

THE SPECIAL COURT FOR SIERRA LEONE

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

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

THURSDAY, 17 FEBRUARY 2005
9.45 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Rosa Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Mr Kevin Tavener
Ms Bianca Suciu
Mr Mohamed Stevens

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana

1 [HN170205A - EKD]
2 Thursday, 17 February 2005
3 [Accused Norman and Fofana not present]
4 [The witness entered court]
09:29:30 5 [Upon commencing at 9.45 a.m.]
6 [At this point in the proceedings, a portion of the
7 transcript, pages 2 to 69, was extracted and sealed under
8 separate cover, as the session was heard in camera.]
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1 [HN170205C - SGH]
2 [On resuming at 2.40 p.m.]
3 [Open session]
4 PRESIDING JUDGE: Good afternoon, learned counsel. We are
14:37:27 5 starting the proceedings, please, and resuming our
6 session.
7 JUDGE BOUTET: Mr Prosecutor, can you proceed please and again
8 identify the witness by his TF number?
9 MR KAMARA: Yes, Your Honour. The witness is TF2-222.
10 JUDGE BOUTET: 222?
11 MR KAMARA: Yes, Your Honour.
12 JUDGE BOUTET: And in which language is he giving evidence?
13 MR KAMARA: English.
14 JUDGE BOUTET: In English?
15 MR KAMARA: Yes.
16 WITNESS: TF2-222 [sworn]
17 EXAMINED BY MR KAMARA:
18 JUDGE BOUTET: And which witness are we at now, 40?
19 MR KAMARA: I believe it is the 46th.
14:38:56 20 JUDGE BOUTET: Please proceed.
21 MR KAMARA: Thank you.
22 Q. Good day, Mr Witness?
23 A. Good day, My Lord.
24 Q. Thanks for coming. Mr Witness, I shall be asking you a
14:39:06 25 few questions and I will advise that you take your time
26 to answer and try to be as direct as possible.
27 A. Yes, My Lord.
28 Q. Their lordships are taking down what you say, so watch
29 your time and your pace and watch their pen?

1 A. I promise to do so, My Lord.

2 JUDGE BOUTET: I would like for the record to clearly

3 indicate that we were in a closed session this morning,

4 I am not sure if we did say we are back in open session.

14:39:47 5 We are indeed back in open session so there is no

6 confusion about that --

7 MR KAMARA: Yes.

8 JUDGE BOUTET: -- even though we may not have spelled that out

9 this morning.

14:39:57 10 MR KAMARA: Yes, this witness is in open session, meaning the

11 basic protective measures.

12 JUDGE BOUTET: Yes, yes, that's fine.

13 MR KAMARA: Thank you, Your Honour.

14 Q. Mr Witness --

14:40:01 15 A. Yes, My Lord.

16 Q. -- how old are you?

17 A. I am 53 years old now by March 3rd I will be 53, so I

18 will say 53.

19 Q. 53 years old?

14:40:12 20 A. Yes, My Lord.

21 Q. And where were you born?

22 A. I was born in XXXXXXXX in Kailahun District.

23 Q. XXXXXXXX?

24 A. Excuse me, My Lord, it is XXXXXXXX.

14:40:37 25 Q. XXXXXXXX?

26 A. Yes, My Lord.

27 Q. Thank you. In Kailahun District?

28 A. Yes, My Lord.

29 Q. You are married?

1 A. Yes, My Lord.
2 Q. Do you have kids?
3 A. Yes, My Lord, I do.
4 Q. How many children do you have?
14:41:02 5 A. Five of them.
6 Q. Mr Witness, what do you do for a living?
7 A. Indeed, My Lord, I am a teacher by profession and besides
8 I am a farmer.
9 Q. You are a teacher?
14:41:21 10 A. Yes, My Lord.
11 Q. And you said you were a farmer as well?
12 A. Yes, My Lord, yes.
13 Q. How long have you been in this teaching profession?
14 A. I started teaching since 1975.
14:41:53 15 Q. Now, Mr Witness, let me take your mind as far back to
16 1997?
17 A. Yes, My Lord.
18 Q. Do you recall the 25th May 1997?
19 A. Yes, My Lord, I do.
14:42:10 20 Q. And where were you on that day?
21 A. On that day I was attending service at the methodist --
22 [inaudible] Methodist church, Daru. That's right in
23 Daru.
24 Q. [Inaudible] Methodist church in Daru?
14:42:18 25 A. Yes, My Lord.
26 Q. Did anything happen on that day?
27 A. Yes, My Lord.
28 Q. Yes, will you tell the Court?
29 A. I will do, My Lord. That day it was about ten to, 11.45

1 when just the preacher was about to give his sermon that
2 we heard gunshots all over the town.
3 Q. Watch your pace. You heard gunshots all over the town?
4 A. Yes, My Lord.
14:43:19 5 PRESIDING JUDGE: You said about what time? What time?
6 THE WITNESS: At about -- between ten to 11, because I was not
7 too exact with my time, about 11.45 or 10.45 to be
8 precise --
9 MR KAMARA:
14:43:30 10 Q. In the morning?
11 A. Yes, was in the morning.
12 Q. Between 10.45 to 11?
13 A. Yes, My Lord. Yes, My Lord.
14 Q. Now, upon hearing these gunshots you said, did you do
14:43:47 15 anything?
16 A. Yes, My Lord, when I saw that the whole town was in
17 disarray, even the congregation was in disarray.
18 Q. Yes.
19 A. So we abandoned, myself, the preacher -- I was the
14:44:22 20 interpreter and the preacher we abandoned in the
21 church -- we were left alone in the church.
22 Q. You were the interpreter in the church?
23 A. Yes, My Lord, I was.
24 Q. You are telling this Court that the congregation left the
14:44:34 25 church?
26 A. Yes, My Lord, it did.
27 Q. Now, Mr Witness, my questions will be more direct and
28 please try to refer to yourself. If there is need for me
29 to ask about other people I will let you know. Okay.

1 A. Yes, My Lord.
2 Q. Okay?
3 A. Yes, My Lord.
4 Q. Thank you. Now you were abandoned in the church, what
14:45:08 5 did you yourself do?
6 A. I had no other alternative but to rush to my house but by
7 then my wife and children had already gone. I wanted to
8 see situation in our house.
9 Q. You left for your house?
14:45:36 10 A. Yes, My Lord, I did.
11 Q. Did anything happen when you got to your house?
12 A. Yes, My Lord. What happened at my house was that I found
13 out that my house was surrounded and the kitchen been
14 destroyed. Part of the kitchen was broken.
14:46:09 15 Q. When you say your house was surrounded, by whom?
16 A. By soldiers. I saw them.
17 Q. Soldiers of the Sierra Leone Army?
18 A. Yes, My Lord.
19 PRESIDING JUDGE: What happened to his kitchen?
14:46:36 20 MR KAMARA: His kitchen was destroyed.
21 Q. Yes, so you found the soldiers surrounding your
22 house?
23 A. Yes, My Lord.
24 Q. What happened?
14:46:49 25 A. They were saying in Krio [Krio language spoken] meaning,
26 this is the house of that teacher who wrote that play
27 about us mocking our position. That's what they were
28 saying.
29 Q. Okay.

1 PRESIDING JUDGE: Mocking.
2 THE WITNESS: Them.
3 MR KAMARA:
4 Q. When you say them, the soldiers?
14:47:29 5 A. The soldiers, yes, My Lord.
6 Q. And did you write a play mocking the soldiers?
7 A. Yes, My Lord, not really that I was mocking them. I was
8 just trying to satirise the whole situation of the war as
9 I saw it in this country.
14:47:59 10 Q. Do you recall the name of that play?
11 A. Yes, My Lord, I do.
12 Q. What was it called?
13 A. The title was "Sierra Leone in a dilemma".
14 Q. So you heard the soldiers talk about this that you wrote
14:48:32 15 a play mocking that was mocking them.
16 A. Yes, My Lord.
17 Q. So what transpired then?
18 A. Well they said they will see what they would do to me. I
19 told them, "The only thing I will tell you God is my own
14:48:43 20 guide. That life in me was given to me by the God who
21 created me. No human being will have the power to take
22 it away until my God is ready."
23 Q. Was there any reaction to that statement coming from you?
24 A. As I live, one amongst them just said [Krio words spoken]
14:49:14 25 a stubborn teacher. He always negative to we. [Krio
26 words spoken] that means let's forget about this Pa. "He
27 always has a negative attitude towards whatever we are
28 doing." So they had to move away.
29 Q. So for how long were you at Daru after the 25th

1 May 1997?

2 A. I was in Daru up to very close to the end of June.

3 Q. And during that time did you have course to leave for any

4 other place?

14:50:14 5 A. Yes, My Lord.

6 Q. And where did you go?

7 A. I had to follow my wife at Jojoima, same Kailahun

8 District, Malama Chiefdom.

9 Q. Could you spell that for Court?

14:50:34 10 A. J-O, capital J-O-J-O-I-M-A. Jojoima.

11 Q. Jojoima?

12 A. Yes, My Lord. The same Kailahun District.

13 Q. Mr Witness --

14 A. Yes, My Lord.

14:51:06 15 Q. -- while you were at Jojoima, did anything happen there?

16 A. Yes, My Lord. Whilst there, a group of -- well mixed-up

17 group of soldiers and what they call the people's army

18 came to me.

19 Q. You have just mentioned the people's army. Who are these

14:51:29 20 people's army? Would you explain further for us?

21 A. Yes, My Lord. What I understood was that the RUF forces

22 that were invited were given that title the people's

23 army, which I looked as never have heard that sort of

24 army in our constitution.

14:51:53 25 Q. So persons came to you that described themselves as a

26 people's army?

27 A. Yes, My Lord.

28 Q. Now do you know what was the mission of this people's

29 army. The purpose of why they came to you?

1 A. My Lord, they disclosed later.
2 Q. And what was it?
3 A. They said their commander, Colonel Sam Bockarie, you
4 call -- we all call Sam Bockarie, Maskita, wanted to see
14:52:26 5 me.
6 Q. And Who is this Colonel Sam Bockarie, alias Maskita?
7 A. He was a kid that I brought up. He was my ward when I
8 was a teacher in XXXXXXXX, he and his elder brother.
9 Q. Colonel Sam Bockarie was your ward.
14:53:10 10 A. Ward, yes.
11 Q. While you were a teacher at?
12 A. At XXXXXXXX XXXXXXXX at Daru.
13 Q. XXXXXXXX at Daru?
14 A. Yes, My Lord.
14:53:15 15 Q. With his elder brother, you said?
16 A. Yes, My Lord, both of them attending the same Primary
17 school at the XXXXXXXX.
18 Q. Would you help the Court with the name of his brother?
19 PRESIDING JUDGE: The school?
14:53:34 20 MR KAMARA: XXXXXXXX.
21 Q. What is the name of the school?
22 A. It's the Kailahun District Education Committee primary
23 school, XXXXXXXX.
24 Q. Kailahun?
25 A. KDEC.
26 Q. Educational?
27 A. Committee.
28 Q. Committee Primary school.
29 A. XXXXXXXX.

1 PRESIDING JUDGE: XXXXXXXX?
2 MR KAMARA: XXXXXXXX.
3 THE WITNESS: XXX. Moa Barracks. XXXX, Barracks.
4 PRESIDING JUDGE: XXXXXXXX?
5 THE WITNESS: Yes, My Lord.
6 MR KAMARA:
7 Q. And where was this XXXXXXXX?
8 A. Just behind the river XXXX in the Jallo [phon] chiefdom,
9 that was the military barracks.
14:54:25 10 Q. Okay. Now you get this information that Colonel Sam
11 Bockarie wanted to see you?
12 A. Yes, My Lord.
13 Q. Do you know at that time why he wanted to see you?
14 A. They revealed to me why he wanted to see me.
14:54:37 15 Q. Yes, please tell the Court?
16 A. He told me that they were now people who matter in Sierra
17 Leone and that he wants me -- since I have been his
18 former master he would want me to join the government and
19 I would -- and they would give me any job I wanted.
14:55:36 20 Q. So what did you do having been so invited?
21 A. I cautiously released them by telling them, "Go tell him
22 I'll come tomorrow." That was just to give me a
23 breathing space to move out.
24 Q. You sent word to him that you would get to him the next
14:55:59 25 day?
26 A. The next day, yes, My Lord.
27 Q. You say because you needed a breathing space?
28 A. Yes, I wanted to reconsider -- to consider, to have
29 discussions with my wife and the kids.

1 Q. So did you do anything as a result after you have sent
2 them back to Colonel Sam Bockarie?
3 A. Yes, My Lord. I planned myself how to escape out of this
4 country.
14:56:36 5 Q. Okay. You planned an escape route?
6 A. Yes, My Lord.
7 Q. So, Mr Witness, did you have cause to leave this country
8 for any other one, please?
9 A. Yes, My Lord, I did.
14:57:10 10 Q. And where did you go?
11 A. I went to Liberia.
12 Q. You went to Liberia?
13 A. Yes, My Lord.
14 Q. When did you leave for Liberia?
14:57:27 15 A. That was very early -- well late September, early October
16 I would come.
17 Q. Of '97?
18 A. '97, 1997. Yes, My Lord.
19 Q. So where were you living in Liberia?
14:57:54 20 A. I was staying in an institute they called XXXXXXXX
21 Institute. XXXXXXXX. XXXXXXXX Institute.
22 Q. XXXXXXXX?
23 A. Yes, XXXXXXXX Institute.
24 Q. Were you met by anyone once you went there?
14:58:24 25 PRESIDING JUDGE: XXXXXXXX Institute in which town?
26 THE WITNESS: I was seven miles from Monrovia itself just --
27 MR KAMARA:
28 Q. Seven miles from Monrovia?
29 A. Yes, My Lord.

1 MR KAMARA: Thank you, Your Honour.

2 Q. Yes, I was asking you if you were met by anyone

3 once you went to this XXXXXXXX Institute seven

4 miles from Monrovia.

14:59:01 5 A. Yes, My Lord. I met many other people there. And the

6 one prominent I can still remember and I recall was one

7 -- whilst we are there, one -- General One Mohammed as

8 I -- he was introduced to me as an ECOMOG official, met

9 us there.

14:59:26 10 Q. General One Mohammed?

11 A. Mohammed, that is the name I was given. He was

12 introduced to me by one Mr Yusaf Fefegula.

13 Q. Will you spell Fefegula for us?

14 A. F-E-F-F-E-G-U-L-A.

14:59:54 15 Q. F-E-F-F-E-G-U-L-A?

16 A. That is how I saw him spelling it.

17 Q. Joseph Fefegula?

18 A. Fefegula, yes, My Lord.

19 Q. Now, you are at this XXXXXXXX Institute. My questions to

15:00:16 20 you now, Mr Witness, is do you know the first accused

21 Chief Sam Hinga Norman?

22 A. Yes, I do, My Lord.

23 Q. When was the first time you met him?

24 A. That was in October. That was the first time in fact I

15:00:43 25 saw him in person face to face.

26 Q. In October 1997?

27 A. '97 when I left.

28 Q. And where was this meeting?

29 A. XXXXXXXX Institute, that same institute.

1 Q. At the same institute?

2 A. Yes, My Lord.

3 Q. Will you briefly explain to the Court what was the
4 circumstance, of this meeting? How did you meet him?

15:01:24 5 A. Yes, My Lord, I will do. The night we arrived at the
6 institute itself, he was asleep. The following morning,
7 I could not remember the date but it was in October, I
8 was so traumatised I could not even have proper time to
9 record. So he asked me about the situation in Sierra
15:01:43 10 Leone. I told him indeed are people are dying slowly
11 every day in thousands.

12 Q. Hold on. Do you happen to know what he was doing at that
13 ~~XXXXXXX~~ Institute at that time?

14 A. Yes, My Lord. Out of mere look of situations I
15:02:28 15 understood what he was doing.

16 Q. Yes, what was he doing there?

17 A. He was there sort of trying to mobilise and bring
18 together all those, according to him, patriotic Sierra
19 Leoneans to come together and gang up and find ways to
15:02:54 20 get rid of the carnage in the country.

21 PRESIDING JUDGE: We are just getting rid of the carnage?

22 MR KAMARA: Yes, My Lord.

23 THE WITNESS: Yes, yes, My Lord.

24 MR KAMARA:

15:03:34 25 Q. Was there any response from him after you have reported
26 that?

27 A. Yes, My Lord. He asked -- well what he said was [Krio
28 words spoken] Hope to the almighty there must be a way
29 out.

1 Q. Mr Witness --

2 A. Yes, My Lord.

3 Q. -- for how long were you in that XXXXXXXX Institute?

4 A. We are there very close to the end of November.

15:04:08 5 Q. When you say we were there, who were you referring to?

6 A. Myself and the others who were just in a group now were

7 the sympathisers. I was there up to that time, let me

8 say personally myself.

9 Q. And who are these others? Would you be able to give us a

15:04:24 10 few names?

11 A. Yes, My Lord. We had then [inaudible] We had then a

12 Mr Joseph Fefegula, one Ali Conteh, who was special

13 security to Chief Norman. He called himself CS0. And

14 the wife of Chief Norman.

15:04:55 15 Q. Take your time. Ali Conteh, who was the chief security

16 officer to Chief Norman?

17 A. Yes, yes, My Lord. CS0.

18 Q. CS0.

19 A. Chief Norman himself. Have I named Mr Fefegula?

15:05:02 20 Q. Yes?

21 A. Pa Vandy Soka, chiefdom speaker of Dama, Kenema District.

22 Q. Pa Vandy Soka.

23 A. Soka.

24 Q. S-O-K-A?

15:05:23 25 A. Yes. One Pa Vandy Tarawally, now chiefdom speaker,

26 Malima Chiefdom.

27 Q. Pa Vandy Tarawally?

28 A. Tarawally, yes, My Lord.

29 Q. That's okay for now. You said you were there until

1 November?

2 A. Yes, My Lord.

3 Q. So I will move you to November. In November did you go

4 any place else?

15:05:58 5 A. Yes, My Lord.

6 Q. And where did you go?

7 A. To a place they called Base Zero.

8 Q. Do you know that place by any other name?

9 A. Yes, My Lord.

15:06:20 10 Q. What is it?

11 A. Talia Yawbeko.

12 Q. Thank you. And what was your means of travel to Base

13 Zero?

14 A. We had to travel by helicopter.

15:06:46 15 Q. Helicopter?

16 A. Yes, My Lord.

17 PRESIDING JUDGE: You had to or you travelled?

18 THE WITNESS: We travelled -- we travelled by helicopter.

19 MR KAMARA:

15:07:08 20 Q. Whose helicopter was it, do you know?

21 A. What I gather later was that he called them the executive

22 outcomes helicopter. That was the name I gathered.

23 PRESIDING JUDGE: Executive?

24 MR KAMARA:

15:07:21 25 Q. Executive outcomes?

26 A. Executive outcomes.

27 Q. Mr Witness, how many person were on board that

28 helicopter?

29 A. We had the helicopter crew. We had the pilot called

1 Juba. There was the security by the name of Fred. Of
2 course, the engineer or the co-pilot I cannot remember
3 his name. He looked like --
4 PRESIDING JUDGE: You said the pilot's name was Juba?
15:08:02 5 THE WITNESS: Juba.
6 MR KAMARA: Juba.
7 THE WITNESS: Yes, it was the name I got.
8 MR KAMARA:
9 Q. And the co-pilot Fred?
15:08:13 10 A. Fred was the security.
11 Q. The Security?
12 A. The co-pilot I can't remember.
13 Q. You cannot remember.
14 A. I thought he was Ethiopian.
15:08:15 15 Q. Never mind. So that is about three?
16 A. The three, the crew. Then myself and then Ali. The same
17 Ali Conteh --
18 Q. The CSO to Chief Hinga Norman?
19 A. Yes, My Lord. Yes, we are five that day as we are
15:08:35 20 travelling.
21 Q. Why did you have to go to Talia Yawbeko?
22 A. It all started when we were admonished by that General
23 One Mohammed I told you about.
24 Q. What was this admonishment you got from General One
15:09:05 25 Mohammed?
26 A. He came us to that they have gathered enough intelligence
27 that at any time then President Tilo [phon] had talked
28 with even our own Sierra Leonean soldiers that were
29 attached to the ECOMOG, they would be attacked any time.

1 Q. But you decided that the XXXXXXXX Institute would be
2 attacked at any time?
3 A. Yes, My Lord, at any time.
4 Q. So that is the reason you had to move from XXXXXXXX
15:09:47 5 Institute?
6 A. He further went to say that although they are most
7 sympathy to our situation, but they did not want to be
8 embarrassed since they are protecting us as refugee
9 there. The mandate had been only to keep peace in
15:10:03 10 Liberia, not to have effective interference into what was
11 going on in our country then. There were --
12 Q. Sure, yes?
13 A. And therefore they didn't want the other international
14 communities looking at them as if they are playing some
15:10:24 15 double role. They are there and they have come back to
16 host a group of militia that will be there using that
17 place as a conduit to further attack their country. So
18 he would advise until we have got the -- that they have
19 got the mandate to support us, he is advising us to tell
15:10:43 20 chief to either go and join President Kabbah in Guinea or
21 he goes to Lungi. And then the rest of us he finds place
22 here would be there to create a base there would be to
23 preparing ourselves to whatever we wanted to do to get
24 our land free. And that was the reason we wasted no time
15:11:05 25 and the chief was not there. We wasted no time, we
26 decided to make haste to go.
27 Q. Was there any information passed on to chief with regards
28 to this?
29 A. Yes, My Lord, it was -- if God will have it, we came we

1 told him. He said, "Okay, don't worry. I have even come
2 to tell you I've got a place." And that was the time I
3 came to know about this Talia, Base Zero issue.
4 Q. So, now let's move to Talia Base Zero.
15:11:34 5 A. Yes, My Lord.
6 Q. You say you got there by helicopter?
7 A. Yes, My Lord.
8 Q. Were you received by anyone once you got to Talia?
9 A. Yes, I was received by a group of people. Yes, My Lord.
15:11:50 10 Q. Who are these people?
11 A. Chief [inaudible] he introduced us to the group. We had
12 one Mr Allieu Kondewa they referred to as high priest.
13 Q. When you say chief, you are referring to --
14 A. Chief Norman, he received us and introduced us and then
15:12:12 15 he had gone back before we took off from Monrovia.
16 Q. He introduced you to one?
17 A. Mr Allieu Kondewa.
18 Q. Introduced him as what?
19 A. He was the high priest of the whole CDF organisation and
15:12:33 20 from there I --
21 Q. If you were to see this Allieu Kondewa that was
22 introduced to you as the high priest, are you in a
23 position to remember him?
24 A. Yes, I remember.
15:12:55 25 Q. Are you in a position to identify him?
26 A. Yes, My Lord.
27 Q. Do you see him in court. Take a look around?
28 A. Yes, I have seen him, My Lord.
29 Q. Will you point him out and identify him to the Court.

1 You don't have to stand?

2 A. Okay. Behind there, by the Special Court security. I

3 can still remember him, he was my initiator.

4 Q. Thank you.

5 A. Yes, My Lord.

6 [Identification Parade]

7 MR KAMARA: Witness, identifies the third accused, Your

8 Honours?

9 Q. Chief Norman introduced Allieu Kondewa. Were any other

15:13:55 10 introductions made?

11 A. Yes, My Lord.

12 Q. Yes, go on.

13 PRESIDING JUDGE: Did I get you when you said that he was

14 your initiator. You remember he was your initiator?

15:14:06 15 THE WITNESS: Yes, My Lord.

16 MR KAMARA:

17 Q. What other introductions were made?

18 A. I was introduced to one Mr Moinina Fofana.

19 Q. He was introduced as what?

15:14:40 20 A. The national director of war; that was the title I was

21 told he held.

22 Q. So did anything happen after these introductions?

23 A. Yes, sir. We are just from the helipad. We are brought

24 to the town itself because the base was a school field.

15:15:23 25 There the training and other things -- so we are brought

26 to the town itself of Yawbeko.

27 Q. Now, in your -- are you all right, Mr Witness?

28 A. Yes, I am all right, My Lord.

29 Q. In response to my question earlier on you mentioned

1 that -- in answer you said that you remember Allieu
2 Kondewa because he was your initiator.
3 A. Yes, My Lord.
4 Q. What do you mean he was your initiator?
15:16:07 5 A. On my arrival there I had not been a member of that
6 organisation.
7 Q. Yes, I know. Let us just go to that question.
8 A. Now looking at him I know he initiated me. Because of
9 that reason I he said was. So whenever I see him I
15:16:16 10 cannot forget him.
11 Q. Into what were you initiated?
12 A. Into the Kamajor court or the CDF.
13 Q. Do you know when this initiation took place?
14 A. I can remember, My Lord. Same November, very close to
15:16:44 15 the end of November. Or the last week of November 1997.
16 Q. Now for how long were you at Talia?
17 A. Well, I was at Talia up to the 3rd of -- from
18 November 1997 --
19 Q. Yes?
15:17:15 20 A. -- up to the 3rd March 1998.
21 Q. Until March?
22 A. 1998.
23 Q. 1998?
24 A. Yes, My Lord.
15:17:35 25 Q. Now, during your stay at Talia, what is it that you were
26 doing during that period?
27 A. Initially, when we are there, I really did not have much
28 to do because I was not a member of the court then. So
29 at most meetings we are not asked to attend. So we too

1 saw it that -- I have particularly saw him that I will
2 not be comfortable because I had a mission that whatever
3 cause, whoever was ready to see to it that our people
4 stopped suffering, be it a lion, ally or whatever
15:18:18 5 condition and give it -- or ally with that lion to get
6 our people our peace. So I gave up myself. I went to
7 chief, I said to chief, [Krio words spoken]. "But each
8 time I wanted to fight you are saying you didn't want to
9 lose the [inaudible] group that we [inaudible] I said no.
15:18:31 10 You lead me, I want to fight. Please allow me to be
11 initiated in this thing." I made arrangements,
12 preparations. I was initiated anyway.
13 Q. Okay. So prior to your initiation you said you were not
14 allowed to participate in meetings?
15:19:05 15 A. Yes, My Lord, sometimes.
16 Q. Sometimes. And after initiations, what was it like?
17 A. When I looked at the whole organisation, I observed that
18 it didn't have an effective command and control.
19 Q. After your initiations?
15:19:26 20 A. Yes.
21 Q. Were you allowed to participate in meetings?
22 A. Certain meetings, not all meetings. Certain meetings.
23 MR BOCKARIE: My Lord, it may be something which is very
24 pertinent. I don't know whether he wants to abandon a
15:19:37 25 particular line.
26 PRESIDING JUDGE: No, no, he is not abandoning. I was going
27 to bring him to that.
28 MR BOCKARIE: Thank you. Yes.
29 PRESIDING JUDGE: Yes.

1 MR KAMARA: Thank you, Your Honour.

2 Q. And now you were saying just before --

3 PRESIDING JUDGE: We don't want to leave out anything that is

4 pertinent to enable us to reach the truth in this

15:19:56 5 matter.

6 MR KAMARA:

7 Q. You were about to say something about the

8 structure of something not being organised?

9 A. Yes, the command and structure -- the command and control

15:20:05 10 I sought --

11 Q. Wait. Wait.

12 PRESIDING JUDGE: There are two things: You are talking of

13 command and then you are saying you were allowed access

14 to certain meetings.

15:20:19 15 MR KAMARA: That was my question and I interposed him.

16 Q. Having answered the question, I am taking you back now to

17 the issue of command and structure.

PRESIDING JUDGE: Okay.

19 MR KAMARA:

15:20:34 20 Q. So now let's go to the issue of the command you were

21 saying.

22 A. Yes, My Lord.

23 Q. Could you start it again so His Lordship will get it

24 clear?

15:20:39 25 A. I will do that, My Lord.

26 Q. Thank you?

27 A. I saw that the whole organisation had an ineffective

28 command and control.

29 PRESIDING JUDGE: Please hold on. Hold on.

1 MR KAMARA: Wait. Wait.

2 PRESIDING JUDGE:

3 Q. Yes, the organisation did not have an effective --

4 A. At that time.

15:21:10 5 Q. At that time an effective command and control.

6 A. That's what I am saying. [Inaudible] there, My Lord,

7 when we are there.

8 MR KAMARA:

9 Q. What do you mean by an effective command and control?

15:21:21 10 A. Okay. I looked at the situation fearing -- we had a lot

11 of -- everybody was commander, everybody was commander.

12 Even the initiators served as commanders.

13 Q. Wait. Now you said even the initiators served as

14 commanders.

15:21:55 15 A. Yes, My Lord.

16 Q. Could you amplify that for us?

17 A. For instance, I saw one initiator Sheriff who came.

18 According to him he was attached around Matotaka End. He

19 came, he was initiator, as I said. But at the same time

15:22:10 20 he was commander.

21 Q. You give an example of Sheriff --

22 A. Yes.

23 Q. -- being a commander, at the same time an initiator?

24 A. Yes, My Lord.

15:22:19 25 PRESIDING JUDGE:

26 Q. A commander where, at Matotaka?

27 A. Matotaka, around that end.

28 MR KAMARA:

29 Q. M-A-T-O-T-O-K-A. From the Matotaka region?

1 A. Yes, axis, as they used to call it.

2 Q. Matotaka axis?

3 A. Yes, My Lord.

4 Q. Still going to the effective command and control?

15:22:52 5 A. Also I saw -- here was a man called the Director of War

6 who was effective -- he was more concerned with the

7 receiving of the logistics and distributing the logistics

8 and I did not ever see a time when he came and really put

9 in place, let's say, this is a deployment area, this is a

15:23:12 10 number of manpower at that area. There was no proper

11 nominal role. I could not see that also.

12 Q. So when you are talking about deployment areas, who was

13 it that was doing deployment?

14 PRESIDING JUDGE: Mr Kamara, wait, please.

15:23:57 15 MR KAMARA: Yes, sorry. Yes, Your Honour.

16 Q. Now you are talking about deployments.

17 A. Yes, My Lord.

18 Q. Who was it then that was doing the necessary deployment?

19 A. There was no one individual that was in control of the

15:24:36 20 deployment, because I was thinking that could have been

21 the role of the Director of War. But the high priest was

22 doing his deployment. Every commander would just say,

23 "Well, can we have -- to be deployed in that area." And,

24 you know, something like that. So almost anyone who

15:24:44 25 could command up to ten or 15 men will just think of an

26 area, say, "Okay, we are going to deploy there." So when

27 you look at that --

28 Q. Okay. Wait. If I get you rightly, you mention about the

29 high priest deploying?

1 A. Yes, My Lord.

2 Q. I don't understand. Could you let us know what you mean
3 by the high priest deploy?

4 A. Yes. He had some -- he had to send a troop to a place
15:25:49 5 called Sumbuya. Another group to a place called
6 Koribundu area, that location. And most of those places
7 I really do not know what the -- they used to send some
8 people even to these places, [inaudible].

9 Q. Now to your understanding you have made these different
15:26:29 10 different observations about the organisation?

11 A. Yes, My Lord.

12 Q. Did you do anything as a result?

13 A. Yes, My Lord, I did.

14 Q. Yes, tell the Court.

15:26:44 15 A. I jotted down some of my observations -- some flaws in
16 the whole thing and I passed by the window because then
17 the whole organisation did not want too much of book
18 persons. They said [Krio words spoken]. Now you are
19 bringing in this book it's like you have come to just --

15:27:03 20 Q. Right. When you are trying to speak in English, if you
21 want to refer to Krio let us know in the circumstances
22 you are doing it?

23 A. Yes, I'm sorry about that, My Lord.

24 Q. You were trying to explain something about a book?

15:27:10 25 A. Yes.

26 Q. Will you help their Lordships and let them understand
27 what you are referring to?

28 A. Yes. The way I saw them, they did not want people who
29 were literate. I mean, let me say, the way the western

1 literacy, I mean, because they have some Islamic scribes
2 they have with them. Those are the only people they
3 consider, but we who are able to write in English, they
4 did not want that much.

15:27:39 5 Q. When you say they didn't call you, who are the "they"?
6 A. I will take, for example, the very director of war was
7 not comfortable with that situation, let alone the high
8 priest, because his own position was that he has a
9 problem as an illiterate -- whatever they told him, he
15:28:00 10 had no other way because he was and illiterate.

11 Q. You are trying to tell this Court that the Director of
12 War and the high priest were not comfortable with people
13 who could read and write?
14 A. Yes, My Lord. Yes, My Lord.

15:28:16 15 Q. And why were they not comfortable?
16 A. Well, what they told us that when we began fighting they
17 did not have books, they were just organising their men.
18 Then they went to wherever they wanted to attack and we
19 will come and say everything on paper, "War is not on
15:28:35 20 paper, but the use of weapons and attacking the enemies."
21 No planning.

22 Q. And these descriptions could be attributed to whom? Did
23 you talk about war?
24 A. We who had gone there with paper, we the few amongst the
15:28:50 25 group that were able to read and write like, including my
26 own name, a few of us.

27 Q. Yes, go ahead. Just mention --
28 A. Like myself. Honourable Paramount Chief Charles Corker,
29 Hashim Kallon, Alhaji Daramy Rogers, Paramount Chief

1 J William Quee.

2 Q. Okay. So did this group do anything?

3 A. Yes.

4 Q. In relation to the observations talking about the
15:29:35 5 structure?

6 A. Yes, My Lord. Like Honourable Charles Corker said, "I
7 have been in administration, and then when we look at a
8 situation where you have men put together with weapons,
9 if they are not properly organised, put under effective
15:29:55 10 command and control, with codes and some morals and
11 values, he would end up having them turning the very
12 weapons against you yourself that are in control."

13 Q. And this came from Charles Corker?

14 A. He said that. He saw an admonition he gave us.

15:30:11 15 Q. So was anything decided upon?

16 A. Yes, we decided to have a council.

17 Q. A council?

18 A. Yes, My Lord.

19 Q. What kind of council?

15:30:45 20 A. We just proposed and presented them to chief and he said,
21 "Then let us have what we call a war council."

22 Q. To whom were the proposal submitted to?

23 A. To Chief Norman.

24 Q. To Chief Norman?

15:31:05 25 A. Yes, My Lord.

26 Q. What was Chief Norman's response to these proposals?

27 A. He appreciated it.

28 PRESIDING JUDGE: You say you proposed what on the paper to
29 Chief Norman?

1 THE WITNESS: That we would want to have the thing -- a
2 committee that really see to it that there is proper
3 command and control and some other means of controlling
4 the men, that they are not to go at random operations
15:31:43 5 when they so wished.
6 MR KAMARA:
7 Q. So was this proposed war council actually formed?
8 A. We formed it.
9 Q. And who were the members of this war council?
15:32:28 10 A. We made sure that we -- every region in this country was
11 represented. You have Chief William Quee, our chairman.
12 We had Alhaji Daramy Rogers, the vice chairman. Myself
13 as XXXXXXXX, XXXXXXXX by one Mr Hashim Kallon. Chief
14 Norman, the consultant and the resource person. By
15:33:17 15 George Jambawai, representative of the east.
16 Q. George Jambawai?
17 A. Yes, My Lord. Chief Soka, also represented the east.
18 Q. Chief Vandy Soka?
19 A. Yes, My Lord. Mr M S Dumbuya, represented the north, and
15:33:43 20 the war planning strategies as we wanted it to go. One
21 Moses Dumbuya, also from the north, representing the
22 north. Honourable now -- I was told he is now an
23 Honourable Mr Tejan Sankoh, representing the south. The
24 Honourable Paramount Chief Charles Corker, also of the
15:34:18 25 south.
26 Q. Yes, Charles Corker?
27 A. Okay. Those are the few I can still remember.
28 Q. You can still remember?
29 A. Yes.

1 Q. And how were these appointments made?

2 A. Through a section of the director of war, the national
3 director of war. The high priest, the director of
4 logistics. Those three were appointed by Chief Norman.

15:34:54 5 Q. Are you saying they were appointed to the War Council by
6 Chief Norman?

7 A. By Chief Norman.

8 Q. Those were direct appointments?

9 A. Direct appointments, but they had been in existence even
15:34:59 10 before the formation of the War Council, so they
11 maintained their position and they just switched over to
12 the War Council.

13 Q. Let us have these direct appointments by Chief Norman
14 again. A director of war?

15:35:13 15 A. Yes, My Lord.

16 Q. The high priest?

17 A. Yes, My Lord.

18 Q. And who else?

19 A. The -- what they --

15:35:20 20 Q. The man [inaudible] of logistics --

21 A. Logistics, yes.

22 Q. Who was that?

23 A. One Mr Francis Lumeh.

24 Q. Thank you for giving us this membership structure. You
15:35:56 25 said you were appointed as the XXXXXXXX?

26 A. The XXXXXXXX.

27 Q. Now what was your role as a XXXXXXXX to the war council?

28 A. I was to take minutes of all our meetings, compile the
29 minutes, send a copy to Chief Norman. Those are my own

1 functions.

2 Q. Were you able to execute those functions?

3 A. Not effectively. That was one unfortunate thing I

4 experienced.

15:36:51 5 Q. Will you tell this Court why you were unable effectively

6 to carry out these functions?

7 A. Yes, My Lord.

8 Q. Yes, please let the Court know.

9 A. We came together myself and Mr Hassan Kallon and Mr

15:37:06 10 Charles Corker, to put on paper how the structure of the

11 very CDF would be. And we should have an initiators'

12 wing, the fighting wing and the administrative wing. And

13 that the co-ordinator whoever is going to be in that

14 position, the highest position of that organisation, will

15:37:38 15 not be effectively -- an effective politician. He will

16 relinquish his position because I really emphatically

17 told them that we are fearing, because I have run away

18 from some dilemma, we didn't want to be in another

19 dilemma, we didn't want to establish another Brazzaville

15:37:55 20 in this country. Here you have Denis Sasouo-Nguesso, his

21 own militia, Pascal Lissouba, had his own militia, Olera

22 [phon] had his own militia.

23 Q. Okay. Now you were concerned about the national

24 co-ordinator position?

15:38:12 25 A. Position.

26 Q. To be devoid from political appointment.

27 A. From political -- exactly, My Lord. Even if he had to

28 be, it should not be somebody holding a position in the

29 government.

1 Q. How would you relate that to the non-effectiveness of
2 your role as a XXXXXXXX ?

3 A. Thank you. When we brought down these proposals we saw
4 that honestly chief at that very moment almost to a
15:38:47 5 dilemma because he did not want his structure on paper at
6 that nature [inaudible]. So whatever was happening now,
7 all the proposals, even though we are his own function
8 how we should run, everything was thwarted. Now when we
9 went with proposals he just forgot about it and still the
15:39:09 10 old system. So some of us thought that well it was made
11 in our best endeavour. It was just a nominal council I
12 will say, but we had no way to do anything.

13 Q. So no real authority was vested in the war council, is
14 that what you are saying?

15:39:26 15 A. I would say that correctly without any fear, My Lord.

16 Q. And the proposals you made to Chief Norman, you said they
17 were thwarted?

18 A. Exactly. We had a series of proposals in that thing we
19 prepared.

15:39:47 20 Q. So nothing came to be?

21 A. Well, no, because if you want I could say highlighting
22 some of the proposals we made.

23 Q. Give an example so the Court can appreciate the extent of
24 your efforts?

15:40:03 25 A. Yes. For instance, what I considered was that at the end
26 of the day here we are having over 100,000 fighters, not
27 all of them would be employed, and they have been trained
28 to use the trigger, which should create a situation where
29 the committee -- some of us opted that we will be writing

1 project proposals that at the end of day those that not
2 be fortunate to be employed gainfully, or in any other
3 employment, they will be self-employed or learning some
4 skills, go into some other things. That we should have a
15:40:30 5 committee of that nature. So we were looked at as some
6 people who had just come there to sort of disorganise --
7 we thought we were organising but they looked at us as
8 disorganising the very thing. So we just outlined.

9 Q. So your group which you refer to, to which you spoke, are
15:40:59 10 Hashim Kallon, Daramy Rogers --

11 A. Yes, My Lord.

12 Q. Were conceded as disorganisers?

13 A. Yes, My Lord.

14 Q. While you are making an effort to coordinate things?

15:41:06 15 A. Yes, My Lord.

16 Q. And were sidelined.

17 A. Exactly, My Lord. And, My Lord, unless I forget, we even
18 further looked at the organisation that since our own
19 very army had swept their oath of allegiance under the
15:41:28 20 carpet, we want to write a proposal in which, because
21 some of us had done some readings that most advanced
22 countries, they have what they call the civil defence.
23 Like in American after the Second World War they had an
24 office called the Office of Civil and Defense
15:41:48 25 Mobilization that was very effective in some disaster
26 management. These sorts of things could be put in place.
27 We wrote down certain things that if we came back, if we
28 are fortunate to recall our government, he is going to
29 put this to the other members of Parliament, let it be a

1 sort of bill that they will all debate upon. At the end
2 of the day, we have these men used to augment the
3 authentic security agencies that are in the constitution
4 of this nation.

15:42:14 5 Q. All that was -- went aside?

6 A. Yes. That got me even more frustrated and I regretted
7 seeing myself in another dilemma.

8 Q. Okay. Now, Mr Witness, how would you describe the role
9 of Chief Norman with that of the war council? The
10 relationship between Chief Norman with that of the war
11 council against the background of events that you have
12 mentioned to the Court?

13 A. I looked at him as not interested in having an effective
14 structure put in place. And in that structure where he
15 was not to be in control, that was what I observed.
16 Because if you want to be in control of anything that
17 will have a good name you want to have all those
18 mechanisms put in place that will have that thing
19 effective, to be looked upon by the public as something
20 that is worth condoning. So if he had thwarted and
21 [inaudible] because we had not come out emphatically to
22 have him stay in that position whatever we did he would
23 discourage.

24 Q. And those are your personal feelings about --

15:43:47 25 A. About the whole -- my overview of the documents we
26 prepared and issued action and those of us who were in
27 that group, we are now looked upon as side liners at the
28 meetings. He say okay, this is purely for commanders.
29 You stay out there now. You are just administrators, you

1 know. You will be asserting these things, you don't need
2 to be there.

3 Q. Hold on, Mr Witness?

4 A. Yes, My Lord.

15:44:08 5 Q. Now you are referring to some meetings which were called
6 by whom?

7 A. He was calling the meetings.

8 Q. You are referring to Chief Norman?

9 A. Yes, Chief Norman was calling most of -- who would call a
15:44:19 10 meeting apart from him.

11 Q. And in those meetings you said he will only want to see
12 the commanders?

13 A. Yes.

14 Q. And the members of the war council will not be allowed;
15:44:29 15 is that what you said?

16 A. Yes. He would say, yes. Certainly he would say this
17 meeting is purely for commanders. When I'm ready for the
18 administrators we will go Walehun. We had a small place
19 in the bush we called the Walehun. That was the place we
15:44:44 20 used to gather because we didn't have a big barri and we
21 did not have -- we did not want our plans to be sort of
22 leaked out. We had to go there. So we who are not
23 commanders, we are not attached to the fighting wings, we
24 stayed in the first placement so then there he would
15:45:01 25 address us.

26 Q. Could you give us an example of these commanders who
27 would be with him when he was deliberating or one such
28 meeting when he would say this meeting is for commanders?

29 A. Yes, the very director of war.

1 Q. Who is this director of war?
2 A. Mr Moinina Fofana.
3 Q. Okay?
4 A. Then Mr Allieu Kondewa the high priest. One fellow
15:45:21 5 called Bobor Tucker, Jim Bayama.
6 Q. Jim Bayama?
7 A. Yes. One late - I was told he had died, was killed in
8 one of the operations here - Ngobeh, to name a few.
9 Q. So these they are the people that you would call aside?
15:45:48 10 A. Yes, My Lord.
11 Q. And you did mention that you referred to others as you
12 are the administrators, you will wait and I will talk to
13 you. Who are these administrators?
14 A. We who are the clerics. We are the book writers, as they
15:46:07 15 are called, the book man. We who are just dealing with
16 writings, we are just to stay behind and keep on writing.
17 Q. Mr Witness?
18 A. Yes, My Lord.
19 Q. You did mention that the war council was formed?
15:46:23 20 A. Yes, My Lord.
21 Q. And I want you to give this Court an example of a meeting
22 wherein you participated and other members were there
23 that participated. Walk us through a regular meeting of
24 a war council, if you can?
15:46:48 25 A. Yes, My Lord. We would say formally after we had written
26 our -- we had done the write out, we presented it to him.
27 That he called the high priests, the national director of
28 war Mr Moinina Fofana, some key commanders. So we are
29 asked to read and explain the very things we have written

1 and we did that. We had Mr Hashim Kallon, who is really
2 fluent in explaining things in our local language. I was
3 doing the reading and he was explaining for our people
4 who were illiterate to understand what we meant. That
15:47:38 5 was one of the key meetings.

6 Q. Key meetings. And after the document was read what was
7 the reaction of the group?

8 A. They withdrew and after a few minutes they came back and
9 said they started that war without even writing down
15:47:59 10 paper, they did not have a sheet of paper.

11 Q. Now, Mr Witness, let me move you to another episode --

12 A. Yes, My Lord.

13 Q. -- in your evidence. You did mention earlier on about
14 deployment?

15:48:11 15 A. Yes, My Lord.

16 Q. Were you in any meeting where any arrangements were made
17 for deployment or plans for attack?

18 A. Yes, My Lord. One meeting when they wanted to launch the
19 Operation Black December.

15:48:38 20 Q. You are saying you were present in one meeting?

21 A. One meeting.

22 Q. For the launching of the Operation Black December?

23 A. Operation Black December.

24 Q. When was that meeting held?

15:49:10 25 A. That was about between the 10th and 12th of
26 December 1997.

27 Q. 1997?

28 A. Yes, because I could still remember Chief had to go over
29 the air to explain what he meant by Operation Black

1 December.

2 Q. So what is your understanding of Operation Black
3 December?

4 A. According to that -- from his own command was that they
15:49:37 5 were going to make the roads very unpliable for any
6 vehicle and that people who had not made decisions to
7 move away from the strongholds of the junta, be prepared
8 to suffer any consequences that would meet them. And
9 that if -- you know, he had earlier on told you if you're
15:50:03 10 a civil servant, a police officer, a soldier, who so love
11 this country, you'll defect and join the President in
12 Guinea. You decided to stay in Sierra Leone, you'll be
13 looked upon as a collaborator or an effective participant
14 of the junta rule.

15:50:25 15 PRESIDING JUDGE: Take that again.

16 MR KAMARA:

17 Q. Could you slowly take what you're explaining?

18 A. Okay.

19 Q. My question to you was what was your understanding of
15:50:30 20 Operation Black December?

21 A. It was an operation geared to sort of get the
22 juntas of the -- every seat of power in this
23 country.

24 Q. And further on you were explaining what Chief Norman said
15:50:46 25 in that meeting?

26 A. Yes, My Lord.

27 Q. In the radio communication over the wireless?

28 A. The wireless, yes, My Lord.

29 Q. And His Lordship want -- if you can only take your time

1 and tell us exactly what you --

2 A. Okay. May I then go?

3 Q. Yes.

4 A. One, that that operation is intended to make the roads of
15:51:09 5 this country very unpliable for those who had vehicles to
6 be running up on them.

7 Q. Okay. And secondly?

8 A. That all those who failed earlier on when he had
9 announced that if you love this country move away from
15:51:34 10 the junta, follow your president in Guinea or anywhere,
11 but don't be with them, including civil servants, police
12 officers, to name but a few. If you have not done that,
13 when we come, if you are found in the stronghold of these
14 people, by implication you are a junta or collaborator,
15:51:56 15 so you will be dealt with accordingly.

16 Q. That you will be regarded as a junta or collaborator?

17 A. Yes, My Lord.

18 Q. And be dealt with accordingly?

19 A. Yes, My Lord.

15:52:16 20 Q. What do mean by "accordingly"? What was your
21 understanding of that?

22 A. Well, the way I looked at it, it meant as a sort of junta
23 -- you will be dealt with like they will deal with any
24 junta anyhow. That is what I looked at it.

15:52:35 25 Q. And do you know how juntas were dealt with at that time?

26 MR MARGAI: My Lords, I am sorry to interject here, but
27 perhaps it might be better if the witness could tell us
28 what exactly the speaker said in relation to his
29 narration instead of asking his own opinion as to what

1 he thought.

2 JUDGE BOUTET: Mr Prosecutor?

3 PROSECUTION: Yes.

4 MR KAMARA: Yes, Your Honour. The question that has been put

15:53:19 5 to the witness as to what was said by Chief Norman, and I

6 was going to ask him thereafter what is your

7 understanding of what you heard, and that is the latter

8 part of his answer.

9 MR MARGAI: No, what I mean is, for example --

15:53:33 10 MR KAMARA: May I finish, Mr Margai? I'm sorry, My Lords. I

11 have asked the question what is Operation Black December

12 and he explained it. In his explanation he was

13 mentioning what he heard Chief Norman say over the wires.

14 In explaining that he mentioned about being dealt with

15:53:50 15 accordingly. So my question to him was what was your

16 understanding of being dealt with accordingly? So he had

17 stated what he heard and then consequent to that is what

18 was his own understanding of what he has heard.

19 MR MARGAI: What I am saying, My Lord, is that, for example,

15:54:08 20 to be dealt with accordingly. The witness was XXXXXXXX

21 to the War Council. We perhaps would benefit more if we

22 were to find out from him whether in fact he did seek

23 clarification from Chief Norman as to what he meant by

24 "dealt with accordingly". If not, then perhaps -- I mean

15:54:31 25 thereafter now he could go on to ask him what he

26 understood.

27 JUDGE BOUTET: Well, these are all matters you can pursue in

28 cross-examination. If these answers are not to your

29 satisfaction, you want to know more, you can ask these

1 questions.

2 MR MARGAI: As My Lord pleases.

3 JUDGE BOUTET: I don't see how we can force the Prosecution.

4 I mean, this is their case. I understand what you are

15:54:49 5 saying, but --

6 MR MARGAI: I am not asking the Bench to force the Prosecutor,

7 but at the same time, the Bench could advise in the

8 interests of justice.

9 JUDGE BOUTET: Your objection is denied. Carry on, Mr Kamara.

15:54:46 10 [HN170205D 4.00 p.m. - EKD.]

11 MR KAMARA:

12 Q. Mr Witness.

13 A. Yes, My Lord.

14 Q. You have explained to us what Operation Black December

15:55:26 15 was.

16 A. Yes, My Lord.

17 Q. Was that operation launched?

18 A. It was launched. Yes, My Lord, it was launched.

19 Q. And you were still at Base Zero?

15:55:39 20 A. Yes, My Lord.

21 Q. Were there any situation reports from the Operation Black

22 December?

23 A. Yes, My Lord, there was one that came from around

24 Koribundu end. That was one.

15:56:06 25 Q. What was that report?

26 A. Well, we were told that one of the commanders, one

27 Vanjawai, that was his war name but his real name was

28 Ansu Vandí.

29 Q. Ansu Vandí?

1 A. Yes, My Lord.

2 Q. What about Ansu Vandí?

3 A. He was assigned to cut off the road, that was to dig a
4 sort of gully right across the road from Bo to Koribundu
15:56:35 5 that no vehicle will pass through that hole and the
6 fellow did not do that. When the report came orders are
7 given to what they used to call -- there was a squad they
8 used to call Death Squad.

9 Q. Death Squad?

15:56:51 10 A. Yes, My Lord. To go and bring the man to the base and
11 explain himself, why he did not take the orders.

12 PRESIDING JUDGE: Sorry, can you take explanation again? I
13 wasn't quite focused.

14 THE WITNESS: Okay.

15:57:11 15 MR KAMARA:

16 Q. A question about the situation report?

17 A. Okay.

18 Q. You said one came from the Koribundu end?

19 A. Koribundu location, yes, My Lord. So we are told that
15:57:21 20 one commander Ansu Vandí, alias Vanjawai, was ordered to
21 cut off the road by digging a very big ditch right across
22 the road that no vehicle and even human beings could find
23 it difficult to just easily pass through. So he did not
24 do it. He was sent for by a squad they called the Death
15:58:22 25 Squad. They were to take care of those who were
26 undisciplined according to them.

27 Q. So he was brought to the base?

28 A. To the base, yes, My Lord.

29 Q. Now, Mr Witness, you've explained the Operation Black

1 December?

2 A. Yes, My Lord.

3 Q. Was there any other operation that you were aware of

4 while you were at Base Zero?

15:58:56 5 A. Yes, I was aware of the Gbaima Songa operation and the

6 Tongo operation, we were given some reports.

7 Q. Now, let's go to the Tongo operation?

8 A. Yes, My Lord.

9 Q. Were there any specific instructions for that operation?

15:59:21 10 A. Yes, My Lord.

11 Q. And who gave those instructions?

12 A. Chief Norman gave those instructions.

13 Q. And what are the instructions?

14 A. In the first place, he told the men, after they have been

15:59:36 15 trained, that the attack on Tongo will determine who the

16 winner or the loser of the war would be and that they

17 should be ready. In the first place he's telling them

18 that when they go to Tongo let them bear in mind that

19 there is no place to keep captured -- or war prisoners

16:00:56 20 like the juntas, let alone their collaborators.

21 Q. Whom was he addressing when he was saying that?

22 A. The fighters.

23 Q. The fighters?

24 A. Yes, My Lord

16:01:15 25 Q. But there was no place -- can I have that again?

26 A. There was no place to keep the very juntas, let alone

27 the -- sorry, the collaborators, let alone the juntas.

28 Q. You were at that meeting?

29 A. I was at that meeting just. It was a big gathering where

1 we went to witness the passing out parade.

2 Q. Will you tell this Court what was your understanding of
3 that statement?

4 JUDGE THOMPSON: Before he does, did you paraphrase him or
16:02:07 5 were you giving the exact quote? Were you paraphrasing
6 him?

7 MR KAMARA: I was trying to paraphrase him.

8 JUDGE THOMPSON: That's what I thought. Okay, let me just be
9 clear about that.

16:02:22 10 THE WITNESS: Well, I looked at the very commands to be -- not
11 to go down well with me, because I was with a hope a
12 soldier, somebody who had gone and acquired some training
13 in the British -- or let's say West style military
14 academy, could give such a command. My father was a
16:02:58 15 soldier, I will say. I have some literature on these
16 things. Giving such a command to a group that was 95
17 percent illiterate who had been wronged, is like telling
18 them an eye for an eye, go in there for that reason. So
19 I look at the command to be a bit not too comfortable to
16:03:25 20 be given by a commander to your men for that means you
21 were not going to even spare the vulnerables.

22 MR KAMARA:

23 Q. Thank you, Mr Witness.

24 A. Yes, My Lord.

16:03:44 25 Q. Now these instructions were given on the day of the
26 passing out?

27 A. Indeed. Further instructions were given in fact.

28 Q. Please let the Court know what those instructions were?

29 A. I could remember and I can still see in my eyes the dress

1 he was in, black hat, black jeans and black -- everything
2 was black. And that day international community is
3 condemning human rights, so therefore I command you take
4 care of the human left.

16:04:23 5 Q. I'm sorry, Mr Witness, I'm having difficulty in
6 understanding that. Could you --

7 JUDGE THOMPSON: This is the difficulty I am having myself.
8 Is he paraphrasing or is he giving the exact recollection
9 because that is very important. These are quite
16:04:41 10 important episodes or areas in the Prosecution's
11 evidence.

12 MR KAMARA: Certainly.

13 JUDGE THOMPSON: So I need to be clear whether we're here
14 reporting him or he's reproducing direct speech.

16:04:54 15 MR KAMARA: Thank you, Your Honour.

16 Q. Mr Witness.

17 A. Yes, My Lord.

18 Q. Tell us exactly what you heard Hinga Norman say?

19 A. My Lord, those are the exact words.

16:05:03 20 Q. Wait, wait, wait?

21 A. Yes.

22 Q. Tell us exactly what was said and then if we want you to
23 analyse that you can. Now you are talking about the
24 international community?

16:05:13 25 A. Yes.

26 Q. Tell us exactly what you heard him say, if you remember?

27 A. I heard him say, "Let me tell you the international
28 community is condemning human rights abuses". Those were
29 said in Mende but the human rights abuses were said in

1 English. So therefore if that is the case then I take
2 care of the human left abuses, so when he said the others
3 in Mende he said "the human left abuses" in English.
4 Q. In English?
16:06:00 5 A. Yes, My Lord.
6 Q. He advised the fighters to take care of the human left?
7 A. Abuses.
8 Q. Abuses?
9 A. Yes, My Lord. He further clarified that.
16:06:13 10 Q. Yes, tell the Court.
11 A. So therefore anyone captured --
12 JUDGE THOMPSON: Just a minute. The human left abuses, that
13 was said in Mende?
14 THE WITNESS: No, in English.
16:06:26 15 JUDGE THOMPSON: So human rights abuses were said in--
16 THE WITNESS: In English.
17 JUDGE THOMPSON: In English and the others parts were said in
18 Mende?
19 THE WITNESS: In Mende, yes.
16:06:48 20 MR KAMARA:
21 Q. You said he further clarified what he meant by that?
22 A. Yes, My Lord.
23 Q. Now tell us exactly what he said?
24 A. So he said, "Therefore, any junta you capture -- any
16:07:00 25 junta you capture, instead of wasting your bullet, chop
26 off his left as an indelible mark" --
27 JUDGE THOMPSON: Slowly, witness. Instead of wasting your
28 bullet, yes.
29 THE WITNESS: Yes, "When you capture, chop off the left hand.

1 That will be an indelible mark to send a signal" - this
2 he said in Mende now -- "to be a signal to any group that
3 will want to seize power through the barrels of the gun
4 and not the ballot paper. We are in Africa, we want to
16:08:22 5 practice democracy." Those are his words, I believe, and
6 I can still remember.

7 MR KAMARA:

8 Q. Were any further instructions issued by him?

9 A. Also yes.

16:08:49 10 Q. What are they?

11 A. That, "You know, they burnt down your houses, therefore
12 you are here today. When you go, spare the houses of
13 those who burnt down your houses".

14 Q. That is a bit unclear to me.

16:09:14 15 A. What he said was -- he was addressing the men. Now in
16 Mende he said, "When you go, spare the houses of those
17 men who burnt down your own houses". I look the thing to
18 be very ironical.

19 JUDGE THOMPSON: Why not avoid interjecting your own comments.

16:09:34 20 THE WITNESS: Okay, sorry.

21 JUDGE THOMPSON: Your analysis. Give us the direct speech if
22 you can, or the paraphrase, and then you can come out
23 with your own comment later on.

24 THE WITNESS: Sorry, My Lord.

16:09:45 25 JUDGE THOMPSON: It's okay. I mean, it is a difficult
26 exercise for you, I understand, but still. Had spared in
27 Mende?

28 THE WITNESS: Yes.

29 MR KAMARA:

1 Q. Spare?

2 A. "Spare the houses of those who burnt down your houses".

3 Q. What did you understand that to mean?

4 A. Well, to me was telling somebody if you were not -- you

16:10:23 5 do not feel the pinch when you are sort of stabbed, then

6 forgive the one that stabs you. Like, telling them

7 indirectly don't spare those houses. That is what I was

8 able to -- because thereafter, after those other

9 instructions, My Lord, they we used to call the people --

16:10:42 10 people who had come back again and have their own small

11 meeting.

12 Q. I will get to that?

13 A. Yes, My Lord

14 Q. Your understanding of those instructions?

16:10:48 15 A. Yes, My Lord.

16 Q. When you go spare the houses of those who burnt your

17 houses?

18 A. Yes, My Lord.

19 Q. That is my concern now.

16:10:57 20 A. Yes.

21 Q. Would you explain that, what was your understanding of

22 those particular instructions?

23 A. As I was saying My Lord, those instructions were sort of

24 indirectly saying, when you go don't spare any house of

16:11:11 25 the juntas.

26 Q. Mr Witness, you were about to say that some of you held

27 another meeting?

28 A. Yes, My Lord.

29 Q. Would you let us know what you were going to say about

1 that?

2 A. Yes. That meeting in fact was called on by Alhaji Daramy

3 Rogers after the orders were given -- orders were given

4 to the group that was to go for Tongo, Koribundu back, Bo

16:12:05 5 and all the other areas. Alhaji Daramy Rogers called us

6 at night.

7 Q. Who were the members that he called?

8 A. Myself, my secretary Mr Hashim Kallon, my assistant.

9 Q. Take it slowly, their Lordships are writing it down?

16:12:30 10 A. Okay, My Lord.

11 Q. Yes?

12 A. Pa George Jambawai.

13 Q. Pa George Jambawai?

14 A. Yes, My Lord. May I go on?

16:12:55 15 Q. Yes?

16 A. Honourable Paramount Chief Charles Caulker.

17 Q. All right, I think that will suffice. Honourable Daramy

18 Rogers called you people together at night?

19 A. Yes, My Lord.

16:13:20 20 Q. Why were you called together?

21 A. He called us to sort of evaluate the orders given, how do

22 we appreciate such orders.

23 Q. What was the response of the group?

24 A. I was the first to speak. I told them, "Indeed I have

16:13:54 25 now become the hero of my own very play," [inaudible].

26 Q. What do you mean by that?

27 A. Because I had written a play in which the vulnerables,

28 they are running away from the rebels to go and seek

29 refuge with the soldiers. They turned their weapons

1 against the very civilians who had nowhere to go. They
2 had to run again to go to join another group that was
3 prepared to challenge these guys that were ready to
4 destroy this nation. And if we, too, could take the same
16:14:29 5 line of operation as the juntas are doing, then it means
6 we have gone nowhere, it's like there's no change.

7 Q. So that was the dilemma you were referring to?

8 A. Exactly. It could be just sort of vicious circle,
9 My Lord.

16:14:50 10 Q. Was there any other response from any other member that
11 was present?

12 A. All of us responded, particularly Alhaji Daramy Rogers.

13 Q. What was his own line of response?

14 A. He said, "Well, in the first place, that title I have is
16:15:00 15 a holy title, Alhaji. I should not be found amongst a
16 group that will be doing the unholy, that is inhuman
17 acts. In addition, also, I am a politician. If I could
18 be a part of such a group that had been found wanting to
19 be so atrocious, that will mar my political career. So
16:15:29 20 that is the situation. It is like I am backing out, but
21 only that, not outwardly I'm doing it, I'm just going to
22 stay put. And I will talk to our men in camera, those
23 commanders who were sent in to the very locations, that
24 they should not follow those orders."

16:15:49 25 Q. So after that meeting did you come to any conclusions?

26 A. We did, My Lord.

27 Q. What were they?

28 A. Well, since I came from the Kailahun District, those men
29 who were there from Kailahun District, we go to that

1 location, up to Moa Barracks, I told them, "Don't do
2 beyond that that you have -- don't do anything, because
3 our district is destroyed. If we carry those other
4 instructions it will be like adding more destructions to
16:16:57 5 our own very selves. So, therefore, don't take those
6 orders." I told them emphatically.

7 Q. Are you referring to your men -- [Overlapping speakers]
8 A. My own men, because Alhaji Daramy Rogers said everybody
9 should call his own group and talk to them.

16:17:13 10 Q. You spoke to your own group from the Kailahun --

11 A. From the Kailahun axis.

12 Q. -- District?

13 A. Yes, My Lord.

14 Q. From the Kailahun axis?

16:17:19 15 A. Yes, My Lord.

16 PRESIDING JUDGE: The effect of all this talking was for them
17 not to execute the instructions?

18 THE WITNESS: Yes, My Lord.

19 PRESIDING JUDGE: Which they had received from the first
16:17:56 20 accused?

21 THE WITNESS: Yes, My Lord.

22 PRESIDING JUDGE: You call him Norman?

23 THE WITNESS: Yes, My Lord.

24 MR KAMARA: Yes, Your Honours, I crave your indulgence to
16:18:28 25 revisit the scene of that meeting again for just one
26 question.

27 Q. Did anyone else speak at that meeting wherein these
28 instructions that you have outlined were given? Not the
29 meeting called by Alhaji Daramy Rogers, the meeting of

1 Hinga Norman.

2 A. Yes, really, just after that meeting --

3 Q. No, at that meeting. That meeting when Hinga Norman gave

4 instructions did anyone else --

16:19:02 5 A. Yes, My Lord. The Director of War, Mr Moinina Fofana, I

6 can still remember, too, went up.

7 Q. Went up where?

8 A. We had a small anthill that we made at a sort of

9 [inaudible], sort of platform, where when you wanted to

16:19:20 10 address your men you went up.

11 PRESIDING JUDGE: At the meeting where Norman addressed the

12 soldiers?

13 MR KAMARA: Yes, Your Honour.

14 THE WITNESS: Yes.

16:19:32 15 MR KAMARA:

16 Q. Did he say anything?

17 A. Yes, My Lord.

18 Q. Tell the Court what Moinina Fofana said.

19 A. He said, "Now you've heard the National Coordinator" -

16:19:44 20 cause that was how all of us were calling chief - "any

21 commander failing to perform accordingly and losing your

22 own ground, just decide to kill yourself there and don't

23 come to report to us."

24 Q. Apart from Moinina Fofana did anyone else speak at the

16:20:57 25 meeting again?

26 A. The only person who spoke was the high priest. He at

27 that time [inaudible] give the last command.

28 Q. Sorry, I didn't get that.

29 A. He, after all other command had been given, we all looked

1 at him to admire the man who had a mystic power, that he
2 will be the one to give the last command.
3 Q. The last command?
4 A. Yes, My Lord.
16:21:38 5 Q. Was that last command given?
6 A. He did, yes, My Lord.
7 Q. What was the last command?
8 A. That a rebel is a rebel; surrendered, not surrendered,
9 they're all rebels. The time for their surrender had
16:22:30 10 long been since exhausted, so we don't need any
11 surrendered rebel.
12 Q. Is that all?
13 A. Finally, "I give you my blessings; go my boys, go."
14 Q. Finally gave his blessings?
16:23:11 15 A. Yes, My Lord.
16 MR KAMARA: Your Honours, I seek guidance from the Bench,
17 because I did ask a question to the witness before my
18 learned friend, Mr Margai, interjected about how juntas
19 were dealt with at that time. I'm not sure it was
16:23:48 20 responded to. If it wasn't I want to put the question
21 back to the witness if I will be allowed to do that. I
22 think it was just before Mr Margai objected to the --
23 PRESIDING JUDGE: What was the question you wanted to put?
24 MR KAMARA: About how were junta dealt with at that time.
16:24:21 25 This was the period when he was trying to explain "dealt
26 with accordingly". When he mentioned that "if you
27 civilians or civil servants stayed in these areas, you'll
28 be dealt with accordingly," and then I went and asked a
29 question.

1 JUDGE BOUTET: What was his understanding of that, that was
2 the question.
3 MR KAMARA: Yes.
4 PRESIDING JUDGE: And you abandoned it. You didn't follow it?
16:24:46 5 MR KAMARA: I thought I did and then Mr Margai objected, but
6 then when I came back I'm not sure I followed it up. I
7 must have been overwhelmed with the pace of -- I wouldn't
8 mind asking it again, Your Honours. But if not, then I
9 can still let it go, I'm sure.
16:25:05 10 PRESIDING JUDGE: You can ask the question.
11 JUDGE BOUTET: I mean, you're still in part of the
12 examination-in-chief.
13 MR KAMARA: Thank you, I appreciate your indulgence.
14 Q. Mr Witness.
16:25:14 15 A. Yes, My Lord.
16 Q. While you were trying to answer the issue about being
17 dealt with accordingly, and then I had asked a question
18 about how had the juntas been dealt with at that time?
19 A. Well, the very base where we were, I did not see any
16:25:30 20 junta being dealt with anywhere. No junta was brought to
21 us anywhere to be [inaudible], so I did not see any
22 dealings with any junta.
23 Q. How they were dealt with?
24 A. No, no. Because I did not see it in my -- happened at
16:25:47 25 the base we were.
26 Q. My final question: You've mentioned the fighting and the
27 instructions for Tongo and Koribundu and these other
28 places --
29 A. Yes, My Lord.

1 Q. -- when Hinga Norman was at this podium?
2 A. Yes, My Lord.
3 Q. Were there reports coming back to Base Zero from this
4 front?
16:26:09 5 A. Yes, My Lord.
6 Q. To whom were these reports made?
7 A. First, when all fighters came they went to the high
8 priest. He had to lead them to Mr Moinina Fofana, the
9 Director of War. Then they came to Chief Norman. That
16:26:49 10 was how it was happening.
11 MR KAMARA: That is all for this witness, Your Honour.
12 JUDGE BOUTET: Thank you, Mr Prosecutor.
13 PRESIDING JUDGE: Learned counsel, we would recess for some
14 time and resume to take this witness on the first
16:28:13 15 accused's cross-examination. The Court will rise,
16 please.
17 [Break taken at 4.30 p.m.]
18 [Upon resuming at 5.03 p.m.]
19 PRESIDING JUDGE: Learned counsel, we are resuming the
16:59:52 20 session.
21 JUDGE BOUTET: Counsel for first accused, are you ready to
22 proceed?
23 MR YILLAH: Very well, My Lord.
24 PRESIDING JUDGE: Mr Yillah.
17:00:04 25 MR YILLAH: Yes, My Lord. May I commence, My Lord?
26 PRESIDING JUDGE: Yes, please.
27 CROSS-EXAMINED BY MR YILLAH:
28 MR YILLAH:
29 Q. Mr Witness, up to the time of the disarmament of the CDF

1 you held a very high office in your district; is that
2 correct?
3 THE INTERPRETER: My Lord, the witness's mic is not on.
4 THE WITNESS: Yes.
17:01:02 5 MR YILLAH:
6 Q. Mr Witness, how did you get to that office?
7 PRESIDING JUDGE: No, let's start. His microphone was not --
8 MR YILLAH: As My Lord pleases.
9 Q. Mr Witness, up to the time of disarmament of the CDF --
17:01:12 10 A. Yes, My Lord.
11 Q. -- you held a very high office in your district; is that
12 correct?
13 A. Yes, My Lord.
14 Q. Mr Witness.
17:01:30 15 A. Yes, My Lord.
16 Q. By what means did you get to hold that office?
17 PRESIDING JUDGE: What office is it?
18 MR YILLAH: My Lord, this question may possibly reveal his
19 identity.
17:01:45 20 PRESIDING JUDGE: Okay, all right.
21 MR YILLAH: May I just put it on a piece of paper.
22 PRESIDING JUDGE: Mr Margai has come to assistance.
23 MR MARGAI: To assist the Court.
24 MR YILLAH: I will proceed another route for now.
17:02:04 25 JUDGE BOUTET: If this is needed this is the best way,
26 otherwise we'll have to go in a closed session.
27 MR YILLAH: As My Lord pleases.
28 Q. Mr Witness, by what means did you get to hold that
29 office?

1 A. By elections of my own men in the district.
2 Q. By elections?
3 A. Yes, My Lord.
4 PRESIDING JUDGE: By elections in your district?
17:02:33 5 THE WITNESS: In my district.
6 PRESIDING JUDGE: In your district?
7 THE WITNESS: Yes, My Lord.
8 PRESIDING JUDGE: Popular and democratic elections?
9 THE WITNESS: Yes, My Lord, supervised by ECOMOG.
17:04:19 10 MR YILLAH:
11 Q. Mr Witness.
12 A. Yes, My Lord.
13 Q. Take a look at that piece of paper. Is that the office
14 you held and is that the district?
17:04:25 15 A. Yes, My Lord.
16 JUDGE BOUTET: So you want to have that marked as an exhibit?
17 MR YILLAH: I am applying to have that marked as an exhibit.
18 JUDGE BOUTET: Court Management, could you get the paper
19 and --
17:04:43 20 PRESIDING JUDGE: Mr Kamara, you are not objecting to that
21 either?
22 MR KAMARA: No, Your Honour.
23 PRESIDING JUDGE: I can see you are sitting stiff, so no form
24 of agitation.
17:04:53 25 JUDGE BOUTET: Are we at 59? 60.
26 MR YILLAH: I hope my writing is legible enough. Otherwise I
27 may write it again.
28 JUDGE BOUTET: I will not read it all but the first line is,
29 "Were you elected as," but what is the first part?

1 PRESIDING JUDGE: And the paper is not even symmetrically
2 trained for an exhibit in this honourable Court.
3 MR YILLAH: My Lord, there are so many [inaudible].
4 JUDGE BOUTET: If you have something that is a little bit
17:06:00 5 better written it might help. Here is a white sheet of
6 paper. In the meantime, for the report, this document
7 containing a description of the position that the witness
8 was elected to in his district, and this witness is
9 witness is TF2-222, will be marked as Exhibit 60.
17:06:39 10 MR YILLAH: My Lord, I just want to show the Prosecution to
11 confirm.
12 JUDGE BOUTET: Yes. Obviously this document will be sealed as
13 confidential so as not to disclose the identity of the
14 witness. You have seen the paper, Mr Witness?
17:07:08 15 MR YILLAH: My learned senior has just reminded me that the
16 pseudonym of the witness should also be marked on there.
17 PRESIDING JUDGE: Yes, we normally do that so as to know at
18 what stage the paper was received in evidence and through
19 whose testimony.
17:07:27 20 MR YILLAH: As My Lord pleases.
21 JUDGE BOUTET: I am writing on that piece of paper witness
22 TF2-222.
23 MR YILLAH: I'm grateful, My Lord.
24 JUDGE BOUTET: Now I can read it. Date is?
17:07:46 25 PRESIDING JUDGE: 17th.
26 [Exhibit No. 60 was admitted]
27 MR YILLAH:
28 Q. Mr Witness.
29 A. Yes, My Lord.

1 Q. Is it correct to state that before your elections your
2 district was under the office of a regional coordinator?
3 A. Yes.
4 Q. Of a regional coordinator?
17:08:19 5 A. Before the election.
6 Q. Before the elections?
7 A. Indeed, it was, My Lord.
8 Q. Mr Witness.
9 A. Yes, My Lord.
17:08:38 10 Q. Is it also true that you were opposed --
11 PRESIDING JUDGE: You say it was under who?
12 MR YILLAH: Before his election it was under a regional
13 coordinator. I also do not want to indicate the region
14 because of --
17:09:04 15 PRESIDING JUDGE: Yes.
16 MR YILLAH:
17 Q. Mr Witness.
18 A. Yes, My Lord.
19 Q. Is it true that before the conduct of elections you were
17:09:25 20 bitterly opposed to the decentralisation of the CDF
21 structure in the provinces?
22 A. No, My Lord.
23 Q. Mr Witness, I am passing a piece of paper on to you and
24 can you tell this Court whether you know the individual
17:10:11 25 whose name is marked on that piece of paper?
26 MR BOCKARIE: Can he please pass this on?
27 THE WITNESS: Yes, My Lord.
28 MR YILLAH: My Lord, I am applying for that -- My Lord, the
29 witness has identified the name and says he knows it. I

1 am applying that it be marked as an exhibit.

2 JUDGE BOUTET: So this piece of paper containing the name of

3 one individual is marked as Exhibit 61. On the document

4 it is written down TF2-222, 17 February 2005.

17:11:20 5 MR YILLAH: Very well, My Lord.

6 [Exhibit No. 61 was admitted]

7 JUDGE BOUTET: For the record, the witness has indicated that

8 he knows the person mentioned in Exhibit 61. That was

9 the question.

17:11:47 10 MR YILLAH: Very well, My Lord.

11 JUDGE BOUTET: Please carry on.

12 MR YILLAH:

13 Q. Mr Witness.

14 A. Yes, My Lord.

17:11:54 15 Q. Was that individual the regional coordinator of your

16 region?

17 A. Yes, My Lord.

18 Q. Mr Witness, could you tell this Court what is your

19 relationship with that individual?

17:12:21 20 A. My Lord, in the first place, we are coming from the same

21 region. Two, we had been in the same organisation with

22 the same cause of fair play. What I mean by that,

23 My Lord, to see that a proper structure had been put in

24 place. Our relationship up to this time had been very

17:13:00 25 cordial. Very, very cordial.

26 Q. Am I correct to state that up to this time that you're

27 testifying your relationship with that individual is

28 very, very cordial?

29 A. I want to say yes, My Lord, because though it is quite a

1 long time over, I would say several months I've not seen
2 him though, whenever I see the name I think of the good
3 old days.

4 PRESIDING JUDGE: You last saw him several months ago?

17:13:34 5 THE WITNESS: Yes, My Lord.

6 MR YILLAH:

7 Q. Mr Witness, this is slightly different, not when you last
8 saw him. When was the last time you spoke to him?

9 A. The very date I saw him, I would say some time in June,
17:14:03 10 June 2004.

11 Q. June 2004?

12 A. Yes, My Lord.

13 Q. Mr Witness, may I ask where -- where did you see him?

14 A. Yes, My Lord. I saw him in Kenema.

17:14:34 15 Q. Mr Witness.

16 A. Yes, My Lord.

17 Q. Is it true that apart from the fact that you shared the
18 same cause with this individual, and that you belonged to
19 the same organisation, that you were very good friends?

17:14:57 20 A. Yes, My Lord.

21 Q. Is it also true that when that individual was relieved of
22 his duties of regional coordinator you stood up firm to
23 fight against that? Is it true?

24 A. I did, My Lord.

17:15:30 25 Q. You did?

26 A. Yes, My Lord.

27 Q. Mr Witness.

28 A. Yes, My Lord.

29 Q. Were you at any time together with that individual -- let

1 me ask you this way.

2 A. Okay, My Lord.

3 Q. Together with that individual were you at any time

4 accused - both of you - for embezzling CDF funds?

17:16:16 5 A. I was not part of the accusation.

6 Q. Was he?

7 A. He was accused.

8 Q. Could you elaborate more for the Court to follow exactly?

9 A. They accused him and that accusation, I was one of those

17:16:35 10 who said it's very, very wrong, and in fact they have

11 missed their target. And I stood by him to tell the

12 facts that that was not the man they wanted. The culprit

13 they have missed, I would say, because it was like some

14 witch-hunt as if they wanted to find a way to just get

17:16:58 15 him out. So I stood by him.

16 Q. You stood by him?

17 A. Yes.

18 Q. Mr Witness.

19 A. Yes, My Lord.

17:17:21 20 Q. So far as you recall, do you know whether investigations

21 into that allegation of embezzlement of funds were

22 conducted by the CDF?

23 A. Not to my own knowledge.

24 Q. So in what form then, Mr Witness, did you stand up to

17:17:51 25 defend this individual saying they had missed their

26 target?

27 A. Thank you, My Lord. It was one time when we were invited

28 by the office of the president minister and we are told

29 some items like cocoa were packed somewhere, which the

1 chiefdom authorities had given the mandate to the CDF to
2 be used since there are no other logistics to upkeep the
3 men to go into [inaudible], and that information had met
4 them that he, that individual whose name I just saw,
17:18:38 5 connived with a group of people to do away with the
6 thing, which he denied and which I told them there was no
7 connivance there. "You appointed your people to take
8 care of the thing. Those who were appointed to take care
9 of the thing did what" -- well, what I saw they played an
17:18:59 10 underhand game. They had the contractor, some other
11 person, to run the [inaudible] apart from his own choice.
12 Now, within the line there from hand to hand, there was
13 [inaudible], and look into the thing they all saw into it
14 that he did not embezzle a single cent, but it was just
17:19:19 15 somebody who wanted to mar his character and he was
16 exonerated.

17 Q. So you defended him?

18 A. I did, I did, My Lord, and up to this time I --

19 PRESIDING JUDGE: Defended him and he was exonerated?

17:19:33 20 THE WITNESS: Yes.

21 MR YILLAH:

22 Q. Mr Witness.

23 A. Yes, My Lord.

24 Q. Do you know his whereabouts recently?

17:19:53 25 A. My Lord, I think I have told you I saw him since several
26 months ago, so then it's quite some time I've not seen
27 him. I told you the last time I saw him was in June
28 2004, sorry.

29 Q. So you're telling this tribunal that you don't know his

1 recent whereabouts?

2 A. I don't know, My Lord.

3 Q. Mr Witness.

4 A. Yes, My Lord.

17:20:27 5 Q. Is it also true that at Base Zero you have always been
6 expressing opposition to the first accused?

7 A. Well, My Lord, I did not see what I was doing as an
8 opposition. I was only trying for us all to understand
9 that we have to -- whatever happens, we use some
17:21:02 10 restraints to avoid excesses. That I don't think was an
11 opposition directly, I will say, My Lord.

12 Q. Mr Witness.

13 A. Yes, My Lord.

14 Q. I will take you now from Base Zero to thereafter.

17:21:20 15 A. Yes, My Lord.

16 Q. Were you at any time a member of any restructuring
17 committee that was opposed to the first accused?

18 A. Yes, My Lord, I was a member.

19 Q. You were a member?

17:21:33 20 A. Yes, My Lord.

21 PRESIDING JUDGE: Mr Yillah, take that again.

22 MR YILLAH:

23 Q. Were you at any time a member of a restructuring
24 committee that was opposed to the first accused?

17:21:55 25 A. My Lord --

26 PRESIDING JUDGE: You have said yes.

27 THE WITNESS: Exactly. That's exactly what I was saying.

28 PRESIDING JUDGE: Yes, he's a member of the restructuring
29 committee that was opposed to the first accused.

1 THE WITNESS: Yes, My Lord. I want to say something.
2 JUDGE BOUTET: Go ahead.
3 THE WITNESS: I want to correct that area. The restructuring
4 committee was not an opposition committee. It was a
17:22:29 5 committee he, the first accused himself, put in place to
6 come out with documents that would help this, the
7 organisation, well, change over the excesses for a better
8 footing. Then it was not an opposition then; they're a
9 restructuring committee, My Lord.
17:23:06 10 MR YILLAH:
11 Q. Is it true, Mr Witness --
12 A. Yes, My Lord.
13 Q. -- that you spearheaded a campaign within that committee
14 to state that the holder of the office of National
17:23:20 15 Coordinator should not be a serving government official?
16 Is it true?
17 A. I did that, My Lord, yes. Even in my statement I mention
18 that.
19 PRESIDING JUDGE: Holder of a government position --
17:23:59 20 THE WITNESS: Government minister, you mean.
21 PRESIDING JUDGE: A government position should not --
22 MR YILLAH: That the holder of the office of National
23 Coordinator should not be a government official.
24 PRESIDING JUDGE: That the holder of a government position
17:24:14 25 should not be the National Coordinator?
26 MR YILLAH: Other way, My Lord.
27 PRESIDING JUDGE: How do you want us to put it?
28 MR YILLAH: My Lord, the way I put it was --
29 PRESIDING JUDGE: The holder of the office of --

1 MR YILLAH: National Coordinator should not be a government
2 official.
3 THE WITNESS: My Lord, may I make some ratification there as I
4 said in my statement?
17:24:41 5 PRESIDING JUDGE: Before I refer counsel again, yes.
6 THE WITNESS: I said there should not be a government
7 minister. That was what I was opposing. I say we do not
8 want a government minister, particularly the type of
9 position the first accused was holding.
17:24:56 10 MR YILLAH:
11 Q. So you now say a government minister?
12 A. Even in my first statement, as I was saying, I think I
13 say we wanted to avoid another establishment of
14 Brazzaville. I said that in my explanations initially.
17:25:12 15 Q. Is it also true, Mr Witness --
16 PRESIDING JUDGE: Please wait, Mr Yillah.
17 MR YILLAH: Sorry, My Lord.
18 Q. Is it also true, Mr Witness, that you had maintained this
19 position since your days at Talia?
17:26:26 20 A. My Lord, which position? Please clarify.
21 Q. That the holder of the office of National Coordinator
22 should not be a government minister according to you?
23 A. Exactly, My Lord.
24 PRESIDING JUDGE: Throughout his stay in Talia?
17:26:53 25 MR YILLAH: Throughout the witness 's stay in Talia.
26 Q. Mr Witness.
27 A. Yes, My Lord.
28 Q. Is it true that when the regional coordinators' offices
29 in the provinces were about to be dissolved you were

1 bitterly opposed to that? Is it true?

3 PRESIDING JUDGE: You were opposed?

17:28:19 5 PRESIDING JUDGE: You said you were opposed. You wanted to
6 give a reason.

9 PRESIDING JUDGE: You wanted know why?

11 PRESIDING JUDGE: Why that was to be done?

13 MR YILLAH:

17:29:07 15 A. Yes, My Lord.

19 A. I was never told that reason. I was never told that
17:29:28 20 reason.

22 A. Yes, My Lord.

27 A. My Lord, I did not change position. I was even not there
28 when I was elected. I was elected in absentia.

- 1 Q. The question, Mr Witness, your earlier position was that
2 regional offices were to be maintained?
- 3 A. Yes, My Lord.
- 4 Q. Did you a few months after the dissolution of these
17:30:46 5 offices shift position? Did you or did you not?
- 6 A. I did on the appeal of my people, they came for me. They
7 told me I was elected in absentia, that I should be their
8 own boss since the regional office had be dissolved, so
9 they came for me in Kenema, through ECOMOG then.
- 17:31:09 10 Q. And you abandoned your earlier position that regional
11 offices were to be maintained?
- 12 A. There was no other regional offices because we had
13 [inaudible], even if I had maintained there and then
14 somebody says they should not be there what was I to say
17:31:28 15 that they should continue.
- 16 Q. Mr Witness?
- 17 A. Yes, My Lord.
- 18 Q. Do you recall making a statement to the investigators
19 from the Office of the Prosecutor? Do you recall,
17:32:13 20 Mr Witness, making a statement to the prosecutors?
- 21 A. I want you to go over that, to bring that question
22 properly so that I will understand.
- 23 Q. It is simple and straightforward?
- 24 A. Okay, yes, let it come.
- 17:32:29 25 Q. Did you at any time make a statement to the investigators
26 from the Prosecutor's office?
- 27 A. I did, I did. Yes, My Lord, I did.
- 28 Q. In what language did you speak, Mr Witness?
- 29 A. In English, My Lord.

1 Q. To your recollection, Mr Witness, what you said, was it
2 recorded?
3 A. Yes.
4 Q. Was it written down?
17:32:55 5 A. Yes, My Lord. I saw the interviewer writing.
6 Q. At the end of the statement was it given to you to read
7 it to subscribe to it whether it is true and correct?
8 A. To go through it, yes, My Lord.
9 Q. Did you subscribe it to be true and correct?
17:33:22 10 A. I did, My Lord.
11 Q. Do you recall making this statement on the 18th day of
12 May 2004?
13 A. Yes, My Lord.
14 Q. Very well. Mr Witness?
17:33:47 15 A. Yes, My Lord.
16 Q. Do you recall telling the --
17 PRESIDING JUDGE: Let's get the date again.
18 MR YILLAH: 18th of May 2004, My Lord.
19 Q. Did you sign the statement?
17:34:09 20 A. No.
21 Q. You did not?
22 A. I did not sign the statement.
23 Q. Why didn't you sign your statement, Mr Witness?
24 A. Well, I do not know, because when those things happen
17:34:21 25 they tell you to sign.
26 Q. So do I take it, Mr Witness, that you did not sign your
27 statement which you subscribed to to be true and correct?
28 A. Excuse me, my Lord, I want you to go over that question
29 once more.

1 Q. Mr Witness, did you sign your statement?
2 A. The one that the interviewer recorded?
3 Q. Yes, after you had read it?
4 A. I saw a blank sheet of paper. I signed the one he told
17:34:48 5 me to read. I did sign.
6 Q. You signed your statement?
7 A. Yes. The ones he gave me to read.
8 Q. So you now say you signed your statement?
9 A. I did sign.
17:34:55 10 Q. Okay. Mr Witness?
11 A. Yes, My Lord.
12 Q. In your evidence-in-chief in this Court, when you were
13 being led in evidence by the Prosecutor, you said you
14 were received in Talia by the first accused?
17:35:10 15 A. Yes, My Lord.
16 Q. But, Mr Witness, do you recall telling the investigators
17 -- let me show you a statement.
18 JUDGE BOUTET: What is it you want to do with the statement?
19 To refresh his memory or to --
17:35:32 20 MR YILLAH: My Lord, there are two options open to me.
21 JUDGE BOUTET: That's why I'm asking what you want to do.
22 MR YILLAH: Well, I will put the question for it. If he
23 agrees --
24 JUDGE BOUTET: Okay. So you want him to read his statement,
25 then you'll ask him --
26 MR YILLAH: Yes, My Lord.
27 JUDGES BOUTET: -- further question.
28 MR YILLAH: But I will put the question for it. If he agrees
29 there will be no need to show it.

1 Q. Do you recall telling the investigators that you were
2 received at Talia by one Pa MT Collier?

3 A. I told them that I was hosted. He was our host.

4 MR YILLAH: My Lord, may I show that statement to the witness?

17:36:10 5 JUDGE BOUTET: How many pages is the statement in question?

6 MR YILLAH: Three pages, My Lord.

7 JUDGE BOUTET: The statement you gave to the investigators,
8 was it a three-page statement? Look at that.

9 PRESIDING JUDGE: You say you were hosted by one Pa who?

17:36:32 10 THE WITNESS: Pa MT Collier.

11 MR YILLAH:

12 Q. Mr Witness, please take a look at your statement.

13 A. Yes, My Lord, I've gone through.

14 Q. Mr Witness, do you see the underlined portion?

17:37:30 15 A. I have seen.

16 Q. Where you said you were received at Talia by one Pa MT
17 Collier. Do you now change your position or do you still
18 stand by your position?

19 A. Now, let me tell you --

17:37:49 20 Q. Could you please answer the question, Mr Witness?

21 A. Okay, go with the question again.

22 Q. You've read the underlined portion in that statement?

23 A. Yes, My Lord.

24 Q. Do you stand by that statement or do you stand by your
17:37:59 25 earlier statement in this Court? Which is which?

26 A. I want to look at both. The reception -- when all of us
27 went there we were received by a third Pa. That is what
28 my position is.

29 Q. For you. Speak for yourself, Mr Witness?

1 A. Okay, for myself.

2 Q. Were you received by -- do you now say you were received
3 by Pa MT Collier?

4 A. As I was introduced to him, yes, My Lord.

17:38:22 5 Q. Mr Witness, you have the statement in front of you?

6 A. It is in front me, My Lord.

7 Q. Mr Witness - with the indulgence of the bench, My Lord -
8 the last underlined sentence, Mr Witness?

9 A. I have seen that.

17:38:43 10 Q. So, Mr Witness?

11 A. Yes, My Lord.

12 Q. In light of what you've read do you now say you were
13 received at Talia by one Pa MT Collier as you stated in
14 your statement?

17:38:56 15 A. I have said that also, My Lord. I was received by MT
16 Collier.

17 Q. So you now say you were received by MT Collier?

18 A. Initially I had told you that I was received by Chief
19 Norman.

17:39:09 20 Q. That is what you said in evidence here?

21 A. Yes, My Lord.

22 Q. But in your statement that is in front of you,
23 Mr Witness, you said you were received at Talia by one Pa
24 MT Collier?

17:39:23 25 A. MT Collier, yes, My Lord.

26 Q. So my question is: Do you now change your earlier
27 position?

28 A. Of this statement?

29 Q. That you were received by Chief Norman?

1 A. To look at the statement?

2 Q. Looking at that statement --

3 A. I have looked at the statement. My Lord, I have said --

4 JUDGE THOMPSON: Learned counsel, wouldn't it be better to ask

17:39:46 5 him whether he stands by his statement?

6 MR YILLAH:

7 Q. Do you stand by that statement?

8 A. I stand by my statement.

9 Q. By this statement?

17:39:48 10 A. By my statement.

11 JUDGE THOMPSON: [Overlapping speakers] what he said there.

12 MR YILLAH:

13 Q. By what you said in that statement?

14 A. In that statement.

17:39:54 15 Q. So, Mr Witness, is it correct to state that you now say

16 you were received by Pa MT Collier, if you stand by that

17 statement?

18 A. Go over it again.

19 Q. Mr Witness, in your evidence-in-chief you said you were

17:40:21 20 received at Talia by the first accused?

21 A. Yes, My Lord.

22 Q. You have just read a portion in your statement --

23 A. Yes, My Lord.

24 Q. In your statement that you've identified to be yours?

17:40:31 25 A. Yes, My Lord.

26 Q. Do you stand by your earlier statement or do you stand by

27 this statement? Which is which?

28 A. I stand by my first statement.

29 Q. That you were received by --

1 A. By Pa MT Collier.

2 Q. So you now say you were received by Pa MT Collier?

3 A. Yes, My Lord, because everybody there was received by --

4 Q. Speak for yourself?

17:40:58 5 A. Okay, yes, My Lord.

6 Q. So you now tell this Court that --

7 A. That I was received by Chief MT Collier.

8 Q. By Pa MT Collier?

9 A. Yes, My Lord.

17:41:09 10 Q. Mr Witness, look at the statement again. Do you recall

11 telling the investigators that at the time of your

12 arrival in Talia the first accused had travelled to

13 neighbouring villages to talk to the people to beg them

14 about the excesses of the Kamajors? Do you recall saying

17:41:29 15 that?

16 A. I did say that, My Lord.

17 Q. You did say that?

18 A. Yes, My Lord.

19 Q. So at the time of your arrival in Talia you now say that

17:41:37 20 the first accused was not there?

21 A. Yes, My Lord.

22 Q. You now say?

23 A. We had to wait for him to come.

24 Q. Mr Witness, the question is simple and straightforward.

17:41:46 25 A. Okay, My Lord.

26 Q. Do you recall telling the investigators that at the time

27 you arrived in Talia, the first accused had travelled to

28 neighbouring villages?

29 A. That was what I was told.

1 Q. Was that what you said to the prosecutors?
2 A. Today?
3 Q. Mr Witness, you have a piece of paper in front of you
4 which you've identified to be your statement?
17:42:20 5 A. To be my statement, yes, My Lord.
6 Q. In that statement, Mr Witness, did you tell the recorder
7 that at the time you arrived in Talia the first accused
8 had travelled to neighbouring villages --
9 A. Yes, My Lord.
17:42:38 10 Q. -- to beg the people because of the excesses of the
11 Kamajors?
12 A. As I was told, My Lord.
13 JUDGE THOMPSON: Mr Witness, in other words, are you saying
14 that the investigators recorded you correctly in respect
17:42:51 15 of that point?
16 THE WITNESS: This particular statement?
17 JUDGE THOMPSON: The particular portion that counsel is
18 questioning you on? Did the investigators record you
19 correctly.
17:43:00 20 THE WITNESS: What really happened, it was not like some
21 investigation. They just asked me to explain what
22 I experienced at Talia.
23 JUDGE THOMPSON: Does it reflect what you told them on that
24 issue.
17:43:11 25 THE WITNESS: That issue, yes.
26 JUDGE THOMPSON: [Overlapping speakers] accurately, as in the
27 statement?
28 THE WITNESS: This particular one, yes, My Lord.
29 MR YILLAH:

1 Q. So, Mr Witness, you've also told this Court that at the
2 end of that statement, you read it over and you
3 subscribed it to be true and direct; is that true?
4 You've said that earlier?

17:43:31 5 A. Yes, I have told that.

6 Q. Yes. Now my question is, Mr Witness, look at that
7 statement, there is an underlined portion?

8 A. I have seen, My Lord.

9 Q. In which you said at the time of your arrival in Talia,
17:43:48 10 Chief Norman had travelled to neighbouring villages?

11 JUDGE BOUTET: Yes, but that is the third time you have asked
12 this question. He said yes. He agrees with you. Why
13 you repeating again the same question? That is at least
14 the third time you are repeating the question. The
17:44:04 15 witness has told you yes, this is what was written and
16 this is exactly what I told them.

17 PRESIDING JUDGE: And I agree with what is in my statement.

18 MR YILLAH: Very well, My Lord.

19 Q. Mr Witness.

17:44:22 20 A. Yes, My Lord.

21 Q. So if -- it would not be correct if someone -- some other
22 person had said to this Court that the formation of the
23 War Council was his idea? It would not be correct?

24 A. Go over it again, My Lord.

17:44:42 25 Q. You said in your evidence in chief --

26 A. Yes, My Lord.

27 Q. -- that you and Paramount Chief Caulker suggested the
28 idea of the formation of the War Council?

29 A. Not the War Council, a sort of committee.

1 Q. A committee which gradually developed into the War
2 Council?
3 A. Yes.
4 Q. So my question to you is that it would not be correct if
17:45:05 5 some other person had said that the formation of the war
6 council -- some other person other than you and Chief
7 Caulker that the formation of the War Council was his
8 idea?
9 MR KAMARA: I object to that line of cross-examination, Your
17:45:16 10 Honour. The evidence we have in-chief is that Chief
11 Caulker and the several others, including the witness,
12 came together and based on the observations that they
13 made and decided to recommend to Chief Norman to form a
14 committee. This eventually became the War Council. The
17:45:33 15 question now being put to this witness if somebody else
16 was to say that it was his idea, would you agree? So
17 there are differences. A committee was agreed to form.
18 It was eventually revised to - if I can use my learned
19 friend's word - to the War Council. He never said that
17:45:49 20 he created or he was the brain child of the War Council.
21 PRESIDING JUDGE: But, Mr Kamara, the problem there is that
22 he, learned counsel Yillah, is saying that it would not
23 be correct if anybody said that the creation of the War
24 Council was Mr Norman's idea.
17:46:20 25 JUDGE BOUTET: But that is not the question.
26 MR YILLAH: My Lord, if I may respond to my learned friend.
27 My Lord, I think the jurisprudence and the practice of
28 this Court shows that I'm legitimately entitled to put
29 the evidence of other witnesses to a particular witness

1 to test his credibility.

2 PRESIDING JUDGE: There is no doubt about that.

3 MR YILLAH: That is what I'm attempting to do without

4 revealing the name of the person, not to breach

17:47:02 5 protective measures.

6 JUDGE BOUTET: That's okay.

7 MR YILLAH: Except if My Lords would prefer to go into closed

8 session.

9 PRESIDING JUDGE: No, we don't want that.

17:47:07 10 MR YILLAH:

11 Q. Mr Witness, if some other person had said to this Court

12 that the formation of the War Council was his own idea?

13 PRESIDING JUDGE: Oh, okay.

14 MR KAMARA: Your Honours -- okay, I guess he is writing the

17:47:35 15 name. It is quite unfair to say some other person and

16 the witness doesn't know who some other person is.

17 MR YILLAH: My Lord, in order to assist.

18 JUDGE BOUTET: Another piece of paper.

19 MR YILLAH: My Lord, in order to assist the Tribunal.

17:48:00 20 JUDGE BOUTET: And to avoid the confusion.

21 MR YILLAH: I'm referring to TF2-005. That's the other

22 person, My Lord.

23 JUDGE BOUTET: Maybe in fairness to the witness he doesn't

24 know who that is. I think follow your same procedure as

17:48:22 25 before.

26 MR YILLAH:

27 Q. Mr Witness, earlier in the course of cross-examination

28 I showed you a piece of paper containing a particular

29 name. Do you recall it?

1 A. I do.

2 Q. You do recall that name?

3 A. Yes, I do.

4 JUDGE BOUTET: And that was marked as Exhibit 61.

17:48:47 5 MR YILLAH: Exhibit 61, very well, My Lord.

6 JUDGE BOUTET: That's the one you're referring to.

7 MR YILLAH: That's the one I'm referring to, Mr Lord.

8 Q. Mr Witness, so based on what you've said in your evidence

9 in-chief, it would not be correct if that individual had

17:49:02 10 said that the formation of War Council was his own idea

11 that he proposed to the first accused?

12 A. Well, we all came together to decide to have a committee.

13 Q. The question is simple.

14 MR KAMARA: Would my learned friend please allow the witness

17:49:26 15 to answer the question.

16 JUDGE BOUTET: Yes, absolutely.

17 THE WITNESS: I want to believe that he was trying to express

18 his individual self, because whatever happened --

19 whatever observations I made being my own impression,

17:49:35 20 from the same region I had to go and consult with him and

21 I showed him my own proposal. We decided of having a

22 sort of committee. So since he being the elder, he led

23 us in that meeting before going even to chief, before, we

24 thought of meeting him to tell. So whatever he says,

17:49:57 25 I would not object, My Lord, as an elder, but I was the

26 very brain behind that thing. I wrote down my

27 observations.

28 PRESIDING JUDGE: Mr Yillah, I don't see how -- anyway, they

29 were in a committee and came out like it was a think

1 tank, you know, somebody floated the idea, like he is
2 saying. They all bought it and then an elderly person
3 reported that it was his idea, so --
4 MR YILLAH: My Lord, these are --
17:50:37 5 PRESIDING JUDGE: I don't know what importance, Mr Yillah,
6 attaches to that.
7 MR YILLAH: This is on credibility, Mr Lord.
8 PRESIDING JUDGE: On the credibility of TF2 --
9 MR YILLAH: 222. I'm evaluating his credibility.
17:50:53 10 Q. Mr Witness, if I understand your response correctly,
11 you're saying that you are agree with me that it would
12 not be correct if that individual had said that the
13 formation of War Council was his own idea without him
14 naming any other person that he proposed to the first
17:51:10 15 accused?
16 A. My Lord, I would not really stand to buy that idea much,
17 My Lord, because I know and there were people who can --
18 who know that I had even discussed that with him, because
19 I saw the flaws. He was [inaudible]expressing and
17:51:32 20 wanted to advise me and he appreciated the idea. He even
21 led us. So I think that is his position. That is the
22 position. Even if he were here, I would have told him
23 I really suggested that thing to you.
24 JUDGE THOMPSON: So in other words, this witness is saying
17:51:48 25 that you were the author of the idea, even though you
26 don't seem to mind if somebody else is taking credit for
27 it?
28 THE WITNESS: Yes, My Lord.
29 JUDGE THOMPSON: But you were the originator of the idea?

1 THE WITNESS: Yes, My Lord.

2 JUDGE THOMPSON: All right. And that you let elderly people

3 take credit for some of your ideas?

4 THE WITNESS: Yes, My Lord.

17:52:18 5 JUDGE THOMPSON: And taking credit for your book?

6 THE WITNESS: Yes, My Lord because --

7 JUDGE THOMPSON: That's okay.

8 PRESIDING JUDGE: Mr Yillah, you may proceed or do you still

9 want to uncover for some time?

17:52:39 10 MR YILLAH: I will have another hour.

11 PRESIDING JUDGE: Did you want to proceed new grounds?

12 MR YILLAH: Yes, because we're going into Talia proper. That

13 is a different episode.

14 PRESIDING JUDGE: Do you think you have one or two questions

17:52:54 15 to ask before closing this?

16 MR YILLAH: My Lord, several questions which is related to the

17 other. I have several questions each of which relates to

18 the other and depending on the answers --

19 PRESIDING JUDGE: You think you need how much more time?

17:53:16 20 MR YILLAH: My Lord, about an hour and a quarter.

21 JUDGE BOUTET: You just said an hour and now it's expanding to

22 an hour and a quarter.

23 MR YILLAH: Very well, My Lord.

24 JUDGE BOUTET: An hour and a half?

17:53:31 25 MR YILLAH: An hour and a quarter will be fine.

26 PRESIDING JUDGE: I think -- but I would like you to wrap up

27 with the topic you have now so that we know that we're

28 resuming tomorrow on a new subject.

29 MR YILLAH: As My Lord pleases. I will just wrap up on that

1 individual.

2 PRESIDING JUDGE: Yes.

3 MR YILLAH:

4 Q. Mr Witness, among the names of persons you mentioned that
17:54:07 5 travelled with you in a helicopter from XXXXXXXX Institute to
6 Talia, you did not mention that individuals's name in
7 evidence in-chief?

8 A. I didn't, My Lord.

9 Q. You did not?

17:54:21 10 A. No, My Lord.

11 Q. So again, Mr Witness, it would not be correct if that
12 individual had said he travelled with you from Liberia to
13 Talia. Is that what you're telling this Court?

14 A. It would not be correct.

17:54:36 15 Q. It would not be correct?

16 A. That very day I travelled from XXXXXXXX to Talia he was not
17 amongst that.

18 Q. Mr Witness --

19 A. Yes, My Lord.

17:55:36 20 MR YILLAH: My Lord, that is my last question on this subject
21 at this stage. I'm now moving on to an entirely new
22 episode in Talia.

23 JUDGE BOUTET: You don't have any more questions on that
24 subject?

17:55:49 25 MR YILLAH: No, My Lord.

26 PRESIDING JUDGE: Okay. Then you will pursue that tomorrow.

27 MR MARGAI: My Lords, for the records, I won't be here
28 tomorrow. My learned friend Ansu Lansana will be doing
29 the cross-examination on behalf of the third accused.

1 JUDGE BOUTET: Well, he is part of your defence team for the
2 third accused?
3 MR MARGAI: Yes, he is.
4 JUDGE BOUTET: That's okay. Thank you very much.
17:56:59 5 PRESIDING JUDGE: Learned counsel, we will rise and we're
6 resuming tomorrow at 9.30. The Court will rise, please.
7 [Whereupon the hearing adjourned at 6.00 p.m. to be
8 reconvened on Friday, the 18th day of February, 2005, at
9 9.30 a.m.]
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EXHIBITS:

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