

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

TUESDAY, 15 MARCH 2005
9.42 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Mohammed Bangura
Mr Kevin Tavener

For the Principal Defender:

Mr Ibrahim Yillah

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana
Mr Michael Martin
Ms Susan Wright

1 Tuesday, 15 March 2005
2 [The accused Fofana and Kondewa present]
3 [Open session]
4 [Upon reconvening at 9.42 a.m.]
09:44:07 5 PRESIDING JUDGE: Learned counsel, good morning. We are
6 resuming our proceedings. Mr Witness, good morning.
7 THE WITNESS: Good morning, sir.
8 PRESIDING JUDGE: I hope that we will be finished with you
9 soon so that you will retire.
09:45:36 10 JUDGE BOUTET: Mr Williams, are you ready to proceed with
11 your cross-examination of the witness?
12 MR WILLIAMS: Yes, My Lord.
13 JUDGE BOUTET: Please do so.
14 PRESIDING JUDGE: He is more than ready to proceed.
09:45:47 15 WITNESS: TF2-014 [Continued]
16 CROSS-EXAMINED BY MR WILLIAMS:
17 Q. Mr Witness, you mentioned a General Mohammed One. Was he
18 the general ECOMOG field commander based in Liberia?
19 A. Yes. That was what the national coordinator told us.
09:46:36 20 PRESIDING JUDGE: That's the ECOMOG commander for Sierra
21 Leone.
22 MR WILLIAMS: No, ECOMOG field commander based in Liberia,
23 My Lord. Their mandate was Liberia --
24 PRESIDING JUDGE: I see, for Liberia. I see. So General
09:46:51 25 One was the ECOMOG --
26 MR WILLIAMS: Field commander based in Monrovia, Liberia,
27 My Lord.
28 Q. Apart from what Mr Norman told you about General Mohammed
29 One you also knew from other sources that he was a field

1 commander based in Monrovia; is that correct?

2 A. No, My Lord. I didn't know.

3 Q. You never heard him on the BBC Focus on Africa program?

4 A. No, My Lord. The time we were in the bush we never

09:47:56 5 listened to radio.

6 Q. Do you know that the mandate of the ECOMOG that was based
7 in Monrovia was extended to Sierra Leone on or about 1997?

8 A. Repeat your question.

9 Q. Do you know that the ECOMOG task force that was based in
09:49:09 10 Monrovia had its mandate extended to Sierra Leone on or about
11 1997?

12 A. I saw them in Sierra Leone in 1997.

13 Q. Mr Witness, can you answer my question, please?

14 A. I never knew they had any mandate. I saw them in Sierra
09:49:36 15 Leone, because.

16 JUDGE BOUTET: Mr Williams, when you say a mandate of
17 ECOMOG based in Monrovia are you saying ECOMOG deployed in
18 Liberia, presumably that you mean by this.

19 MR WILLIAMS: Yes, My Lord.

09:49:54 20 JUDGE BOUTET: So I don't know if they were based in
21 Monrovia or not but essentially their mandate in Liberia was not
22 only to Monrovia, it was for Liberia.

23 MR WILLIAMS: Yes, My Lord.

24 JUDGE BOUTET: I just want to make sure that I understand
09:50:09 25 your question because you keep referring to Monrovia. They may
26 have been based in Monrovia, I don't know, but your question is
27 that ECOMOG in Liberia's mandate was extended to Sierra Leone.

28 MR WILLIAMS: Yes, My Lord.

29 Q. And whilst at Base Zero ECOMOG officers used to visit the

1 CDF there; is that correct?

2 A. Yes, My Lord. General Maxwell Khobe went there.

3 Q. And did Mohammed One also visit Base Zero?

4 A. No, My Lord.

09:51:44 5 Q. And, apart from Maxwell Khobe, several other ECOMOG

6 officers came to Base Zero?

7 A. People were coming from Liberia to Base Zero but I don't

8 know whether they were ECOMOG.

9 Q. Do you know a helicopter pilot called Fred?

09:52:41 10 A. Yes, My Lord.

11 PRESIDING JUDGE: Fred?

12 MR WILLIAMS: F-R-E-D, My Lord.

13 PRESIDING JUDGE: F-R-E-D.

14 MR WILLIAMS: Yes.

09:53:05 15 Q. He was the pilot of a very big helicopter; is that correct?

16 A. I usually see him inside helicopter. I see him there, but

17 I don't know whether he was a pilot and he has --

18 Q. But your answer was you knew a helicopter pilot called

19 Fred. That was the answer you gave a short while ago. Was that

09:53:37 20 the answer you gave a short while ago?

21 A. He was in the helicopter. He was coming but I don't know

22 whether he was a pilot.

23 Q. [Overlapping speakers] that you knew a helicopter pilot

24 called Fred. Did you say that?

09:53:53 25 A. I know Fred but I don't know the type of job he's doing in

26 the helicopter. I don't know who was the pilot because there

27 were many.

28 Q. And that helicopter came to Base Zero on several occasions?

29 A. Yes, My Lord.

1 Q. Apart from bringing ECOMOG personnel to Base Zero, what
2 else did that helicopter bring?
3 A. It was bringing rice.
4 Q. Yes, go on?
09:55:07 5 A. It brings fuel, arms and ammunition.
6 Q. Those items you've mentioned were meant for the fighting
7 forces of the CDF; is that correct?
8 A. Yes, My Lord.
9 Q. So even before you came out of the bush there was a very
09:56:15 10 strong relationship between the CDF and ECOMOG?
11 A. Yes, My Lord.
12 PRESIDING JUDGE: That's the relationship between ECOMOG
13 and the CDF.
14 MR WILLIAMS: Yes. The fighting forces of the CDF, My
09:57:03 15 Lord.
16 PRESIDING JUDGE: ECOMOG and the fighting forces.
17 MR WILLIAMS: Of the CDF.
18 Q. Do you know an ECOMOG soldier called Mohan Musa?
19 A. The name once more. I know Buhari Musa.
09:57:32 20 Q. Sorry, Buhari Musa?
21 A. Thank you. I know Buhari Musa.
22 Q. You first met Buhari Musa in the early part of 1998; is
23 that correct?
24 A. Yes, My Lord, when he took over from Colonel Akim Amie
09:58:13 25 [phon].
26 Q. Was Colonel Akim Amie the ECOMOG brigade commander at Bo?
27 A. Yes, My Lord. He was the first ECOMOG commander.
28 PRESIDING JUDGE: He was the first or the force ECOMOG
29 commander?

1 THE WITNESS: The first.
2 PRESIDING JUDGE: The first.
3 THE WITNESS: Yes, My Lord. You are correct.
4 PRESIDING JUDGE: ECOMOG commander where?
09:58:57 5 THE WITNESS: Bo, southern region.
6 JUDGE BOUTET: And that is in 1998.
7 THE WITNESS: Yes, My Lord. As soon as we took over Bo.
8 MR WILLIAMS:
9 Q. Mr Witness, you made a statement --
09:59:42 10 PRESIDING JUDGE: Your microphone, Mr Williams.
11 MR WILLIAMS: Sorry, My Lord.
12 Q. You made a statement to investigators on the 16th of
13 January 2003 in the investigators of the Prosecutor's office on
14 the 16th of January 2003 at Scan Drive. Scan Drive, yes. When
10:00:03 15 they were based at Scan Drive?
16 PRESIDING JUDGE: That's 2003, you say.
17 MR WILLIAMS: Yes, My Lord. 16th January 2003.
18 THE WITNESS: Yes, My Lord. I remember I made statement
19 but I cannot remember the date now.
10:00:27 20 MR WILLIAMS:
21 Q. And were you audio taped?
22 A. Break that language for me.
23 Q. Were you recorded by the investigators using a tape
24 recorder?
10:00:54 25 A. Yes, My Lord.
26 Q. And after you had finished making your statement what did
27 they do?
28 A. I was taken back to my house.
29 Q. Did they replay the cassette for you or did they reduce it

1 into writing?

2 A. Yeah, they replayed the cassette.

3 Q. And you admitted its content to be true and correct?

4 A. Yes, My Lord.

10:02:05 5 Q. You just mentioned, Mr Witness, that General Mohammed One
6 never came to Sierra Leone. That was your evidence a short while
7 ago?

8 A. I said Base Zero. I was in the bush. So I never saw him
9 -- I never saw him at Base Zero.

10:02:21 10 Q. [Overlapping speakers] you said General Mohammed One never
11 came to meet you in the bush; is that correct?

12 A. Yes, My Lord. It was at Base Zero.

13 Q. I refer you to a portion of your statement made on the 16th
14 of January 2003?

10:02:49 15 MR TAVENER: If I might have the page number, please.

16 MR WILLIAMS: 10265.

17 PRESIDING JUDGE: Are we still on that statement of the
18 16th?

19 MR WILLIAMS: Yes, My Lord. It's page 46.

10:03:08 20 PRESIDING JUDGE: Mr Williams, are you we still on the
21 statement of the 16th?

22 MR WILLIAMS: Yes, My Lord.

23 JUDGE BOUTET: Do I take it that this audio cassette has
24 been reduced into writing?

10:03:25 25 MR WILLIAMS: Yes.

26 Q. Mr Witness, you had this to say -- it was a question and
27 answer session; is that correct? They asked you questions and
28 you were required to provide answers; is that correct?

29 A. Yes, My Lord.

1 Q. You were asked this question: "Did that relationship" --
2 that is the relationship between Norman and Mohammed One. "Did
3 that relationship between those two last for a long period of
4 time?" Your answer was this: "For a long period. Norman was
10:04:10 5 going often to General Mohammed One in Monrovia, Liberia." Is
6 that true?

7 A. That is correct.

8 Q. And you were asked again by the investigators: "Okay. And
9 did General Mohammed One ever come to Sierra Leone?" Your answer
10:04:47 10 was this: "When we are in the bush, yeah." But in court what
11 you said was -- the question was, "Okay. And did General
12 Mohammed One ever come to Sierra Leone?" Your answer was, "When
13 we were are in the bush, yeah." I've not asked you a question
14 yet. Did you say -- did you give that answer to the
10:05:30 15 investigators of the OTP?

16 JUDGE BOUTET: Mr Williams, what comes after that, because
17 what you're quoting, to me, sounds more like a question from the
18 one receiving the question. I have difficulty to make sense with
19 what you're asking. I'm not saying the witness didn't say that.
10:05:54 20 I'm just trying to follow that question that you say in the
21 transcript that you have it says the question that was asked by
22 the investigator to the witness was did General One come to
23 Sierra Leone. Answer - I'm just reporting your words there -
24 when we are in the bush. So is it a question? It depends how
10:06:21 25 you put it.

26 MR WILLIAMS: No, that was not the full answer, My Lord.
27 "When we are in the bush" - then there is a pause - "yeah". That
28 is yes, when we are in the bush. He is re-echoing the question
29 and [overlapping speakers].

1 JUDGE BOUTET: Is it a yeah or a yes.
2 MR WILLIAMS: Y-E-A-H, yeah.
3 Q. Could you now answer my question, please?
4 A. I cannot remember when we were in the bush General One went
10:06:56 5 there. It was Maxwell Khobe who went there.
6 Q. I'm not asking you what you remember now. My question is
7 did you say those words to the investigators?
8 A. No.
9 Q. You did not?
10:07:08 10 A. No, no.
11 Q. Mr Witness, the initiation process into the Kamajor society
12 lasted for a day; is that correct?
13 A. No.
14 Q. No?
10:08:17 15 A. Initiation process doesn't last for a day.
16 Q. How long did it last for? Let me ask you this: You're not
17 aware of any occasion in which the initiation process into the
18 Kamajor society lasted for a day; is that correct?
19 A. No.
10:08:58 20 Q. How long did the initiation process last for? I mean, I
21 want to draw a distinction here between initiation into the
22 Kamajor society as opposed to military training. What I'm
23 talking about here is initiation into the Kamajor traditional
24 society?
10:09:31 25 A. Well, at times -- the times vary. There was not only one
26 initiator.
27 Q. What is the minimum time that an initiation into the
28 Kamajor traditional society would last for?
29 A. The sowe that was the initiator that joined me, they did

1 for a week but I cannot tell the other initiators' time.

2 Q. But you do agree with me, Mr Witness, that initiation into
3 the Kamajor traditional society is completely different from
4 military recruitment?

10:11:30 5 A. Yes, My Lord.

6 PRESIDING JUDGE: You mean initiation intended for military
7 recruitment?

8 MR WILLIAMS: No, My Lord.

9 PRESIDING JUDGE: Is that what you mean?

10:12:07 10 MR WILLIAMS: Initiation into the Kamajor society is
11 completely different from military recruitment. That is, I mean
12 you -- I'll clarify it. The question that is to follow might
13 shed some light on Your Lordship's --

14 PRESIDING JUDGE: Okay. You may proceed.

10:12:29 15 MR WILLIAMS:

16 Q. So you could very well have a Kamajor who was not a
17 combatant. All right, let me give you an example. Joe Demby was
18 a Kamajor; right? The former vice-president was a Kamajor?

19 A. I don't know about that.

10:12:49 20 Q. You don't know that he was a Kamajor?

21 A. At all not. I don't know.

22 Q. IMF Kanneh was a Kamajor?

23 A. He was a Kamajor, yes, I knew him.

24 Q. And Tucker was a Kamajor?

10:13:05 25 A. Yes, My Lord.

26 Q. They were not combatants?

27 A. They were not fighting at all.

28 Q. So you can very well --

29 PRESIDING JUDGE: Let's have the names.

1 JUDGE THOMPSON: Come on, counsel. Would you just give us
2 a chance to record the evidence.

3 MR WILLIAMS: I'm sorry, My Lord.

4 JUDGE THOMPSON: Thank you.

10:13:27 5 PRESIDING JUDGE: Joe Demby was not. I do not know that
6 Joe Demby was a Kamajor. I do not know. Then you called?

7 MR WILLIAMS: IMF Kanneh.

8 JUDGE THOMPSON: What was the answer to that?

9 MR WILLIAMS: That he was a Kamajor, My Lord.

10:13:45 10 PRESIDING JUDGE: IMF Kanneh and who?

11 MR WILLIAMS: And Charlie Tucker. Chief Charlie Tucker.

12 THE WITNESS: That is correct, My Lord. They were
13 Kamajors.

14 MR WILLIAMS:

10:13:57 15 Q. And Chief Quee was also a Kamajor?

16 A. Yes, My Lord.

17 PRESIDING JUDGE: You brought in another name.

18 MR WILLIAMS: Yes, Quee now. Paramount Chief Quee.

19 JUDGE THOMPSON: Was not a Kamajor.

20 MR WILLIAMS: Was a Kamajor.

21 THE WITNESS: The War Council chairman.

22 PRESIDING JUDGE: They were Kamajors but they never went to
23 the war front.

24 MR WILLIAMS: They were not combatants.

10:14:27 25 THE WITNESS: Yes, My Lord.

26 JUDGE THOMPSON: Have you completed your list or are you
27 going on?

28 MR WILLIAMS: That is fine, My Lord.

29 JUDGE THOMPSON: They were Kamajors but they were not

1 combatants.

2 MR WILLIAMS:

3 Q. Basically you can have somebody going through the Kamajor
4 initiation but not opting for military recruitment?

10:14:53 5 A. Yes, My Lord.

6 JUDGE THOMPSON: It follows by logical implication.

7 MR WILLIAMS: [Inaudible] say something else but I wanted
8 to --

9 JUDGE BOUTET: I would like to be able to understand the
10:15:06 10 language you're using because you seem to be mixing the two
11 recruitment; combatant, fighters, all of this is the same thing.
12 It is synonymous in your language. I'm trying to understand the
13 evidence, that's why I'm asking you the question.

14 MR WILLIAMS: I know they are synonymous. That's why I'm
10:15:23 15 interchanging them.

16 JUDGE BOUTET: I just want to make sure this is what you
17 mean.

18 MR WILLIAMS: Yes, exactly. Perfectly, My Lord.

19 JUDGE BOUTET: Okay.

10:15:56 20 MR WILLIAMS:

21 Q. Mr Witness, when you spoke with -- you made 17 statements
22 in total to investigators; is that correct?

23 A. I cannot remember whether there were 17 statements. I
24 never counted.

10:16:37 25 Q. But on every occasion you made a statement to investigators
26 you would tell your story and they would record what you were
27 saying?

28 A. Yes, My Lord.

29 Q. And after that they would read it over to you and ask you

1 whether you were in agreement with what had been recorded?

2 A. Yes, My Lord.

3 Q. And on each occasion you would tell them that what they had
4 recorded was what you actually represented to them?

10:17:44 5 A. Yes, My Lord.

6 Q. And you gave the names of members of the War Council to
7 investigators; is that correct? At least on two occasions you
8 gave the names of members of the War Council to investigators?

9 A. Yes, My Lord.

10:18:57 10 Q. And on none of those occasions did you mention the name of
11 Kondewa as a member of the War Council?

12 A. He was a member of the War Council. I mentioned his name.

13 Q. You mentioned his name?

14 A. Yes.

10:19:57 15 Q. I'll refer you to your statement of the 26th of November
16 2002, page 6 of that statement. It reads as follows:

17 "At Base Zero the War Council was established. It was the
18 decision making body. The members of the War Council were Alhaji
19 Daramy Rogers, Chief Quee - chairman of the War Council, PC

10:20:48 20 Charles Caulker, Charlie Tucker, RP Kombe Kajue, IMF Kanneh, DG
21 Ngaheteh Aruna, Vandy Sorka, Kande Samai and Hinga Norman."

22 That was the names of members of the War Council you gave
23 investigators; is that not so?

24 A. I mentioned his name.

10:21:41 25 JUDGE BOUTET: What's the page of what you've been quoting
26 from, Mr Williams?

27 MR WILLIAMS: Page 6, My Lord, of the statement of the --

28 JUDGE BOUTET: Yes, but the record number.

29 MR WILLIAMS: 10186.

1 JUDGE BOUTET: Yes, Mr Williams.

2 MR WILLIAMS:

3 Q. And I will refer you again to your statement of the 16th of
4 January 2003?

10:22:57 5 JUDGE BOUTET: So that's the one that you have referred to
6 previously.

7 MR WILLIAMS: Yes, My Lord.

8 JUDGE BOUTET: That's the audio recorded one.

9 MR WILLIAMS: Yes, My Lord.

10:23:12 10 PRESIDING JUDGE: Was it 16th of January.

11 MR WILLIAMS: 2003, My Lord.

12 PRESIDING JUDGE: 2003?

13 MR WILLIAMS: Yes, My Lord.

14 Q. Starting from page 2 you listed the names of members of --

10:23:37 15 JUDGE BOUTET: What's the page number?

16 MR WILLIAMS: The official record, number 10221.

17 JUDGE BOUTET: 10221, thank you.

18 MR WILLIAMS: Yes, My Lord.

19 Q. And again you mention exhaustively the names of members of
10:24:19 20 the War Council. You did not mention the name of Kondewa. Is
21 that correct?

22 A. I mentioned his name.

23 JUDGE BOUTET: What are you trying to do now, if I may ask
24 you. Are you trying to refresh the memory of the witness or are
10:24:37 25 you trying to show some differences in what he's saying now
26 and -- I'm just trying to follow your line of questions, because
27 if that is the case you should put what he has said or not said
28 in the statement and ask him if he has or has not. Otherwise
29 it's very difficult to follow you on this.

1 MR WILLIAMS: For now I'll restrict myself to trying to
2 refresh his memory.

3 JUDGE BOUTET: Okay. We need to know, otherwise it will be
4 very confusing for us to follow you up on this.

10:25:07 5 JUDGE THOMPSON: Let me say also that you now have put two
6 lists to him.

7 MR WILLIAMS: Yes, My Lord.

8 JUDGE THOMPSON: Two lists. One emanating from his
9 statement of the 26th of November, you say, 2002.

10:25:18 10 MR WILLIAMS: Yes, My Lord.

11 JUDGE THOMPSON: And there he did not mention the name of
12 the third accused. Is that what you're saying?

13 MR WILLIAMS: Yes, My Lord.

14 JUDGE THOMPSON: And the second list is that of the 16th of
10:25:35 15 January 2003. You said again he did not mention the name of the
16 third accused.

17 MR WILLIAMS: Yes, My Lord.

18 JUDGE THOMPSON: Of course you added that the list was
19 exhaustive, I don't know how you know that, but let me leave that
10:25:52 20 to say that if that is the crux of the matter then suppose I were
21 to respond by saying that, consistent with the principle of
22 orality, he has the liberty to expand his list in oral testimony,
23 of course without prejudice to the fact that you can allege this
24 as a material inconsistency.

10:26:22 25 MR WILLIAMS: Yes, My Lord.

26 JUDGE THOMPSON: Because I'm not sure whether you are just
27 trying to refresh his memory. I'm sure, depending on his
28 answers, you are going down a further road.

29 MR WILLIAMS: Definitely, My Lord.

1 JUDGE THOMPSON: And moving to the rubric of prior
2 inconsistent statement. That's how I understand your train.

3 MR WILLIAMS: Yes, My Lord.

4 JUDGE BOUTET: But to add to what my brother has said on
10:26:51 5 this, I agree with him that you have qualified that as being an
6 exhaustive list so that's your description of that. But, in
7 addition to that, in fairness to the witness, if you're using
8 this to refresh his memory, I suggest to you -- and I think the
9 witness can read English, presumably it's in English in the
10:27:04 10 statement as such. The proper way to do that is to give it to
11 the witness so he can refresh his memory and then you ask
12 questions based on that.

13 That's why I'm asking you what is the procedure you're
14 following. It's different if you're talking of inconsistent
10:27:13 15 statements. If this is a refreshing of the memory, certainly
16 give the statement to the witness so he refreshes his memory and
17 then ask questions. So the procedure is fairly tidy one way or
18 the other but we need to know which way you're going. If you're
19 going on the prior inconsistent statement this is not the same
10:27:34 20 procedure in that respect.

21 JUDGE THOMPSON: But we're now overtaken by the answers of
22 the witness. He virtually has said that in the case of the first
23 list he actually told the investigators that the third accused
24 was in fact a member of the War Council and he has virtually
10:27:58 25 re-echoed that for the second list. So we have his answers now
26 and the question is how do you intend to proceed beyond that?
27 He's virtually saying that he was not accurately recorded. That
28 is what I understand his answer to be, unless you have a
29 different interpretation in respect of which you can persuade me.

1 MR WILLIAMS: My Lord, that is his answer. As I mentioned
2 earlier -- I mean, I was restricting myself to trying to refresh
3 his memory and I can change that position.

4 JUDGE THOMPSON: Quite. Apparently you've gone beyond that
10:28:45 5 now. It's not just refreshing his memory in the light of his own
6 answers. He is virtually taking issue with those who recorded
7 his statement.

8 MR WILLIAMS: Yes. My Lord, I'll decide what to do as I
9 proceed.

10:29:00 10 JUDGE THOMPSON: I didn't intend to press you hard.

11 JUDGE BOUTET: My comment about the refreshing the memory
12 of the witness still applies. That is what you do. You should
13 give the statement to the witness, whatever page it is, and ask
14 him to read that and then ask him questions about that. Having
10:29:21 15 refreshed your memory, is it or is it not and whatever it is.

16 Again, Mr Williams, it's just a question of tidiness so that we
17 understand what you're doing and the refreshing of the memory is
18 fairly standard procedure. The witness should be given the
19 statement and questioned and be asked questions about it once he
10:29:41 20 has refreshed his memory.

21 MR WILLIAMS: My Lord, may I ask Court Management to --
22 lines 10 onwards.

23 Q. So do you now see the portion of the statement of the
24 [inaudible] name?

10:31:17 25 A. I mentioned his name.

26 JUDGE BOUTET: Just for the records so it will be clear,
27 Mr Williams, what you have done now is shown to the witness the
28 statement of 16th January 2003.

29 MR WILLIAMS: No, My Lord. The one of the 26th of

1 November.

2 JUDGE BOUTET: 26th of November. The one on page 10186.

3 And what was the question again?

4 MR WILLIAMS: Whether he has seen what he said to the
10:31:51 5 investigators, what was recorded.

6 PRESIDING JUDGE: Mr Witness, is Mr Kondewa's name on that
7 list? In the statement which you have before you does his name
8 feature on that list of members of the War Council?

9 THE WITNESS: No, sir.

10:32:14 10 MR WILLIAMS:

11 Q. I'll show you again --

12 PRESIDING JUDGE: But you say that you mentioned it.

13 THE WITNESS: I called his name. In fact, on this list I
14 saw that some names have been omitted.

10:32:37 15 MR WILLIAMS:

16 Q. I'll show you a portion of your statement of the 16th
17 again. You mentioned --

18 JUDGE BOUTET: For the record that's page 10221 you're
19 showing the witness?

10:33:11 20 MR WILLIAMS: 10231, My Lord.

21 THE WITNESS: My eyesight is not too good.

22 MR WILLIAMS:

23 Q. It's the second line, right. You were asked this:

24 "Q. Was there anybody else besides the 11 people?

10:33:43 25 A. No there was nobody else.

26 Q. There was nobody else. Okay. Now, this is the
27 administrative organogram chart.

28 A. Yes sir."

29 So when you made your statement on the 16th, after you had

1 listed the 11 names of people who were members of the War Council
2 the investigators asked you several times, at least twice, to
3 ascertain whether the list you've given was exhaustive. Was that
4 not so?

10:34:26 5 A. Yes, My Lord but --

6 Q. No, please --

7 PRESIDING JUDGE: No, don't stop him. Don't inhibit the
8 witness [overlapping speakers].

9 THE WITNESS: But Dr Kondewa's name, I mentioned it.

10:34:39 10 PRESIDING JUDGE: [Overlapping speakers] evidence in these
11 proceedings. Don't inhibit the evidence which he wants to give.
12 You have the perfect right to cross-examine him on everything but
13 please don't inhibit the process of his giving evidence. Yes,
14 you were going to say something.

10:35:09 15 THE WITNESS: Yes, My Lord. I mentioned Kondewa's name,
16 Dr Allieu Kondewa's name.

17 MR WILLIAMS:

18 Q. I'm putting it to you, Mr Witness, that you're not speaking
19 the truth?

10:35:41 20 A. Here I am sitting, I have taken an oath. It is the truth
21 I'm saying here.

22 Q. And, Mr Witness, did you not say a short while ago that
23 after these statements were recorded they were read over to you
24 and you admitted them to be true and correct. Did you not say
10:36:19 25 that?

26 A. Yes, My Lord.

27 Q. I'm putting it to you, Mr Witness, that your inclusion of
28 Kondewa is an afterthought. Your inclusion of the name of
29 Kondewa as a member of the War Council is an afterthought?

1 A. No, My Lord.

2 Q. Mr Witness, you mentioned that you mentioned the name of
3 Joe Demby as a member of the War Council; is that correct?

4 A. No, My Lord.

10:37:54 5 JUDGE BOUTET: What's the name you just mentioned,
6 Mr Williams?

7 PRESIDING JUDGE: Joe Demby.

8 MR WILLIAMS:

9 Q. You mentioned a Demby. What is his first name? You
10:38:03 10 mentioned a Demby was a member of the War Council?

11 A. Samuel Demby. The brother of Joe Demby, Albert Joe Demby,
12 former vice-president.

13 PRESIDING JUDGE: Is it Sam Demby.

14 THE WITNESS: Sam Demby, My Lord.

10:38:50 15 MR WILLIAMS:

16 Q. So Joe Demby was never -- Joe Demby, former vice-president,
17 was never a member of the War Council?

18 A. Not at all. He didn't even go into the bush [inaudible].

19 PRESIDING JUDGE: He didn't even do what?

10:39:10 20 THE WITNESS: He didn't even go to Base Zero. We never saw
21 him at Base Zero. So he cannot be a member of the War Council.

22 MR WILLIAMS:

23 Q. I'll refer you to a portion of your statement again. Your
24 statement of the 16th of January 2003. In answer to a question
10:40:02 25 you said --

26 JUDGE BOUTET: The page please.

27 MR WILLIAMS: Page 10224.

28 JUDGE BOUTET: Thank you.

29 MR WILLIAMS:

1 Q. You said: "One of the former vice-president was member of
2 the War Council." In answer to another question that was asked,
3 "Okay and who did he represent?" You said, "Well, he was in
4 charge of mining." Which former vice-president were you
10:40:35 5 referring to?

6 MR TAVENER: Sorry, I object to that. If my friend might
7 read the question and answer above that line. The question would
8 read:

9 "Q. Okay. Just put him down so that we all know later on
10:40:52 10 where he represented.

11 A. Samuel Demby -- Samuel Demby.

12 Q. One of the former vice-presidents was member of the War
13 Council." For completeness.

14 MR WILLIAMS: Well, that does not change anything,
10:41:09 15 Mr Tavener.

16 Q. But I will show you a portion of your statement. Court
17 Management, please.

18 PRESIDING JUDGE: Yes, Mr Witness.

19 THE WITNESS: Yes, My Lord. The time I was giving this
10:41:41 20 statement, it was written in pen. So these names I am seeing
21 here like vice-president, I know Sam Joe Demby who was in charge
22 of mines. When they were bringing diamonds he was going around.
23 But I never mentioned anything about Albert Joe Demby who was
24 vice-president.

10:42:10 25 PRESIDING JUDGE: Or are you suggesting, Mr Williams, that
26 the vice-president was involved in mining.

27 MR WILLIAMS: No, that's what he -- -

28 PRESIDING JUDGE: No, it's not he who said it.

29 MR WILLIAMS: My Lord, he said that in his statement.

1 PRESIDING JUDGE: No, he says he is not that one. He is
2 someone Joe Demby. Someone.

3 MR WILLIAMS: But the mention was made of vice-president
4 who was --

10:42:32 5 Q. We've not had too many vice-presidents in this country,
6 Mr Witness?

7 A. Brother of the vice-president, Samuel Joe Demby.

8 Q. I'll repeat again your answer. You said: "One of the
9 former vice-president was member of the War Council." Did you
10:42:48 10 say that to the OTP?

11 MR TAVENER: If my friend could read the name above that
12 question.

13 MR WILLIAMS: The Prosecutor doesn't have to tell me how I
14 conduct my case. This is an answer, I am restricting him to the
10:43:03 15 answer he provided.

16 JUDGE BOUTET: Yes but the answer makes sense only if you
17 have the question that goes with it. You cannot read the answer
18 without having the question.

19 MR WILLIAMS: That was why I was confused when I mentioned
10:43:14 20 Joe Demby, because I actually saw Samuel Demby. But later on he
21 qualified the Demby he was referring to. [Inaudible]
22 vice-president in this country called Joe Demby.

23 JUDGE THOMPSON: But, counsel, is that a complete sentence
24 you're reading?

10:43:30 25 MR WILLIAMS: Yes, My Lord.

26 JUDGE THOMPSON: Or are you breaking it in the middle?

27 MR WILLIAMS: No, My Lord. I'll just give the two --

28 JUDGE THOMPSON: Yes, because if it is a complete sentence
29 we need to hear the complete sentence.

1 MR WILLIAMS: A question was put, My Lord, "Okay. Just put
2 him down so we all know later on where he represented." I don't
3 know whether that was a question but the answer was, "Samuel
4 Demby -- Samuel Demby." Somebody mumbled something, "Mm-hm", and
10:44:02 5 then he said, "One of the former vice-president was member of the
6 War Council."

7 JUDGE BOUTET: [Microphone not activated]

8 JUDGE THOMPSON: Is that the answer from the witness?

9 MR WILLIAMS: Yes, My Lord.

10:44:13 10 JUDGE THOMPSON: And he said one of the former
11 vice-presidents.

12 MR WILLIAMS: Was member of the War Council.

13 JUDGE THOMPSON: That's how he is recorded.

14 MR WILLIAMS: Yes.

10:44:22 15 JUDGE THOMPSON: And what is the complaint of the
16 Prosecution in regard to that?

17 MR TAVENER: That the name mentioned is Samuel Demby.
18 There's no mention of Joe Demby at all.

19 JUDGE THOMPSON: No, but that's a complete sentence by
10:44:35 20 itself. What does it say. Read it. Perhaps we may be at
21 cross-purposes here.

22 MR TAVENER: The difficulty is this interview goes for some
23 time. The witness is in the process of listing members of the
24 War Council, as I understand it. That's how we get to the
10:44:47 25 question, just put him down so we all know later on where he
26 represented. He's referred to another name above that. So he's
27 going through a list of names. Then he come up with the next
28 name is "Samuel Demby -- Samuel Demby". Then he continues to
29 say, the witness, "One of the form vice-presidents was member of

1 the War Council."

2 JUDGE THOMPSON: Just a minute. So how do you want us to
3 construe that "One of the former vice-presidents was member of
4 the War Council"? Do you want us to construe it just literally
10:45:19 5 or in the total context of all what has gone before?

6 MR TAVENER: In the context of what had gone before
7 including nominating the name Samuel Demby.

8 JUDGE THOMPSON: In other words, it would not make sense if
9 we just construe it all by itself. So that's your complaint.

10:45:40 10 MR TAVENER: That's my complaint. That if you just say one
11 of the former vice-presidents was a member of the War Council you
12 would be misled.

13 JUDGE THOMPSON: Yes. Is that an intelligible approach or
14 does it really not appeal to you as the better approach, the
10:45:53 15 constructive approach to --

16 MR WILLIAMS: It does not, My Lord. It does not, with
17 respect to my learned friend. Apart from providing the name he
18 was explaining who this person was, Samuel Demby. And he says,
19 "One of the former vice-presidents was member of the War
10:46:05 20 Council." I think --

21 PRESIDING JUDGE: Was the former vice-president's name
22 Samuel Demby?

23 JUDGE THOMPSON: Yes. That's the difficulty.

24 PRESIDING JUDGE: Was it Samuel Demby?

10:46:14 25 MR WILLIAMS: It is more accurately described in that
26 statement -- I mean, in the answer.

27 JUDGE THOMPSON: I would think, with respect to my brothers
28 here too, subject to what they'll say, that perhaps to get out of
29 this impasse is for you to proceed and take on what option you'd

1 think would assist the Court. Do you really see this as coming
2 under the rubric of prior inconsistent statement?

3 MR WILLIAMS: Yes, My Lord.

4 JUDGE THOMPSON: If you do why not invoke the jurisdiction
10:46:43 5 of the Court to admit these documents so that we at the end of
6 the day will decide whether to construe these allegedly
7 inconsistent passages in isolation or in the total context of
8 what we have before us.

9 JUDGE BOUTET: I agree with my brother. I told you and
10:47:08 10 asked you what it is you are planning to do. That is why I was
11 asking these questions -- so we are in a position to make a
12 proper assessment. You cannot have it both ways -- one way or
13 the other.

14 MR WILLIAMS: I cannot make up my mind, but I will proceed,
10:47:28 15 My Lord. I will abandon that line for a little while.

16 Q. Mr Witness, did you tell this Court it was the former
17 Vice-President, Joe Demby, that sacked you as the national --
18 just a second, please. Did you tell this Court that it was the
19 former Vice-President, Joe Demby, who sacked you as Director of
10:47:54 20 Operations? Did you say that?

21 A. Yes, My Lord.

22 Q. Was he a Kamajor?

23 A. I don't know.

24 Q. Mr Witness, please help this Court. Please, please, please
10:48:38 25 help this Court. Was Joe Demby a Kamajor?

26 A. No, I don't know.

27 JUDGE THOMPSON: Let us have it straight. Is it that you
28 don't know?

29 THE WITNESS: I don't know.

1 JUDGE THOMPSON: Oh, you don't know.

2 THE WITNESS: I don't know.

3 JUDGE THOMPSON: So, counsel, isn't that a fair answer? It
4 is not within his knowledge. Unless you have something else to
10:49:03 5 prove that he knows --

6 MR WILLIAMS: I do, My Lord.

7 Q. What authority did Joe Demby have to sack you?

8 A. He was vice-president. So if he goes to Bo and they sack
9 me, we are under them when we came to town. The government we
10:49:28 10 had fought for had come to power, so he sacked me in that
11 capacity as vice-president.

12 Q. What business did the government have to do with the
13 Kamajors? What business did they have to do with the Kamajors?

14 A. I cannot be able to answer that question.

10:50:18 15 PRESIDING JUDGE: What business had the Minister of the
16 Interior, depending on the timeframes from the evidence as it is
17 alleged, to do with the Kamajors at the time?

18 MR WILLIAMS: As alleged by this witness, My Lord?

19 JUDGE THOMPSON: Is that your question, because I thought
10:50:39 20 you asked what business did the Government --

21 MR WILLIAMS: Yes, that is my question, My Lord.

22 JUDGE THOMPSON: I have a recording that he is not able to
23 answer the question: "What business did the government have to
24 do with the Kamajors?" Am I recording it correctly?

10:50:50 25 MR WILLIAMS: Perfectly.

26 JUDGE BOUTET: But he did testify in examination-in-chief,
27 not in cross-examination, I must say, about some relationship.

28 MR WILLIAMS: That is what I am asking him. He definitely
29 knows.

1 JUDGE BOUTET: The Presiding Judge has just told you that,
2 depending on the time you are talking, that the Ministry of the
3 interior had something to do with the Kamajors.

4 JUDGE THOMPSON: Less time going here astray, I think the
10:51:23 5 witness is saying that he is not able to answer the question you
6 posed: "What business did the government have with the
7 Kamajors?" Am I correct, Mr Witness?

8 THE WITNESS: Yes, My Lord.

9 JUDGE THOMPSON: So, that is the state of the evidence thus
10:51:42 10 far.

11 MR WILLIAMS:

12 Q. So, you do not know of any business that existed between
13 the Kamajors or the CDF on the one hand and the government on the
14 other hand?

10:52:00 15 A. Yes, My Lord. The only business I know was when they sent
16 rice, when Chief Norman said the president had sent rice -- 4,000
17 bags, which did not reach at all. "Let them handle that person."
18 Apart from that, I don't know any of their business. I was not
19 there when they were making the arrangements.

10:52:30 20 JUDGE BOUTET: Maybe if you try it a bit different.
21 Because you are using the term "business" and the witness seems
22 to be answering "business". If you ask a question about
23 "relationship" it may be a bit different. I am just suggesting
24 that, Mr Williams.

10:52:45 25 JUDGE THOMPSON: Let me interpose here that this witness is
26 an educated person, and clearly he seems to be drawing a
27 distinction between "business" in a general sense, whatever that
28 may mean -- whether that means "relationship" or not -- and a
29 rice delivery affair. He seems to be clear in what he is saying.

1 I do not know of any business between the government and the CDF,
2 except for one instance when rice was delivered. Is that the
3 trend of your evidence? Mr Witness, is that what you are saying?

4 THE WITNESS: No, I did not say that they brought rice.

10:53:34 5 Chief Hinga Norman announced to us that the president had given
6 him 4,000 bags and that they sent it to the leaders and I was
7 held responsible. That is the business I know.

8 MR WILLIAMS: Mr Witness --

9 A. Yes, My Lord.

10 Q. Was there a relationship between the government and the
11 CDF?

12 A. Yes, there might have been a relationship because they were
13 the government of the day we were fighting for, to reinstate
14 them.

10:54:24 15 Q. Mr Witness, in your evidence-in-chief you spoke about the
16 Holy Trinity: God the Father, God the Son and God the Holy
17 Ghost. Is that correct?

18 A. You are correct.

19 Q. Do you know a gentlemen called Charles Moiwo?

10:55:08 20 A. Yes; he was our National PRO when we came from the bush.

21 PRESIDING JUDGE: What is his name again, Mr Williams?

22 MR WILLIAMS: Charles Moiwo -- M-O-I-W-O.

23 Q. Did you mistake Allieu Kondewa in that Holy Trinity for
24 Charles Moiwo?

10:56:02 25 A. I am not blind; I know those people very well. Charles
26 Moiwo never stepped his foot at Base Zero. In fact, he was not a
27 Kamajor. Kondewa I am talking of, I know him well. I have never
28 made any mistake; I have never made any mistake.

29 Q. So you are saying that Charles Moiwo was -- you are saying

1 that Charles Moiwo held a position in the CDF even though he was
2 not a Kamajor?

3 A. When we came out from the bush and came to town we were now
4 in town, he held a position.

10:57:19 5 Q. And did you say in this Court that because President Kabbah
6 was not a member of the Kamajor he could not have held a position
7 in the CDF?

8 A. I said it; I said he never held any post because he was not
9 a Kamajor.

10:58:25 10 Q. So you are now saying it is quite possible for somebody to
11 have held a position in the CDF even though that person was not a
12 Kamajor?

13 A. Yes, My Lord, but with explanation. When we were in the
14 bush no civilian held any position in the Kamajor when we were
10:59:30 15 fighting.

16 Q. Did you not fight when you came out of the bush? Did you
17 not continue to fight after you came out of the bush? Did you or
18 did you not?

19 A. We fought when we came to town, but when the fight died out
11:00:04 20 we came on like civilian and we came on like the government of
21 the day.

22 JUDGE BOUTET: So, is your answer that for as long as you
23 were fighting there was no civilians? Is that what you are
24 saying?

11:00:37 25 THE WITNESS: At all. After we came under the government,
26 when the government was already settled, that was the time. It
27 was not only Charles Moiwo that was made PRO -- national PRO --
28 other workers as well.

29 JUDGE BOUTET: And at the time you were not fighting any

1 more. That is what you are saying.

2 THE WITNESS: Yes, My Lord. When civilians had already
3 come in when we were in the Minister of Defence's office, that
4 was the time civilians infiltrated into us.

11:01:41 5 MR WILLIAMS:

6 Q. Were you ever told, Mr Witness, that whilst you were at
7 Base Zero members of the CDF were leaving Base Zero to see the
8 president in Guinea?

9 A. Not to my knowledge. Mr Norman said when he came from
11:02:25 10 Guinea, he said he and the President are not in good time. He
11 does not want the Kamajors, unless when Peter Penfold intervened
12 on his behalf -- the British High Commissioner who was here --

13 Q. I refer you to a portion of the statement you made on the
14 16th, and I will make a copy of it available to you. It is page
11:03:15 15 10270 onwards.

16 JUDGE BOUTET: I am sorry, Mr Williams, what is the page
17 again?

18 MR WILLIAMS: 10270, it is page 5 of the --

19 JUDGE BOUTET: That is the 16th of January?

11:03:41 20 MR WILLIAMS: Yes, My Lord.

21 Q. You were asked, Mr Witness: "War Council didn't exist."
22 Do you see that?

23 A. Not to my knowledge.

24 Q. Do you see that in the statement? "War Council didn't
11:04:06 25 exist." That was a question that was asked to you. Do you see
26 that?

27 A. I saw it.

28 Q. And your answer was this -- could you follow the statement,
29 please? Your answer was this: "They were doing everything by

1 themselves. These two people, Director of War and Hinga Norman,
2 were doing things." Later on -- could you please -- I am trying
3 to refresh your memory, so I want you to follow the statement.

4 JUDGE BOUTET: Mr Witness, wait for the question and then
11:04:39 5 you can speak.

6 THE WITNESS: I said, "War Council does not exist, with an
7 explanation."

8 MR WILLIAMS: Thank you, yes.

9 Q. Your answer was this: "They were doing everything by
11:04:54 10 themselves. These two people, Director of War and Hinga Norman,
11 were doing things. Then later on somebody came who is not -- who
12 was not a Kamajor and in fact today is not a Kamajor but it is of
13 Charles Moiwo called the -- he was called the National PRO."
14 Another question: "Charles ...?" Your answer was: "Charles
11:05:20 15 Moiwo." Then another question followed: "Moiwo, M-o-i-r-o?"
16 You answered: "M-o-i-w-o." Can you turn to the next page,
17 please?

18 A. My Lord --

19 Q. No, you will have an opportunity to explain. Just
11:05:53 20 concentrate on what I am saying now, please.

21 A. Okay.

22 Q. There is a question right on the second line: "M-o-i-w-o."
23 And you said: "Yeah. So these three people, we are now
24 controlling the whole CDF -- culture." Another question: "Okay.
11:06:15 25 What was Charles' title again?" You said: "Charles was
26 appointed by Hinga Norman as the National -- National Liaison
27 Officer -- National PRO." And further down, Mr Witness, I refer
28 to line 16. Mr Witness, line 16.

29 A. Yes, My Lord.

1 Q. You said: "So these people were now actually CDF." That
2 is what you said: "So these people were now actually CDF."
3 Another question: "Okay. Just the three of them." You said:
4 "These three people." Another question: "These three people.
11:07:16 5 And they made all the decisions." You said: "They made all the
6 decisions." Can we go to the next page, please? The last
7 question on that page 10272.
8 A. Go ahead.
9 Q. You said: "Why -- why is it you think this he -- that he,
11:07:50 10 Hinga Norman, disbanded the War Council and made all the
11 decisions himself along with the Director of War and the Director
12 of PRO? Why not use his council?" The next page: "It was a
13 council forum." Your answer was this: "In the first place,
14 after we came from the bush, they just took these three people
11:08:17 15 and carried them to the president and they lead everything."
16 Nowhere is the name of Allieu Kondewa mentioned in that part of
17 the triumvirate. Is that correct?
18 A. This statement that is here --
19 PRESIDING JUDGE: Get certain things clear.
11:08:39 20 THE WITNESS: Yes, My Lord.
21 PRESIDING JUDGE: [Microphone not activated] use the words
22 "with explanation".
23 THE WITNESS: Yes, with explanation.
24 PRESIDING JUDGE: Allieu Kondewa did not feature amongst
11:08:59 25 the three names which you have mentioned before in this
26 statement.
27 THE WITNESS: It is correct, but with explanation.
28 PRESIDING JUDGE: Yes.
29 THE WITNESS: My Lord, when we came from the bush, that was

1 when all these things happened. When we came from the bush,
2 Norman appointed the National PRO. Allieu Kondewa was dropped.

3 MR WILLIAMS:

4 Q. Allieu Kondewa was not a member of the --

11:09:56 5 A. Allieu Kondewa was dropped; Chief Hinga Norman dropped him.
6 Before we came from the bush -- we came from the bush to town --
7 the War Council had become inactive because Norman had threatened
8 them that -- [Translation interrupted] "These small boys you have
9 seen here, if they kill, you have nobody to be responsible for
11:10:19 10 you."

11 PRESIDING JUDGE: Slow, slow.

12 THE WITNESS: Yes, My Lord.

13 JUDGE BOUTET: I did not get, Mr Witness, your answer about
14 what happened to the War Council. You say it was --

11:10:42 15 THE WITNESS: The War Council that the lawyer is talking
16 of, that I mentioned that they never existed, it was Norman who
17 created fear in them when we were in the war bush before we came
18 to town. He said, "These boys you are dealing with, when they do
19 bad, they kill you here, nobody will be responsible. I have no
11:11:31 20 security guarantee here." And indeed, Chief Norman did it. When
21 two War Council members were molested, former Honourable RP
22 Kombe, he was laid on the floor, nothing happened to him; Norman
23 did not do anything. So this created fear in the War Council
24 members.

11:12:23 25 JUDGE THOMPSON: So, Mr Witness, the trend of your evidence
26 is that the first accused intimidated the War Council --
27 intimidated members of the War Council -- and indicated that he
28 could not guarantee to their safety. Is that what you are
29 saying?

1 THE WITNESS: You are correct, My Lord.

2 JUDGE THOMPSON: So it was intimidation first and also an
3 indication that he could not guarantee their safety?

4 THE WITNESS: Yes, My Lord. The special force, they did it
11:13:00 5 to honourable former RP Kombe.

6 PRESIDING JUDGE: Honourable --

7 THE WITNESS: Former honourable RP Kombe.

8 JUDGE BOUTET: Do you know how that is spelt, Kombe?

9 THE WITNESS: Yes, My Lord -- C-O-M-B-E-Y.

11:13:31 10 JUDGE BOUTET: Thank you.

11 PRESIDING JUDGE: What happened to him?

12 THE WITNESS: The special forces molested him when they are
13 around Chief Norman. They placed him on the ground and he sat on
14 the ground and they were stepping on him. When the matter was
11:14:04 15 reported to Chief Hinga Norman he just laughed and said, "I have
16 told you."

17 MR WILLIAMS: Finished?

18 A. Not yet; I am coming.

19 PRESIDING JUDGE: Be brief, please.

11:14:40 20 THE WITNESS: Likewise, Alhaji Daramy Rogers, a member of
21 War Council --

22 PRESIDING JUDGE: What happened?

23 THE WITNESS: He too was put on the same position. Nothing
24 came out of it and Norman just laughed, "Ha, Ha, Ha. That I have
11:14:58 25 told you." When we come to town, when the government had been
26 reinstated, that was when the National Co-ordinator appointed
27 Charles Moiwo as the National PRO and left Kondewa out.

28 Q. Any more?

29 A. Yes. When we come on the government those three people,

1 Chief Norman took them to the President. That is what we were
2 made to understand -- Moinina Fofana, PRO Charles Moiwo and
3 Norman. They were taking decisions and they sidelined Kondewa.
4 But when we were in the bush, that trinity stood -- God the Son,
11:17:35 5 the Father and the Holy Ghost. They were taking the major
6 decisions.

7 PRESIDING JUDGE: Yes, Mr Williams, you may proceed, yes.

8 MR WILLIAMS: [Microphone not activated]

9 THE INTERPRETER: Mr Williams, your microphone is not on.

11:18:05 10 MR WILLIAMS: Sorry.

11 Q. You have mentioned Alhaji Daramy Rogers and RP Kombe. Are
12 they still alive?

13 A. Yes, My Lord.

14 Q. Can you turn to page 10332? It is page 113 for you.

11:19:10 15 PRESIDING JUDGE: What is the page?

16 MR WILLIAMS: 10332.

17 JUDGE BOUTET: That is still 16 January 2003; is that
18 right?

19 MR WILLIAMS: Yes.

11:19:29 20 Q. Do you see 10332, lines --

21 JUDGE BOUTET: Just let him read it and go on with your
22 question.

23 MR WILLIAMS: From page 11 onwards.

24 Q. Have you read it?

11:20:04 25 A. It is before me.

26 Q. Have you read it?

27 A. Don't worry; I've read it. Just go ahead.

28 Q. Thank you --

29 A. Thank you, too.

1 Q. You said "Okay." There was a question the OTP asked you.
2 They said: "Okay. Did he give -- when the initiation was
3 completed, how long did it take from the start of the initiation
4 to the end? Was it a week, two weeks, a month, a day? Time-wise
11:20:39 5 what are we talking about?" Your answer was: "A day." You said
6 that several times. Is that correct? Have you read that on the
7 statement, Mr Witness?

8 A. Yes, it could be a day, a week, and even one month.
9 Because initiation was not done by one initiator. Mammy Munda
11:21:04 10 would initiate. She could take one month, two months. Kondewa
11 initiate, he would take one day or two days.

12 Q. Just answer my questions and I think we could get out of
13 this place very soon. But the answer you provided --

14 A. I will explain.

11:21:23 15 Q. The answer you provided was that the initiation lasted a
16 day.

17 A. I said yes, with explanation, and I have explained.

18 Q. The answer you to the investigators was that the initiation
19 lasted a day. Is that correct?

11:21:38 20 A. Yes, My Lord. Ours would be one day but Kondewa's would be
21 different. As I am not an initiator I would not know.

22 MR TAVENER: The difficulty is that the topic of initiation
23 goes back quite a few pages. In order to be fair to the witness,
24 he is speaking about -- in my understanding that is subject to
11:22:02 25 what my friend says he is speaking about -- a particular type of
26 initiation. So that is a difficulty. By starting where he has,
27 we are not disputing what was said --

28 JUDGE BOUTET: I note your comments, but I am still
29 confused to an extent because, if we are again talking about

1 refreshing the memory of the witness, the whole statement should
2 be given to the witness and then he can be asked questions about
3 it.

4 MR TAVENER: That is the difficulty.

11:22:28 5 JUDGE BOUTET: If the purpose is to show contradiction,
6 that is a different avenue. So we seem to be walking on both
7 sides now. Yes, now that the statement is given to the witness,
8 but the witness should be asked to read the whole of the
9 statement. If it is 25 pages, it is 25 pages. And after that we
11:22:45 10 ask questions so we will not get into the scenario that you are
11 talking about. That is the confusion again, Mr Williams, that I
12 would like to clarify.

13 MR WILLIAMS: I did not know that that was the approach of
14 this tribunal --

11:23:00 15 JUDGE BOUTET: Well, if you --

16 MR WILLIAMS: Because, I mean, what you are talking about
17 is a statement that is about 300 pages long.

18 JUDGE BOUTET: What can I say? If your intent is to show
19 inconsistency, well, there is one avenue to do that. If it is to
11:23:11 20 refresh the memory of the witness, well, you refresh the memory
21 -- you give him the whole statement. I am surprised you say
22 this, because this is not the first time we speak about that.

23 MR WILLIAMS: If he is going to be given an opportunity to
24 read the entire statement --

11:23:29 25 JUDGE BOUTET: There is only one way. This is your
26 approach to refresh the memory of the witness, and then ask him
27 questions. Well, you have to give him the whole of it and then
28 refresh the witness's memory and question after that.

29 MR WILLIAMS: What is the order of the Court?

1 JUDGE BOUTET: It depends what you want to do. I don't
2 know what your case is on this. If the intent is to show
3 contradiction, well, don't show him the statement, ask him the
4 question.

11:23:55 5 JUDGE THOMPSON: Learned counsel. Learned counsel.

6 MR WILLIAMS: Yes, My Lord.

7 JUDGE THOMPSON: We are putting you to your election, and
8 it is this: I am not suggesting that refreshing a witness's
9 memory and also seeking to show prior inconsistent statement are
11:24:15 10 mutually exclusive -- I am not saying that. But you know your
11 case and you know the instructions that you have. If you really
12 are seeking to persuade this Court that there are material
13 inconsistencies between his out-of-court statements and his
14 testimony before the Court, why not have recourse to the legal

11:24:40 15 option of prior inconsistent statement and seek to have these
16 statements tendered in evidence for the limited purpose of
17 showing the variance between his out-of-court statement and his
18 oral testimony? Because we don't know what road you are
19 travelling down now. Sometimes you say, "Oh well, it is
11:25:13 20 refreshing his memory," and sometimes, "It is prior inconsistent
21 statements." So ought you not to take your election? Is it
22 legally inconvenient to ask you to do that?

23 MR WILLIAMS: It is not, My Lord. What I have said since I
24 started cross-examination this morning is that I -- all two
11:25:43 25 options are open to me.

26 JUDGE THOMPSON: Yes.

27 MR WILLIAMS: But I was using the first one, which is to
28 refresh his memory. And --

29 JUDGE THOMPSON: And when you found that that was not

1 productive then you opted for the second one.

2 MR WILLIAMS: I have not opted for that yet, but I would be
3 doing that alternately.

4 JUDGE THOMPSON: Yes, because at the end of the day, if you
11:26:03 5 are going to invite this Court to say that there are really
6 serious and material inconsistencies between the witness's
7 testimony here today and some of the out-of-court statements that
8 he has made, why not afford the Court that opportunity by asking
9 us to receive these documents in evidence as exhibits?

11:26:28 10 MR WILLIAMS: I will definitely do that, My Lord.

11 PRESIDING JUDGE: Are you saying that this when you come to
12 the end of the exercise that you have embarked upon that you
13 would tender the statements?

14 MR WILLIAMS: Yes, My Lord.

11:26:38 15 PRESIDING JUDGE: Following the option of using them as
16 prior inconsistent statements?

17 MR WILLIAMS: Yes, My Lord.

18 JUDGE BOUTET: Although I agree with the comments that they
19 are not mutually exclusive, I still say to you that if you are to
11:26:48 20 refresh the memory of the witness, you have to refresh his
21 memory, you have to give him the whole of the statement not only
22 two paragraphs. You ask him to read it all -- the whole of it,
23 not only page whatever it is, the whole of it. If this is what
24 you want to, we will follow you. But you cannot have it halfway.

11:27:05 25 I hear now the objection by the Prosecution is, well, that this
26 is page what have you, but for the previous five pages he talking
27 of that. Well, tell him to read the whole of it.

28 PRESIDING JUDGE: Or refer him to those portions.

29 MR WILLIAMS: That is what I --

1 PRESIDING JUDGE: Refer to those portions.

2 MR WILLIAMS: That is exactly what I have been doing. I
3 have been referring him to specific pages. It is the Prosecutor
4 who is now saying there are other -- I mean, he has the option of
11:27:32 5 putting them when he is examining.

6 JUDGE BOUTET: No, no, no. That is why I asked you to make
7 your election. If you ask him to refresh the memory, I say there
8 is one procedure: You ask the witness to read the statement, and
9 then after that you clarify whatever you want to clarify and
11:27:46 10 contradict whatever it is if that is the case.

11 JUDGE THOMPSON: And our difficulty, learned counsel, is
12 that if we get bogged with technicalities then we defeat purpose
13 of the practice of these tribunals that really must adjudicate
14 these matters with a minimum adherence to technicalities.

11:28:06 15 MR MARGAI: May it please My Lords. My Lords, in light of
16 the observation made by Judge Boutet, may I respectfully ask for
17 a few minutes stand down so we can confer and progress can be
18 made? Just a few minute stand down in the interests of
19 justice -- not more than five minutes.

11:28:35 20 PRESIDING JUDGE: We will not limit the time, but when you
21 are ready. I hope not before too long.

22 MR MARGAI: I assure Your Lordship that it will be very
23 brief.

24 PRESIDING JUDGE: The Court will rise, please.

11:28:53 25 [Break taken at 11.27 a.m.]

26 [On resuming at 11.36 a.m.]

27 PRESIDING JUDGE: We are resuming the session, please.

28 MR WILLIAMS:

29 Q. Mr Witness, have you ever been to Kagboro Chiefdom? Do you

1 know Kagboro Chiefdom?

2 A. I know Kagboro Chiefdom very well.

3 PRESIDING JUDGE: Is it "Kagboro" or "Tagboro"?

4 MR WILLIAMS: Kagboro - K-A-G-B-O-R-O.

11:39:57 5 Q. Have you ever been to Kagboro Chiefdom?

6 A. Yes, My Lord.

7 Q. Did you have cause to go there on official business whilst

8 you were National -- Deputy National Co-ordinator?

9 PRESIDING JUDGE: Director of Operations.

11:40:30 10 MR WILLIAMS: Yes.

11 Q. When you were Deputy Director of Operations, did you have

12 cause to go there on official business?

13 PRESIDING JUDGE: Deputy National Director of Operations.

14 THE WITNESS: Yes, My Lord.

11:40:41 15 MR WILLIAMS: Thank you.

16 THE WITNESS: Yes, My Lord.

17 MR WILLIAMS:

18 Q. And is it true that you went there because there was some

19 conflict among the Kamajors?

11:41:01 20 A. Yes, My Lord.

21 Q. And you successfully put the situation under control.

22 Correct?

23 A. Yes, My Lord.

24 Q. Did you return to Bo after that operation?

11:41:41 25 A. Yes, My Lord.

26 Q. And it was soon after you returned from that operation that

27 you left Bo for Freetown. Is that correct?

28 A. No, My Lord.

29 Q. How long after your return from Kagboro did you leave Bo

1 for Freetown?

2 A. I can't remember the day now. I can't remember now.

3 PRESIDING JUDGE: Counsel is not asking you for the date,
4 Mr Witness.

11:42:37 5 THE WITNESS: I cannot remember how many days it took --
6 months.

7 MR WILLIAMS:

8 Q. I am suggesting to you, Mr Witness, that it was a couple of
9 days. It was a couple of days.

11:42:58 10 A. I have told you that I can't remember how many days. It
11 was not immediately that I left to come to Freetown after that
12 operation. It took months.

13 Q. Thank you very much. And when you came to Freetown you
14 never returned. Is that correct?

11:43:28 15 A. No, My Lord, I returned to Bo.

16 Q. Is it true that an investigation was touted to look into
17 your activities when you went to Kagboro?

18 A. No, My Lord.

19 Q. And that it was alleged that you looted, or stole, 30
11:44:38 20 goats, 10 bags of salt, and seven single-barrel guns from
21 civilians whilst you were at Kagboro?

22 A. No, My Lord. I brought goods but they were given to me by
23 the Paramount Chief, PC Charles Caulker -- Honourable PC Charles
24 Caulker. I didn't loot them.

11:45:15 25 JUDGE BOUTET: That was not the question, Mr Witness. The
26 question was that it was alleged that you had stolen them.

27 THE WITNESS: No, My Lord.

28 PRESIDING JUDGE: You'd stolen 30 goats.

29 THE WITNESS: No, My Lord.

1 PRESIDING JUDGE: And seven single-barrel guns.

2 THE WITNESS: No, My Lord.

3 PRESIDING JUDGE: But you admit that you brought goods?

4 THE WITNESS: Yes, My Lord, they were given to me by the

11:45:50 5 paramount chief, Charles Caulker, two goods.

6 MR WILLIAMS:

7 Q. Do you know David Kobie?

8 A. Yes, My Lord.

9 Q. Kobie is K-O-B-I-E. You know Daniel Sarmu?

11:46:36 10 A. Yes, My Lord.

11 Q. S-A-R-M-U.

12 A. I know Daniel Sarmu, but I don't know Samuel Sarmu. I only

13 know Daniel Sarmu.

14 Q. Thank you very much for the correction, Mr Witness. You

11:46:56 15 know Brian MF Kanu?

16 A. Yes, My Lord.

17 Q. And Joseph Koroma?

18 A. Yes, My Lord.

19 Q. Did you and those four people belong to any office that was

11:47:21 20 related to the CDF?

21 A. Yes, My Lord.

22 Q. What was the name of that office?

23 A. War Directorate Office.

24 Q. You would agree with me that Moinina Fofana was a member of

11:48:11 25 that body as well; is that correct?

26 A. He was head of the office.

27 Q. And you would also agree with me that one of your functions

28 was to discipline -- was to generally look into the affairs of

29 Kamajors or oversee the affairs of Kamajors?

1 A. Yes, My Lord.

2 Q. You were also empowered with -- I mean, you also had the
3 power of disciplining Kamajors?

4 A. Yes, My Lord.

11:49:35 5 JUDGE BOUTET: Mr Williams, your question was he had
6 powers --

7 MR WILLIAMS: No, the body, My Lord.

8 JUDGE BOUTET: The body, okay. I just want to make sure
9 you're still talking of the office in question, War Directorate
11:49:50 10 Office.

11 MR WILLIAMS: Yes.

12 Q. And in that office you -- you had a guard room in that
13 office - is that correct - in the building?

14 PRESIDING JUDGE: They had what?

11:50:16 15 THE WITNESS: Yes, My Lord.

16 MR WILLIAMS: A guard room.

17 PRESIDING JUDGE: A guard room, okay.

18 JUDGE BOUTET: It's in the building?

19 MR WILLIAMS: Yes, where the office was based.

11:50:36 20 Q. And then you took disciplinary actions against Kamajors?

21 A. Yes, My Lord, under the directive of Moinina Fofana.

22 Q. Thank you. And the sort of punishment you --

23 PRESIDING JUDGE: Mr Williams, before you proceed can you
24 locate us on a time frame when this War Directorate Office
11:51:35 25 operated? I think it would be nice for us to get this clear on
26 the records.

27 JUDGE BOUTET: And along the same lines I would like to
28 know where. I think I know, but --

29 MR WILLIAMS:

1 Q. The office was based at Bo; is that correct?

2 A. Yes, My Lord. Mahei Boima Road, My Lord. Mahei Boima

3 Road. M-A-H-E-I.

4 PRESIDING JUDGE: Boima?

11:52:26 5 THE WITNESS: B-O-I-M-A.

6 MR WILLIAMS:

7 Q. And the sort of punishment --

8 MR TAVENER: Sorry. Might we have an answer to

9 Your Honour's question as to when as well?

11:52:48 10 PRESIDING JUDGE: Yes, a time frame, please.

11 MR WILLIAMS:

12 Q. Is it correct that this office was formed after you

13 returned from the bush in 1998?

14 A. It was around 1999 to 2000.

11:53:19 15 Q. And the war was still on at the time; right?

16 A. No, My Lord.

17 Q. Had the war finished?

18 A. They were under disarmament.

19 Q. And you used to beat up Kamajors and have them locked up

11:53:46 20 for misbehaving?

21 A. Yes, My Lord.

22 Q. Was there a body called the Body of Initiators? I mean,

23 not necessarily by that name. Was there a body of initiators?

24 A. Yes, My Lord, but they were not under the directorate

11:54:29 25 office, War Directorate Office.

26 JUDGE BOUTET: Again, Mr Williams, are we still talking of

27 the same time frame?

28 MR WILLIAMS: No, My Lord.

29 Q. This body was created whilst you were at Base Zero; is that

1 correct?

2 A. Yes, My Lord.

3 Q. Kondewa belonged to that body; correct?

4 A. Yes, My Lord. That's why he represented the initiators at
11:55:32 5 the War Council, he was a member.

6 Q. We'll come back to the War Council later. But that body of
7 initiators is separate and distinct from the War Council; is that
8 correct?

9 A. Yes, My Lord.

11:56:11 10 Q. Did you say you were sacked by the vice president -- the
11 then vice president, Joe Demby, in the early part of 1998 from
12 the position you held -- that of Director of Operations South?

13 A. Yes, My Lord.

14 Q. But in 1999/2000 you found yourself in another position?

11:56:49 15 A. Yes, My Lord. The resident minister, Foday Sesay, and some
16 other authorities asked us to form that office, because the
17 undisciplined had become too much in the society. So I took up
18 the position.

19 PRESIDING JUDGE: What is the name of the resident, Foday
11:57:16 20 Sesay?

21 THE WITNESS: Yes, My Lord, Foday Sesay. The resident
22 minister Southern Province, Foday Sesay.

23 MR WILLIAMS:

24 Q. Mr Witness.

11:57:31 25 A. Yes, My Lord.

26 Q. Kondewa was not a fighter; is that correct?

27 A. Yes, My Lord.

28 Q. He had bodyguards that he went around with; is that
29 correct?

1 A. Yes, My Lord.

2 Q. He did not command any troops; is that correct?

3 A. Yes, My Lord.

4 Q. You mentioned that a motor bike was commandeered by you. A
11:59:13 5 motor bike that belonged to Africare was commandeered by you; is
6 that correct?

7 A. It was commandeered by my Kamajors under the directive of
8 Chief Hinga Norman, so that I would be using the Honda bike to be
9 visiting the front line. The four districts that were under me:
11:59:44 10 Bo, Bonthe, Moyamba and Pujehun.

11 Q. That motor bike was commandeered for the purposes of the
12 war. I mean, to facilitate your movement from place to place?

13 A. You are correct, My Lord. In Jima Bongor Chiefdom.

14 Q. Did the government also provide vehicles for the Kamajors?
12:00:41 15 Did they provide vehicles -- I will refrain from using the word
16 also. Did the government provide vehicles for the Kamajors?

17 A. Not to my knowledge, My Lord. Everything we used at Base
18 Zero was commandeered.

19 THE INTERPRETER: My Lord, can the witness please speak
12:01:18 20 through the microphone. We are not getting him clearly.

21 MR WILLIAMS:

22 Q. You said all the vehicles that you used were commandeered?

23 A. At Base Zero when we were there, we commandeered them. One
24 vehicle was commandeered from Sembehun [inaudible] from Sorgba
12:01:48 25 Stevens, which Chief Norman used and later give it to Kondewa.

26 PRESIDING JUDGE: One vehicle was --

27 MR WILLIAMS: Commandeered and given to --

28 PRESIDING JUDGE: Commandeered from who?

29 THE WITNESS: From one Sorgba Stevens, former Honourable

1 Sorgba Stevens, Sembehun, Bagruwa. Sembehun Town, Bagruwa
2 Chiefdom, Moyamba District.

3 MR WILLIAMS:

4 Q. And that vehicle was used by Kondewa -- you said it was
12:02:43 5 used by Kondewa? I mean initially by Hinga Norman before --
6 [Overlapping microphones]

7 A. Hinga Norman, yes. Hinga Norman was using it initially and
8 later by Kondewa. Another vehicle was commandeered which
9 Chief Hinga Norman used at Base Zero.

12:03:07 10 Q. The two vehicles were used for their movement from place to
11 place on official business; is that correct?

12 A. You're correct, My Lord.

13 Q. Before the war ended Kondewa --

14 PRESIDING JUDGE: Finish with that question.

12:03:48 15 MR WILLIAMS:

16 Q. Before the war ended Kondewa -- you know where the Benz
17 that Kondewa was using, where it is now?

18 A. Well, Sorgba Stevens went after his Benz up to ECOMOG. I
19 think he retrieved it but I don't know whether he succeeded or
12:04:13 20 not, because there was some trouble surrounding it.

21 PRESIDING JUDGE: We have new terminology here,
22 "commandeered".

23 MR WILLIAMS: Yes.

24 PRESIDING JUDGE: What does that mean? ? Let us get the
12:04:59 25 records tidied up. Commandeering. What does that mean?
26 Mr Witness, you're using the word commander, commandeered what
27 does that --

28 THE WITNESS: We looted it, it was a looted property.

29 MR WILLIAMS:

1 Q. Mr Witness, did you know that it is legitimate for
2 government troops to take peoples' vehicles during times of war?

3 MR TAVENER: I object to that question. I don't know
4 whether this is the right person to be asking that question,
12:06:10 5 expressing, I take it, some kind of legal opinion.

6 JUDGE BOUTET: Mr Williams?

7 MR WILLIAMS: He's a combatant instructed in the laws of
8 war. I mean, that is my simple answer to my learned friend.

9 JUDGE BOUTET: That is not his evidence -- [Overlapping
12:06:24 10 speakers]

11 PRESIDING JUDGE: That is not his evidence.

12 MR WILLIAMS: When ECOMOG came they told them what is right
13 and what is wrong.

14 PRESIDING JUDGE: Not all.

12:06:30 15 MR WILLIAMS: Yes, My Lord, but he has not given an
16 exhaustive list. It is factual, as a matter of fact. It is not
17 a legal -- it is more of a factual question than a legal
18 question.

19 JUDGE THOMPSON: It sounds like mixed law and fact.

12:06:44 20 MR WILLIAMS: As My Lord please.

21 JUDGE THOMPSON: I am not sure whether this Court would be
22 helped by any answer which this witness would give, because you
23 virtually take him into an area of law which is very
24 controversial, the law of war and what can be lawful and
12:07:06 25 unlawful. And these are matters also which are in issue. It
26 would be difficult to see the purpose of him answering that
27 question. Because this is a matter over which even the various
28 doctrines -- I hold one view as to whether -- and you may hold a
29 different view, my learned brother may hold a different view. It

1 is not a very settled area and for that reason I think it would
2 be highly argumentative and controversial. I don't even use the
3 word commandeer, I talk about requisitioning, and it may have
4 different --

12:07:38 5 PRESIDING JUDGE: I was using commandeer.

6 JUDGE THOMPSON: I think we better leave this witness alone
7 and let's leave that for our own argument when the time comes.

8 PRESIDING JUDGE: Mr Williams, I think this is an area you
9 can very successfully raise during addresses. Because we
12:07:59 10 understand that you have laid the foundation all along.

11 MR WILLIAMS: I'm grateful.

12 PRESIDING JUDGE: You have laid the foundation all along,
13 we see where you are going and where you are coming from. So I
14 do not think that the success of the case you want to make
12:08:14 15 depends on the reply that this witness will give to your answer.

16 JUDGE BOUTET: I would add as well that the words that you
17 have used in your question are also subject to some arguments you
18 will be putting forward presumably. We're talking of legitimate
19 troops of the government and the scenario, as such. I don't know
12:08:33 20 if government had been overthrown at that particular time, so who
21 is the legitimate government troops at that particular time? So
22 these are all questions. All I am suggesting to you is that
23 question is very loaded with all sorts of problems and I don't
24 think it would be for this witness to answer that, but it will be
12:08:50 25 for you to argue in due course.

26 MR WILLIAMS: I take the cue, My Lord.

27 Q. Mr Witness.

28 A. Yes, My Lord.

29 Q. Is it true that a vehicle that was found in your

1 possession -- a vehicle which you had taken, Hilux van belonging
2 to the Ministry of Agriculture, which you had taken from the
3 Minister of Agriculture, was removed from you and handed over to
4 the ministry?

12:09:32 5 A. Yes, My Lord, it was taken away from me. Chief Norman was
6 using it as his official car. He finally sent it to
7 Moinina Fofana. As I'm talking here, it's still with
8 Moinina Fofana.

9 Q. At the detention facilities?

12:09:57 10 A. It's in his care.

11 Q. Thank you very much, Mr Witness.

12 A. Thank you too.

13 PRESIDING JUDGE: So that Hilux belonged to the Minister of
14 Agriculture?

12:10:22 15 THE WITNESS: Yes, My Lord, F-A-O. Chief Norman took it
16 away from me and promise me he'll give me another one, but he
17 never give me one. He was using it as his official vehicle.

18 MR WILLIAMS:

19 Q. Mr Witness, you mentioned somebody who was responsible for
12:11:10 20 manufacturing ronkos for the AFRC. What was his name?

21 A. Dr MB Sesay.

22 Q. What was it alleged that he was involved in?

23 A. Repeat the question once again.

24 Q. What was it alleged that he did?

12:11:57 25 A. Chief Hinga Norman said that Dr MB Sesay was a
26 collaborator.

27 Q. As far as the selling of ronkos are concerned?

28 A. Yes, with the money that he used to give them. He said
29 so -- [translation interrupted]

1 PRESIDING JUDGE: Was a junta collaborator?

2 THE WITNESS: Junta collaborator. That we should kill him,
3 loot his property and burn all his houses. That was a specific
4 directive that he gave to me.

12:12:35 5 JUDGE BOUTET: But the question had to do with ronkos.

6 MR WILLIAMS:

7 Q. What I wanted to know was why was he classified as a
8 collaborator, right. I mean, I wanted to know how --

9 JUDGE BOUTET: I think he has answered that question,
12:12:54 10 Mr Williams, but he has not answered your question about ronkos.

11 MR WILLIAMS: Yes, My Lord.

12 Q. What exactly did he do in relation to ronkos and the AFRC?
13 Did he manufacture ronkos for the AFRC?

14 A. Yes, he sold ronkos for the AFRC. That's what Chief Norman
12:13:20 15 told me. The same ronkos that we wore, he sold it for the AFRC,
16 so that he wouldn't make a distinction between the AFRC junta and
17 us, the Kamajors.

18 Q. So that was one of the war strategies of the AFRC. They
19 would disguise them selves in ronkos and represent themselves as
12:14:02 20 Kamajors; is that correct?

21 A. That was what chief told me. I was not in their own camp.
22 I wouldn't tell you their strategies. It's hearsay. We were
23 told by Chief Norman that that is what happened. I do not know
24 the source of his information.

12:14:23 25 MR WILLIAMS: The witness is talking law, My Lord.

26 PRESIDING JUDGE: Mr Williams, I was going to say that you
27 have a professional colleague in the box, so you better be
28 careful as to how you're treading the ground.

29 MR WILLIAMS: As My Lord please.

1 PRESIDING JUDGE: Mr Witness.

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: Go ahead.

4 MR WILLIAMS:

12:14:52 5 Q. Mr Witness, it was Norman who told you this. I mean, you
6 are a very active fighter. Did you see that being used by the
7 AFRC?

8 PRESIDING JUDGE: Mr Williams, I think he had said yes.

9 MR WILLIAMS: When, My Lord?

12:15:09 10 PRESIDING JUDGE: In his previous evidence. That this
11 practice was rampant. We have it on record.

12 MR WILLIAMS: I'm grateful, My Lord.

13 Q. You said that was very rampant with the AFRC?

14 A. Yes, My Lord.

12:15:42 15 Q. You mentioned that anybody who disobeyed -- any Kamajor who
16 disobeyed an order was either killed or had his legs broken or
17 ears cut off?

18 A. You are correct, My Lord.

19 Q. Can you tell the Court the name or names of any Kamajor or
12:16:17 20 Kamajors who suffered in that way?

21 A. My Lord, it has taken over six years -- can he -- oh, it's
22 more than that. If I say now it's Jumbla [phon] who had died, I
23 would tell lies. I can't remember exactly what happened.

24 Q. The reason why you can't name any names is because
12:16:56 25 nobody -- no Kamajor ever suffered in that way?

26 A. My Lord, it happened. It is just that I don't want to tell
27 lies to the Court. That's why I said that I wouldn't mention
28 names. If I say it is Jumbla or Kima [phon], you were not there.

29 Q. Mr Witness.

1 A. Yes, My Lord.

2 Q. Your legs weren't broken?

3 A. Yes, I was blessed because I was in town when it happened,
4 when I disobeyed the order. I didn't go to the bush again

12:17:37 5 anymore. If I'd returned to Base Zero, I had done that, you
6 can't know about that. They would have killed me either.

7 PRESIDING JUDGE: Excuse me, what was this question?

8 MR WILLIAMS: My Lord, that if he had disobeyed at Base
9 Zero he could have suffered, you know, by --

12:18:01 10 PRESIDING JUDGE: Okay.

11 MR WILLIAMS:

12 Q. Mr Witness, when you fought side by side -- I mean, on
13 several occasions you fought side by side with ECOMOG; is that
14 correct?

12:18:49 15 A. Not several times, My Lord. During the capture of Bo,
16 ECOMOG joined us in Bo, so we served with ECOMOG several times.

17 Q. And ECOMOG was responsible for the discipline of Kamajors
18 that misbehaved at some point in time; is that correct?

19 A. Yes, My Lord. When we were in town, when we were all
12:19:47 20 together. Even one instance with Kondewa he was put in a cell.

21 Q. Was locked up?

22 A. Yes. Myself, Moinina Fofana and Alhaji Daramy Rogers, we
23 intervened that he was our high priest, he should be released.
24 Then he was released.

12:20:20 25 Q. Do you know who put him in gaol?

26 A. Yes, My Lord. Colonel Ihaji [phon].

27 Q. Colonel Alhaji?

28 A. Colonel Ihaji.

29 Q. So what you're saying is that was God the Holy Spirit was

1 locked up by colonel?

2 A. You are correct.

3 Q. It's correct?

4 A. Yes, My Lord.

12:21:33 5 Q. Does that not tell you, Mr Witness, that Kondewa was after
6 all not a very big man in the CDF?

7 JUDGE BOUTET: Isn't it being argumentative on this with
8 that kind of question, Mr Williams?

9 MR WILLIAMS: He has classified, My Lord.

12:21:53 10 PRESIDING JUDGE: You may skip that question.

11 MR WILLIAMS: As My Lord pleases.

12 Q. Mr Witness.

13 A. Yes, My Lord.

14 Q. You mention that the police opened fire on Kamajors when
12:22:17 15 they attacked Bo; is that correct?

16 A. Yes, My Lord.

17 Q. Was it the regular police together with the SSD or was it
18 just --

19 A. I can't differentiate them now, My Lord. I know them as
12:22:42 20 police.

21 Q. Mr Witness.

22 A. Yes, My Lord.

23 Q. The fighting between the Kamajors and the police went on
24 for a number of days -- or I mean -- let me just rephrase it.

12:23:08 25 A. No.

26 Q. Let me just rephrase it. The fighting between the Kamajors
27 and the police and the AFRC on the other hand went on for days?

28 A. AFRC were on it for days. The police, the Friday that they
29 entered, the Sunday after that, that's when the fighting was on.

1 Apart from that, we captured them and whenever we captured any
2 one of them, we'd kill them.

3 Q. So the Kamajors only fought the police on the Sunday after
4 you entered?

12:23:59 5 A. In Bo. But previously we were -- we attacked some areas
6 where the police were. Anyone whom we captured, we'd kill.

7 Q. And the reason why you killed Dr Tommy and others was
8 because you thought they'd led you into an ambush; is that
9 correct?

12:24:43 10 A. Yes, My Lord. When they came to talk to us they brought
11 AFRC men with them; they were in hiding. So we thought it was a
12 betrayal.

13 Q. And when you opened fire did the AFRC troops also respond?

14 A. Yes, My Lord.

12:25:32 15 Q. On that occasion the fighting between Kamajors and these
16 AFRC troops, did it go on for long? Did it last for long?

17 A. It didn't last for long.

18 Q. For 30 minutes?

19 A. At that time I was carrying a gun, I was not taking note of
12:26:06 20 the time.

21 Q. And, Mr Witness, in answer to a question put by my learned
22 friend Mr Bockarie yesterday, you said the civilians were armed
23 with machetes and sticks?

24 A. Yes, My Lord, that was in the Tongo area.

12:27:06 25 Q. Did that also happen in Bo?

26 A. Not to my knowledge, My Lord.

27 Q. Mr Witness, did you not tell the investigators that
28 Kamajors were wounded by Bo civilians who were having weapons?

29 A. Not to my knowledge. Civilians welcomed us in Bo. Only

1 that we didn't listen to them because the chief said whoever was
2 a sympathiser to the enemy should be our enemy. The young
3 generation group, SLPP.

4 Q. Did you not tell the investigators that because these
12:28:56 5 Kamajors -- these civilians fought with Kamajors and wounded them
6 and took them, the civilians, to be --

7 A. I said that in relation to the Tongo area, not Bo, My Lord.

8 Q. Specifically referring to Bo.

9 A. I did not say that in relation to Bo.

12:29:52 10 Q. When you returned from the bush where did you get arms and
11 ammunition?

12 A. Let me understand your question clearly.

13 Q. When you came out of the bush where were you getting arms
14 and ammunition?

12:30:15 15 A. Our source was at Base Zero.

16 Q. I'm talking about when you had left Base Zero, when you'd
17 come to town. Where were you getting arms and ammunition?

18 A. We brought our arms and ammunition. That is where we were
19 based at. We were based at Bumpe, the nearest big town just 16
12:31:07 20 miles up from Bo.

21 JUDGE BOUTET: What was your question, Mr Williams? When
22 they were out of the bush?

23 MR WILLIAMS: Yes, when they had left Base Zero.

24 JUDGE BOUTET: I'm not sure that is the answer he's given,
12:31:22 25 but maybe you can ask again.

26 MR WILLIAMS:

27 Q. My question is after you left Base Zero, you were now in
28 town, where did you get supplies from?

29 A. When we were based in Bo, we got our supply from Freetown.

1 At that time Chief Norman was in Freetown.

2 Q. And Chief Norman was a minister of government; is that
3 correct?

4 A. And the National Coordinator of CDF. You are correct.

12:32:05 5 Q. He was Deputy Minister of Defence; correct?

6 A. Yes, My Lord.

7 Q. Mr Witness, is there anything good that you have to say
8 about the CDF? Anything good, whatsoever?

9 A. Yes, My Lord. The CDF had good intentions for this
12:33:07 10 country. We all went to the CDF to fight for the restoration of
11 the government of the day, to see to it that the government of
12 the day returns.

13 PRESIDING JUDGE: Wait. To restore the government, yes.
14 Continue.

12:33:53 15 THE WITNESS: But during the cause, My Lord, we deviated
16 from that through the directive of the National Coordinator of
17 CDF, Chief Sam Hinga Norman, captain.

18 MR WILLIAMS:

19 Q. Yes, Mr Witness, what I want to know is for you to give --
12:34:53 20 I mean, we know the general intention -- initial general
21 intention of the CDF. What I want is specific instances of good
22 things that you can associate with the CDF.

23 MR TAVENER: I object to this question. I don't see the
24 relevance of the question. The witness has been asked questions,
12:35:13 25 he has answered those questions. Whether or not there is
26 anything good to be said about the CDF does not take this
27 tribunal any further. The witness has answered his understanding
28 of the purpose of the CDF. In my submission there is nothing
29 further to be said. He can't give character evidence about an

1 organisation.

2 JUDGE THOMPSON: Yes --

3 PRESIDING JUDGE: Mr Tavener, this witness has been saying
4 very many things. He has visited many issues and many instances,
12:35:52 5 you know. I understand what you're saying but I think within the
6 same spirit it would be nice for him to say something. I mean,
7 he's there, you know, to give evidence. He himself has said --
8 he is on record as having said that if he has accepted to come to
9 this Court it is to speak the truth, the whole truth and nothing
12:36:24 10 but the truth and to make sure that peace returns in this
11 country. And I think an explanation of this nature would
12 contribute to that peace-building process.

13 MR TAVENER: I will withdraw the objection, thank you.

14 PRESIDING JUDGE: For those reasons we would like to hear
12:36:43 15 him.

16 MR WILLIAMS:

17 Q. Yes, go on, Mr Witness.

18 A. So even though we had deviated from what we had really
19 stood for, we were able to fight to paralyze the AFRC, and today
12:37:09 20 we're enjoying the peace. That is the good thing that we did.
21 Along the way we did so many things --

22 PRESIDING JUDGE: Wait. Yes.

23 THE WITNESS: We were able to paralyze the AFRC, so that's
24 the good thing that we did.

12:38:07 25 MR WILLIAMS: Thank you, Mr Witness.

26 PRESIDING JUDGE: You would say that you participated in
27 the toppling of the AFRC?

28 THE WITNESS: AFRC, My Lord. Yes, My Lord, contributed
29 greatly.

1 MR WILLIAMS:

2 Q. Have you ever heard the word vigilantes?

3 A. Yes, My Lord.

4 Q. Who were they in the context of the war?

12:38:57 5 A. When the war started in this country in 1991, NPRC
6 overthrewed [sic] the ex-president Joseph Momoh. When the NPRC
7 came, they came with vigilantes. I was one of those vigilantes
8 in Kailahun District.

9 Q. You want to go on? You want to continue?

12:40:13 10 A. I have told you who a vigilante is. You wanted to know.
11 So whichever area they went, for example when they went to Puje
12 Bunguburan, the youths who were there were taken and given
13 training so that they could show them the terrain. I think
14 Dr Bu-Buakei Jabbi would prove me right for what I'm saying.

12:41:00 15 Q. Mr Witness, the vigilantes were basically civilians who
16 organised themselves to fight against the rebels or the AFRC?
17 Let's start with the rebels.

18 A. The rebels, it was the rebels. At that time the AFRC had
19 not surfaced.

12:41:33 20 Q. And the youths of Bo and Kenema organised themselves into
21 vigilante groups during the days of the junta?

22 A. Yes, My Lord, especially the Sierra Leone Peoples Party,
23 young generation.

24 Q. Did you have vigilantes in your village during the days of
12:42:29 25 the AFRC? The chiefdom you come from.

26 A. No, My Lord. Everybody was yearning to join the Kamajors,
27 not vigilantes.

28 Q. These SLPP youths that organised themselves into vigilantes
29 or vigilante groups, were they separate and distinct from the

1 Kamajors?

2 A. Yes, My Lord. We had weapons, we had arms. They hadn't
3 arms. They were in town, we were in the bush. We just heard.
4 We were not together at all.

12:43:50 5 Q. But they were resisting the AFRC in certain ways, certain
6 respects?

7 A. I was not there, I was in the bush. I don't know. I was
8 not in Bo, I was in the bush. You were in Bo -- you who were in
9 Bo would know about this. Bo was an area where the AFRC was
12:44:17 10 based. It was not our operational area. So I can't answer that
11 question.

12 MR WILLIAMS: My Lord, may I respectfully ask for a break
13 at this stage. I would round up -- I'll be very brief when I
14 come back, My Lord. I intend to tender some of his statements
12:44:44 15 before I close and would have to make copies, My Lord, for the
16 Bench and the other side.

17 JUDGE BOUTET: So what is it you're asking exactly,
18 Mr Williams, to adjourn at this time?

19 MR WILLIAMS: Yes.

12:45:04 20 JUDGE BOUTET: For lunch?

21 MR WILLIAMS: Yes.

22 JUDGE BOUTET: And then when you come back you will tender
23 the statements as exhibits?

24 MR WILLIAMS: Yes.

12:45:12 25 JUDGE BOUTET: And you will carry on with your
26 cross-examination?

27 MR WILLIAMS: Just one or two; I won't be very long, My
28 Lord.

29 JUDGE BOUTET: Okay. So essentially it's to tender the

1 statements.

2 MR WILLIAMS: [Overlapping speakers] My Lord.

3 PRESIDING JUDGE: I imagine that it's because they are
4 numerous that you want to sort them out before you put them in.

12:45:29 5 MR WILLIAMS: Yes, My Lord.

6 JUDGE BOUTET: That's fine.

7 PRESIDING JUDGE: Well, learned counsel, we'll take a break
8 for lunch and we'll resume at 2.30. The Court will rise, please.

9 [Luncheon recess taken at 12.45 p.m.]

14:42:01 10 [On resuming at 2.42 p.m.]

11 PRESIDING JUDGE: Learned counsel, good afternoon. We're
12 resuming the session.

13 JUDGE BOUTET: Mr Williams.

14 MR WILLIAMS: Mr Walker.

14:45:10 15 Q. Mr Witness.

16 A. Yes, My Lord.

17 Q. I referred you to a portion of your statement made on the
18 26th of November 2002 this morning. Could you have a look at
19 page 10186. It's on the top right-hand corner. The numbering is
14:45:48 20 on the top right-hand corner. Yes, it's flagged. The page I'm
21 referring to is flagged. Just at the first flag. Yes, that one.
22 Lines 10 through 16 -- 17, yes.

23 In that statement, you mentioned the names of members of
24 the War Council to the investigators. Is that correct?

14:46:54 25 A. Yes, My Lord.

26 Q. And nowhere in that statement is the name of Allieu Kondewa
27 mentioned. Is that correct?

28 A. Yes, My Lord.

29 Q. But you mentioned in your evidence-in-chief when Mr Tavener

1 was asking you questions, you said Allieu Kondewa was a member of
2 that council. Is that correct?
3 A. Yes, My Lord. He was a member of that council.
4 Q. Do you see your signature on that document, on the last
14:47:53 5 page? If you can just lift it up.
6 A. The whole thing?
7 Q. No, no, no. Do you see your signature on it?
8 A. Which one?
9 Q. It's page 10195. 10195.
14:48:19 10 A. Yes, this is my signature. This one.
11 Q. And when you -- after you had made that statement, the
12 investigators read it out to you?
13 JUDGE BOUTET: Mr Williams, I don't want to cut you short.
14 But haven't we been through this this morning with this witness
14:48:42 15 with that statement?
16 PRESIDING JUDGE: Let's tender it and move along.
17 MR WILLIAMS: You wish for the Court to see it?
18 PRESIDING JUDGE: It's not for him to reach the Court.
19 MR WILLIAMS: As My Lord pleases. I'm grateful, My Lord.
14:49:01 20 We will tender it, My Lord.
21 JUDGE BOUTET: You are tendering this statement of the 26th
22 November which has how many pages?
23 PRESIDING JUDGE: With a specific reference to?
24 JUDGE BOUTET: Page 10186 in the middle, the portion that
14:49:13 25 you have underlined in the document, Mr Williams.
26 PRESIDING JUDGE: Lines 10 through 17, like you mentioned.
27 MR WILLIAMS: Yes, My Lord.
28 JUDGE BOUTET: Yes, Mr Tavener.
29 MR TAVENER: The Prosecution --

1 JUDGE BOUTET: It is tendered for the very limited purpose
2 of showing differences, discrepancy, or whatever between the
3 evidence of the witness and the -- what is contained in the
4 statement on that page.

14:49:36 5 MR TAVENER: The Prosecution doesn't oppose the tender of
6 it. We would simply say there is no prior inconsistent statement
7 and leave it at that.

8 JUDGE THOMPSON: It will be for the Court to determine.

9 JUDGE BOUTET: We'll see in due course.

14:49:50 10 PRESIDING JUDGE: Mr Tavener, I don't think it calls for
11 any comment on your part.

12 MR TAVENER: [Microphone not activated]

13 JUDGE THOMPSON: We can assure you that we'll determine
14 that.

14:49:57 15 PRESIDING JUDGE: We have been following the readings,
16 Mr Tavener. We have been following everything.

17 JUDGE BOUTET: So we are at Exhibit 83, Mr Walker?

18 MR WALKER: Yes, that's correct, Your Honour.

19 JUDGE BOUTET: So this document --

14:50:10 20 MR WILLIAMS: Mr Walker.

21 JUDGE BOUTET: -- referred to as statement of 26 November
22 2002 which contains pages from 10181 to 10195, more specifically,
23 page 10186, is marked as Exhibit 83.

24 [Exhibit No. 83 was admitted]

14:50:35 25 MR WILLIAMS:

26 Q. If you could put the top document on the side, please, just
27 put it on the corner. Yes, Mr Witness.

28 A. Yes, My Lord.

29 Q. You have a statement before you which is -- made by you,

1 which is dated 16 January 2003. Is that correct? Do you see the
2 date --

3 A. Yes, My Lord.

4 Q. Yes, thank you. From page 10221 to 10224.

14:51:47 5 JUDGE BOUTET: Again, this is a statement that you have
6 dealt with this morning, Mr Williams?

7 MR WILLIAMS: Yes, My Lord.

8 JUDGE BOUTET: So this is statement of 16 January 2003?

9 MR WILLIAMS: Yes. From pages 10221 through 10229.

14:52:05 10 PRESIDING JUDGE: You're no longer stopping at 10224?

11 MR WILLIAMS: No, My Lord.

12 PRESIDING JUDGE: You're going further?

13 MR WILLIAMS: Yes, My Lord.

14 PRESIDING JUDGE: 10229.

14:52:15 15 JUDGE BOUTET: And the whole of page 10229?

16 MR WILLIAMS: From the fifth line, My Lord.

17 JUDGE BOUTET: Because I noted in the ones that you have
18 given to the Court that you have marked some on the margin, but
19 not all of them. But you want all of them to be marked?

14:52:43 20 MR WILLIAMS: Yes, My Lord, right through to 10229.

21 JUDGE BOUTET: And again, this is one you have been through
22 with the witness this morning. That's the audiotape?

23 MR WILLIAMS: That's correct, My Lord.

24 JUDGE BOUTET: Eventually he has signed that statement at
14:53:26 25 the end, the typewritten one?

26 MR WILLIAMS: No, it's not signed, My Lord.

27 JUDGE BOUTET: No? I say this because there's a signature
28 on page 10220. I don't know if it's his or not.

29 MR WILLIAMS: Doesn't look like his signature, My Lord.

1 JUDGE BOUTET: That's fine. But I have been given a much
2 longer copy of the transcript than what you've just mentioned.
3 Are you seeking to have all the parts of that transcript to be
4 admitted as well?

14:54:19 5 MR WILLIAMS: Other parts of the --

6 JUDGE BOUTET: Of that transcript?

7 MR WILLIAMS: Yes. Yes, My Lord. So we'll do it all
8 together. So your first part for the 16 of January 2003 are the
9 pages you've just described; that is, 10221 to 10229.

14:54:35 10 MR WILLIAMS: Yes, My Lord.

11 JUDGE BOUTET: Okay. And what's the other one?

12 MR WILLIAMS: 10265.

13 JUDGE BOUTET: Yes. And that's the portion underlined on
14 that page?

14:55:01 15 MR WILLIAMS: Yes, My Lord.

16 JUDGE BOUTET: The middle of the page?

17 MR WILLIAMS: Yes, My Lord.

18 JUDGE BOUTET: 10265. Which deals with the relationship
19 between --

14:55:20 20 MR WILLIAMS: General Mohammed One ^ and --

21 JUDGE BOUTET: Mohammed One in Monrovia. These are the
22 questions you asked this morning?

23 MR WILLIAMS: And Mr Norman in Sierra Leone.

24 JUDGE BOUTET: Yeah. And the next one?

14:55:43 25 MR WILLIAMS: It's 10270.

26 JUDGE BOUTET: Yes, again the portion -- okay.

27 MR WILLIAMS: And 102 --

28 JUDGE BOUTET: 71.

29 MR WILLIAMS: 10272, 10273.

1 JUDGE BOUTET: Yes. So all these pages again, Mr Williams,
2 it's all the portions that are highlighted?
3 MR WILLIAMS: Yes.
4 JUDGE BOUTET: That is from 270, 271, 272, and on the top
14:56:13 5 of 273.
6 MR WILLIAMS: Yes, My Lord.
7 JUDGE BOUTET: And what is this portion dealing with, just
8 for -- the war council. I see.
9 MR WILLIAMS: 10265 dealt with --
14:56:31 10 JUDGE BOUTET: Charles Moiwo.
11 MR WILLIAMS: Yes, My Lord.
12 JUDGE BOUTET: These are questions related to war council
13 membership.
14 MR WILLIAMS: No, My Lord.
14:56:41 15 JUDGE BOUTET: Not membership?
16 MR WILLIAMS: It dealt with --
17 JUDGE BOUTET: Charles Moiwo and whether or not --
18 MR WILLIAMS: Yes, My Lord.
19 JUDGE BOUTET: These are the questions again that you
14:56:56 20 canvassed this morning with the witness?
21 MR WILLIAMS: Yes, My Lord. And the statement of the 17th.
22 JUDGE BOUTET: That's all for the 16th?
23 MR WILLIAMS: Yes, My Lord.
24 JUDGE BOUTET: So the 16 of January, those portions
14:57:15 25 underlined will be marked as Exhibit 84.
26 [Exhibit No. 84 was admitted]
27 JUDGE BOUTET: So the first part of that 84 will be pages
28 10221 to 10229. That will be 84A.
29 [Exhibit No. 84A was admitted]

1 JUDGE BOUTET: And 10265 will be 84B.
2 [Exhibit No. 84B was admitted]
3 JUDGE BOUTET: And 10270 inclusive and up to 10273, all the
4 portions underlined, will be 83C.
14:58:11 5 [Exhibit No. 84C was admitted]
6 JUDGE BOUTET: Have you got that, Mr Williams?
7 MR WILLIAMS: Yes, My Lord.
8 JUDGE BOUTET: And now you're moving to?
9 MR WILLIAMS: The statement of the 17th. It's page 10366.
14:58:29 10 JUDGE BOUTET: And that one is starting at 10352? No.
11 MR WILLIAMS: That is correct, My Lord.
12 JUDGE BOUTET: That statement of 17 January goes from 10352
13 up to 10461, is it?
14 MR WILLIAMS: Yes, My Lord.
14:58:56 15 JUDGE BOUTET: On this one, you're asking to have page
16 10366. I see some portions highlighted on that page.
17 MR WILLIAMS: Yes, My Lord.
18 JUDGE BOUTET: Is it the portion you're seeking to have
19 marked as an exhibit?
14:59:09 20 MR WILLIAMS: Yes, My Lord.
21 MR TAVENER: I don't have a copy of these documents. If I
22 might be given the page number from the record--
23 JUDGE BOUTET: 10366.
24 MR WILLIAMS: Page 15.
14:59:24 25 MR TAVENER: We have different numbering. Sorry.
26 MR WILLIAMS: Page 15.
27 JUDGE BOUTET: Did we go through that statement this
28 morning with the witness, 17 January?
29 MR WILLIAMS: Yes, My Lord. We did.

1 JUDGE BOUTET: Okay. And again, that was an interview,
2 audiotape?
3 MR WILLIAMS: Yes, My Lord.
4 JUDGE BOUTET: No signature.
14:59:54 5 MR WILLIAMS: No.
6 JUDGE BOUTET: And page 10366, these -- why are you
7 tendering that portion? Civilians in Tongo, is it?
8 MR WILLIAMS: In Bo.
9 JUDGE BOUTET: That's the portion having to do with
15:00:21 10 civilians with sticks and so on?
11 MR WILLIAMS: Yes, My Lord.
12 MR TAVENER: Sorry. This part of the record of interview
13 deals with Tongo, and the witness already gave evidence about
14 what happened in Tongo and the civilians. I don't understand how
15:00:33 15 it relates to the --
16 JUDGE BOUTET: I said Tongo, but that portion underlined
17 deals with Bo.
18 MR TAVENER: I understand. Thank you.
19 JUDGE BOUTET: That's my misleading you.
15:00:52 20 So again, Mr Williams, that portion underlined, that is
21 about the middle of the page?
22 MR WILLIAMS: Yes, My Lord.
23 JUDGE BOUTET: That's it for these statements?
24 MR WILLIAMS: Yes, My Lord.
15:01:05 25 JUDGE BOUTET: And again page 10366 of statement,
26 audiotape, transcript of 17 January 2003 is marked as Exhibit 85.
27 Again, Mr Tavener, it is accepted as an exhibit for the specific
28 and limited purpose as stated.
29 MR TAVENER: I won't say anything further. Thank you.

1 [Exhibit No. 85 was admitted]
2 JUDGE BOUTET: Mr Williams.
3 MR WILLIAMS: That will be all for this witness, My Lords.
4 JUDGE BOUTET: Thank you.
15:02:44 5 Any re-examination, Mr Tavener?
6 MR TAVENER: Nothing has arising from the cross-examination
7 of this witness, so the Prosecution has no questions.
8 JUDGE BOUTET: Thank you.
9 PRESIDING JUDGE: Mr Nallo.
15:03:34 10 THE WITNESS: Yes, My Lord.
11 PRESIDING JUDGE: Mr Albert Nallo.
12 THE WITNESS: Yes, My Lord.
13 PRESIDING JUDGE: There is a Jusu in your name as well.
14 Albert Jusu Nallo --
15:03:49 15 THE WITNESS: Albert Moinina Jusu Nallo.
16 PRESIDING JUDGE: Albert Moinina Jusu Nallo.
17 THE WITNESS: Yes, My Lord.
18 PRESIDING JUDGE: You share the same name with the second
19 accused, Moinina.
15:04:00 20 THE WITNESS: Yes. He is my namesake.
21 PRESIDING JUDGE: All right. Well, thank you very much for
22 coming to assist this Chamber with your evidence.
23 THE WITNESS: Yes, My Lord.
24 PRESIDING JUDGE: It has been long, but it has revealed
15:04:22 25 many things which will assist the Chamber to determine the truth
26 in this matter.
27 THE WITNESS: Yes, My Lord.
28 PRESIDING JUDGE: I think the Chamber would like to commend
29 one thing, and that is that you came to testify in order to

1 ensure that there is, you know, lasting peace in this country.

2 THE WITNESS: Yes, My Lord.

3 PRESIDING JUDGE: That is the purpose of the justice which
4 we have come to administer in this country.

15:04:54 5 THE WITNESS: Yes, My Lord.

6 PRESIDING JUDGE: We thank you very much for coming. And
7 we are not saying -- we are releasing you now, but necessity may
8 arise for us to call you back. I'm not saying it has arisen as
9 yet, but it could well arise. So if it does, we will get in
10 touch with you through the normal channels. And I am sure you
11 will be very willing to come and testify if necessity arises. So
12 once more, we thank you very much. We wish you a safe journey to
13 wherever you live. And if we have to see you next time, that
14 will be fine. If not, well, we hope, the world being a small
15:05:17 15 village, we may see you somewhere, somehow, someday. So thank
16 you very much.

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: So the retire for some time, and we will
19 come back in order to sort out a few issues. We will rise for
15:06:03 20 the witness to retire, and we will come back to sort out a few
21 issues. The Court will rise, please.

22 [The witness withdrew]

23 [Recess taken at 3.06 p.m.]

24 [On resuming at 3.29 p.m.]

15:29:48 25 PRESIDING JUDGE: Learned counsel, we are resuming the
26 session, not for a very long period, just to make one or two
27 announcements before we leave the courtroom.

28 You do remember that the next session of the -- of this
29 trial is scheduled for the 18th of May. Scheduled for the 18th

1 of May. But we are informing you in advance, and we are going to
2 change the calendar to that effect, that it would start on the
3 25th of May. Please inform counsel who are travelling from
4 abroad. And I think Ms Susan Wright is duly put on notice since
15:30:42 5 she is facing me directly. And you should please be here not on
6 the 18th but on the 25th.

7 And from the indications we heard from Mr Tavener, it looks
8 like we are coming towards the close of the case for the
9 Prosecution. It looks like; we're not presuming anything. But
15:31:05 10 we want to put the Defence on notice that they should start
11 putting together their material for whatever. I do not want to
12 go into any details. But I would only say that you're very
13 familiar with the Rules, and it is for you to make the options
14 and to take the necessary steps in order not to forestall the
15:31:32 15 procedure -- or rather, the proceedings from continuing normally.
16 So you will please ensure that you conform with what the Rules
17 have stipulated so that as soon as we come at the close, as soon
18 as the Prosecution closes its case, we'll be able to proceed
19 normally and as stipulated by the Rules. So these are the two
15:32:03 20 issues we wanted to raise with you before you leave.

21 And I think the Chamber lastly would like to thank all
22 learned counsel, Prosecution and Defence, our Court Management
23 staff, the interpreters, everybody, our legal advisors, for the
24 wonderful job that we have been able to do during this session.
15:32:32 25 It has been wonderful, and we're happy to discover Ms Wright, you
26 know, in these proceedings. And we hope that we will see her on
27 board when we resume the session on the 25th of May.

28 We extend our thanks and our gratitude to all of you for
29 the professionalism that you have displayed in the course of

1 these proceedings and during this session. And we count on you
2 as usual to do the same, to have the same input when we do start
3 the fifth session of this trial so that we can wrap it up and say
4 that we have put a full stop, you know, to at least one of these
15:33:19 5 ongoing trials.

6 We thank the audience for their understanding, and we thank
7 them for being participants in the proceedings as well. They
8 have been very nice, as I said yesterday, and we count on them to
9 continue to be nice and not to engage in anything that would get
15:33:49 10 us involved in any disarray as far as our proceedings are
11 concerned. They have been very peaceful up to now. They have
12 been very smooth, and we want them to remain that way. So once
13 again, thank you.

14 We wish to those who are travelling out of Freetown a very
15:34:10 15 safe journey to their respective destinations, and we wish them a
16 very safe return journey to Freetown as well. And above all, a
17 Happy Easter to all of you and to your families. Thank you very
18 much.

19 The Court will rise, please.
15:34:23 20 [Whereupon the hearing adjourned at 3.35 p.m., to be
21 reconvened on Wednesday, the 25th day of May, 2005, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 83	64
Exhibit No. 84	67
Exhibit No. 84A	67
Exhibit No. 84B	68
Exhibit No. 84C	68
Exhibit No. 85	70

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-014	2
CROSS-EXAMINED BY MR WILLIAMS	2