

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

THURSDAY, 16 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 Kevin Tavener Mr Joseph Kamara Ms Lynn Hintz
.	
For the Principal Defender:	No Appearance
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Charles Margai Mr Ansu Lansana Mr Martin Michael (legal assistant)

1 [CDF16FEB06A - CR]

2 Thursday, 16 February 2006

3 [Open session]

4 [Accused present]

5 [Upon resuming at 9.45 a.m.]

6 WITNESS: ALBERT JOE EDWARD DEMBY [Continued]

7 PRESIDING JUDGE: Good morning. Yes, Dr Demby, I
8 noted you wanted to say something before we proceed.

9 THE WITNESS: Yes, My Lords.

10 PRESIDING JUDGE: Yes.

11 THE WITNESS: My Lords, I'm sorry, I wanted to make certain
12 clarifications yesterday when I was asked to leave because of the
13 legal argument. When I came again, I had no time. May I please
14 crave your indulgence to make these clarifications?

15 PRESIDING JUDGE: When you say "clarification" is it
16 clarification to answers you may have given yesterday?

17 THE WITNESS: Yes, yes, My Lord.

18 PRESIDING JUDGE: If you would bear with me just one
19 minute, then we will get to you on this issue for sure. You are
20 entitled -- you are the witness, and if you feel the answer you
21 have given was not clear enough and you want to clarify that,
22 this is your privilege.

23 THE WITNESS: Thank you.

24 PRESIDING JUDGE: Yes, Dr Demby, what is the clarification
25 you wish to bring to the Court at this moment?

26 THE WITNESS: My Lords, the answer I gave yesterday when I
27 was asked what do you know what Chief Norman was doing.

28 PRESIDING JUDGE: Yes. The question -- I do have the
29 transcript here so you are not misled in this respect.

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: The question was:

3 "Q. What was Chief Norman doing during that time, that
4 is May until" and then it was changed to "February 1997 to
5 1998? What was his role, do you think?"

6 Your answer was:

7 "A. He was Deputy Defence Minister before joining the
8 coup. Later I heard or I was told that he is in Sierra
9 Leone/Liberia border and had been appointed co-ordinator of
10 the CDF."

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: Next question:

13 "Q. Did you understand that as co-ordinator Chief Hinga
14 Norman was in charge of the CDF?

15 "A. No, My Lord, I don't understand what were his terms of
16 appointment, conditions or terms of reference.

17 "Q. You were never told?

18 "A. The meaning, no, My Lord.

19 "Q. Or his terms of reference?

20 "A. No."

21 Then we come back to these questions later on and I'm just
22 trying to find it now.

23 "Q. You're saying now that you don't know Chief Norman's
24 role in Sierra Leone when he came in from Liberia?"

25 "A. No, I only heard that he was co-ordinator and I did
26 not know the meaning what he was co-ordinating, what it
27 meant by co-ordinating.

28 "Q. That has always been your understanding, you did not
29 know what Norman was doing in Sierra Leone -- Chief Norman

1 was doing in Sierra Leone at that time?"

2 "A. No, I did not know what he was doing at this time."

3 This was the exchange. These were the questions and --

4 THE WITNESS: Yes, yes, My Lord. That is exactly what I'm
5 coming to.

6 PRESIDING JUDGE: Very well.

7 THE WITNESS: When I said I did not know, I still stand by
8 it. And I still stand by what I said in my statement, that I
9 learnt that HE the President had instructed Chief Norman to go
10 and co-ordinate, was what I meant at that time, although it was
11 organised, but it was later I corrected in my statement. So
12 these are the two areas I want to say that I did not know because
13 I was not there at the Mano River Bridge, the Sierra
14 Leone/Liberian border, and I understood the question to have
15 meant that whether I understood, because I did not go there. But
16 my statement --

17 JUDGE ITOE: You're saying: I understood the question to
18 have meant?

19 THE WITNESS: Yes, meant whether I actually know.

20 JUDGE ITOE: Whether you actually knew what?

21 THE WITNESS: He was doing. Chief Norman was doing.

22 PRESIDING JUDGE: So I do understand what you mean by this,
23 Mr Witness, you say that you did not know what he was actually
24 doing?

25 THE WITNESS: Doing, yes, My Lord.

26 PRESIDING JUDGE: But that you had learned that
27 His Excellency had appointed Chief Hinga Norman to go to
28 Liberia/Sierra Leone border to act as co-ordinator for the CDF?

29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: This is -- am I --

2 THE WITNESS: Yeah, that was in my statement and I still
3 stand by it.

4 PRESIDING JUDGE: Very well. So this is the correction or
5 more precision that you want to bring to the answer this morning?

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: Thank you. So we come back to you,
8 Mr Tavener.

9 MR TAVENER: Thank you.

10 PRESIDING JUDGE: You have had these explanations. Do you
11 want to carry on from where you were yesterday?

12 MR TAVENER: Thank you, Your Honour.

13 CROSS-EXAMINED BY MR TAVENER: [Continued]

14 Q. Dr Demby, did you also learn that Chief Norman was head of
15 the CDF?

16 A. No.

17 Q. You never learned that?

18 A. I never learned that.

19 Q. Later on -- so there is no confusion, later on you became
20 aware he was formally appointed head of the CDF?

21 A. No, My Lord. I was informed that he was --

22 JUDGE THOMPSON: Can we have it slowly again, Mr Tavener?

23 JUDGE ITOE: Please, follow the Prosecutor's words,
24 Dr Demby. Later on you learned, you came to know. Can you put
25 the question to him again, please?

26 MR TAVENER: Yes, Your Honour.

27 PRESIDING JUDGE: And, Mr Tavener, you understand what I
28 mean? Try to keep a proper pace so we can all follow, including
29 the translator -- interpreters.

1 MR TAVENER: Thank you, Your Honour.

2 Q. Dr Demby, did you later learn that Chief Norman was
3 formally appointed head of the CDF?

4 A. No, My Lord. What I understood or what I was told, that he
5 was the co-ordinator; not head.

6 Q. At the time that you became aware that Chief Norman was the
7 co-ordinator of the CDF, who did you understand was the head of
8 the CDF?

9 A. The different paramount chiefs were heads of their
10 respective CDFs in their localities.

11 JUDGE ITOE: No. Dr Demby, please. The CDF is now being
12 referred to as an entity.

13 THE WITNESS: Yes, My Lord.

14 JUDGE ITOE: Who did you understand that was the head of
15 the CDF as an entity? I am sure that's the question learned
16 counsel is putting across to you.

17 MR TAVENER: That's correct, Your Honour.

18 THE WITNESS: And I am still answering that there was no
19 one head, that the respective paramount chiefs were still heads
20 and there was no one person appointed.

21 MR TAVENER:

22 Q. Are you saying that from the time of the coup up until the
23 end of the war --

24 A. Yes, My Lord.

25 Q. -- although Chief Norman was the co-ordinator, there was no
26 head of the CDF organisation?

27 A. I said there was no one head. Each unit, each chiefdom had
28 their own respective civil defence which was headed by the chiefs
29 and their sub-chiefs, et cetera.

1 MR TAVENER: Perhaps if the witness could be shown
2 Exhibit 120, please. For the record, I'm showing the document,
3 Exhibit 120. It is a letter signed by Siaka Mansaray, national
4 security adviser, dated 29 January 1999, under the letterhead
5 "Office of the President."

6 Q. Is that the letter you have, Dr Demby?

7 A. Yes, My Lord.

8 PRESIDING JUDGE: That's Exhibit 120?

9 MR TAVENER: 1-2-0, that's correct.

10 PRESIDING JUDGE: Maybe it will be easier if I can ask the
11 officer of the court to just give us, if you have one -- the only
12 one you have is with the witness at this time?

13 MR TAVENER: Apparently not a copy. I will read it out.
14 It is not a very long area.

15 Q. Just looking at that document, Dr Demby, you agree the
16 terms of reference are or include "Determination of a suitable
17 organisational structure for the national militia/CDF".

18 A. Yes.

19 Q. And your evidence was to the effect that this committee did
20 not establish the CDF.

21 A. It did not establish CDF; it was in existence.

22 Q. And the role of this committee was mainly to deal with the
23 welfare issues of the CDF?

24 A. Yes, My Lord, purely administrative.

25 Q. And did the committee establish a suitable organisational
26 structure?

27 A. Yes, My Lord.

28 Q. At the end of that exercise, was there a head of the CDF?

29 A. No, My Lord. The heads were there before.

1 Q. The National Co-ordination Committee, just to confirm this,
2 had dealt with the supply of rice and condiments from the
3 government to the CDF?

4 A. Yes, My Lord.

5 Q. It didn't have any role in conducting the war?

6 A. No, My Lord.

7 Q. Thank you.

8 MR TAVENER: I've finished with that document. If the
9 witness now might be shown Exhibits 130 and 131, please.

10 Q. Exhibit 130, for the record, is a "National Co-ordinating
11 Committee, Militia/CDF SL. Held at the Lodge on 8 April 1999."
12 Do you have that document? 9th April 1999.

13 A. No, I have the 6th and the 8th.

14 Q. That's correct.

15 PRESIDING JUDGE: You said the 9th; it's the 8th?

16 MR TAVENER: I did. Yes, thank you.

17 Q. 8th April, that's right. 8th April 1999.

18 A. Yes.

19 Q. 131 is 6th May. Under the headings "Decisions", and I am
20 now looking at 130 --

21 JUDGE ITOE: Mr Tavener, that is 130?

22 MR TAVENER: 130, 1-3-0.

23 Q. I am looking at "Decisions", bearing in mind this is a
24 document dated 8th April.

25 A. Yes, My Lord.

26 Q. The decision was "That operational CDF should not be
27 deployed or militarily used without the approval/consent of the
28 CDS" - chief of defence staff - "as their deployment should be
29 militarily controlled."

1 THE INTERPRETER: Your Honours, if I may. Learned counsel
2 is going very fast for the interpreter to keep pace with him.

3 PRESIDING JUDGE: Mr Tavener, just a reminder because we
4 have just been informed by the interpreters they cannot follow
5 your pace.

6 MR TAVENER: I will read that again slowly.

7 PRESIDING JUDGE: Especially when you read from a document,
8 you have that tendency to move very quickly.

9 MR TAVENER: Thank you. I will read that again.

10 JUDGE ITOE: He wants to wrap up his cross-examination very
11 fast.

12 MR TAVENER: I hope it is not that obvious, Your Honour. I
13 will read it again slowly.

14 PRESIDING JUDGE: If you can go back to the decision you
15 were reading.

16 MR TAVENER:

17 Q. The decision I want to ask you about, Dr Demby, is a
18 decision "(a) That operational CDF should not be deployed or
19 militarily used without the approval/consent of the CDS" - chief
20 of defence staff - "as their deployment should be militarily
21 controlled."

22 A. Yes, My Lord.

23 Q. Is it correct to say that, going from this document, as at
24 8th April 1999 the CDF were operating militarily outside the
25 control of the CDS, the chief of defence staff?

26 A. No, My Lord.

27 PRESIDING JUDGE: But your question was they were operating
28 under the control of.

29 MR TAVENER: Independently.

1 PRESIDING JUDGE: Independently.

2 MR TAVENER: Independently of the CDS.

3 PRESIDING JUDGE: And the answer is no?

4 MR TAVENER: The answer is no.

5 Q. A simple reading of the decision indicates that the CDF
6 were being deployed militarily without the consent of the CDS as
7 of that time?

8 A. That was not the meaning of this. What the meaning was, we
9 were re-emphasising and reminding ourselves of the role of chief
10 of defence staff.

11 Q. And the need for that reminder was because the CDF were not
12 under the military control of the CDS?

13 A. No, My Lord.

14 Q. If we go to heading E on that document, the second
15 paragraph, I'll read slowly.

16 "Concern was also raised on the question of deployment and
17 the military use of CDF (going to battle). Strong
18 exceptions were taken by some members that such should only
19 happen with the consent of the CDS. The deployment of CDF
20 fighters at Waterloo and the incident that took place was
21 cited as some of the consequences of such actions."

22 A. Yes.

23 Q. You were at that meeting?

24 A. Yes, My Lord.

25 Q. Chief Norman was at that meeting?

26 A. Yes, My Lord.

27 Q. Brigadier-General Khobe was at that meeting?

28 A. Yes, My Lord.

29 Q. Siaka Mansaray was the national security advisor?

1 A. Yes, My Lord.

2 Q. And the other person present was Okere Adams?

3 A. Yes, My Lord.

4 Q. What was his role at that time?

5 A. He was also a member of the national -- of this national --
6 NCC, National Co-ordinating Committee and representative of the
7 Northern Province.

8 JUDGE ITOE: What is his name again?

9 THE WITNESS: Okere Adams, O-K-E-R-E, Okere.

10 MR TAVENER:

11 Q. Which persons present were the members that opposed the CDF
12 having control of the -- I will say it in complete words, which
13 members present objected to the commander of defence -- chief of
14 defence services, sorry, having control of the CDF?

15 A. In that meeting?

16 Q. Yes.

17 A. Nobody opposed it.

18 Q. It says, "Strong exceptions were taken by some members that
19 such should only happen with the consent of the CDS, Chief of
20 Defence Staff." The question relates to deployment and military
21 use of the CDF.

22 A. My Lord --

23 Q. Can you explain?

24 A. Yes, this is what I'm explaining. There are about 12 or so
25 members. Not all were present and it was observed that certain
26 members of this committee were taking unilateral decisions. So
27 we thought it fit to regularise the position by letting all know
28 the role of the Chief of Defence Staff, who is head of Sierra
29 Leone military.

1 Q. And the need to do that arose because the CDF were not
2 following the orders of the Chief of Defence Staff?

3 A. No, My Lord. I said certain members were giving
4 directives, which was not in consonant with our objectives. That
5 is, we were purely a welfare committee, not a military committee.

6 Q. Were those CDF members who took actions unilaterally, as
7 you have described, were they punished for taking such actions?

8 A. Your question again?

9 Q. You said this decision arose because CDF leaders, I take it
10 commanders, were acting unilaterally.

11 A. I did not say CDF members. I said members of this
12 committee were about 12 or so that were memberships of this
13 committee. Some members were giving directives which was not in
14 consonant with our decision, not the CDF leaders.

15 JUDGE THOMPSON: And so you took steps to make it quite
16 clear that your committee was a welfare committee, not a military
17 committee.

18 THE WITNESS: Yes, my lord.

19 JUDGE THOMPSON: That's what gathered -- [overlapping
20 speakers]

21 THE WITNESS: And that was exactly what we reminded
22 ourselves of.

23 JUDGE ITOE: And that you were committed to the leadership
24 of the CDS?

25 THE WITNESS: Yes, My Lord.

26 JUDGE ITOE: In the military operations?

27 THE WITNESS: Yes, My Lord.

28 MR TAVENER:

29 Q. So that I understand, you're saying that members of this

1 committee were acting unilaterally, that is, without the approval
2 of the CDS?

3 A. Yes, My Lord, particularly this case that was cited, yes.

4 MR JABBI: My Lords, sorry to interpose. Just a matter of
5 clarification. The witness's previous answer referred to some
6 members of the NCC acting unilaterally. However, the last
7 question put by the Prosecuting counsel put the question more
8 generally.

9 JUDGE THOMPSON: In other words, as all members.

10 MR JABBI: As all members, My Lord.

11 JUDGE THOMPSON: I'm sure the witness will clarify that.

12 MR TAVENER: Sorry, I didn't mean to confuse the witness.

13 Q. The response of your committee, the food and condiments
14 committee was to put out, distribute, the decision I've read to
15 the Court?

16 A. Yes, My Lord.

17 Q. And the members of the committee which had acted
18 unilaterally were not punished?

19 A. No, My Lord. We were warned. They were warned, but we
20 warned ourselves.

21 Q. Thank you.

22 MR TAVENER: I have finished with those two exhibits,
23 that's 130 and 131. If the witness might now be shown exhibit
24 127, please.

25 Q. The document you have before you is headed "Civil Defence
26 Forces Structure"?

27 A. Yes, My Lord.

28 Q. And I understand from your evidence that relates to Exhibit
29 120?

1 A. Yes.

2 Q. The document you saw a short while ago. Now, if I can go
3 to point 9, please, on the second page. If I could read,
4 "Initiators: Since the loyalty of the CDF is to their
5 initiators, all that is given to the" - it is typed CDE there,
6 but I take it it should be CDF - "must be give to the also."

7 A. Yes, My Lord.

8 Q. Should it be CDF there on the second line?

9 A. Yes, all that is given to the CDF, not CDE.

10 Q. Thank you. It's the position, is it not, that, as we spoke
11 about yesterday with the initiation process, the initiates'
12 loyalty was to their initiators?

13 A. My Lord, what that meant, "loyalty", is not what it
14 implies. Because when they say "loyalty" in this case, My Lord,
15 is that because they initiated them and they gave them power that
16 immunised them, more or less, they were friendly to them and they
17 had some respect. But not that they obeyed and controlled and
18 sent them to duty.

19 JUDGE THOMPSON: So loyalty means what?

20 THE WITNESS: What we, the members, understood that they,
21 the initiators, were friendly, respected them. And so by
22 encouraging them, they will immunise them more. That was why we
23 said we should continue to give them this food that we are
24 giving, but not that they were really to be deployed or to be in
25 charge of them. Because once they finish initiating, they go to
26 their respective places, but some of them remain around these
27 people whenever they want to go to the battle.

28 JUDGE THOMPSON: So loyalty bears what meaning here?

29 THE WITNESS: Well, respect.

1 MR TAVENER:

2 Q. Dr Demby, firstly, you have just given the answer
3 "respect". Your longer answer as to the meaning of loyalty, if I
4 can summarise it, was that the initiates are friendly to the
5 initiators.

6 A. Yes, so they have respect for them.

7 Q. What you are saying, Dr Demby, is not true. The position -
8 and you were vice-president during this time - the position was
9 that as a consequence of the initiation, the initiates' loyalty
10 shifted away from their chiefs to the initiators. That was the
11 position. And that is what point --

12 JUDGE ITOE: No, no, just a minute. That was the position.
13 Let him answer that.

14 THE WITNESS: No, My Lord; to the best of my knowledge, no.
15 Because --

16 JUDGE ITOE: Wait, wait.

17 THE WITNESS: Sorry. The chiefs having invited these
18 initiators to their chiefdom, they go back to their chiefdoms,
19 leaving the initiates behind.

20 PRESIDING JUDGE: I'm not sure I understand. You say,
21 "They go back to their chiefdoms, leaving the initiates behind."

22 THE WITNESS: What I mean is the initiators are invited to
23 the chiefdom by the chiefs to initiate their Kamajors. At the
24 end of the initiation, the initiators go back, leaving the
25 initiates in their chiefdoms.

26 PRESIDING JUDGE: Thank you.

27 MR TAVENER:

28 Q. The process you have just described, Dr Demby, existed
29 before the coup; is that not correct?

1 A. No, My Lord. It continued before and after the coup.
2 More after the coup of May 25th, 1999. 1997, sorry, My Lord.
3 Q. As you explained at the beginning of the morning --
4 JUDGE ITOE: Can you allow him to drink some water, please?
5 MR TAVENER: I am sure he could listen at the same time,
6 but I will wait, Your Honour.
7 THE WITNESS: Yes, My Lord.
8 MR TAVENER: Thank you.
9 Q. So there is no confusion, as you explain at the start of
10 this session, the process you have now described you say went
11 past the coup; that is, people being initiated then going away?
12 A. Yes. Not going away. The initiators go back to their
13 place of origin. The initiates remain in their chiefdoms.
14 Q. However, you don't know what was happening, other than what
15 you were told, in the rest of Sierra Leone whilst you were
16 trapped in Lungi?
17 A. Yes, My Lord.
18 Q. When point 9 about initiators was written, that's on
19 Exhibit 127, that was some time in early 1999, 29 January
20 onwards, sometime after then.
21 A. Sometime after then, yes.
22 Q. So point 9 refers to the position as of January/February,
23 maybe later, 1999. That's what that document represents. That's
24 what point 9 represents?
25 A. That was the time we took that decision.
26 Q. Okay.
27 A. But the situation had continued before, when I said that
28 they ceased the loyalty, or what I said. Commitment or their
29 love or their respect had started from the time the initiation

1 took place before we met. From the time the initiation took
2 place, My Lord, and it continued.

3 Q. When you came back to Freetown --

4 A. Yes, My Lord.

5 Q. -- and we have this document now before us, 127 - you found
6 that the CDF were loyal to the initiators.

7 A. Had respect. Yes, the documents -- all right.

8 Q. Were loyal to the initiators?

9 A. That is what we mean.

10 Q. And the CDF were loyal to the initiators because the
11 initiators gave them the mystique power of being bulletproof.

12 A. Yes. They had respect for them for that.

13 Q. And the initiators gave them rules -- that is, the
14 initiators gave the initiates rules that they had to abide.

15 A. I was told that they gave them; yes, My Lord.

16 JUDGE ITOE: They were told what? Let us have that,
17 Mr Tavener. He was told that?

18 THE WITNESS: That the initiators gave rules to the
19 initiates.

20 JUDGE ITOE: Rules?

21 THE WITNESS: Rules. I was told.

22 MR TAVENER:

23 Q. And being bulletproof, as well as remaining bulletproof,
24 was very important to the initiates?

25 A. Yes, My Lord.

26 Q. And the initiators decided whether or not someone kept
27 their bulletproof power.

28 A. I don't understand that question, My Lord.

29 Q. The initiators had control over the giving of the mystique

1 power to be bulletproof. They gave it, they could take it away.

2 A. I don't believe that. I don't know whether that existed,
3 give and take.

4 Q. When you came back in 1998, back to Freetown --

5 A. Yes, My Lord.

6 Q. -- and when Exhibit 127 was written --

7 A. Yes, My Lord.

8 Q. -- the position was as recorded here, as recorded in
9 point 9 on Exhibit 127. "The loyalty of the CDF is to their
10 initiators." The loyalty had shifted from the chiefs to the
11 initiators.

12 MR LANSANA: My Lords, I really hate to interrupt at this
13 stage, but this is not in the interest of my client that finality
14 is not observed in the cross-examination of this witness, because
15 this witness has stated several times that that position meant
16 respect, when he meant loyalty. And the idea of the loyalty
17 shifting from the chiefs to the initiators has been answered
18 several times, but the cross-examiner still continues asking
19 questions that he has asked and for which answers have been
20 provided by this witness.

21 PRESIDING JUDGE: Mr Tavener, you wish to respond?

22 MR TAVENER: It is the last question in this area. The
23 reason I need to ask it is I spent some time establishing what
24 this witness meant by the word "loyalty". That confused me for
25 some time. Now we have established his position on that area, I
26 want to ask that final question.

27 PRESIDING JUDGE: The question is allowed.

28 MR TAVENER: Thank you, Your Honour.

29 PRESIDING JUDGE: Objection is overruled.

1 MR LANSANA: Bow to that, Your Honour.

2 MR TAVENER:

3 Q. Do you remember the question, or should I ask it again?

4 A. Ask it again.

5 Q. You came back in February 1998 to Freetown.

6 A. Yes, My Lord.

7 Q. This document is written some time after January 1999,
8 late January.

9 A. Yes, My Lord.

10 Q. We know that. Point 9 of Exhibit 127 says, "Since the
11 loyalty of the CDF is to their initiators." Is it not the case
12 that, as stated here by the document created by you as chairman,
13 that the loyalty of the initiates had shifted from the chiefs to
14 the initiators for the reasons I have suggested to you.

15 A. No, My Lord, it did not shift. I said it meant the respect
16 they had, but it did not shift.

17 Q. Or friendly. Loyalty also means friendly; is that right?

18 JUDGE ITOE: Let's not [overlapping speakers]

19 THE WITNESS: English words are in the [overlapping
20 speakers] but that is not what I mean.

21 MR TAVENER: I thought it did.

22 JUDGE ITOE: It is controversial. It is a linguistic
23 controversy there, Mr Tavener.

24 MR TAVENER: Not in my mind, Your Honour.

25 JUDGE ITOE: Oh, yes, there is. I don't want to encourage
26 you debating that, but there certainly is.

27 MR TAVENER: Yes, I don't want to encourage Dr Jabbi to
28 join in either.

29 JUDGE ITOE: I'm sure Dr Jabbi would be on my side. He

1 would defend me very adequately. Sorry, Mr Tavener, you may
2 continue.

3 MR TAVENER: Thank you, Your Honour.

4 Q. Dr Demby, did you go to SS Camp?

5 A. SS camp. What do you mean by that?

6 Q. It's a camp near Kenema.

7 A. No, My Lord.

8 Q. When I describe it as a camp near Kenema, I think it may
9 have been a refugee camp at some stage.

10 A. Whether a refugee camp or -- all right.

11 Q. I just want to confirm we're speaking about the same place,
12 that's all.

13 A. Is it a refugee camp?

14 Q. It was at one stage.

15 A. SS Camp. It does not ring bell for me now, My Lord.

16 JUDGE ITOE: Did you visit any refugee camp?

17 THE WITNESS: In Kenema, yes.

18 MR TAVENER:

19 Q. Approximately five miles from Kenema.

20 A. No, the camp I visited was the Lebanese camp.

21 Q. Did that have a name?

22 A. I said the Lebanese camp.

23 Q. Was that its name? Was its name the Lebanese Camp?

24 A. Yes, that was the Lebanese school that was converted to
25 camp.

26 Q. And that was near Kenema?

27 A. Yes, right in Kenema Town.

28 Q. When you came back to Freetown in February of 1998, did you
29 leave Freetown to go into the country at any time?

1 A. Yes, My Lord, many, many times.

2 Q. Was the purpose of your visits to see the CDF, the
3 Kamajors, to visit them, to visit the battle front?

4 A. Yes, that was to visit the battle front, but not CDF alone.
5 The military deployment, the displacement camp and to see the
6 situation generally in the country.

7 Q. At times there were Kamajors in Freetown after your return?

8 A. Yes, My Lord, they came to Freetown.

9 Q. In your visits outside of Freetown and in Freetown, did you
10 see children under the age of 15 belonging to the CDF carrying
11 weapons?

12 A. My Lords, in Freetown, I did not see CDF children, but in
13 the provinces I saw children whose ages I could not ascertain,
14 particularly when there were a few of them at checkpoints.

15 Q. When you came across such person --

16 JUDGE THOMPSON: Your question talked about children
17 carrying weapons.

18 MR TAVENER: Children under the age of 15.

19 JUDGE THOMPSON: Yes, and the answer seems to be seeing
20 children. Is the carrying weapons part of your question
21 important?

22 MR TAVENER: Yes, it is. Yes, it is.

23 JUDGE THOMPSON: I thought the answer seemed to be, "I did
24 not see CDF children" --

25 THE WITNESS: Carrying weapons.

26 JUDGE THOMPSON: Well, there was --

27 THE WITNESS: They had the Kamajor dress at the checkpoints
28 holding sticks, but I did not, particularly at checkpoints.

29 JUDGE THOMPSON: So now you're saying that you did not see

1 CDF children --

2 THE WITNESS: Carrying weapons.

3 JUDGE THOMPSON: -- in Freetown carrying weapons.

4 THE WITNESS: In Freetown, I did not see them, in fact, in
5 Freetown Chiefdom.

6 JUDGE ITOE: You did not see them in Freetown at all?

7 THE WITNESS: In Freetown at all.

8 JUDGE THOMPSON: Yes, but in the provinces you saw
9 children?

10 THE WITNESS: Yes, My Lord, in Kamajor attire.

11 JUDGE THOMPSON: Whose ages you could not ascertain?

12 THE WITNESS: Nor could I see any with weapons.

13 JUDGE THOMPSON: In the provinces?

14 THE WITNESS: In the provinces but with sticks --

15 JUDGE THOMPSON: But they were at checkpoints?

16 THE WITNESS: They were at checkpoints wearing Kamajor
17 attire with sticks, et cetera. Those are also weapons.

18 MR TAVENER:

19 Q. Just to clarify, those persons you saw wearing Kamajor
20 clothing, carrying sticks at checkpoints were under the age of
21 15?

22 A. I cannot ascertain their ages.

23 Q. Did you ever ask any of these young-looking people their
24 age?

25 A. To the best of my knowledge, I did not even talk to them.

26 Q. You saw these young people at checkpoints?

27 A. Yes, My Lord.

28 Q. Did you make any inquiries as to the use of such young
29 people?

1 A. No, My Lord.

2 Q. Did you ever become aware that the CDF were using children
3 under the age of 15 to assist in the war effort?

4 A. Your question again?

5 Q. Did you ever become aware that the CDF were using children
6 under the age of 15 to assist in the war effort?

7 A. My Lord, when the international community made statements
8 that they have -- that their children associated with war, yes,
9 generally all, not specifically CDF.

10 [CDF16FEB06B - SV]

11 JUDGE ITOE: What are you saying, Dr Demby? Are you saying
12 that before the international community came out with this you
13 did not know that the CDF was using --

14 THE WITNESS: No, I said I saw them at checkpoints, but the
15 question he asked --

16 JUDGE ITOE: But you say you [overlapping speakers]

17 THE WITNESS: -- whether I was aware. Let him ask me the
18 question again.

19 MR TAVENER: That's right. Thank you, Your Honour.

20 Q. I asked you whether you became aware that the CDF were
21 using children under the age of 15 to assist in the war effort.
22 Your reply was it was the international community who told you.

23 A. Yes, because I did not know the ages of the children I saw,
24 I'll repeat.

25 PRESIDING JUDGE: So I understand, you're saying you did
26 not know because you did not know what their ages were?

27 THE WITNESS: Yes, My Lord.

28 PRESIDING JUDGE: Whether they were under or above 15?

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: But you did become aware that children
2 under the age of 15 were being used when the international
3 community made statements to that effect?

4 THE WITNESS: Yes, My Lord.

5 PRESIDING JUDGE: And you said it was applicable to all --

6 THE WITNESS: All the warring factions.

7 PRESIDING JUDGE: All those involved in the war; CDF, RUF
8 and others?

9 THE WITNESS: Yes, My Lord.

10 PRESIDING JUDGE: And when was that you had this awareness?

11 THE WITNESS: I think in the year -- My Lord, around the
12 year 2000 or so.

13 PRESIDING JUDGE: Thank you.

14 THE WITNESS: Just before the disarmament.

15 MR TAVENER:

16 Q. So as the Vice-President of Sierra Leone, someone who after
17 February/March of 1998 travelled throughout Sierra Leone to visit
18 the CDF and other sites, a medical doctor, it was not until the
19 year 2000 that you found out that the CDF were using - to shorten
20 the expression - child soldiers?

21 A. Repeat yourself again, My Lord.

22 Q. In the relevant time you were the Vice-President of Sierra
23 Leone --

24 A. Yes, My Lord.

25 Q. -- as you've said, after your return to Freetown you
26 travelled to sites within Sierra Leone?

27 A. Yes, My Lord.

28 Q. CDF camps, battle fronts and so on. You were also --

29 MR JABBI: I'm sorry, My Lord, but that last phrase "CDF

1 camps" has not occurred in the answers nor in the questions that
2 have been posed and he's trying to summarise what may have been
3 said. There has been no reference to CDF camps.

4 THE WITNESS: Their positions.

5 PRESIDING JUDGE: CDF sites and the battle fronts --

6 JUDGE ITOE: And some battle fronts, yes.

7 MR TAVENER: I'm happy with what the witness just said, CDF
8 positions.

9 Q. CDF positions?

10 A. Yes.

11 Q. That's fine.

12 A. Checkpoints, their positions et cetera.

13 Q. There's no confusion with the words at this stage. You are
14 also a medical doctor?

15 A. Yes, My Lord.

16 Q. And you're telling the Court that you did not become aware
17 of the use of child soldiers by the CDF until the year 2000?

18 A. Yes, My Lord, because all the warring factions had
19 children, so I did not make it a point of duty to investigate.
20 By "warring factions" I mean CDF, RUF and the Sierra Leone Army.

21 Q. Are you saying that you found out that all the warring
22 factions had children in 2000?

23 A. Yes, My Lord. Before and up to 2000, yes.

24 MR JABBI: My Lords, again it is necessary that the
25 Prosecutor uses a definite concept and not just the general
26 concept of children, because I believe his mind is focused on
27 children under 15 years, but he's posing the question more
28 generically as to children.

29 JUDGE THOMPSON: Well, if that's how he wants to proceed

1 and the answer leaves some penumbra or vagueness or imprecision,
2 then so be it.

3 MR JABBI: As Your Lordship pleases.

4 PRESIDING JUDGE: Furthermore, I think the witness is quite
5 capable of making those differences if need be and he has, when
6 needed. So his answer on this issue that has been asked was
7 whether or not -- his answer was, "I did not become aware as such
8 because all the warring factions had children fighting with
9 them." So that's basically the answer that the witness has
10 given. And that's in furtherance of that answer, presumably,
11 that the next question was asked.

12 MR TAVENER: That's correct. I'll clarify it as I go
13 along. I had simply repeated the witness's words.

14 Q. Your answer was, in part, "All the warring factions had
15 children"?

16 A. Yes, My Lord.

17 Q. By the word "children" do you understand it to mean people
18 under the age of 15?

19 A. I cannot ascertain their ages, as I have said.

20 Q. In saying that all the warring factions --

21 JUDGE THOMPSON: Just a minute. Can we have that? It's
22 important to have all the evidence faithfully recorded. You said
23 you could not ascertain --

24 THE WITNESS: Ascertain whether they are below or above 15,
25 but they are children.

26 JUDGE THOMPSON: Thank you.

27 MR TAVENER:

28 Q. So there's no confusion, your sworn evidence is you did not
29 become aware of the CDF using children under the age of 15 to

1 assist in the war effort until the year 2000?

2 A. My Lord, what I mean, I saw them but I did not become aware
3 that it was not legal. That is what I -- I saw children, but to
4 be aware that children being involved in war et cetera was
5 illegal. That is what I mean.

6 PRESIDING JUDGE: By this, if I may, because there's some
7 degree of uncertainty, when you say, "I saw children" but you
8 were not aware or able to ascertain whether they were above or
9 below --

10 THE WITNESS: Yes, My Lord.

11 PRESIDING JUDGE: But you're also saying that later on you
12 became aware that children could not and should not be used in
13 the war effort.

14 THE WITNESS: Yes, My Lord, from the international
15 community.

16 PRESIDING JUDGE: And when you say "children" you
17 understood that at that time to be children under the age of 15?

18 THE WITNESS: Either under or above, I said.

19 PRESIDING JUDGE: Yes, I know, but when you say,
20 "Eventually I became aware that they could not be used in the
21 war", what was your awareness about children? Were you aware of
22 an age related to children at that time? I'm not talking --

23 THE WITNESS: No, when the international community made
24 ages.

25 PRESIDING JUDGE: That's what I mean.

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: So in around the year 2000 you became
28 aware, because of the international community, that children
29 under the age of 15 could not be used in the war?

1 THE WITNESS: Yes, My Lord.

2 PRESIDING JUDGE: Am I putting words in your mouth?

3 THE WITNESS: No, no, no, exactly. I became aware of that
4 they -- there was age limit stated, but not -- whether 15 or 18,
5 I am not too sure which was it, but the emphasis was on children.

6 PRESIDING JUDGE: Thank you.

7 MR TAVENER:

8 Q. To finish in this area, is it your evidence that as you
9 travelled around Sierra Leone after February 1998 and also in
10 Freetown you saw no child you ascertained, either by your own
11 observations or by asking -- you saw no child under the age of 15
12 assisting the CDF in the war effort?

13 A. I saw them assist. I said they are at checkpoints. They
14 are assisting there. So that is they're assisting.

15 JUDGE ITOE: The new colouration to the question is under
16 15.

17 THE WITNESS: Sorry, My Lord.

18 JUDGE ITOE: Under 15. Mr Tavener, am I right?

19 MR TAVENER: That's exactly right, Your Honour.

20 THE WITNESS: I cannot tell the age, no.

21 JUDGE THOMPSON: Perhaps one would like to remind counsel
22 that one of the objects of cross-examination is not to confuse
23 witnesses.

24 MR TAVENER: I'm doing my best, Your Honour. It appears
25 that --

26 JUDGE THOMPSON: I just wanted to make that point.

27 MR TAVENER: Thank you, Your Honour.

28 JUDGE THOMPSON: Because I think this question of inability
29 to ascertain the age rings throughout the testimony so far.

1 MR TAVENER: I just wanted to make sure what the witness
2 was saying.

3 JUDGE THOMPSON: That's okay. I just wanted to make my own
4 position clear.

5 MR TAVENER: Thank you, Your Honour. I have finished with
6 Exhibit 127, thank you. If the witness might be shown Exhibits
7 132, which has two parts, and 133. For the record, I'm showing
8 the witness Exhibit 132 which is a letter headed "Activities of
9 Kamajors under the" --

10 JUDGE ITOE: Which exhibit are you referring to, because we
11 have two exhibits here, 132-A and 132-B.

12 MR TAVENER: Yes, Your Honour, I don't want to confuse the
13 issue. 132-1 is --

14 JUDGE ITOE: 132-A.

15 MR TAVENER: We're calling it A, okay, thank you. 132-A is
16 the letter of 8th June on the ECOMOG letterhead. 132-B is 21st
17 June 1999 on the letterhead Civilian Defence Forces. 133 is on
18 the letterhead of the Civilian Defence Forces dated 2nd July
19 1999.

20 THE WITNESS: Beg your pardon?

21 MR TAVENER:

22 Q. Do you have the letter 2nd July 1999, single page, from
23 Augustine --

24 A. 2nd, no, My Lords. 2nd of July?

25 Q. That's correct.

26 A. Yes, 133, yes.

27 JUDGE ITOE: How many exhibits are you showing him? It's
28 not 132?

29 MR TAVENER: Two exhibits the witness now has, Your Honour,

1 132-A and B and 133. They deal with similar topics.

2 Q. If I could start with 132-A and that is the ECOMOG letter
3 under the hand of SA Folorunsho, F-O-L-O-R-U-N-S-H-O?

4 A. Yes, Folorunsho.

5 MR TAVENER: That's dated 8th June.

6 PRESIDING JUDGE: Yes, that's fine.

7 MR TAVENER: Thank you.

8 Q. That letter from the lieutenant colonel indicates that
9 ECOMOG headquarters had received a report that the Kamajors
10 recently attacked Marima Village?

11 A. Marima.

12 Q. And I think you've already indicated you recognise the
13 signature of Chief Norman?

14 A. Yes.

15 Q. And that's that handwriting which has the date 10/6/99 on
16 the left-hand side?

17 A. Yes, My Lord.

18 Q. And it says, "PRO, please find out and report result,
19 thanks." Signed Sam Hinga Norman?

20 A. Yes, My Lord.

21 Q. And that relates to the letter at the front -- sorry, the
22 next letter, 132-B, where Charles Moiwo?

23 A. Moiwo.

24 Q. Signs as national PRO and you've described his position?

25 A. Charles Moiwo.

26 Q. So just looking at that exhibit, A and B, is it correct to
27 say the procedure was if a complaint came from ECOMOG about the
28 behaviour of Kamajors it was referred to Chief Norman and then on
29 to the PRO?

1 A. No, My Lord. From this letter the complaint was made to
2 me, not to Chief Norman. From the heading.

3 Q. Why was Chief Norman involved in the process?

4 A. My Lord, it was my prerogative as Vice-President to
5 delegate certain duties to the appropriate ministers. Example:
6 This was a military matter, a complaint, so I thought it fit to
7 call Chief Norman in his capacity as Deputy Defence Minister and
8 member of the National Co-ordinating Committee to contact the PRO
9 to investigate. Therefore, I handed him this letter.

10 Q. Do you remember similar letters, that is complaints about
11 Kamajors, coming from ECOMOG?

12 A. Yes.

13 Q. And as you've now described, was your procedure that such
14 complaints would be forwarded to Chief Norman?

15 A. Not always. Some were sent directly to the PROs or to the
16 intelligence official to investigate.

17 Q. As you've just said, if they involved a military matter
18 were they referred to Chief Norman?

19 A. Not all military matters. Complaints. Some complaints, I
20 said, were referred, particularly when Chief Norman is around.

21 Q. You testified that as part of your -- as a consequence of
22 your position, and tell me if I'm wrong, you conducted
23 investigations into complaints about the behaviour of the CDF?

24 A. Yes, My Lord. Many, many.

25 Q. Sorry. Many, many?

26 A. Investigations for different topics.

27 Q. Are you saying there were many, many complaints about the
28 CDF?

29 A. Yes.

1 Q. Did you ever find any of those complaints about the CDF to
2 be true?

3 A. Yes, My Lord. To the layman's point of view some were not
4 properly understood or investigated, while others were true.

5 Q. Do you recall now any of the complaints about the CDF that
6 were true?

7 A. Yes, My Lord.

8 Q. What were they?

9 A. Delay at checkpoints, you have occupation of houses
10 belonging to civilians, commandeering of civilian vehicles,
11 et cetera, which I investigated, et cetera.

12 Q. You spoke about, in your evidence, investigations, as I
13 understood it -- investigations into how civilians were killed
14 during battles?

15 A. Yes, My Lord.

16 Q. You also investigated the burning of your own house?

17 A. Yes, My Lord.

18 Q. You also spoke about civilians being kept in houses by the
19 rebels, rebels escaping and the civilians being killed?

20 A. Yes, My Lord.

21 Q. You also spoke about how civilians were killed at
22 checkpoints?

23 A. Yes, My Lord.

24 Q. In each of those investigations you explained to the Court
25 how the CDF were not at fault?

26 A. Yes, My Lord.

27 Q. And you provided a summary of your investigation, the
28 findings of your investigation?

29 A. Yes, My Lord.

1 Q. So when you conducted your investigations you found that
2 the CDF were responsible for delays at checkpoints?

3 A. That was one.

4 JUDGE ITOE: He has enumerated that.

5 MR TAVENER: Yes, I'm coming to the point, Your Honour.

6 JUDGE ITOE: Where he found there was some truth after his
7 investigations.

8 MR TAVENER: Yes, he did.

9 Q. But you, as a result of your investigations, found that the
10 CDF were not responsible for any unlawful killings; is that
11 correct?

12 A. My Lord, yes, what I investigated, but I do not say they
13 were not responsible in totality.

14 Q. When you conducted these investigations is it correct to
15 say you were appointed by the President to do so?

16 A. My Lord, not necessarily. In some cases the President sent
17 us, not I alone, including some ministers. In others, in company
18 with the deputy defence minister, the Chief of Defence Staff or
19 senior military and police officers, et cetera, we did those
20 investigations at different times and different places.

21 Q. Now again you've spoken about the results of your
22 investigations into, for example, the killing of civilians. Are
23 you now saying that Chief Hinga Norman was part of the
24 investigation team that was reviewing the unlawful -- the alleged
25 unlawful conduct of the CDF?

26 A. My Lord, the President appointed certain ministers
27 including, in one case, the then Minister of State and State
28 Security Mr Charles Margai, the Deputy Minister of Defence
29 Mr Hinga Norman, myself as lead group with others to go around

1 and investigate some of the complaints. So the result I have
2 given is just part of the investigations.

3 [CDF16FEB06C - EKD]

4 Q. Did you consider, at the time you were conducting these
5 investigations, that having Chief Norman as one of the
6 investigators would impact on the independence of the results of
7 the investigations?

8 A. Repeat yourself, please.

9 Q. At the time -- I will just rephrase the question. At the
10 time, did you not understand that having Chief Norman
11 investigating the activities of the CDF would have an impact on
12 the independence of the investigators and their results?

13 A. No, My Lord, not even the President, otherwise he would not
14 have included him in the delegation.

15 Q. And at the conclusion of these investigations by
16 Chief Norman --

17 JUDGE ITOE: By Chief Norman?

18 MR TAVENER: I haven't finished. Chief Norman, Dr Demby.

19 JUDGE ITOE: You should start with Dr Demby. He said he
20 headed the delegation.

21 MR TAVENER: I will do it that way, Your Honour.

22 Q. As a result of the investigations by yourself, Chief Hinga
23 Norman, National Co-ordinator of the CDF, and others --

24 A. Such as Margai?

25 Q. Yes, such as Margai. Into the alleged unlawful behaviour
26 of the CDF, we had the results that you reported to us the other
27 day when you testified through your counsel?

28 A. Yes, My Lord. But My Lord, these were reports and
29 allegations. They were not definite things. That was why we

1 were sent to investigate.

2 Q. As you told us the other day, there were reasons you gave
3 us why the CDF had to kill civilians, for instance, at
4 checkpoints?

5 A. Yes, My Lord, white civilians, yes.

6 Q. And as part of this investigation, which included
7 Chief Norman, you gave us reasons why civilians had to be killed
8 in houses.

9 A. No.

10 MR JABBI: My Lords.

11 PRESIDING JUDGE: Yes, Dr Jabbi.

12 MR JABBI: The use of the words "had to be killed,"
13 My Lords, is founded on some hypothetical and argumentative
14 basis. The fact that they were killed is, of course, a factual
15 issue. But whether they had to be killed begins to introduce
16 argumentativeness into the question, and maybe the question
17 should be rephrased, My Lord.

18 PRESIDING JUDGE: Objection is sustained. Mr Tavener, if
19 you put the factual scenario or if you are purported to refer to
20 the evidence of the witness, you should refer to his evidence as
21 it was. And my recollection of the evidence is more in line with
22 what Dr Jabbi has said rather than the one you just put to the
23 witness.

24 MR TAVENER: Thank you, Your Honour. It is
25 cross-examination and perhaps I was being a touch too cross. I
26 will rephrase.

27 PRESIDING JUDGE: Yes, but even in cross-examination you
28 may not mislead the witness.

29 MR TAVENER: I don't think he was mislead at all,

1 Your Honour, but I will withdraw the question.

2 Q. So as a result of this investigation conducted by people
3 including Chief Norman, you provided the Court with an
4 explanation --

5 A. My Lord.

6 Q. -- as to how civilians came to be killed in their houses by
7 the CDF; is that right?

8 A. My Lord, the investigations I referred to that was done by
9 Mr Margai, Chief Hinga Norman, myself, et cetera, was not related
10 to this investigation.

11 Q. In your evidence-in-chief did you tell the Court that some
12 of your investigations were conducted with Chief Norman?

13 A. Yes.

14 Q. Did you identify which ones were conducted with
15 Chief Norman?

16 A. The investigation concerning the -- which was not reported
17 here, though, concerning the military, that civilian defence
18 Kamajors have ambushed military salaries, which was not --
19 ambushed a vehicle carrying salaries of soldiers. That was one.

20 Two, that an NGO vehicle bound for Mattru Jong was
21 ambushed, vehicle commandeered and the people disappeared.

22 Q. Perhaps if I could ask you this, Dr Demby: You describe --
23 I am just looking for the quote, but you describe the Kamajors -
24 again tell me if I am wrong - as the SLPP army?

25 A. I did not describe that. I said they alleged that the
26 Kamajors were SLPP army.

27 Q. Did you agree with that description?

28 A. No, My Lord. They were SL governments fighting for the
29 restoration of the democratically elected government but not per

1 se SLPP army.

2 PRESIDING JUDGE: Mr Tavener, before you pursue, it is the
3 usual time where we normally recess. I don't know whether it is
4 a good time for you or not.

5 MR TAVENER: It is fine, Your Honour.

6 PRESIDING JUDGE: Court will adjourn.

7 [Break taken at 11.33 a.m.]

8 [Upon resuming at 12.02 p.m.]

9 PRESIDING JUDGE: Yes, Mr Tavener, you may proceed.

10 MR TAVENER: Thank you, Your Honour.

11 JUDGE ITOE: Are we close to the end of the tunnel,
12 Mr Tavener?

13 MR TAVENER: Yes, we can see the light from here,
14 Your Honour.

15 JUDGE ITOE: Right, okay.

16 MR TAVENER:

17 Q. Dr Demby --

18 A. Yes, My Lord.

19 Q. -- we're speaking about the investigation you and others
20 conducted. Before I come back to that, if I can just read you a
21 small part of the transcript. Page 49. It is from Monday. Page
22 49, if I can read from line 19. You said in answer to a
23 question:

24 "The Kamajors, My Lord, who were in operation up to the
25 coup from the -- from up to the coup of 25 May 1997, and
26 that was why when the military staged a coup, they went all
27 out to restore the democratically elected SLPP government,
28 which is their party."

29 There was a question from Judge Itoe: "The Kamajors?" To

1 which you replied, "Yes, My Lord." You were asked, "You say
2 'they'. You need to be very specific." To which you replied,
3 "Yes, the Kamajors, My Lord, they were in fact called the SLPP
4 Army."

5 Is it correct to say, going from that evidence, that the
6 SLPP was the party of the Kamajors?

7 A. No, My Lord. The Kamajors come from the stronghold of
8 SLPP. That is what it implies.

9 Q. Coming back to the investigations you conducted, was there
10 anyone independent associated with the investigations? That is
11 someone not a Kamajor, nor from the SLPP?

12 A. My Lord, in most cases I did not live solely to investigate
13 reports about Kamajors and, therefore, I was in company with
14 people who were not SLPP. Example, some military officers,
15 police officers and some government officials, civil servants.

16 Q. I am not asking who you were with. I am asking, when you
17 conducted the investigations, was there anyone independent
18 involved in the investigations?

19 A. Yes, My Lord.

20 Q. Who?

21 A. Police officers, military officers, civil servants. As and
22 when I'm out in the provinces, they go around with me. So they
23 remain when we ask and investigate some of these complaints.

24 Q. Under your direction and that of Chief Norman; is that
25 correct?

26 A. I've not understood your question.

27 Q. The investigations were under the control of you,
28 Chief Norman and others?

29 A. No, My Lord.

1 Q. I might ask you about a specific result. I won't go
2 through all of your results. But at page 33 you spoke about how
3 civilians were caught and killed at checkpoints. You spoke
4 initially about how people being searched -- luggage searched at
5 checkpoints.

6 A. Yes.

7 Q. If I could start there. Page 33, I'm starting from line 6:
8 "Suddenly, My Lords, while this search is going on, the
9 rebels that had their guns loaded suddenly begin to fire in
10 the air, causing commotion."

11 A. Yes, My Lord.

12 Q. "During which, people, including" - it is not transcribed -
13 "including civilians, including the rebels themselves
14 crossed the checkpoints."

15 A. Yes, My Lord.

16 Q. "And in the process of firing after them, civilians are
17 caught in the crossfire."

18 To obtain that description, who did you speak to, to obtain
19 the description you told the Court.

20 A. My Lord, I spoke to internally displaced people in camps,
21 Kamajors at checkpoints, and captured rebels at Islamic College,
22 Magburaka.

23 Q. And just on that particular issue --

24 A. Yes, My Lord.

25 Q. -- does that describe one event or every time civilians
26 were killed at checkpoints by crossfire?

27 A. That was the report given to me, and not at one time. When
28 I asked, "How does it happen?"

29 PRESIDING JUDGE: So the complaint you were investigating

1 were civilians having been killed at checkpoints overall? So it
2 was not one specific checkpoint --

3 THE WITNESS: Yes, My Lord.

4 PRESIDING JUDGE: It was checkpoints in general?

5 THE WITNESS: Yes, when asked.

6 PRESIDING JUDGE: And this is what you were looking into,
7 investigating?

8 THE WITNESS: Yes, My Lord.

9 MR TAVENER:

10 Q. And having investigated many killings of civilians at
11 checkpoints, not just one, the explanation provided at page 33
12 covers all the killings at all the checkpoints by the CDF?

13 A. Not all, My Lord, those that I investigated.

14 Q. How many did you investigate?

15 A. I cannot now remember.

16 Q. More than 10? Less than 10?

17 A. Possibly around that.

18 Q. Ten?

19 A. Around that.

20 Q. Okay.

21 A. And, as I say, I investigated this from the internally
22 displaced people. Not necessarily at 10 checkpoints, but at
23 different places where there were internally displaced people,
24 where there were Kamajors, in general meetings with chiefs and
25 opinion leaders, et cetera.

26 Q. So having spoken to all those people you have now
27 mentioned, the killing of civilians on 10 separate occasions by
28 the Kamajors occurred identically on each occasion as you so
29 graphically told the Court the other day. Is that correct?

1 A. Repeat yourself, please.

2 Q. The description you gave the Court as to how civilians were
3 killed at checkpoints came from speaking to all those people you
4 have mentioned and that one description covers the 10 separate
5 occasions?

6 A. Yes, My Lord.

7 MR JABBI: My Lords.

8 MR TAVENER: Thank you, he has answered the question.

9 PRESIDING JUDGE: Yes, Dr Jabbi.

10 MR JABBI: My Lord, the question is a loaded question with
11 several items to be addressed. It is misleading that all the
12 bundle be answered by only one answer, rather than separately.
13 For example, it is asking whether that description was obtained
14 from the people he spoke to, referred to 10 different occasions,
15 and whether that same description of events took place at those
16 10 different occasions. The question could have been asked in
17 parts, referring to whether he obtained that information from
18 such and such and such; referring to whether the description he
19 gave refers to all 10 or more incidents at the same time,
20 et cetera, My Lord.

21 JUDGE THOMPSON: It appears as if the matter is related
22 to -- they are within the peculiar knowledge of the witness, and
23 he has answered the question.

24 MR JABBI: Yes, My Lord.

25 JUDGE THOMPSON: Remember again this is cross-examination.
26 We are not saying that, therefore, the questions should be
27 loaded, but clearly this follows from a series of answers and I
28 think what learned counsel was trying to do was to put it all in
29 an encapsulated form, and the witness has answered the question.

1 It would seem as if your objection is belated and, accordingly,
2 mildly overruled.

3 MR JABBI: My Lord, the possibility is that, for example,
4 the answer may have been addressed only to the very last element
5 in the items.

6 JUDGE THOMPSON: But this witness seems to be very
7 knowledgeable, encyclopedic, in his appreciation of what he was
8 doing, and he has volunteered the answer. Perhaps your complaint
9 now could be addressed at some stage later on when you might ask
10 us to consider weight and all that. But I think, clearly, that
11 it is a belated objection and you are overruled and we can't
12 revisit the question.

13 JUDGE ITOE: [Overlapping speakers] mildly.

14 JUDGE THOMPSON: Mildly overruled.

15 MR JABBI: As Your Lordships -- [Overlapping speakers]

16 PRESIDING JUDGE: Mr Tavener.

17 MR TAVENER: Thank you, Your Honour.

18 Q. Dr Demby, you were also called to investigate whether or
19 not prisoners were killed by the CDF; is that correct?

20 A. Yes, My Lord.

21 Q. And I understand from your answer through your counsel you
22 visited a camp, a prison camp; is that correct?

23 A. Well, a detention camp.

24 Q. Detention camp. That was an Islamic college?

25 A. Yes, that was.

26 Q. Used as a detention camp?

27 A. Yes, it was one of them, yes.

28 Q. Were there other detention camps?

29 A. Yes, My Lord.

1 Q. Where were they?

2 A. They were sent to the prisons. The soldiers handed them
3 over to the government and they were sent to prisons directly.

4 Q. In the time that you were at Lungi until your return to
5 Freetown 1998, do you know what happened to prisoners that were
6 -- rebels that were captured by the CDF?

7 A. No, My Lord.

8 Q. Are you aware of any detention centre maintained by the CDF
9 during that period of time?

10 A. No, My Lord.

11 Q. You were also called upon to investigate the killing of
12 policemen by Kamajors.

13 A. Yes, My Lord, I had a cause to.

14 Q. And indeed, to refer to your evidence, you found that
15 policemen had been killed by Kamajors?

16 A. In crossfire.

17 Q. In crossfire. Not deliberately?

18 A. No.

19 Q. To quote you, "In combat, not deliberately"?

20 A. Not deliberately.

21 JUDGE ITOE: He did mention fire by fire.

22 MR TAVENER: Yes.

23 JUDGE ITOE: In his evidence.

24 MR TAVENER: That's exactly right, Your Honour.

25 JUDGE ITOE: Yes.

26 MR TAVENER:

27 Q. Were you ever advised of unarmed policemen being killed by
28 Kamajors?

29 A. No, My Lord.

1 Q. It was your evidence that Kamajors told you - tell me if
2 this is correct - that they said they would have burnt and
3 destroyed all police stations, but none was touched by them?

4 MR JABBI: My Lords.

5 MR TAVENER: Sorry, I can identify the transcript, if that
6 is what you want me to do. Thank you. I will put it into
7 context. I am not seeking to confuse you.

8 PRESIDING JUDGE: What is the date and the page?

9 MR TAVENER: Page 46, again on 13th February 2006.

10 PRESIDING JUDGE: 13th?

11 MR TAVENER: Of February 2006.

12 PRESIDING JUDGE: February?

13 MR TAVENER: Yes. Have I forgotten the month? Yes,
14 February.

15 PRESIDING JUDGE: Thank you.

16 MR TAVENER:

17 Q. You were asked this question by His Honour
18 Justice Thompson: "On what you said the Kamajors told you
19 what -- that if it was the deliberate policy to kill all
20 policemen", and then you were asked what follows from there. And
21 you said, "They said they would have burnt and destroyed all
22 police stations but none was touched by them."

23 A. Yes, I do.

24 Q. You said it. And is that correct; is that what the
25 Kamajors told you?

26 A. Yes, in my investigations, when I asked them.

27 Q. So when you gave that evidence that is simply -- you are
28 repeating what the Kamajors told you?

29 A. Yes, because I asked them that "I hear this happened."

1 They say, "No. If that was our deliberate policy, then after
2 taking over we would have burnt police stations, et cetera. But
3 none was touched by us."

4 Q. Further on in that page you were asked this question by
5 your counsel -- sorry, not your counsel, but by Dr Jabbi:

6 "Q. Can you explain to the Court where these concerns
7 were, concerns about commandeered vehicles and what your
8 committee did about it?"

9 To which you replied:

10 "A. During the war, My Lord, usually from 12th and 13th
11 February 1999 it was observed that the army, ECOMOG and CDF
12 had no vehicles, and that the rebels were using captured
13 vehicles to prosecute the war."

14 A. Yes, My Lord.

15 Q. On the next page, page 47 - I won't read the entire reply -
16 you say: "So in order to enhance the movement of the army,
17 ECOMOG and CDF, these vehicles are collected by them."

18 A. Yes, My Lord.

19 Q. Are you saying there that if the rebels did something, such
20 as commandeered vehicles, that justified the CDF doing the same?

21 A. I am not justifying it, but they did it.

22 Q. Did you ever speak to Chief Norman after your return in
23 February of 1998?

24 A. Many, many times, yes.

25 Q. Did you ever speak to him about what he did between the
26 coup and you seeing him again upon your return?

27 A. I did not ask him, because we were told in the meeting of
28 National Co-ordinating Committee --

29 Q. What were you told?

1 A. We were told that a War Council had been formed which, by
2 our minutes of March the 3rd or so, we abolished. And the
3 committee abolished the formation of the War Council; I remember.

4 Q. So at some stage, according to the minutes of the meeting
5 of the NCC, the War Council was abolished?

6 A. Yes.

7 Q. The investigations that you conducted - I don't want to go
8 back in any detail - did you keep records?

9 A. Yes, My Lord, at that time. But it was destroyed during,
10 one, the January 6th, 1999 invasion, in which my office was
11 burnt, my residence vandalised, and the few remaining ones I
12 cannot now tell where it is since I am not in the office, whether
13 it is in the office of the vice-president or not. But definitely
14 one should be there.

15 Q. Most of the records you say were destroyed on January 6th?

16 A. January 6th invasion. Not on that day, but during.

17 Q. Over that time?

18 A. Yes. When my office was burnt.

19 Q. Then all the investigations you spoke about were conducted
20 from the time you returned in February 1998 up until January 6th?

21 A. Yes, and even beyond.

22 Q. You conducted no further investigations after this attack
23 on Freetown?

24 A. I said beyond. The attack on Freetown was the 6th January
25 1999, when my office was burnt. Thereafter I continued -- it was
26 not a policy to investigate everything day by day, but when I
27 hear, I investigate and I record.

28 Q. So after you returned to Freetown, after the January 6th
29 invasion --

1 A. Yes, My Lord.

2 Q. -- did you conduct further investigations, and if so, did
3 you keep records?

4 A. Yes, My Lord, that is what I'm saying. That I'm sure some
5 may be or I left some in the office of the vice-president.
6 Others that were with me, I cannot now tell where they are. But
7 definitely I'm sure of one, because I had made the reference of
8 it. I made the reference to it.

9 Q. Is that the one where you found or established that
10 Kamajors caused delays at checkpoints?

11 A. No.

12 MR TAVENER: Thank you, I have nothing further. That
13 completes the cross-examination.

14 PRESIDING JUDGE: Thank you. Dr Jabbi?

15 MR JABBI: Yes, My Lord.

16 PRESIDING JUDGE: Any re-examination.

17 MR JABBI: Yes, My Lord.

18 RE-EXAMINED BY MR JABBI:

19 Q. Mr Witness, in your cross-examination by the Prosecution
20 the phenomenon of Hindo-Hindo movement was mentioned to you.

21 A. Yes, My Lord.

22 Q. Was that movement the same as the Kamajoisia?

23 A. No, My Lord.

24 Q. Was it the same as the Kamajor movement?

25 A. No, My Lord.

26 Q. And was it the same also as the Kamajor society?

27 A. No, My Lord.

28 Q. This morning the prosecution counsel questioned you in
29 detail about loyalty of initiates to initiators. Do you know of

1 any other initiation exercises apart from the Kamajor initiation?

2 MR TAVENER: I object to that question. My question came
3 about from a document produced by the defence counsel,
4 Exhibit 127. All I did was ask questions in relation to point 9
5 of that document about the meaning of the word "loyalty" in
6 effect. It doesn't lead on to anything else.

7 JUDGE THOMPSON: I think the objection is sustained. The
8 re-examination is not intended to develop new issues not raised
9 out of cross-examination. That particular issue did not come out
10 of cross-examination.

11 MR JABBI: My Lords, however, if ambiguities or
12 uncertainties have apparently emerged as a result of
13 cross-examination, it is proper and appropriate to seek
14 clarification.

15 JUDGE THOMPSON: But the fact that the subject of
16 initiation came out of cross-examination or the fact that the --
17 does not mean that if the cross-examination was confined to the
18 issue of loyalty, you can now take the liberty to explore other
19 forms of initiation. The objection is sustained. This is an
20 attempt to develop a new aspect which did not arise under
21 cross-examination and it is not meant to clarify or explain
22 anything raised by cross-examination.

23 JUDGE ITOE: And, in any event, in reply to the questions
24 put to the witness, I think he brought in some explanations as to
25 where the loyalty -- where the meaning of the loyalty lies, and
26 he created a distinction. I don't think -- I think the evidence
27 is clear on the records. It is for the Tribunal to appreciate
28 the evidence and to know what a document meant by talking of
29 loyalty and other matters. So I don't think -- I am of the

1 opinion that that question should not be asked.

2 MR JABBI: As Your Lordships please.

3 Q. Now was the Kamajor initiation a traditional exercise?

4 A. I've not understood your question.

5 PRESIDING JUDGE: Again, Dr Jabbi, you have yourself
6 explored that extensively in examination-in-chief and I don't see
7 how this can be said to be --

8 JUDGE ITOE: I agree with the learned Presiding Judge,
9 Dr Jabbi.

10 PRESIDING JUDGE: -- a matter that arises. Especially that
11 issue has been canvassed abundantly by you and everybody. So I
12 don't see how this could be said to be a proper question in
13 re-examination.

14 MR JABBI: As Your Lordships please.

15 Q. Now you spoke about -- when you were questioned by the
16 prosecuting counsel in relation to SS camp, you in fact mentioned
17 your visit to the Lebanese camp. Where was the Lebanese camp you
18 were talking about?

19 A. The Lebanese camp is within Kenema Town by Blama Road.

20 PRESIDING JUDGE: And he has explained where it is. He
21 said it's at a Lebanese school.

22 THE WITNESS: Secondary -- Lebanese school compound was
23 used as the camp, My Lord.

24 MR JABBI: Thank you.

25 PRESIDING JUDGE: Again I don't see any ambiguity about
26 that, Dr Jabbi. Just to make it clear to you that there is
27 nothing to be explored there that the Court didn't know.

28 JUDGE ITOE: He didn't go five miles away from the town --
29 from Kenema where the so-called SS camp is located. He said he

1 was based in town.

2 PRESIDING JUDGE: Yes.

3 MR JABBI:

4 Q. Now, Mr Witness, can you give the total time span over
5 which you conducted investigations into complaints that were made
6 from this period to this period?

7 A. From roughly end of 1999 to around 2000 or so.

8 PRESIDING JUDGE: Again, there has been no objection to
9 that but this is yet a matter that was largely discussed and I
10 don't see certainly anything new about that, because
11 investigation was evidence that you led in chief and so the
12 question in cross-examination is not a new matter that arose out
13 as a result of that. But, anyhow, the answer is there and we
14 will take it for whatever it means.

15 MR JABBI: My Lord, in any case you say the answer is
16 there. But it is areas where I perceive certain ambiguities that
17 I was trying to clarify, and these are areas maybe we may not
18 necessarily be at intervisible points on the same radar screen in
19 respect of those areas.

20 JUDGE THOMPSON: But of course we have -- this is subject
21 to judicial control.

22 MR JABBI: Indeed, My Lord.

23 JUDGE THOMPSON: What you perceive as ambiguities or
24 requiring clarification.

25 MR JABBI: Yes, My Lord.

26 JUDGE THOMPSON: Quite.

27 JUDGE ITOE: We have our three radar screens here so we
28 will determine that.

29 MR JABBI: My Lord, I believe that I have cleared all the

1 points --

2 PRESIDING JUDGE: Ambiguities.

3 MR JABBI: All the points on the radar screen that I was
4 concerned about. Thank you very much.

5 PRESIDING JUDGE: Thank you, Dr Jabbi. Dr Demby, that
6 concludes your evidence and we thank you very much for coming to
7 give your evidence to this Court.

8 THE WITNESS: Thank you, My Lords.

9 PRESIDING JUDGE: Thanks.

10 THE WITNESS: Can I now leave?

11 PRESIDING JUDGE: Yes, you may indeed leave.

12 Dr Jabbi, we will not have the next witness now. We will
13 just proceed after the lunch break with your next witness. If I
14 am not mistaken, you had indicated that the next one is
15 Mr MT Collier.

16 MR JABBI: Yes, My Lord.

17 PRESIDING JUDGE: You have also indicated, if my memory
18 serves me well, that this is a relatively short witness.

19 MR JABBI: Yes, My Lord.

20 PRESIDING JUDGE: I say this because we are in your hands.
21 You have asked the Court to have another witness to be heard next
22 week. We have agreed to it. But we have also stated that we are
23 not necessarily inclined to split the evidence of one particular
24 witness in two. We are Thursday afternoon; that is quite fine.
25 It means that we have two days and a half essentially to deal
26 with that witness. It is your witness so you should know a bit
27 about the --

28 MR JABBI: The time constraint; yes, My Lord.

29 PRESIDING JUDGE: Very well.

1 MR JABBI: We will try to contain it although I would have
2 hoped that I would have been starting him early this morning.
3 But we will try to contain it, My Lord.

4 PRESIDING JUDGE: Very well, the Court will adjourn --

5 THE INTERPRETER: Your Honours, the interpreters are sorry.
6 We may want to know the language of the next witness,
7 Your Honours.

8 MR TAVENER: [Microphone not activated]

9 PRESIDING JUDGE: What is the language of your next
10 witness?

11 MR JABBI: He will testify in Mende, My Lord.

12 PRESIDING JUDGE: So that was the question. I didn't hear
13 what you were saying. I was cut off by the interpreters.

14 MR TAVENER: I expect this witness will finish tomorrow.
15 Is there a witness -- the witness between -- at the conclusion of
16 this witness before the general arrives on Tuesday, could I be
17 told who the witness is --

18 PRESIDING JUDGE: In between the two?

19 MR TAVENER: In between, yes.

20 MR JABBI: My Lords, the witness after Collier, before the
21 general comes, is unlikely to finish before the time designed for
22 the general.

23 PRESIDING JUDGE: Do you have another witness that might be
24 available? We have indicated to you in the past that we were
25 hoping and expecting that you will have stand-by witnesses should
26 the need arise. I do remember you mentioning that, I think -- I
27 don't have the list of the 16 witnesses you are intending to call
28 in this session, but I seem to recall that Arthur Koroma would be
29 the witness after MT Collier. Am I right?

1 MR JABBI: My Lord, yes, that is what we have on the list.
2 My Lord, we have already indicated that witness Arthur Koroma,
3 one, is likely to be here for quite some time. And secondly, an
4 application we have made for additional exhibits will affect his
5 evidence, and until we have a decision on that it may not be
6 feasible to take him.

7 PRESIDING JUDGE: We may not -- you may not have that
8 decision before making that decision.

9 MR JABBI: Yes, My Lord. We need the decision before we
10 can take --

11 PRESIDING JUDGE: Well, look at your list of witnesses and
12 see if there is another witness that you could call that could
13 fill up this vacuum, as such.

14 MR JABBI: The only concern, therefore, is whether any such
15 witness -- there is indeed a witness we can take, but whether
16 whatever time is left after the Collier evidence will be enough
17 to complete the next witness.

18 PRESIDING JUDGE: Can I suggest, Dr Jabbi, that you look at
19 your witness list and see if there is. Because, from what the
20 Prosecution is saying - and I accept what is being said here to
21 be an assessment as to how long this witness will be - you say he
22 should - Collier, I am talking of Collier - should not be too
23 long. The Prosecution says as far as they can see he should be
24 finished by noon tomorrow. Which would leave a day and a half
25 for another witness --

26 MR JABBI: As Your Lordships please.

27 PRESIDING JUDGE: -- before the British general is heard.

28 MR JABBI: My Lord, we'll look at the situation and make
29 the appropriate application if it is not already within regular

1 line.

2 PRESIDING JUDGE: Thank you very much. And if you do,
3 please inform the Prosecution.

4 MR JABBI: Certainly, My Lord.

5 PRESIDING JUDGE: And we can proceed accordingly. Thank
6 you very much. Court is adjourned to 2.30.

7 [Luncheon recess taken at 12.50 p.m.]

8 [CDF16FEB06 - RK]

9 [Upon resuming at 2.45 p.m.]

10 [The witness entered court]

11 PRESIDING JUDGE: Good afternoon. Good afternoon,
12 Mr Witness.

13 THE INTERPRETER: Your Honour, I am not sure the witness's
14 channel has been switched to the Mende channel. I think the
15 technicians will need to check that out for us.

16 PRESIDING JUDGE: Could the Court Officer check that,
17 please?

18 MR WALKER: It has already been done, Your Honour.

19 PRESIDING JUDGE: Can you try again to see if the --

20 THE INTERPRETER: Can you put his microphone on then? He
21 is still not getting us.

22 PRESIDING JUDGE: Now he does.

23 THE INTERPRETER: Your Honour, there is still some
24 confusion. He is not getting the interpreter. The response we
25 are getting from him is that, "I am hearing. I can hear what I
26 am saying." And we want to know whether he is getting what the
27 interpreter is saying. He still needs to switch his microphone
28 on to the Mende channel.

29 MR MARGAI: I think the interpreter needs to talk to him.

1 The mic is on in Mende.

2 THE INTERPRETER: Yes, we have been doing that and he is
3 not giving the right response.

4 MR MARGAI: Just do it again, please. Thank you.

5 PRESIDING JUDGE: No, the witness does not hear you. Try
6 it again.

7 THE WITNESS: I can't hear.

8 PRESIDING JUDGE: Try it again.

9 MR LANSANA: It should be N1, N1.

10 THE WITNESS: I can hear now.

11 PRESIDING JUDGE: Thank you, very much. Technical
12 revolutions, we have to adjust to this. Thank you, Mr Witness.

13 Dr Jabbi, this morning when I made some comments about
14 discussing and informing the Prosecution, I omitted to say that
15 you should also be discussing with counsel for the second accused
16 and the third accused because they need to know as well. They
17 may have problems with changes in the order of witnesses, but I
18 forgot to ask them, because they are, as we all know, in
19 cross-examination and they may have prepared their own
20 cross-examination in different ways. So when I mentioned
21 Prosecution, I never meant to exclude them, but, for greater
22 precision, so when you do discuss, you should be discussing with
23 them and the Prosecution.

24 MR JABBI: My Lord, I will deal with all our colleagues on
25 both sides.

26 PRESIDING JUDGE: All of those involved, yes.

27 MR JABBI: Yes, My Lord.

28 PRESIDING JUDGE: Okay. So are you prepared now to proceed
29 with your next witness? I see that he is in court now.

1 MR JABBI: Yes, My Lord.

2 PRESIDING JUDGE: Mr Officer of the Court, can you proceed
3 to take the oath of the witness. This is your witness number 4?

4 MR JABBI: Yes, My Lord.

5 WITNESS: MOHAMED TURAY COLLIER [Sworn]

6 [The witness answered through interpreter]

7 EXAMINED BY MR JABBI:

8 Q. Now, Mr Witness, can you tell this Court your full names?

9 A. My name is Mohamed Turay Collier.

10 Q. I should advise at the beginning that you talk as slowly as
11 possible.

12 A. All right.

13 Q. Can you also tell the Court where you were born?

14 A. I was born in Talia Yawbeko.

15 Q. Where is that? What chiefdom is that? What district?

16 A. It's in the Bonthe District.

17 Q. Do you know how old you are?

18 A. Yes.

19 Q. Can you tell the Court?

20 A. I am 75 years old, just as I was told by my parents.

21 Q. Are you married?

22 A. Yes.

23 Q. How many wives?

24 A. Eight wives.

25 Q. And how many children?

26 A. 47 children.

27 Q. Where do you live at present?

28 A. At present I am at Talia.

29 Q. Talia Yawbeko?

1 A. Talia Yawbeko.

2 Q. How long have you lived there?

3 A. Since I was born up until the time I grew up, I just went
4 out of there for two years and I returned there. Since then I
5 have never left.

6 Q. So for almost all your life you have lived in Talia
7 Yawbeko?

8 A. I have been living all my life in Talia Yawbeko. I have
9 gone to no other place.

10 MR JABBI: My Lords, technically speaking, I wonder if I am
11 supposed to be hearing the interpretation.

12 PRESIDING JUDGE: On which channel are you? You should be
13 on the English channel.

14 MR JABBI: I am. I am not hearing the interpretation
15 anyway. I am just asking whether I am supposed to be.

16 PRESIDING JUDGE: No, you are not supposed to, but you
17 could if you want to, but you are not supposed to because the
18 language is English, but that's your choice.

19 MR JABBI: I wish I could, actually.

20 PRESIDING JUDGE: Well, put yourself on N1 and you should
21 be able to hear that.

22 JUDGE THOMPSON: But why? Do you want to play a dual role
23 here? Do you want to play a dual role, counsel?

24 JUDGE ITOE: He has answered all.

25 PRESIDING JUDGE: Can I get a translation, please?

26 THE INTERPRETER: He said "yes".

27 JUDGE ITOE: We shall all go to the Mende school now.

28 MR JABBI: If I can get both English and Mende, please.

29 PRESIDING JUDGE: I'm not sure, I don't think you can.

1 It's one or the other.

2 MR JABBI: Okay.

3 PRESIDING JUDGE: You may ask your assistant to be on the
4 Mende channel and you be on the English so that could work.

5 MR JABBI:

6 Q. Now, Mr Witness --

7 A. Yes.

8 Q. Do you know Chief Samuel Hinga Norman?

9 A. I know him.

10 Q. When did you come to know him?

11 A. When he was regent chief in Jiamia Bongor, that is when I
12 knew him.

13 Q. Now, have you ever got in close contact with him?

14 A. Like what?

15 Q. Have you ever been close together with him?

16 A. No.

17 JUDGE ITOE: Dr Jabbi you have to be very careful. You are
18 talking to a traditional person.

19 MR JABBI: I understand, My Lord.

20 JUDGE ITOE: You must ensure that you get yourself
21 understood by him.

22 MR JABBI: That is my concern about the interpretation. If
23 I had the interpretation, I would have known whether it was
24 conveyed accurately.

25 MR TAVENER: Your Honour, there is no dispute that Chief
26 Norman was at Talia. That issue can be led.

27 JUDGE THOMPSON: That can be led on that, yes. Because I'm
28 not even sure it is proper for you to be questioning and then
29 challenging the interpretation. It might lead to problems for

1 us.

2 PRESIDING JUDGE: Dr Jabbi, lead the witness in this
3 respect and take Chief Norman to Talia with him and then let's
4 move from there.

5 MR JABBI: In due course, My Lord.

6 Q. Now, Mr Witness. I want to advert your mind to one
7 incident in the history of this country.

8 A. I am ready to answer it.

9 Q. Do you remember May 1997?

10 A. I know the month, but I cannot remember the date.

11 Q. Do you remember when the government of President Alhaji, Dr
12 Ahmad --

13 JUDGE ITOE: Dr Jabbi, you can put your leading questions
14 to him on this, they are not disputed. The coup was on 25 May --
15 put the questions to him.

16 MR JABBI: That's what I'm putting, My Lord.

17 Q. Do you remember when the government of President Alhaji --
18 Dr Ahmad Tejan Kabbah was overthrown by soldiers?

19 A. Yes, I can remember.

20 Q. At that time where were you?

21 A. I was in Talia.

22 Q. Now, up to that time, up to the time when that government
23 was overthrown and, according to you, you were in Talia, what was
24 the state of the war around that time in Talia?

25 A. Before we could overthrow the government, at that time the
26 rebel war had subsided.

27 Q. Go as slowly as possible, because somebody is interpreting
28 you into English and the judges also are writing down what you
29 will be saying. So please talk slowly when you are giving your

1 answer and pause after a sentence so that the interpretation and
2 the writing can be done before your next sentence.

3 A. I've got that.

4 Q. Now I will take that question again. Up to the time the
5 government of President Kabbah was overthrown, what was the state
6 of war around Talia?

7 A. Before I heard that they had overthrown the government, at
8 that time the rebel war had taken all over that place.

9 Q. Yes.

10 A. At that time the Southern Province had all been taken, the
11 Southern Province that we heard about and where we were.

12 Q. Yes.

13 A. Nobody was at peace. We were all in the bush in hiding.
14 It was only the rebels at that time.

15 Q. Yes.

16 A. But at that time, the ones we depended on, whom we could go
17 to, were only the soldiers at that time.

18 Q. You said that when the rebels had overtaken that area, you
19 people were in hiding. Where did you, in particular, go into
20 hiding?

21 A. A town -- a town where I hid myself was called -- is called
22 Bonti [phon].

23 Q. That was before the overthrow of the Tejan Kabbah
24 government?

25 A. Yes.

26 JUDGE ITOE: The name of the town again?

27 MR JABBI: He called it "Bonti", but in English it is
28 "Bonthe".

29 THE WITNESS: Bonthe, Bonthe.

1 MR JABBI: Bonthe, My Lord.

2 Q. Yes, when you said you went into hiding in Bonthe, was that
3 before the overthrow of the Tejan Kabbah government?

4 A. I went into hiding in Bonthe. I left there and went back
5 to Talia before the government could be overthrown.

6 Q. Where were you at the time of the general election that
7 brought Tejan Kabbah to power?

8 A. I was at Talia when the elections were held.

9 Q. How long did you stay in Talia?

10 A. When the Kamasois drove the rebels from our district, I
11 went back and I stayed there until the elections. I didn't get
12 away from there.

13 Q. Can you talk as slowly as possible?

14 A. That's all right.

15 THE INTERPRETER: Your Honours, we -- the interpreter would
16 like to make an observation.

17 PRESIDING JUDGE: Dr Jabbi, just one moment, please. Yes?

18 THE INTERPRETER: We have a little bit of a problem. The
19 witness is using Kamasoisia [phon]. I don't -- because just now
20 he said "Bonti" and we said "Bonti" and that one was changed to
21 Bonthe. Now he's saying Kamasoisia. We do not know in the
22 cabin --

23 PRESIDING JUDGE: Well, use the word as he's -- we've heard
24 that word with the previous witness.

25 THE INTERPRETER: Okay, thank you.

26 PRESIDING JUDGE: So we think we have some knowledge of
27 that. If this is what he is using, you have to use his words.
28 Yes, Dr Jabbi, sorry for that. You have heard what the
29 interpreters were asking?

1 MR JABBI: Pardon, My Lord?

2 PRESIDING JUDGE: Did you hear what the interpreters were
3 asking? No?

4 MR JABBI: Not clearly, My Lord.

5 PRESIDING JUDGE: They were saying that the witness has
6 used a word that they were wondering if they were to translate
7 that or just leave that word. They used the example the witness
8 testified and used the word "Bonti" and in that translation they
9 used the word "Bonti", they didn't use the word "Bonthe". Their
10 question was what should they use. They should repeat what the
11 witness has said. Because now he has used the word Kamajoisia.

12 JUDGE ITOE: He said Kamasoisia. That is what he said. I
13 wonder it's another version of Kamajoisia by Dr Demby.

14 MR JABBI: My Lord, in the case of the variant renditions
15 of the word for Bonthe, is it not also necessary that even if he
16 says "Bonti", he should --

17 PRESIDING JUDGE: That's okay. The question now is more
18 about the word "Kamajoisia". We are a bit familiar with that
19 given the evidence of a previous witness. I don't know if you
20 want to get into this or not.

21 MR JABBI: My Lord, I believe that "Kamajoisia" in the
22 previous witness's evidence was a special categorisation.

23 PRESIDING JUDGE: And this witness's evidence is a
24 different categorisation; is that what you are suggesting?

25 MR JABBI: No, I just want to be sure that we don't impose
26 a previous categorisation upon this one until it is clear that
27 that is what is intended, My Lord.

28 PRESIDING JUDGE: Yes, but the question is not -- I'm not
29 questioning what the witness has said, it's just a question that

1 comes from the interpreter as to how are they to translate that
2 word. Are they to use the word "Kamajoisia" or are they to
3 translate that into something different?

4 MR JABBI: I think they can translate it.

5 JUDGE THOMPSON: I would have thought that we probably have
6 to keep to the phonetic rendition of it, because after all that's
7 what he said and whether that one is similar or different from
8 the previous one is a matter for argument.

9 PRESIDING JUDGE: Yes.

10 JUDGE THOMPSON: We can't make those assumptions and we
11 can't let your own knowledge of Mende linguistics impact upon us,
12 particularly when it comes from the mouth of the witness. You
13 may be putting some refined or sophisticated interpretation upon
14 what may well be indigenous to his own ethnic group. So I would
15 opt for the phonetic rendition of it and I think that's what the
16 Court should do.

17 MR JABBI: There is quite a likelihood that that phonetic
18 rendition is more sophisticated than whatever I may say.

19 JUDGE THOMPSON: Not mine, his phonetic rendition.

20 PRESIDING JUDGE: So you can clarify the issue, if you want
21 to, with the witness; what he means by that, if he has a
22 different meaning.

23 JUDGE THOMPSON: That would be on the assumption that
24 counsel would be importing from a previous testimony something
25 which I don't think you can properly do at this stage.

26 MR JABBI: Yes. My Lord, we will continue. I think
27 perhaps the question is answered or should be answered along the
28 lines that Justice Thompson has indicated in respect of the use
29 of the word "Kamajoisia". We will keep it on that level until it

1 becomes necessary, if at all, to make a clarification in some
2 other direction.

3 Q. Now, Mr Witness, you said you returned to Talia even before
4 the general election that brought Mr Kabbah to power?

5 A. That is what I said, that I returned first to Talia.

6 Q. Now, did you ever hear that something had happened to that
7 government of Mr Kabbah?

8 A. Yes.

9 Q. What did you hear?

10 A. We were there on one Sunday when we heard a radio
11 announcement that the soldiers have overthrown the government of
12 Mr Alhaji Ahmad Tejan Kabbah.

13 Q. Do you know how long that was after he had actually come to
14 power?

15 JUDGE ITOE: Is that relevant?

16 MR JABBI: My Lord, it's just with his difficulty about
17 dates, I just want to establish some time frame as he goes along,
18 My Lord.

19 PRESIDING JUDGE: Again, it is not disputed, Dr Jabbi. I
20 mean, bring the witness -- even the last question, we already
21 have in evidence that he knows about the overthrow and so on. I
22 mean, it's not disputed.

23 MR JABBI: As Your Lordships please.

24 PRESIDING JUDGE: He doesn't know the date, but the facts
25 themselves he appears to know and he has acknowledged that.

26 MR JABBI:

27 Q. Now you mentioned Kamajors or Kamajoisia in your answer,
28 one of your previous answers, that they drove rebels out of Talia
29 to enable you to come back there.

1 A. I agree that it was like that. That was why I went to
2 Talia.

3 Q. Now, were you yourself a Kamajor?

4 A. Yes, I myself sitting here, I am a Kamajor.

5 Q. When did you become a Kamajor?

6 A. I can't remember the year. If I have not forgotten, I
7 became a Kamajor in 1996.

8 Q. So by the time that the rebels had chased your people from
9 Talia, were you a Kamajor?

10 A. At that time there was no Kamajor business when we were
11 driven out of Talia. We were in Bonthe when the Kamajor business
12 started.

13 Q. Where were you initiated into the Kamajor society?

14 A. It was in Yawbeko, but the bush was in Makosi. That's
15 where we were initiated.

16 Q. Now, Mr Witness, can you tell the Court why you personally
17 joined the Kamajor society?

18 A. The Kamajor society when it started, we found out that if
19 anybody was initiated, even if you were shot at, there was no way
20 you could be affected by the gunshots.

21 Q. Yes.

22 A. Whatever they were doing to you, even if it was to inflict
23 an injury on you, there was no way --

24 THE INTERPRETER: Your Honours, the witness is speaking
25 very fast. Your Honours, the witness is speaking very fast for
26 me to follow.

27 PRESIDING JUDGE: Mr Witness, would you please speak a
28 little bit more slowly. Can you just repeat your last answer?

29 THE WITNESS: Like what?

1 PRESIDING JUDGE: About not being affected by gunshots.

2 MR JABBI:

3 Q. You made one statement just now about the things that do
4 not happen to you if you join the Kamajor society. That is what

5 --

6 A. If you were initiated into the Kamasoi society --

7 Q. Carry on.

8 A. When you graduate, even if you were shot at, the bullet
9 cannot go through you.

10 Q. Yes.

11 A. Even if you are shot at with a sword, it cannot pierce you.

12 THE INTERPRETER: Sorry, Your Honours, "with a bow".

13 MR JABBI:

14 Q. Yes.

15 A. If somebody had a cutlass and he wanted to inflict an
16 injury on you, no, he wouldn't be able to do that.

17 Q. Yes.

18 A. The cutlass that you have, if you were working with it and
19 you hit yourself with it, it would injure you. But if somebody
20 else uses it to hit you with it, it would not injure you. It was
21 that reason that caused us to join the Kamajor society.

22 Q. So apart from those things --

23 A. I have not yet completed. For somebody to believe, for you
24 to be anxious to be initiated, those who would be initiated, even
25 if they were more than 100, they would be lined up and shot at.

26 Q. [Overlapping speakers]

27 PRESIDING JUDGE: Dr Jabbi, if you speak at the same time
28 as the witness is speaking we're going to lose all of it.

29 THE WITNESS: When you are initiated into the Kamajor

1 society and you graduate --

2 PRESIDING JUDGE: Because the witness had given an example
3 if 100 people were shot and then it got lost because you asked a
4 question at that time when he was speaking.

5 MR JABBI: My Lord, he was speaking so fast I was asking
6 him to repeat it slowly and he is going over it. He has just
7 started going over it, My Lord.

8 Q. Yes.

9 A. When you are initiated into the Kamajor society --

10 Q. Yes.

11 A. -- all of the who would have been initiated and when you
12 graduate --

13 Q. Yes.

14 A. -- you will be lined up in the open.

15 Q. Yes.

16 A. For you to believe that the initiation that you have gone
17 through is the truth, all of you would be shot at and nobody
18 would be affected by the gunshots.

19 Q. Yes.

20 A. When that happened everybody went clambering for him to be
21 initiated into the society so that when there is a war, even when
22 a gun is shot, you wouldn't be affected by it.

23 Q. Yes.

24 A. When we believed that it was true that when you are
25 initiated into the Kamajor society and when you are shot at it
26 wouldn't affect you, people are coming from far and wide to be
27 initiated into the society.

28 JUDGE ITOE: People were coming from far and wide to where?
29 Far and wide to where?

1 THE WITNESS: People were coming from Sogbini, Kpanda Kemo.

2 MR JABBI: Sogbini is S-O-G-B-I-N-I.

3 Q. What is Sogbini? Is it --

4 A. That's the name of a chiefdom, My Lord.

5 Q. And you said Kpanda Kemo?

6 A. Kpanda Kemo is the name of a chiefdom too.

7 Q. K-P-A-N-D-A - K-E-M-O, Kpanda Kemo Chiefdom. And where
8 else?

9 A. They came from Jong. If we attempt to call all the names
10 of the chiefdoms it would not end. They were coming from all
11 over the southern districts, Bonthe Chiefdom.

12 JUDGE ITOE: Coming from all over to where? Coming from
13 all over to where?

14 MR JABBI:

15 Q. Where were they coming from?

16 A. They were coming to Makosi in the Talia Chiefdom.

17 Q. M-O-K-O-S-I [sic], Makosi. Can you say what your own main
18 motivation was in joining the Kamajor society?

19 A. Yes.

20 Q. Yes.

21 A. So that the rebels won't kill me. That is why I joined the
22 Kamajor society.

23 Q. Any other motive?

24 A. Even if there was another reason, I became initiated
25 because of that reason; so that the rebels won't kill me. I
26 didn't join it to fight.

27 Q. Can you say that slowly, please? The last statement you
28 made, can you say it more slowly?

29 A. I myself, MT Collier, the reason why I joined the Kamajor

1 society, it was in order that the rebels would not kill me. That
2 was why I became initiated into the Kamajor society.

3 Q. Yes.

4 A. That's the main reason.

5 Q. In your earlier statement you said it was not for some
6 other reason. What did you say?

7 A. I said so that the rebels won't kill me. That was why I
8 became initiated into the Kamajor society. I didn't join it to
9 go and fight. I joined it in order to protect my own life.

10 Q. Now you say you did not join it in order to go to war?

11 PRESIDING JUDGE: To fight. To fight.

12 MR JABBI: To fight.

13 PRESIDING JUDGE: He has not used the word "war".

14 THE WITNESS: I did not join that society to go and fight.

15 MR JABBI: My Lord --

16 PRESIDING JUDGE: Well, that's the way it comes across. We
17 have to rely on the translation.

18 MR JABBI: Indeed. Unfortunately I'm only hearing him in
19 his language and the word I gave is the same word for "fight".

20 JUDGE THOMPSON: Detach yourself from the second role.

21 MR JABBI: Pardon me?

22 JUDGE THOMPSON: You should detach yourself from the second
23 role.

24 MR JABBI: My problem is that I didn't hear the
25 translation, so I couldn't say whether the interpreter said
26 "fight" as distinct from "war". And when I heard his answer in
27 his language --

28 JUDGE THOMPSON: Yes, you should be on the same radar
29 screen with us.

1 MR JABBI:

2 Q. Now you have said that you did not join the Kamajor society
3 to fight?

4 A. No.

5 Q. Do you know if any other people joined this society for
6 your particular reasons?

7 A. Many, many, many, many.

8 Q. Can you tell the Court what types of persons joined the
9 society in that respect?

10 A. I cannot tell the number because there were many. If it
11 were something you can count, then there would be more than
12 thousands. Those who got initiated, some of them did not get
13 into it to fight.

14 Q. Now if I may give you some specific categories of persons?

15 A. If I could tell the distinctions?

16 Q. So let us, for instance, take women. Did women join the
17 Kamajor society?

18 A. So many of them got initiated, but their own society had a
19 name.

20 Q. Yes.

21 A. The elderly women who got initiated into the Kamajor
22 society, after they had completed their initiation, they too
23 would not be affected by any bullet.

24 Q. For what purpose, so far as you know, did such women also
25 join the Kamajor society?

26 JUDGE THOMPSON: The question was circumscribed, actually
27 focused on, "Did you know of any other persons who joined for
28 your particular reason?" And I thought that was what he was
29 trying to give us.

1 MR JABBI: My Lord, I thought he answered that.

2 JUDGE THOMPSON: And that's the trend continuing, isn't it?

3 MR JABBI: Yes, My Lord. Well, you see, this is the
4 problem.

5 JUDGE THOMPSON: That's what I thought. The question was
6 very much circumscribed. It said, "Do you know of any other
7 persons who joined the Kamajor society for your particular
8 reason?" I thought the answers that we have been getting was in
9 the context of that question. Because he said, "Many, many women
10 got initiated."

11 MR JABBI: You see, My Lord, this is the problem about my
12 not getting the translation. What he said in answer was not just
13 "women", but he said [Mende spoken]. That is "elderly women".

14 JUDGE THOMPSON: Yes, but all I am saying is that the
15 question, being circumscribed, still is the one that's
16 controlling the answer. I may be wrong, but I thought when he
17 was saying that they got initiated for that particular reason
18 that you emphasised in your previous question. But you can
19 continue. I will restrain myself.

20 MR JABBI:

21 Q. Can you say for what reasons this particular group of women
22 were joining the society?

23 A. Yes.

24 Q. Yes, please.

25 A. When everybody knew that the Kamasoi society -- whenever
26 there is a war in your place --

27 THE INTERPRETER: Your Honours, he has started going very
28 fast again.

29 PRESIDING JUDGE: Could you remind your witness to talk

1 slowly, please.

2 MR JABBI:

3 Q. Can you repeat that statement you have just made slowly,
4 please. Don't forget that, as I said earlier, somebody is
5 interpreting you into English, even though you are not hearing
6 him. He will only do that well if you talk slowly. When he
7 interprets in English the judges will hear it and then they will
8 write it. So you allow time for both the interpretation and the
9 writing. Maybe if you watch the pens of the judges, when the
10 pens are standing still, you can continue talking; okay? So can
11 you repeat that last statement again, please, slowly.

12 A. Please repeat the question so that I could be reminded.

13 Q. What was the purpose of these particular women joining and
14 being immunised?

15 A. For what?

16 Q. Yes.

17 A. They too, when they were immunised --

18 Q. Slowly, please.

19 THE WITNESS: When they were in town --

20 PRESIDING JUDGE: Yes, Dr Jabbi.

21 MR JABBI:

22 Q. Yes, carry on.

23 A. Even if rebels attack the town and they are shooting, they
24 were shooting amongst themselves.

25 PRESIDING JUDGE: Yes.

26 MR JABBI:

27 Q. Yes.

28 A. You would not be affected by the bullets at all as long as
29 you were an initiate into that society.

1 Q. Now, when you heard that the Tejan Kabbah government had
2 been overthrown, did you do anything?

3 A. Yes.

4 Q. Yes. Can you tell the Court?

5 [CDF16FEB06E - CR]

6 A. When Tejan Kabbah was overthrown --

7 Q. Watch your pace. Yes?

8 A. What they said about Kamasoisia in the radio --

9 Q. Yes?

10 A. -- was that they are resisting the rebels. When the
11 soldiers overthrow the government, what they said on the radio
12 was what I'm talking about now. That they and the rebels have
13 been united.

14 Q. Yes?

15 A. They said that they should fight, the civilians and the
16 Kamajors. That they should fight them.

17 MR JABBI: My Lords, there again I will seek guidance. He
18 has used a phraseology on which I want to be guided as to the
19 interpretation, because I did not hear the interpretation. I
20 would say it in Mende and I hope the rendition would then be
21 given to me.

22 PRESIDING JUDGE: We have a very clear translation. I
23 don't know what -- I mean -- as Justice Thompson has said, we are
24 to be guided by what comes out in English. If you want to
25 challenge it --

26 MR JABBI: I don't want to challenge it. I want see, when
27 I ask my next question, that it is along the lines it has been
28 translated to Your Lordships. So the phrase that he has used, if
29 I can say it in Mende, can mean two things, My Lord. He said

1 [Mende spoken]. That can mean both fight with and fight against,
2 the very same phrase. I just want to be guided.

3 JUDGE THOMPSON: As much as I do appreciate some of the
4 points that you're making, my difficulty is with procedural
5 propriety. The technology is here to assist us, and it's here to
6 assist us authentically determine what evidence has been led.

7 MR JABBI: Yes, My Lord.

8 JUDGE THOMPSON: If we are to enlist the academic or
9 professional expertise of counsel, who is supposed to help us
10 putting the questions to the witness, with the medium of
11 examination-in-chief, and ask counsel to be verifying from time
12 to time whether the translation is correct, we put ourselves in
13 an extremely complicated and difficult position. We have here
14 what we call a confusion of rules, in sociological terms. So the
15 question is what role are you playing now? Are you counsel
16 questioning this witness in chief, or are you also a verifier of
17 the correctness of the interpretation? If I can be --
18 [Overlapping speakers]

19 MR JABBI: My Lord, with respect, it is not the correctness
20 of the interpretation that I am talking about.

21 JUDGE THOMPSON: What is it?

22 MR JABBI: As I said, certain things which may be
23 translated in more than one way, I want to know which translation
24 has actually been used.

25 JUDGE THOMPSON: Good point. I take the point. But my
26 questions is isn't this the function of the interpreters, who may
27 have gone through training to be able to discern or make a
28 distinction between these nuances. My difficulty is with you --
29 as I say, outside the context of the proceedings, I'll appreciate

1 the points you are making. I find myself in a quandary, having
2 learned counsel, who is properly doing his job as examiner in
3 chief, also trying to verify the rendition we are having from
4 other persons whose duty it is to in fact relay the
5 interpretation to us. Because if we allow you to do this, it may
6 well be for a good purpose, but we may never see the end of the
7 process if at any point in time you say, "Ah, they've got it
8 wrong."

9 MR JABBI: You see, My Lord, that is exactly my point, with
10 respect. I am not saying they have got it wrong.

11 JUDGE THOMPSON: What is counsel saying?

12 MR JABBI: I'm saying I have not heard what they have said.
13 But because I have heard what he has said and I know it is
14 capable --

15 JUDGE THOMPSON: That's my difficulty. What role are you
16 playing. Which channel should you be tuned to now? Should you
17 be tuned to the Mende channel? I want to be educated. I'm
18 always open to learning. Should you be tuned to the Mende
19 channel or should you be tuned to the English Channel? I just
20 want to be enlightened. You can be sure I'm not picking bones
21 with you.

22 MR JABBI: Yes, indeed, My Lord. When I'm listening to
23 Your Lordships, I receive you in English on the phone. But when
24 the witness speaks, I only hear him in his language.

25 PRESIDING JUDGE: But Dr Jabbi, you have made that choice
26 to do it that way. You are now complicating the matters. To use
27 exactly the example you are giving, the answer we got from this
28 witness, through translation, was that they should fight, the
29 civilians and the Kamajors; not with. And now you want to know.

1 Well, if you had listened to the translation in English, you
2 would not have that problem. So you cannot have it both ways.
3 If you are trying to do this, then we are really in trouble,
4 because every time you will have an answer, you won't know what
5 has been translated. This is exactly what we are into now.

6 MR JABBI: It is a technological point, My Lord. If
7 somebody can help me to get on to the interpretation in English.
8 I'm not getting it at all.

9 PRESIDING JUDGE: Are you on the English channel?

10 THE INTERPRETER: Can he get me? Can you get me?

11 MR JABBI: Yes, I am getting you now. I'm getting him now,
12 My Lord.

13 PRESIDING JUDGE: Okay. Maybe you weren't on the right
14 channel, that is what was causing the problem.

15 MR JABBI: That is what I was saying all along, My Lord.

16 PRESIDING JUDGE: Okay. Let's hope it is now working.
17 Have I answered why you are question, Dr Jabbi? You were
18 wondering what was being translated and I told you essentially
19 they were fighting, the civilians and the Kamajors.

20 MR JABBI: Yes, My Lord.

21 PRESIDING JUDGE: That is what was translated.

22 MR JABBI: I can proceed.

23 JUDGE THOMPSON: And now our differences have been
24 resolved, you and I.

25 MR JABBI: I think so, My Lord. I am really sorry for
26 that, but that was the technical problem I was experiencing.

27 Q. Yes, Mr Witness, you were explaining -- you were answering
28 my question what did you people do when you heard that the
29 Tejan Kabbah government had been overthrown. Can you continue?

1 A. After that, all of us who were in that place, that is in
2 the Talia Yawbeko Chiefdom --

3 Q. Yes?

4 A. -- and the other chiefdoms, we all came together and
5 decided that we would not accept the soldiers, that the soldiers
6 should not laud it over us.

7 Q. Yes?

8 A. Apart from the Bonthe District, other districts that said
9 they were not going to accept, we all came together.

10 Q. When you say "we", who are you referring to?

11 A. In the Mende tradition, when you say "we" it means the
12 person is not alone.

13 Q. When you say "we", do you mean the people generally or the
14 Kamajors?

15 A. The Kamajors, the civilians in these districts and these
16 chiefdoms, we all came together and make that decision. But we,
17 really, we had relied on the Kamajors.

18 Q. Yes, you had decided that you were not going to accept the
19 soldiers in government. Did you do anything on that basis?

20 A. Yes, yes.

21 Q. Yes?

22 A. But when we saw that they were more powerful --

23 Q. Yes?

24 JUDGE ITOE: Does he mean the soldiers?

25 THE WITNESS: The soldiers and the rebels that came
26 together.

27 MR JABBI:

28 Q. Yes?

29 A. In the Moyamba and the Bonthe District --

1 Q. Yes?

2 A. And the Bo District and Pujehun.

3 Q. Where did these people come together?

4 A. We met at Tihun.

5 MR JABBI: Tihun, My Lords, is T-I-I-H-U-N [sic]. Tihun.

6 THE WITNESS: In the Sogbini Chiefdom, Bonthe District.

7 MR JABBI: Sogbini, S-O-G-B-I-N-I, Sogbini.

8 Q. Yes, you got together and did what?

9 A. And we knew that all of the people in that district will
10 not accept the soldiers.

11 Q. Yes, carry on.

12 A. But we heard that the person that was the deputy minister
13 of defence in the country --

14 Q. By the name of?

15 A. They said grandfather Sam Hinga Norman. And we heard that
16 he was in Liberia.

17 Q. Yes.

18 A. On the same day, we selected some people who were four in
19 number who showed their name, but three people really came up, so
20 that they should go and tell him straight away, that since the
21 President has been overthrown, we would not accept it and that he
22 shall decide, consult with his master that we would not accept
23 it.

24 Q. Yes, did the people go, the emissaries?

25 A. They went straight away.

26 Q. And what happened?

27 A. After they left, we did not see them until after two
28 months.

29 Q. Did they come back at all?

1 A. They did not return. After the two months, we sent another
2 two that we are very close -- that we would not accept to go
3 under the soldiers, so they are about to kill us, so he should
4 come.

5 Q. Do you know if they delivered your message?

6 A. They went with it. The very first people went there, but
7 we did not see them and we did not see the Pa at that time.

8 Q. After sending the second set of emissaries, did you see the
9 Pa?

10 A. We saw him then. They, too, spent a week and some days.

11 Q. Where did you see the Pa?

12 A. We were there when we saw a plane come down with him.

13 Q. Where?

14 A. Talia. Talia.

15 Q. Can you explain what happened?

16 A. Yes.

17 Q. Now you say he came by plane. What sort of plane, do you
18 know?

19 A. Helicopter.

20 Q. What transpired when he came?

21 A. They alighted and they left the aircraft in the field and
22 the helicopter and came down to town.

23 Q. Yes.

24 A. He found that everybody around the country gathered waiting
25 for him and he asked whether it was we who called him, who
26 summoned him to come and then our chief agreed.

27 Q. Yes.

28 A. And asked the whole country and the whole group answered
29 yes, we invited him.

1 Q. Yes, what next?

2 A. Then he said, "Here am I, and the heads," and they said,
3 "Well, you, Chief Collier, tell the Pa the reason why we called
4 him."

5 Q. Who is this person Collier who has to talk to explain to
6 the visitor?

7 A. Myself. Myself, MT Collier, Mohamed T Collier, it was I
8 who was asked to give the reason why we called him.

9 Q. Did you explain?

10 A. Yes.

11 Q. What did you say?

12 A. I said we were here after Tejan Kabbah was made into head.
13 He only spent a year there when the soldiers overthrew him.

14 Q. Yes.

15 A. After the overthrow, we have said now that we, the
16 civilians, our Kamajors that will not come under their rule. We
17 don't want their government.

18 Q. Yes.

19 A. But the reason why we've called you, because we know that
20 you were the deputy defence minister of this country.

21 Q. Yes.

22 A. That's the reason we've called you, so that Pa, Mr Alhaji
23 Tejan Kabbah, his government should be returned to him.

24 Q. Yes.

25 A. He said, "Well, I have accepted. The first time you called
26 me, the first people went and met me and delivered the message."

27 Q. Yes.

28 A. But the old Pa is in Guinea, and I am in Liberia. I would
29 put it before him whether he will accept us to arrange it.

1 Q. Yes.

2 A. But that the last set of people whom you sent found by the
3 time they got there, the old Pa had already agreed and so that is
4 why they did not stay long.

5 Q. Yes.

6 A. The Pa has accepted the word, and that is the reason why he
7 has sent me here. He has sent me with some things and for me to
8 see.

9 THE INTERPRETER: Your Honour, the witness's last statement
10 is not clear. Can he repeat it, kindly.

11 MR JABBI:

12 Q. Can you repeat what you said just now, slowly.

13 A. He said that the Pa, the President has accepted that I
14 should come to join you to fight that -- to fight, as you have
15 said.

16 Q. Yes.

17 A. Therefore.

18 Q. Therefore.

19 A. Yes. He sent fighting implements, little small piece of
20 fighting implements for me to bring along.

21 Q. Yes.

22 A. Therefore, give me some papers that I'll go to the field,
23 to the helicopter.

24 Q. Yes.

25 A. We went to the field.

26 Q. Yes.

27 A. The helicopter was opened. They took down guns and
28 ammunition.

29 Q. Yes.

1 A. And some items of food, rice.

2 Q. What was your reaction?

3 A. We appointed somebody called Jajah Kamara, who was -- that
4 he should be -- that the items should be in his custody.

5 Q. Now, did anything more happen after these items had been
6 received?

7 A. Yes.

8 Q. Yes.

9 A. We sent people to the four districts for the elders to come
10 to Talia.

11 Q. Now, on the day of the arrival of the deputy minister of
12 defence, when you had received the items brought, did you do
13 anything on that day after receiving items?

14 A. Yes. The whole country, people, and other districts, the
15 people of those other districts, they said that Mr Mohamed Turay
16 Collier, you are to lodge these strangers, because you have a big
17 compound that has five houses, large houses.

18 Q. What was your reaction to that suggestion?

19 A. I agreed because everybody was happy when such a man had
20 come.

21 Q. Now, you say you agreed to the suggestion that you host the
22 deputy minister in Talia. Did you in fact do it?

23 A. If I lodged him?

24 Q. Yes.

25 A. I lodged him.

26 JUDGE ITOE: He said he lodged him because everybody was
27 happy to receive such a man in Talia.

28 MR JABBI: My Lord --

29 JUDGE ITOE: That is to reproduce his evidence.

1 MR JABBI: The interpretation I got was that he accepted
2 the --

3 JUDGE ITOE: Are you on the English channel?

4 MR JABBI: Yes, indeed.

5 JUDGE ITOE: I am on the same channel with you.

6 MR JABBI: I heard he accepted --

7 PRESIDING JUDGE: I agree.

8 MR JABBI: I did not ask him whether he did it. I heard he
9 accepted to do it.

10 JUDGE ITOE: He said he did it because everybody was happy,
11 you know, to receive him.

12 MR JABBI:

13 Q. Now, Mr Witness --

14 A. Yes.

15 Q. -- you said earlier on that people from other places
16 started coming to Talia - prominent people, you said. Can you
17 name some of these people who came to Talia after that?

18 A. Some of them whose names I could remember I would tell.
19 Some of them I could not remember, because there were many.

20 Q. Name just a few. Not even all that you can remember, but
21 just a few.

22 A. Paramount chief Mr Quee Njama went there.

23 Q. You mean PC Quee of Jiama Chiefdom?

24 A. Yes, from Moyamba District, he went.

25 Q. Any other person you want to mention who went?

26 A. Yes. Paramount chief Mr Charles Caulker, he, too, was in
27 the Moyamba District, he went.

28 Q. From what town is that paramount chief?

29 A. Well, I cannot remember the town now, because it has taken

1 quite a long time, but he, too, went there. His name was
2 Mr Charles Caulker, but he's not someone who is not known. I am
3 sure somebody is there who would name the town. He, too, was
4 there.

5 Q. Okay. Any other person you want to name?

6 A. Paramount Chief Gbapi, Nongoba Bullom. Mr Tucker, he too
7 went.

8 MR JABBI: Nongoba Bullom, My Lords is N-O-N-G-O-B-A and
9 Bullom, B-U-L-L-O-M Nongoba Bullom chiefdom. Do you want to name
10 any other people?

11 A. Alhaji, Mr Daramy Rogers went there. He came from Bo.

12 Q. Now, all these dignitaries and people have come from
13 various areas. Do you want to tell the Court anything else that
14 happened in Talia?

15 A. When they all came together, they were there.

16 Q. Yes.

17 A. They were there and decided that all those who had come
18 together, these prominent people, the paramount chiefs, that they
19 should set up a council called the War Council.

20 Q. What was that War Council?

21 A. They were to be organising the war.

22 PRESIDING JUDGE: Who said they should set up the War
23 Council? I missed that.

24 THE WITNESS: Our paramount chief whom we had in that area
25 at that time.

26 PRESIDING JUDGE: So when they met, he said they should
27 have a War Council?

28 THE WITNESS: Those who came together, those who went there
29 and came together, they decided that they should set up an

1 organisation called the War Council, for instance, Daramy Rogers,
2 Chief Quee.

3 MR JABBI:

4 Q. Was a War Council in fact made?

5 A. Yes.

6 Q. Now, you spoke about your paramount chief in that area.
7 Who was he?

8 A. Mr Chief Joe Jangba.

9 MR JABBI: Joe Jangba, My Lords, would be J-O-E
10 J-A-N-G-B-A.

11 Q. Do you know if any chairman of the War Council was made?

12 A. Yes.

13 Q. Who was the chairman?

14 A. Paramount Chief Quee who came from Jiama. He was the
15 chairman.

16 Q. Now, in some of the answers you have given so far, you were
17 mentioning the Pa.

18 A. I said Paramount Chief Mr Quee Njama.

19 Q. Now, do you know or, rather, would you want to say any more
20 members of that War Council?

21 A. There are many. I wouldn't know all of them.

22 Q. Now, according to you, the local people had got together,
23 specifically saying that they wanted to -- they were now going to
24 support or join the soldiers as the government and that they
25 should try and bring Tejan Kabbah's government back.

26 PRESIDING JUDGE: Dr Jabbi, it is 4.30. We intend to break
27 for the recess in the afternoon.

28 MR JABBI: Yes, My Lord.

29 PRESIDING JUDGE: I think it would be a good time to do

1 that.

2 MR JABBI: Thank you, My Lord.

3 PRESIDING JUDGE: The Court will recess.

4 [Recess taken at 4.30 p.m.]

5 [CDF16FEB06F - SV]

6 [Upon resuming at 5.00 p.m.]

7 PRESIDING JUDGE: Yes, Dr Jabbi.

8 MR JABBI: Yes, My Lord. My Lord, I have a piece of
9 information which I would also want to share with the Court,
10 which I got only during the break. I am informed, My Lord, that
11 the flight schedule of General Richards has been slightly
12 changed. Whereas he was originally to arrive here around 8 p.m.
13 on Monday, it is now said that he will arrive around 10 p.m. on
14 Monday at the Lungi airport, the same Monday. My Lord, I had
15 hoped that if he was arriving by 8.00 then some time that evening
16 I would have had time to see him and talk with him before Tuesday
17 morning. But it would now appear that that is unlikely and the
18 earliest opportunity we are likely to meet him would be Tuesday
19 morning.

20 PRESIDING JUDGE: Early.

21 MR JABBI: Early indeed, My Lord. But perhaps the
22 earliest, since he arrived so late -- the earliest could well be
23 some time after 8 a.m.

24 PRESIDING JUDGE: Well, you should discuss that with him.
25 I mean, he's a military officer. He's used to getting up early,
26 I should imagine. So to be up and ready at six or seven should
27 not be new to him. So I leave it to you to make these
28 arrangements with him. From what you're saying, you're
29 suggesting that you might not wish to start at 9.30 on Thursday

1 morning.

2 MR JABBI: Yes, My Lord.

3 PRESIDING JUDGE: We still intend to start at 9.30 but
4 we'll see. Let's see if you are able to meet with him. I would
5 ask that you try to communicate with him between now and then to
6 see if you can arrange for a meeting with him early Tuesday
7 morning, whatever it means "early", and then inform the Court on
8 Monday as to what it is. So we'll leave it until Monday.

9 MR JABBI: Yes, My Lord. Thank you, My Lord.

10 PRESIDING JUDGE: So we thank you for the information but
11 it may play against you and him. I mean, the more you delay
12 this, if he's unable to complete his evidence in the time he's
13 here -- anyhow, the more you use the time of the Court not to
14 have him as a witness, it is likely his evidence may be not
15 finished when he's intending to fly out.

16 MR JABBI: We will have him as early as possible.

17 PRESIDING JUDGE: Very well. Let's proceed with this
18 witness.

19 MR JABBI: Thank you.

20 Q. Now, Mr Witness, when you were explaining about what
21 Chief Norman told you on arrival, you were talking about his
22 saying that a Pa sent him. A Pa sent him.

23 A. I said the President. I didn't just say the Pa. I said
24 the President, Alhaji Ahmad Tejan Kabbah. That he had been sent
25 by him. That is what I said.

26 JUDGE ITOE: Counsel is right. He said "Pa".

27 JUDGE THOMPSON: There were two Pas actually. I thought
28 that was opaque -- [overlapping speakers]

29 THE WITNESS: I've said that.

1 JUDGE THOMPSON: There were two Pas.

2 JUDGE ITOE: There was even a grandpa there.

3 JUDGE THOMPSON: Yes, and I thought it was all opaque. But
4 I knew you would, in fact, shed some light on it later on.

5 MR JABBI:

6 Q. So by saying that Chief Norman said the Pa sent him, you
7 have now said that, in fact, it was President Ahmad Tejan Kabbah
8 who was being referred to?

9 A. I was talking about the President.

10 Q. Thank you.

11 A. I agree.

12 Q. Now, whilst Mr Norman was in Talia do you know whether he
13 ever left Talia?

14 A. He did leave there to go to the President in Guinea. When
15 he comes, he would tell us that he had come from seeing the
16 President, Mr Tejan Kabbah.

17 Q. Can you say how often that may have happened?

18 A. I can't recall now, but it was happening all the time.

19 Q. And did he used to explain to you why he was going there?

20 A. Yes.

21 Q. Yes?

22 A. When he comes, he would tell us that he had gone to the
23 President --

24 Q. Yes?

25 A. -- for him to know that when the Kamajors are even fighting
26 that he should help them, so that they will join the Kamajors for
27 the fight to bring back the President to power.

28 Q. Now, Mr Witness, whilst Mr Norman was in Talia do you know
29 if by himself he paid for any Kamajors to be initiated?

1 A. He didn't do that at all.

2 Q. Do you know whilst Mr Norman was in Talia whether he would
3 order any Kamajors to go and fight in any particular place?

4 A. No, he never did that for me to see.

5 Q. Do you know whilst Mr Norman was in Talia whether he gave
6 anybody any order to kill anybody at all?

7 A. He didn't do that. He didn't give any order to anybody to
8 kill anybody.

9 Q. Do you know whilst Mr Norman was in Talia whether he gave
10 orders for anybody to loot property from other people?

11 A. He didn't say that to anybody. I can explain a little.

12 Q. Just a minute.

13 A. That's right.

14 PRESIDING JUDGE: Dr Jabbi.

15 MR JABBI: Yes, My Lord.

16 Q. And, Mr Witness, how often did you see Chief Norman when he
17 was in Talia?

18 A. He would be there for some days but he was not staying
19 there.

20 Q. No, the question was whether you saw him frequently in
21 person and talked with him in Talia?

22 A. He didn't spend up to one week -- he didn't spend up to one
23 week -- complete one week in Talia.

24 Q. Whilst he was actually in Talia were you able to talk with
25 him from time to time?

26 A. We were not talking all the time.

27 Q. But did you talk with him sometimes?

28 A. If you have a guest, you could talk to him because you were
29 his host.

1 Q. Whilst Mr Norman --

2 JUDGE ITOE: Do we take that to mean that he talked to him
3 at times, or what is the state of the records from the response
4 he's given?

5 JUDGE THOMPSON: Because that sounds like a rule of
6 hospitality.

7 THE WITNESS: That's what I'm saying. We did talk
8 sometimes because if you have a guest you will talk to him.

9 MR JABBI: I believe he has supplied the relevant dimension
10 now, that he used to talk with him sometimes because if you have
11 a stranger you will talk to him as host.

12 THE WITNESS: I have agreed. This is the third time now.

13 MR JABBI:

14 Q. Now, you have said that your group told Chief Norman on
15 arrival that you had already met and decided not to co-operate
16 with the military government, but to do everything to bring back
17 the elected government. Did Chief Norman in fact accept that?

18 A. Very well, he accepted it. That the government of Alhaji
19 Tejan Kabbah should be reinstated, Mr Norman agreed to that.

20 Q. Do you know if anybody ever doubted whether Mr Norman
21 agreed to that?

22 PRESIDING JUDGE: I just want to remind you that you're
23 still in examination-in-chief, Dr Jabbi.

24 MR JABBI: Yes, My Lord.

25 PRESIDING JUDGE: There's latitude but --

26 JUDGE THOMPSON: There's no latitude to cross-examining a
27 witness. I take that back, it was meant sotto voce.

28 JUDGE ITOE: Or to ask him leading questions.

29 MR JABBI:

1 Q. Did you believe what Mr Norman said about accepting what
2 you people put to him?

3 A. Yes.

4 Q. Do you know if young children were trained in Talia by
5 Chief Norman to fight?

6 A. He didn't do that at all.

7 Q. And do you know whether whilst Chief Norman was in Talia he
8 was in control of any Kamajors directly?

9 A. He didn't control any Kamajors. Every Kamajor had his own
10 master and he was called the commander. He had nothing to do
11 with that.

12 Q. And insofar as you are aware or insofar as you were
13 concerned --

14 A. But you've not asked me the question.

15 Q. It is coming. Do you know whether Chief Norman worked well
16 for the purpose that you had in mind?

17 PRESIDING JUDGE: Don't you think it's somewhat leading,
18 Dr Jabbi? Again, you're not in cross-examination. This is your
19 witness in examination-in-chief.

20 MR JABBI: My Lord, there are some of these very marginal
21 things.

22 PRESIDING JUDGE: I don't think that one is marginal. Yes,
23 on marginal issue as such there's no dispute, but I don't think
24 this one is marginal.

25 MR JABBI:

26 Q. How would you assess the work that Chief Norman did in
27 Talia?

28 A. He was just there. Whatever the Kamajors wanted, he would
29 go and tell the President. Whatever the President said, he would

1 bring the answer, the reply.

2 MR JABBI: My Lords, that is all for the witness.

3 PRESIDING JUDGE: Thank you. Mr Bockarie, do you wish to
4 proceed with the cross-examination of this witness?

5 MR BOCKARIE: Sorry, Your Honour, just to inform you that
6 he's also our witness.

7 PRESIDING JUDGE: He's a common witness?

8 MR BOCKARIE: Yes, Your Honour.

9 PRESIDING JUDGE: So you want to examine him?

10 MR BOCKARIE: Yes, yes, but I don't know if I'll make a
11 start or I'll wait, since we are very close to -- I'd prefer to
12 wait until the morning, Your Honours, with your leave.

13 PRESIDING JUDGE: That's fine. We're five minutes away
14 from the normal time that we break. So 9.30 tomorrow morning you
15 will do your -- as this is a common witness, you will be doing
16 examination-in-chief.

17 MR BOCKARIE: Yes, Your Honour.

18 PRESIDING JUDGE: Your friend, Mr Margai, will be in
19 cross-examination. He's not -- is he a common witness to you as
20 well?

21 MR MARGAI: Yes, he is.

22 PRESIDING JUDGE: He is. So you'll be in
23 examination-in-chief as well. Very well. So tomorrow morning.
24 Thank you. Court is adjourned.

25 [Whereupon the hearing adjourned at 5.25 p.m.,
26 to be reconvened on Friday, the 17th day of
27 February 2006, at 9.30 a.m.]

28
29

WITNESSES FOR THE DEFENCE:

WITNESS: ALBERT JOE EDWARD DEMBY	2
CROSS-EXAMINED BY MR TAVENER	5
RE-EXAMINED BY MR JABBI	47
WITNESS: MOHAMED TURAY COLLIER	56
EXAMINED BY MR JABBI	56