: when the government returned and

SCSL - TRIAL CHAMBER I

1 were more or less confined to the greater Freetown area at the
2 beginning --

3 A. Yes.

4 Q. -- how did they seek to gain control of areas outside the
5 greater Freetown area?

6 A. As I've said, President Kabbah requested his colleagues in
7 the West African sub-region. At that time, they had ECOWAS, so
8 it was the ECOWAS that sent ECOMOG to help in Sierra Leone. They
9 now succeeded in pushing the junta far out of the capital and the
10 big towns of Bo, Kenema, et cetera. But even at that time, the
11 government had not got the grip of the country at that time,
12 governance-wise.

13 Q. Did the ECOWAS troops, at that time, come into Sierra
14 Leone?

15 A. Yes, My Lords.

16 Q. Did the local civil militia groups play any role in that
17 recovery process?

18 A. Yes, My Lord, but in their respective chiefdoms they

19 didn't -- they did not come to Freetown, but when ECOMOG arrived
20 at their respective locations, they and ECOMOG fought the battle.

21 Q. Together?

22 A. Together.

23 Q. Now, you gave a very graphic indication of your personal
24 contribution to the development of the Kamajor movement in your
25 own chiefdom. You made a substantial personal contribution. Do
26 you know if Chief Hinga Norman made such a gesture financially to
27 the Kamajor movement at that time?

28 A. No idea. No, My Lord. I did not know what was happening
29 in Jiama Bongor and other chiefdoms.

SCSL - TRIAL CHAMBER I

1 Q. Now, in terms of government support for the civil militia
2 groups during that immediate period of the government returning
3 and finding that it had to fight to reclaim more portions of the
4 country, did the government directly support civil militia
5 groups?

6 A. Yes, My Lord. And this is the area I should be allowed to
7 explain further.

8 Q. Yes.

9 A. That when --

10 JUDGE ITOE: What period, please. Let's be very sure.

11 THE WITNESS: From the 12th or 13th February when the
12 President or the government was restored onwards.

13 MR JABBI:

14 Q. Onwards in 1998?

15 A. Yes, in 1998 onwards.

16 Q. I would suggest that you confine yourself to the period of
17 the return of the government up to January 1999.

18 A. I will, My Lord.

19 Q. Yes.

20 A. When the government returned, a request was made by the

21 President --

22 Q. Please watch the pace.

23 A. Yes -- asking for the secondment of Colonel Khobe from the

24 Nigerian Army to help the Sierra Leone Army, which was granted.

25 Colonel Khobe then became Chief of Defence Staff - CDS - of the

26 Sierra Leonean Army, who was charged with the responsibility of

27 all military matters in the country. So he had control of the

28 army, Sierra Leone Army, and the civil defence. He was

29 responsible for all deployments, logistical support, arms,

SCSL - TRIAL CHAMBER I

1 ammunition, food, et cetera, et cetera. And when ECOMOG came,
2 together with the ECOMOG commander -- I think, if my memory
3 serves me well, General Shelpidi, I think, was the first man,
4 came and there was the ECOMOG commander, General Shelpidi.

5 JUDGE ITOE: His nationality?

6 THE WITNESS: Nigerian.

7 MR JABBI:

8 Q. Was the spelling of Shelpidi S-H-E-L-P-I-D-I?

9 A. You can take it that way. I don't know it.

10 MR JABBI: S-H-E-L-P-I-D-I, My Lord.

11 JUDGE ITOE: Shelpidi or Shelpiti?

12 THE WITNESS: Shelpidi.

13 MR JABBI: Pidi, P-I-D-I, My Lord.

14 THE WITNESS: So together --

15 JUDGE ITOE: Yes, together with the ECOMOG commander,
16 General Shelpidi, yes, a Nigerian?

17 THE WITNESS: Yes, a Nigerian. The Chief of defence Staff
18 then --

19 JUDGE ITOE: Khobe?

20 THE WITNESS: Yes, Khobe, had now been promoted to

21 Brigadier-General Khobe, continued to prosecute the war. Yes, My

22 Lord.

23 MR JABBI:

24 Q. Now, did the civil defence militias operate actively with

25 these troops that had come?

26 A. Yes. But permit me to say that the Civil Defence Forces,

27 CDF now that we are talking about, is an umbrella body of all the

28 militia operating in Sierra Leone.

29 Q. Now, you have just said that the civil militia -- Civil

SCSL - TRIAL CHAMBER I

1 Defence Forces, we are now talking about --

2 A. Yes.

3 Q. -- are an umbrella group for all militia in Sierra Leone?

4 A. Yes, My Lord.

5 Q. Now, can you help the Court to indicate a rough time frame

6 as to when the use of the phrase "Civil Defence Forces" to

7 represent that umbrella organisation emerged?

8 A. Yes, My Lord.

9 Q. Please.

10 A. I first came to hear about it immediately after President

11 Kabbah and the group returned to Sierra Leone 12th or

12 13th February. Thereafter, I started hearing of civil defence.

13 And this was the period in which the rebel war had engulfed the

14 whole country.

15 Q. Practically the whole country?

16 A. Practically the whole country.

17 Q. When you started hearing the use of that phrase, was there

18 an organisation, an umbrella organisation in existence that was

19 being so called at that time?

20 A. No, there were individual militia in their respective area

21 using their tribal names before they were later called CDF; Civil

22 Defence Forces.

23 Q. But, as you say, they were in their respective localities,

24 although recognised by government and supported by government and

25 operating with the forces available to government; not so?

26 A. Yes, using their traditional name and not CDF.

27 Q. So roughly at what time would you think those groups

28 started using the generic name CDF? Roughly when?

29 A. I said I started hearing of that name when the President

SCSL - TRIAL CHAMBER I

1 returned and his government returned to power February --
2 after February, the 12th or 13th. So instead of talking about
3 Kamajors, Kapras, Gbetis, et cetera, he was calling them CDF.
4 That's the period, but I cannot specifically say whether they
5 came from Conakry or from where with that name. I cannot tell.

6 Q. I will still pose a question in that area and please listen
7 to it carefully. I am referring to a specific organisation, a
8 so-called umbrella organisation which incorporated those defence
9 groups, not just descriptively, but actually as one group in one
10 umbrella organisation. When do you think the use of the term CDF
11 for an existing umbrella organisation emerged in Sierra Leone?

12 A. My Lord, what you are saying is initially when they came,
13 General Khobe was responsible for the welfare of this army.
14 Later, the President, by letter, created a body to take care of
15 the welfare of this umbrella of CDF body, which was called the
16 National Co-ordinating Committee of the CDF, formed on 29 January
17 1999. I don't know if that is what you are thinking of, and
18 which -- yes, all right. I don't know.

19 Q. On 29 January, according to you, the President, by letter,
20 created the NCC -- National Co-ordinating --

21 A. The National Co-ordinating -- actually, the President
22 called it the welfare -- that is, the Civil Defence Forces
23 Committee, and we now, because of the terms of reference, we
24 called it the National Co-ordinating Committee of the CDF.

25 MR JABBI: My Lords, I'm trying to look for the letter of
26 29 January 1999, which is tendered as an exhibit. I'm trying to
27 look for the exhibit number. It is Exhibit 120, My Lord.

28 Q. Can you have a close look at Exhibit 120?

29 A. Yes, My Lord.

SCSL - TRIAL CHAMBER I

1 Q. Is that the letter you're referring to?

2 A. Yes, My Lord.

3 Q. So what you have just said is that the President did not
4 give a name to it, but the committee gave the name later on?

5 A. Yes.

6 Q. Now, again, I pose the question: before this letter, was
7 there an existing organisation embracing the civil militia called
8 CDF? Before this letter?

9 A. Yes, that was what I said. Immediately after the
10 restoration of the democratically elected government on the 12th
11 or 13 March, I heard the name of CDF before 29 January 1999. So
12 the Civil Defence Forces, which is used in this letter, was
13 already in existence.

14 Q. You date that emergence from after the return of the
15 President to Sierra Leone?

16 A. Yes.

17 MR KAMARA: My Lords, for the record, it is not the date of
18 the emergence -- the date the witness recalls hearing the CDF,

19 but not the emergence of that, Your Honours. I had not wanted to
20 interrupt the line of direct examination of my learned friend,
21 but he seems to have been putting the words into the mouth of the
22 witness, and the witness time and time again answered that
23 question. For the record, it is the date that he recalled
24 hearing the CDF, but not as to the date of its emergence.

25 PRESIDING JUDGE: Dr Jabbi?

26 MR JABBI: I would have thought that was what I was doing.
27 But if the understanding of my colleague was different, I confirm
28 that that is what I was doing.

29 Q. Now, before we come to this committee created by this

1 letter and, of course, you have looked at the terms of reference,
2 I am sure. Were the functions of the committee created by this
3 letter performed by any organ or body before January 1999?

4 A. Not to my notice, except what I have said. That is, all
5 military matters were now in the hands of the Chief of Defence
6 Staff. So it is possible that he handled this aspect.

7 Q. Thank you. Now, Mr Witness, I want you to look at a
8 certain document.

9 MR JABBI: This is for Your Lordships.

10 PRESIDING JUDGE: This is a new document?

11 MR JABBI: Yes, My Lord. Then for the witness and the
12 Prosecution.

13 Q. Mr Witness, what is the date on that document? Have you
14 looked at it?

15 A. Yes.

16 Q. Have you seen this document before?

17 A. Yes.

18 Q. What is the date on it?

19 A. 17 December 1998.

20 PRESIDING JUDGE: I didn't ask if there was any comment
21 from -- do you intend to produce this document as an exhibit and
22 that is why you are running through this?

23 MR JABBI: Yes, My Lord.

24 PRESIDING JUDGE: Very well, we will proceed and we will
25 see if there is any objection when you get to tender it. I
26 should have asked the question, but that's okay.

27 MR JABBI: Pardon me, My Lord?

28 PRESIDING JUDGE: I said I should have asked the question
29 if there is any objection to use the document. I take the

SCSL - TRIAL CHAMBER I

1 silence to be there is no objection.

2 MR TAVENER: The silence is I'm reading it, Your Honour. I
3 don't need half an hour, but I just need a few minutes to read
4 it.

5 MR JABBI: So meanwhile, if Your Lordships, permit it?

6 PRESIDING JUDGE: Yes, please.

7 MR JABBI:

8 Q. What is the date of the document, Mr Witness?

9 A. 17 December 1998.

10 Q. Do you know the author?

11 A. No.

12 Q. I mean, who is the author on the document?

13 A. Abdul A Nbayo.

14 Q. What designation?

15 A. He calls himself Secretary-General of the Civil Defence
16 Forces, Kono District. But I know the name of the individual on
17 the stamp, but not the author, but with approval -- approved by
18 Chief Aiah Sansie Kwigba.

- 19 Q. Kwigba.
- 20 A. Mmm, Kwigba. That, I know.
- 21 Q. The one who approved it?
- 22 A. Yes.
- 23 Q. To whom is it addressed?
- 24 A. To the Chief of Defence Staff, Sierra Leone military
- 25 forces, the Republic of Sierra Leone.
- 26 Q. And the subject matter, as stated in the heading?
- 27 A. "Requisition for Logistic Support Items".
- 28 Q. Now, to your knowledge --
- 29 JUDGE ITOE: Indeed, there appears to be a duplication.

SCSL - TRIAL CHAMBER I

1 THE WITNESS: Yes, duplication, stapled together. But
2 never mind.

3 MR JABBI:

4 Q. To your knowledge, were such logistical requisitions made
5 by civil defence groups to the Chief of Defence Staff?

6 A. Yes, My Lord. As I have said earlier, that the Chief of
7 Defence Staff was responsible for all military matters,
8 deployment, supply of logistics, et cetera, before 29 January
9 1999.

10 MR JABBI: My Lords, I would like to tender this document
11 as an exhibit.

12 PRESIDING JUDGE: Which document are you talking about,
13 Dr Jabbi? The first page? I have in front of me five pages. It
14 appears two of them are copies of the other ones. I'm not sure
15 what you want.

16 MR JABBI: My Lord, it is all of it.

17 [CDF10FEB06E-SV]

18 PRESIDING JUDGE: Yes, but why do we need to have copies of

19 the same document? Not all copies, but it would appear that, to
20 me at least, the third page is a copy of the first page.

21 MR JABBI: Yes, indeed, My Lord. But that is how the
22 document was obtained, My Lord. We are aware of the duplication
23 of page 1.

24 PRESIDING JUDGE: And of page 2?

25 MR JABBI: And the hand-written page. We are aware of
26 that, My Lord, but that is how the document was when we received
27 it.

28 THE WITNESS: It was people who clipped it.

29 JUDGE THOMPSON: Is the document coming from any custody

SCSL - TRIAL CHAMBER I

1 which makes it imperative that we should have the document in the
2 composita form in which it has been presented? Because if it's
3 been released from some proper custody where this -- it has been
4 in the form and structure in which it is, then perhaps the
5 question of receiving it into evidence here in the form in which
6 it had been taken out of proper custody may well be in line with
7 your proposal. But if it's not coming, then it may well be that
8 you have control in terms of what you want to tender and as long
9 as it satisfies the provisions of Rule 89(C).

10 MR JABBI: My Lords, this is one of a set of documents
11 recovered from Civil Defence Forces' files. We are aware of the
12 duplication of two sheets there, but we think it does no harm or
13 detriment to the substance of the document, in fact, it is just a
14 duplication of portions of it, and we just want to remain
15 faithful to the form in which we received it.

16 JUDGE THOMPSON: Well, of course, I do agree that surpluses
17 in law do not vitiate, but what I probably want to ask is
18 whether, at the end of the day, this document will have to be

19 returned to the custody from which you got it. Because if that
20 is the case, then the need to have it preserved in the form in
21 which it was taken out of proper custody might well be a
22 consideration which the Court might --

23 MR JABBI: My Lord, so far as the --

24 JUDGE THOMPSON: -- advert to, yes.

25 MR JABBI: -- copies tendered are concerned, there will be
26 no requirement to return those copies to the original source.

27 JUDGE THOMPSON: And there will probably be no requirement
28 to make any comparison between the copy and the original.

29 MR JABBI: Our progress for our own original, we believe,

SCSL - TRIAL CHAMBER I

1 is also a copy.

2 JUDGE THOMPSON: The question, of course, is really whether
3 you are not -- it's just to avoid confusion, that's all. I mean,
4 if we have a document here which is a duplication, do we need to
5 receive it in its duplicated form or do we just need to perform
6 some kind of excising process? In other words, remove what you
7 want and then give us what is relevant. I will stop
8 interrogating you anyway.

9 MR JABBI: My Lords, the essential elements are the cover
10 sheet, the hand-written sheet and those are the two that are
11 duplicated. And, as I say, that poses no harm either in
12 remaining in that form or having the duplicated element removed.
13 And the third element is the last sheet headed "Accoutrement"
14 which --

15 PRESIDING JUDGE: Can I suggest that you remove the first
16 two pages, unless there is an absolute requirement that it be
17 maintained and then we move with the remaining three pages.

18 MR JABBI: As Your Lordships please. There is no harm at

19 all in proceeding that way.

20 JUDGE THOMPSON: It's just to avoid confusion and

21 proliferation of documents we already have.

22 PRESIDING JUDGE: Let's remove the first two pages and

23 we'll go with the page which is -- there's a Civil Defence Force,

24 CDF, Kono District, 17 December, followed by the hand-written

25 page and the third page that reads "accoutrement." Yes, I will

26 come to you, Mr Prosecutor, I'm just trying to sort out which

27 pages we are dealing with. So you are asking that this be marked

28 as exhibit?

29 MR JABBI: Yes, My Lords.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: Counsel for second accused, Mr Bockerie,
2 any comment?

3 MR BOCKARIE: No comment, Your Honour.

4 PRESIDING JUDGE: Third accused.

5 MR LANSANA: None at all, Your Honour.

6 PRESIDING JUDGE: Mr Prosecutor.

7 MR TAVENER: Only to the extent that I'm not sure how the
8 second page, now called the handwritten document, relates to the
9 other two pages. It appears -- and I'm taking a guess at this,
10 it's not clear from the evidence -- it appears that the third
11 page headed "accoutrements" relates to the first page in some
12 way. The hand-written report, I'm not sure if it's an exercise
13 in creative stapling or it actually has a connection to the
14 report. So if that could be clarified. It seems it's not part
15 of it, but it may well be.

16 JUDGE ITOE: Mr Tavener, unless it causes any harm to the
17 case of the Prosecution, learned counsel has stated that that is
18 how he recovered this document and he didn't want to mutilate it,

19 I mean to deform it in any way. He decided to present it the way
20 it is, in its context. We have pruned it now and removed the
21 first two pages.

22 MR TAVENER: We are not seeking to cause offense, Your
23 Honour.

24 JUDGE ITOE: Do you seek to further prune the document?

25 MR TAVENER: No, I'm merely seeking some connection between
26 each of those pages, Your Honour. I may be being technical, but
27 I'm just curious before it goes into evidence, that's all.

28 PRESIDING JUDGE: Can you bring some light to this issue,
29 Dr Jabbi?

SCSL - TRIAL CHAMBER I

1 MR JABBI: Yes, My Lords. My Lords, it will be seen that
2 the cover sheet, the one in the form of a letter, says
3 "requisition for logistical support items" and at the end of the
4 first paragraph it indicates the areas of deployment of the Kono
5 Civil Defence Force in that area, indicating numbers of the Civil
6 Defence Forces. It will be seen in the last two sheets that they
7 are indicating the total strength of the Civil Defence Forces in
8 that area as a basis for quantifying the requisition being made.
9 My Lords, some of these groups that produced these documents are
10 not -- do not have absolute secretarial proficiency and --

11 JUDGE ITOE: Learned counsel, I think -- I don't see any
12 difficulty with this document because it is made -- the request
13 is made by the Kono District Civil Defence Force and the brief
14 report is, which I suppose may just have been accompanying this
15 request, is a brief report on the Kono, Kailahun, Republic of
16 Guinea war front situation. Kono is there and, Mr Tavener, would
17 you really insist on this?

18 MR TAVENER: No, Your Honour. I wanted just some sort of

19 clarification and, in particular, with regards to the brief
20 report, as long as the evidence of my friend Dr Jabbi is that it
21 is dated 17 December 1998, that that is the date of the report,
22 then I'll accept that.

23 PRESIDING JUDGE: You can assume if it's presented together
24 that that's the date they're claiming it is in support of the --
25 You will have the ability to explore that in due course if you
26 want to.

27 MR TAVENER: I probably won't, Your Honour. Thank you.

28 PRESIDING JUDGE: So the document is accepted as an
29 exhibit. Where are we, Mr Court Officer, 127?

SCSL - TRIAL CHAMBER I

1 MR WALKER: Document 126, Your Honour.

2 MR JABBI: Thank you very much.

3 PRESIDING JUDGE: So Exhibit 126 consists of three pages.
4 The first page is a document entitled "Civil Defence Force (CDF)
5 Kono District of 17 December 1998," and with a stamp of approval
6 at the bottom, "Kono District Civil Defence Committee, Guinea
7 grants 17/12/1998," which is attached another hand-written page,
8 a brief report on the Kono/Kailahun District, Republic of Guinea
9 war front situation and a third page accoutrement. All of it is
10 Exhibit 126.

11 [Exhibit No. 126 was admitted]

12 MR JABBI:

13 Q. Now, Mr Witness, you have been looking at Exhibit 120 as
14 well. If we may now come to it in particular. You were chairman
15 of that committee created by that letter; is that so?

16 A. Yes, My Lords.

17 Q. Can you tell the Court how long that committee operated in
18 all?

19 A. From 29 January 1999 to the end of the war. But by 19 --
20 sorry, by 2000, sometime in 2001, I was relieved of this
21 chairmanship and honourable -- the late Honourable RES Lagawo was
22 charged with that responsibility.

23 Q. When precisely was that?

24 A. I cannot now remember.

25 Q. You cannot remember exactly, but it was in 2001, according
26 to you?

27 A. About that time. About that time, My Lords.

28 Q. So for all times relevant to these proceedings, that is up
29 to the end of 1999, you were chairman of this committee?

SCSL - TRIAL CHAMBER I

1 A. Yes, My Lords.

2 JUDGE ITOE: Does that reflect the records? He said but by
3 some time between 2000 and 2001 I was relieved of the
4 chairmanship.

5 MR JABBI: Yes, My Lord.

6 JUDGE ITOE: 2000 and 2001, it means that he was
7 chairperson until he was relieved.

8 THE WITNESS: Yes, I was from 29 January 1999 to around the
9 end of 2000/2001, at least, before the war was declared over. At
10 that time it was Honourable RES Lagawo, late, that was now in
11 charge.

12 MR JABBI:

13 Q. Now how often did this committee meet?

14 A. Initially it was fortnightly when the war was really
15 intense. But later on we had long intervals, for many reasons;
16 the absence of the chairman out of the country or there was
17 nothing serious to discuss, et cetera.

18 Q. So at certain times, instead of once every two weeks it was

19 held at longer periods?

20 A. Yes, My Lord.

21 Q. Can you tell the Court some of the initial activities of

22 the committee?

23 A. Yes, My Lord. Basically, as I have said, it was the

24 welfare committee. That is, we were dealing with the supply of

25 rice and condiment from the government to the Civil Defence

26 Forces. After we had recommended an administrative

27 organisational structure through which this food can pass to

28 reach the beneficiaries.

29 Q. Can you briefly outline that route?

SCSL - TRIAL CHAMBER I

1 A. Yes. We had, first, the National Co-ordinating Committee
2 of the CDF, then the Provincial Co-ordinating Committee, which
3 was just for a very short time, then the District Co-ordinating
4 Committee to be chaired by the district officer, and the Chiefdom
5 Defence Committee to be chaired by the paramount chiefs.

6 My Lord, that was the organigram and, in this letter, one will
7 see --

8 Q. By this letter --

9 A. By this letter, Exhibit 120.

10 Q. 120.

11 A. That certain ministers and individuals were specifically
12 charged or recommended to be in charge of those regions.

13 Q. Can you give those examples?

14 A. You have the minister of agriculture. Sorry, let me begin.
15 The Minister of Information, representative for the west; the
16 Deputy Minister of Agriculture Mr Okere Adams, name is there,
17 representative of the north; Chief Brima Kargbo, representative
18 of the east -- and, incidentally, the letter forgot the south, in

- 19 which the Minister of Agriculture Dr Harry Will was asked to be
20 the representative.
- 21 Q. The Minister of Agriculture referred to in the letter at
22 the time was Dr Harry Will?
- 23 A. Yes, My Lord.
- 24 Q. What you are saying is that you established a structure for
25 the purpose of directing the assistance --
- 26 A. From government.
- 27 Q. -- of logistics from government to the respective civil
28 defence groups?
- 29 A. Yes, My Lords.

SCSL - TRIAL CHAMBER I

1 Q. [Overlapping speakers]

2 A. As referred to one of the terms of reference on the paper:

3 Determination of a suitable organisational structure for the

4 national militia/CDF.

5 Q. Now, can you also have a look at this other document? Now,

6 Mr Witness, do you recognise that document?

7 A. Yes, My Lords.

8 Q. Do you know the maker of that document?

9 A. Yes, My Lords. It is the committee -- this committee which

10 I headed, the Civil Defence Militia Committee, which I have just

11 been referring to.

12 Q. The NCC?

13 A. Yes, the National Co-ordinating Committee of the Civil

14 Defence Forces.

15 Q. Was the maker of this document?

16 A. Yes.

17 PRESIDING JUDGE: And this is at the time that you were --

18 THE WITNESS: Chairman.

19 PRESIDING JUDGE: You were the chair?

20 THE WITNESS: Yes, My Lord. As requested in the terms of

21 reference.

22 MR JABBI:

23 Q. Now which particular term of reference --

24 A. One.

25 Q. -- generates this document?

26 A. One, determination of a suitable organisational structure

27 for the national militia/CDF.

28 PRESIDING JUDGE: Yes, Dr Jabbi.

29 MR JABBI:

SCSL - TRIAL CHAMBER I

1 Q. Yes, and --

2 JUDGE THOMPSON: And the terms of reference of exhibit --
3 number --

4 MR JABBI: 120.

5 JUDGE THOMPSON: 120?

6 MR JABBI: Yes.

7 JUDGE THOMPSON: Right.

8 MR JABBI: Terms of reference number 1 --

9 JUDGE THOMPSON: Of Exhibit 120?

10 MR JABBI: Yes, My Lord, according to him.

11 PRESIDING JUDGE: So what do you intend to do with this
12 document? Tender it as an exhibit?

13 MR JABBI: Yes, My Lord, I wish to.

14 PRESIDING JUDGE: Are you there now?

15 MR JABBI: I just wanted to ask him to give us highlights
16 of the structure established which he had started doing before
17 the document reached him.

18 Q. Now, Mr Witness, looking at that document, which is headed

19 "Civil Defence Forces Structure," can you tell the Court the main
20 highlights of that structure established?

21 A. Yes, My Lord. From the structure, the immediate superior
22 committee or body was the Minister of Defence; then the National
23 Co-ordinating Committee that is answerable to the Minister of
24 Defence; then the District Defence Committee, which is answerable
25 to the National Co-ordinating Committee; and the Chiefdom Defence
26 Committee, which is answerable to the district. And you see down
27 that the chairman of the district committee, the district
28 officer, the paramount chief, the district chair -- the district
29 officer is the chairman and the members are the paramount chiefs,

SCSL - TRIAL CHAMBER I

1 district administrators of the CDF, and the battalion commanders.
2 Then the Chiefdom Defence Committee, the paramount chief as the
3 chairman, the section chiefs members, the CDF company commanders
4 and one representative of the CDF platoon commanders.

5 My Lords, before we made the structure these bodies of
6 commanders were in existence in the chiefdoms with their
7 paramount chiefs and their immediate bosses. So --

8 PRESIDING JUDGE: So you are making reference here,
9 Mr Witness, to the last part, the Chiefdom Defence Committee?

10 THE WITNESS: Yes.

11 PRESIDING JUDGE: This is the one that you say was in
12 existence before.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: What about the District Defence
15 Committee?

16 THE WITNESS: No.

17 PRESIDING JUDGE: You created that?

18 THE WITNESS: We created that, but what I want to highlight

19 here, My Lord, is that the whole structure was purely
20 administrative and not military; just to enhance the proper
21 distribution of rice and condiments.

22 MR JABBI:

23 Q. Now, you are emphasising the administrative nature of this
24 structure and the functions of the committee itself.

25 A. Yes.

26 Q. But obviously the committee was responsible for those
27 things in the interest of the Civil Defence Force groups --

28 A. Yes.

29 Q. -- which operated militarily?

SCSL - TRIAL CHAMBER I

1 A. Yes, My Lord.

2 Q. Insofar as the non-administrative aspects of the civil
3 defence groups were concerned, was there any body responsible for
4 those non-administrative aspects?

5 A. Yes, My Lord. We had said in our -- the minutes that the
6 military aspect - that is, the deployment, the supply of arms and
7 ammunition - should be left purely in the hands of the chief of
8 defence staff which, at that time, was Brigadier-General Max
9 Khobe, Maxwell Khobe. Brigadier-General Maxwell Khobe.

10 PRESIDING JUDGE: Dr Jabbi, this is our usual time for a
11 pause in the afternoon, because I have the feeling that we're
12 moving in a direction where you have many more questions to
13 present.

14 MR JABBI: Yes, My Lord.

15 PRESIDING JUDGE: So we will take a short recess and we
16 will come back.

17 JUDGE ITOE: Actually, your document is still not tendered.

18 MR JABBI: Not yet, My Lord.

19 JUDGE ITOE: Do you understand?

20 MR JABBI: Yes, My Lord.

21 JUDGE ITOE: Right, okay.

22 [Break taken at 4.35 p.m.]

23 [Upon resuming at 5.04 p.m.]

24 PRESIDING JUDGE: Dr Jabbi, when we adjourned you were in
25 the process of dealing with a document.

26 MR JABBI: Yes, My Lord.

27 PRESIDING JUDGE: Can you proceed from there. You had not
28 tendered that document yet.

29 MR JABBI: Not yet, My Lord. Not yet.

SCSL - TRIAL CHAMBER I

1 Q. Mr Witness, can you activate your mic, please.

2 A. Sorry.

3 Q. Can you check on page 2 of that document?

4 A. Yes, My Lord.

5 Q. That one that was given to you.

6 PRESIDING JUDGE: Dr Jabbi, don't you think it would be
7 much better if you were to tender the document if you intend to
8 have that as an exhibit before we go through an examination in
9 detail?

10 MR JABBI: As Your Lordship pleases. My Lord, may I then
11 tender this document.

12 PRESIDING JUDGE: Yes, I will just see with your colleagues
13 if there is any comment or objection. Mr Bockarie?

14 MR BOCKARIE: None, My Lord.

15 PRESIDING JUDGE: Mr Lansana?

16 MR LANSANA: Your Honour, I have a few reservations about
17 this document.

18 PRESIDING JUDGE: Can we hear them?

19 JUDGE THOMPSON: Let us be quite precise. Would there be
20 objection rather than reservations? We don't know how to rule on
21 reservations.

22 MR LANSANA: Your Honour, I would prefer objection.

23 JUDGE THOMPSON: Quite. We just don't want to get
24 complicated here.

25 MR LANSANA: As Your Honour pleases. Your Honour, I find
26 this document containing certain information that would be
27 prejudicial to the defence of the third accused.

28 JUDGE ITOE: Is that the basis of your objection? What if
29 it is prejudicial to the defence of the third accused? Is that

SCSL - TRIAL CHAMBER I

1 why it should be excluded from evidence? Is it supposed to be
2 favourable to him before you accept that it be admitted in
3 evidence? Because your objection is not substantiated at all.
4 It contains information that may be prejudicial to the third
5 accused.

6 MR LANSANA: The defence of the third accused.

7 JUDGE ITOE: That is no objection at all. It's founded on
8 no legal basis at all.

9 MR LANSANA: Your Honour, I have a feeling that documents
10 tendered by an accused person or on behalf of an accused person
11 is not supposed to incriminate or be prejudicial to the defence
12 of another accused. That is my basis. I wouldn't want to go
13 into the contents of the document because this document is not
14 yet in evidence. But if Your Honours --

15 JUDGE THOMPSON: Where is the jurisprudence which says that
16 a document which may be prejudicial to an accused person should
17 not be tendered in evidence? Of course, you have amended the
18 expression "prejudicial" to "incriminating".

19 MR LANSANA: Yes, My Lord.

20 JUDGE THOMPSON: So where is the law which says that the
21 Court is not authorised to receive in evidence a document that
22 has or contains incriminating evidence in respect of an accused
23 person? I would have thought that the whole business of
24 prosecution is to bring incriminating evidence against accused
25 persons and then to place the burden on the Prosecution to prove
26 their case to the hilt. And the only position that you can take
27 is that some piece of evidence is so unduly prejudicial that its
28 prejudicial effect outweighs its probative value. But we're in
29 the business of incriminating evidence. That's the business of

1 Prosecution. They bring incriminating evidence and the Court
2 conducts a fair trial. So I don't know which law now authorises
3 us not to receive evidence, whether documentary or not, because
4 of its incriminating nature. All I know is that there is a
5 discretion, and I repeat myself, that where evidence about to be
6 led, even though relevant, may be unduly prejudicial in the sense
7 that its prejudicial effect outweighs its probative value, the
8 Court has a discretion in excluding such evidence.

9 But let me take this thing a stage further. In the case of
10 documentary evidence, the practice is to be flexible, and that's
11 what we have adopted in the case of international tribunals. And
12 the reason why the argument that you have put forward -- as my
13 learned brother has already pointed out, cannot go to
14 admissibility, it goes to weight. For the reason that,
15 consistent with the Rule 89(C), we are authorised to receive
16 evidence that is relevant. And so that is the only test at the
17 admission stage. Prejudicial effect, reliability, et cetera can
18 only be examined at the level of weight or probative value.

19 My final point would be this: That even if a document is
20 admitted in evidence, it does not go to the ultimate question of
21 proof of guilt or innocence, because it does not necessarily mean
22 that a document that is tendered is always an accurate portrayal
23 of the facts stated therein.

24 That is the law, as I understand it. Unless you can guide
25 me -- educate me further on some other principles that should be
26 applicable I'll take to my gun on this one.

27 MR LANSANA: Your Honour, I take in good part most of what
28 you said. My worry with the document was that, as opposed to
29 documents tendered by the Prosecution, this is a document coming

1 from the defence, albeit not from the third accused, but from the
2 first accused. That is my worry.

3 JUDGE ITOE: Mr Lansana, do you know what you've done?
4 What you've done is that you've said you're objecting to the
5 document because it is incriminating or prejudicial to the
6 interest of the defence of the third accused.

7 MR LANSANA: Yes, Your Honour.

8 JUDGE ITOE: And you sat down. You have not even drawn the
9 attention of the Court to those portions of the document which
10 you say is prejudicial to the defence of the third accused.

11 MR LANSANA: Your Honour, ex abundanti cautela.

12 JUDGE ITOE: I think I go very, very -- in its totality the
13 comment which has been made by my learned friend Justice Bankole
14 Thompson on this issue.

15 MR LANSANA: I thank you very much, Your Honour. I never
16 really thought of the angle from which you look at it. I was
17 just worried that it contained material which was not in the best
18 interest of the third accused and was coming from the Defence not

19 from the Prosecution albeit ex abundanti cautela.

20 JUDGE THOMPSON: As we said, as we say, that can be a
21 matter that could be cross-examined on and you can persuade this
22 court to attach no weight at all --

23 MR LANSANA: Your Honour, that's why I say ex abundanti
24 cautela, at this stage I shall withdraw my objection.

25 PRESIDING JUDGE: Very well. I was going to suggest to you
26 as well that in due course, obviously, when it is the time to
27 make arguments, you should address the Court to say that the
28 Court should attach no weight whatsoever to that part of the
29 document, vis-a-vis your own client, because he is certainly

SCSL - TRIAL CHAMBER I

1 entitled to not suffer prejudice because it is a joint trial.

2 This kind of argument would be quite welcome at that time, but

3 that should not be the substance of an objection to the

4 admissibility because if a document is relevant, it's relevant.

5 MR LANSANA: I thank you very much, Your Honour.

6 PRESIDING JUDGE: Thank you. Mr Tavener?

7 MR TAVENER: We have no objection, Your Honour. Thank you.

8 PRESIDING JUDGE: So this document is marked now as

9 Exhibit 127. So this document described as Civil Defence Forces

10 structure, a document of three pages is marked as Exhibit 127.

11 [Exhibit No. 127 was admitted]

12 MR JABBI: Thank you, My Lords.

13 Q. Now, Mr Witness, may I draw your attention to page 2 of

14 Exhibit 127 and, in particular, item 7?

15 A. Yes.

16 Q. Can you read the first item under item 7?

17 A. "Funding. 30 million leones is inadequate for the month

18 for the entire country."

- 19 Q. Thank you. Now what does that 30 million there refer to?
- 20 A. The condiments.
- 21 Q. Who is the provider of the 30 million?
- 22 A. The food and condiments were provided by the government of
- 23 Sierra Leone.
- 24 Q. So is that saying, in fact, that at that time 30 million
- 25 was the provision made for condiments for the whole month?
- 26 A. Yes.
- 27 Q. For the whole country?
- 28 A. Yes, My Lord. For all the Kamajors -- sorry, for all the
- 29 civil defence.

SCSL - TRIAL CHAMBER I

1 Q. Thank you. Now, I would also want you to look at another
2 document.

3 PRESIDING JUDGE: We're through now with 127?

4 MR JABBI: Yes, My Lord, for now.

5 PRESIDING JUDGE: Yes, yes, for now.

6 MR JABBI:

7 Q. Now, can you have a look at the last document given to you?

8 A. I have.

9 Q. Do you recognise it?

10 A. Yes, My Lord.

11 Q. Do you know the maker of that document?

12 A. Yes, My Lord. The Minister for Presidential Affairs,

13 Momodu Koroma.

14 Q. And what is the date on it?

15 A. 8th November 1999.

16 Q. Can you also look at the sheet attached to it?

17 A. Yes, My Lord.

18 Q. And the maker of that one as well?

- 19 A. Yes, it's Momodu Koroma, approved --
- 20 Q. Approved by?
- 21 A. President Kabbah, that is his signature, on 6th November.
- 22 Q. What is the date of that second sheet?
- 23 A. 4th November 1999.
- 24 Q. And the subject matter of both of them?
- 25 A. Payment of ration to the Civil Defence Forces.
- 26 MR JABBI: My Lords, I also wish to tender this document.
- 27 PRESIDING JUDGE: Mr Bockarie, any comment? Any objection?
- 28 MR BOCKARIE: None, Your Honour.
- 29 PRESIDING JUDGE: Mr Lansana?

SCSL - TRIAL CHAMBER I

1 MR LANSANA: Your Honours, I have no objection.

2 PRESIDING JUDGE: Prosecution?

3 MR TAVENER: No, Your Honour.

4 PRESIDING JUDGE: So this document will be marked as
5 Exhibit 128 and it's a document of two pages. The first page is
6 under the heading Sierra Leone Government Office of the President
7 and the subject is "Payment of ration to the Civil Defence Forces
8 8 November 1999". The other page is a document of 4 November
9 1999 and described as "Sierra Leone Government Minute Paper,"
10 reference again "payment of ration to the Civil Defence Forces,"
11 with a date of 4th November 1999. Both documents signed by
12 Minister of Presidential Affairs.

13 THE WITNESS: Yes, My Lord.

14 JUDGE ITOE: And the second signed by him and approved
15 by --

16 PRESIDING JUDGE: The witness has described it as being
17 approved by the President on 6th November.

18 THE WITNESS: Yes, My Lord, that is his signature.

19 [Exhibit No. 128 was admitted]

20 MR JABBI:

21 Q. Can you say briefly what the second sheet is all about,
22 just very briefly?

23 A. After reviewing the manpower needed, active manpower of
24 civil defence needed and taking into consideration the financial
25 constraint of government, it was decided to reduce the
26 expenditure and supporting only areas that were very, very
27 necessary. Therefore, a review leading to reduction of the
28 expenditure was made accordingly.

29 Q. And what is the strength of active Civil Defence Forces to

SCSL - TRIAL CHAMBER I

1 be supported according to that review?

2 A. According to this review, it was 8,600.

3 Q. 8,600 active men.

4 A. Kamajors.

5 Q. Kamajors. Is this confined to Kamajors?

6 A. Sorry, sorry, Civil Defence. I'm sorry, My Lords.

7 Q. And how much rice for that number?

8 A. 3,000 -- a total of 3,400 bags.

9 Q. Yes, can you look at the figure?

10 A. 3,440 bags a day. 3,440 bags of rice.

11 Q. And the sauce?

12 A. 51.6 million.

13 Q. Is sauce there referring to condiments?

14 A. Yes, My Lord.

15 Q. And for what period is this quantity?

16 A. Monthly.

17 Q. Monthly. So as at 4 November 1999 government approved
18 those quantities and sum of money for logistical support to Civil

19 Defence Forces?

20 A. Yes, My Lord.

21 Q. Per month?

22 A. Rice and condiments.

23 Q. You called this a reduced figure. Do you know what the
24 figure was up to this point?

25 A. Yes, My Lord. Not offhand but, if my memory serves me
26 well, there were about 50,000 bags of rice. Anyway, the rice
27 quota was by far, far, far more than this now.

28 Q. I see. So which --

29 A. So which when money ties, it was all brought together, it

1 would be more than what the rice figure shows. But
2 condiment-wise, if we multiply 200 leones per day by 8,600 it
3 will give us 51.6 million.

4 Q. Thank you.

5 PRESIDING JUDGE: Dr Jabbi, we have had an active week and
6 we don't intend to go beyond 5.30 which is our usual time. So I
7 say that because, before you proceed to embark on some other line
8 of questions -- I don't want to cut you off in the middle of
9 something.

10 MR JABBI: No, My Lord. I was myself going to draw
11 attention to that.

12 PRESIDING JUDGE: So it does not -- it's a right time for
13 an adjournment?

14 MR JABBI: Yes, My Lord.

15 PRESIDING JUDGE: Very well. The Court is adjourned until
16 Monday morning at 9.30. Court is adjourned.

17 [Whereupon the hearing adjourned at 5.30 p.m.
18 to be reconvened on Monday, the 13th day of

19 February, 2006, at 9.30 a.m.]

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SCSL - TRIAL CHAMBER I

EXHIBITS:

Exhibit No. 126	64
Exhibit No. 127	75
Exhibit No. 128	77

WITNESSES FOR THE PROSECUTION:

WITNESS: ALBERT JOE EDWARD DEMBY	2
EXAMINED BY MR JABBI	2