

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

THURSDAY, 04 MAY 2006
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Elena Martin-Salgado Ms Roza Salibekova
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Desmond de Silva Mr Joseph Kamara Ms Miatta Samba Ms Bianca Suciu (Case Manager)
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Aluseine Sesay Ms Claire da Silva (legal assistant) Mr Kingsley Belle (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Victor Koppe Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Ansu Lansana

1 [CDF04MAY06A - SV]
2 Thursday, 04 May 2006
3 [Open session]
4 [The accused present]
09:42:53 5 [Upon commencing at 9.40 a.m.]
6 WITNESS: ARTHUR KOROMA [Continued]
7 PRESIDING JUDGE: Good morning, Dr Jabbi. Good morning
8 all. Dr Jabbi, we were in the process or you were in the process
9 of trying to tender some exhibits yesterday through this witness
09:44:13 10 and we stopped while you were still attempting to do that. So
11 are you ready to proceed and move ahead on this now?
12 MR JABBI: Good morning, My Lord. Yes, indeed.
13 PRESIDING JUDGE: We are listening to you.
14 MR JABBI:
09:44:38 15 EXAMINED BY MR JABBI: [Continued]
16 Q. Mr Witness, good morning.
17 A. Good morning, Mr Jabbi.
18 Q. Do you have in front of you the last document that was
19 shown to you yesterday?
09:44:51 20 A. No, I returned all of them.
21 PRESIDING JUDGE: The last one was at page 18209. Is it
22 still what we're talking about, Dr Jabbi?
23 MR JABBI: Yes, My Lord, 18209.
24 Q. Do you recognise that document?
09:45:30 25 A. Yes, I do.
26 Q. As what?
27 A. As a letter from my administrative secretary to the
28 commander in NIBATT 23 ECOMOG.
29 Q. Where was NIBATT 23 ECOMOG based?

1 A. At Joru.

2 Q. What is the date of the letter?

3 A. 13th September 1998.

4 Q. Did you have knowledge of it when it was written?

09:46:14 5 A. Yes, I did.

6 MR JABBI: My Lord, we want to tender the letter.

7 PRESIDING JUDGE: Mr Koppe?

8 MR KOPPE: No objection, Your Honour.

9 PRESIDING JUDGE: Mr Lansana for third accused?

09:46:34 10 MR LANSANA: None at all, Your Honour.

11 MR KAMARA: No objection.

12 PRESIDING JUDGE: Thank you, Mr Prosecutor. So we were at

13 Exhibit 141 yesterday or that should be 141. Am I right?

14 MS EDMONDS: That's correct, sir.

09:46:49 15 PRESIDING JUDGE: So this document, a letter from the

16 administrative secretary to the administrators Civil Defence

17 Force, Sierra Leone, Kenema District of 13th September 1998 to

18 the commander NIBATT 23 is marked as Exhibit 141.

19 [Exhibit No. 141 was admitted]

09:47:24 20 MR JABBI: Thank you, My Lord.

21 PRESIDING JUDGE: Just for the record, the subject matter

22 of that letter was -- it's headed as "James Kallon and three

23 others [Kamajors]".

24 MR JABBI: My Lord, the next document is at Registry page

09:47:48 25 18211. And if the witness can have a look at it, please.

26 Q. Yes, Mr Witness, have you had enough look at it?

27 A. Yes, I have.

28 Q. And do you recognise it?

29 A. Yes, I do.

1 Q. As what?

2 A. As another letter from --

3 JUDGE ITOE: What was the date, please?

4 THE WITNESS: 14th July 1999.

09:50:01 5 MR JABBI:

6 Q. Yes, as what?

7 A. Another letter from my administrative secretary to the CDF

8 chairman Gaura Chiefdom, Kenema District.

9 Q. Concerning?

09:50:14 10 A. "CO James C Kallon and 10 other Kamajors wanted at CDF

11 headquarters".

12 Q. Thank you. Did you have knowledge of this letter when it

13 was written?

14 A. Yes, I did.

09:50:24 15 MR JABBI: My Lord, we wish to tender this document.

16 PRESIDING JUDGE: Counsel for second accused?

17 MR KOPPE: No objection, Your Honour.

18 MR LANSANA: None at all, Your Honour.

19 PRESIDING JUDGE: Thank you. Mr Prosecutor?

09:50:37 20 MR KAMARA: No objection.

21 PRESIDING JUDGE: Thank you. So this letter from the

22 administrative secretary CDF Kenema District to the CDF chairman

23 Gaura Chiefdom, Kenema District of 14 July 1999 about "CO James C

24 Kallon and 10 other Kamajors wanted at CDF headquarter" is marked

09:51:03 25 as Exhibit 142.

26 [Exhibit No. 142 was admitted]

27 MR JABBI: Thank you, My Lord. The next, My Lord, is at

28 Registry page 18208. If the witness can have a look at it.

29 Q. Have you had enough look at it?

1 A. Yes, I have.

2 Q. What is the date of the document?

3 A. 14th September 1999.

4 Q. And do you recognise it?

09:52:27 5 A. Yes.

6 Q. As what?

7 A. As a letter to me, the district administrator CDF, from

8 senior district officer.

9 Q. Where?

09:52:48 10 A. Kenema District.

11 Q. Did you receive this letter at the time?

12 A. Yes, I did.

13 Q. And what is it concerned with?

14 A. It's in relation to "Complaints against James C Kallon,

09:53:07 15 battalion commander Gaura Chiefdom for staging a dance at Perri

16 village and assault on town chief Brima Kaikai of the same

17 village."

18 PRESIDING JUDGE: So this is again a letter about the same

19 issue that you've been talking about, the Kallon issue?

09:53:27 20 THE WITNESS: Yes.

21 MR JABBI: My Lord, may we tender this as well?

22 PRESIDING JUDGE: Mr Koppe.

23 MR KOPPE: No objection, Your Honour.

24 PRESIDING JUDGE: Mr Lansana.

09:53:36 25 MR LANSANA: No objection, Your Honour.

26 PRESIDING JUDGE: Mr Kamara for prosecution.

27 MR KAMARA: Objection, My Lord.

28 PRESIDING JUDGE: You do?

29 MR KAMARA: Yes, My Lord.

1 PRESIDING JUDGE: What's your objection?

2 MR KAMARA: On the ground that this amounts to self
3 corroboration. This evidence has been given viva voce by this
4 witness and tendering a document to further support that amounts
09:53:57 5 to self corroboration by the same witness.

6 JUDGE ITOE: I have a difficulty there with that objection.
7 He has given viva voce evidence.

8 MR KAMARA: Yes, My Lord.

9 JUDGE ITOE: What prevents him from producing a document
09:54:19 10 that relates to the evidence, or that at least buttresses the
11 evidence he has given orally? Because this is a document which
12 was addressed to him and I have some difficulty with your
13 objection.

14 MR KAMARA: Yes, Your Honour. The position as I understand
09:54:44 15 it - I may be wrong - is that wherein a witness has given
16 evidence with regards to certain facts, and the same witness is
17 putting forward a document to verify the same facts, amounts to
18 self corroboration.

19 PRESIDING JUDGE: Where is it in the Rules of Procedure and
09:55:02 20 Evidence that prohibits that to be done?

21 MR KAMARA: My Lord, probably it's because of my common law
22 background.

23 PRESIDING JUDGE: I think so.

24 JUDGE ITOE: I think so. I was going to say so.

09:55:13 25 MR KAMARA: My common law background prohibits the use of
26 self corroboration in terms of statements of facts that has been
27 adduced before the same court.

28 PRESIDING JUDGE: But as you know, the common law rules are
29 not rules governing the admissibility of evidence in this court

1 room.

2 JUDGE ITOE: In any event, I don't even want to take you on
3 as far as you're basing it on common law is concerned. I don't
4 want to extend the argument because there again it might take us
09:55:40 5 quite some time for you to convince us that what you are stating
6 is a law under common law.

7 MR KAMARA: My Lord, I took a look into this yesternight
8 and I have case authorities to support that. And further,
9 My Lord --

09:55:54 10 JUDGE THOMPSON: Before you go on, you mean you have case
11 authorities in the context of international tribunals to support
12 that, or case authorities from the common law tradition to
13 support that?

14 MR KAMARA: I must concede it is the common law position.

09:56:08 15 JUDGE THOMPSON: Let me also refer you to page 101 of
16 International Criminal Evidence by May and Wierda, paragraph 421.
17 "National rules of evidence are not binding on trial chambers.
18 Furthermore, there may be dangers in their direct application."
19 I rest my position.

09:56:30 20 MR KAMARA: Thank you, My Lord.

21 PRESIDING JUDGE: Your objection is overruled.

22 MR KAMARA: I concede.

23 PRESIDING JUDGE: Thank you. So this document described as
24 a letter to the district administrator CDF, Kenema branch from
09:56:47 25 the senior district officer with reference to a complaint against
26 Mr James C Kallon battalion commander is marked as Exhibit 143.

27 [Exhibit No. 143 admitted]

28 MR JABBI: Thank you, My Lord.

29 Q. Now, Mr Witness, you have with you what has been marked as

1 Exhibit 140, 141 and 142; the three documents you have received
2 this morning. Whom do those documents concern?

3 A. James C Kallon.

4 Q. Is that the same person?

09:57:51 5 A. Yes.

6 Q. Can you tell the Court --

7 JUDGE THOMPSON: What are the exhibits again that you said?

8 MR JABBI: 140, My Lord, 141 and 142.

9 JUDGE THOMPSON: Thank you.

09:58:09 10 PRESIDING JUDGE: I thought you meant 141, 142, 143. The
11 documents we've talked about this morning are 141, 142, 143. It
12 may be that 140 also talks about that but -- no, 140 talks about
13 issue of ammunition.

14 MR JABBI: Sorry, My Lord.

09:58:35 15 PRESIDING JUDGE: You meant to say what the witness has
16 looked at and what you filed this morning is 141, 142, 143?

17 MR JABBI: Thank you, My Lord. I misnumbered them.

18 Q. So I am referring to Exhibits 141, 142 and 143. They are
19 the three documents, Mr Witness, that you have in front of you
09:59:08 20 and you have just told the Court that they are concerned with one
21 person in the name of James Kallon. Now, can you tell the Court
22 briefly what the situation is involving him that is dealt with in
23 those exhibits? Very briefly, please.

24 PRESIDING JUDGE: Hasn't he already talked about that and
09:59:34 25 described what disciplinary action they took and why they took
26 that? Are we just repeating the same evidence again?

27 MR JABBI: My Lord, it was of an introductory nature and
28 the specific documents have not then been shown to him. I am
29 just trying to link all three documents to the earlier

1 explanation. But if the Court --

2 JUDGE THOMPSON: Then if you so desire, why not be very
3 specific as to what you're trying to elicit?

4 MR JABBI: My Lord, I believe that I'm as explicit and
10:00:13 5 specific as possible, as the witness's answer will show.

6 JUDGE THOMPSON: Apparently you seem to want to take us
7 down a kind of general --

8 MR JABBI: No, that is why I've told him to be as brief as
9 possible.

10:00:25 10 JUDGE THOMPSON: Probably you also need to add as specific
11 as possible.

12 MR JABBI: As specific as possible, My Lord.

13 Q. Can you tell the Court briefly, but as specifically as
14 possible, what issue is dealt with in those exhibits concerning
10:00:44 15 Kallon?

16 MR KAMARA: My Lord, I will object to that and I was hoping
17 that counsel has taken the cue from Justice Thompson because,
18 My Lords, if you look at Exhibit 141, it's dated 13 September
19 1998 and the other exhibits are 14 September 1999. They're a
10:01:03 20 year apart, almost. My Lord, for learned counsel to put all
21 those documents together and ask this witness with reference to
22 what relates in terms of incidence, I think it is overloaded in
23 one question. If I took what learned Justice Thompson is saying
24 that learned counsel should have separated these documents and
10:01:27 25 put one specific question per document.

26 PRESIDING JUDGE: Dr Jabbi?

27 MR JABBI: My Lord, I do not think that the time lapse
28 between the various documents necessarily undermines the
29 possibility of a nexus between them and the witness's answer will

1 demonstrate that. So I don't think just that time lapse is a
2 sufficient reason for the objection.

3 PRESIDING JUDGE: The objection is overruled. Proceed,
4 please.

10:02:06 5 MR JABBI:

6 Q. Now, Mr Witness, I was asking if you could tell the Court
7 very briefly, and as specifically as you can, what issue
8 involving James Kallon is dealt with in these exhibits before
9 you. Very briefly, please.

10:02:32 10 A. As I said before this Court yesterday, there was an
11 incident in Joru in Gaura involving James Kallon and the chiefs,
12 in which Mr Kallon misbehaved to the chiefs and the matter was
13 taken to the senior district officer. A committee was set up and
14 I was also a member of that committee. Our findings were that
10:03:04 15 Mr Kallon had defaulted, had --

16 PRESIDING JUDGE: He was disciplined and sent to jail for a
17 month. So that's what he said.

18 THE WITNESS: Yeah.

19 JUDGE ITOE: It's a civil prison, isn't it?

10:03:16 20 THE WITNESS: Yes, yes.

21 PRESIDING JUDGE: We know all of this.

22 JUDGE ITOE: Is that not it? Why do we have to revisit
23 this, Dr Jabbi?

24 MR JABBI: My Lord, as I said, at the time --

10:03:25 25 PRESIDING JUDGE: Yes, but we can put it together and asked
26 the witness himself --

27 MR JABBI: As Your Lordships please.

28 JUDGE THOMPSON: We can put it together.

29 PRESIDING JUDGE: -- if what he was talking about was the

1 same issue of Kallon yesterday, and he said yes.

2 MR JABBI: My Lord, there is an approach of ex abundante
3 cautela.

4 PRESIDING JUDGE: Yes, I think you may overdo it in this
10:03:46 5 respect.

6 JUDGE THOMPSON: It would be a very classic case of ex
7 abundante cautela.

8 PRESIDING JUDGE: Please proceed.

9 MR JABBI: Thank you, My Lord.

10:03:59 10 Q. Now, Mr Witness, do you have any other instances of the
11 disciplining of members of the Kamajor movement?

12 A. There is some more I could adduce before this Court.

13 Q. Yes, please. Carry on, please.

14 A. One occurred when Kenema came under attack in February
10:04:34 15 1999.

16 Q. Please, the usual caution that you watch your pace and the
17 pace of the High Bench pens.

18 PRESIDING JUDGE: Please proceed.

19 MR JABBI:

10:04:50 20 Q. Carry on.

21 A. Kenema was attacked by the AFRC/RUF forces.

22 Q. When?

23 A. Twice in mid-February 1999. One attack took place. The
24 first one was in the afternoon and the other was launched at
10:05:29 25 night a couple of days later. The night attack was so intense
26 and the AFRC/RUF troops did so much destruction in terms of
27 lives, and the general fighting at night itself was so intense
28 that all of the inhabitants of the township left. They left,
29 fled from Kenema. In addition to that, the ECOMOG troops in the

1 township itself had to move their headquarters to the rear, out
2 of town.

3 Q. In what direction?

4 A. Out of town.

10:06:57 5 Q. In what direction?

6 A. Towards Blama.

7 Q. Thank you.

8 A. And only a few of us -- a handful of us Kamajors were left
9 in the township. At the end of it all, the situation was brought
10:07:27 10 under control and the people came back. Shortly after their

11 return, one of the residents of Kenema, one Mr Samai, who is
12 still in Kenema today -- this man's house was on the outskirts of
13 the township in the direction from which the attack came. When
14 he came back he discovered that a lot of his property had gone

10:08:52 15 missing, and then he made a report to our office and then
16 investigations were conducted, bearing in mind the fact that only
17 Kamajors had remained in the township when everybody else had
18 left. The investigations dragged on for quite a while indeed.

19 JUDGE ITOE: Tell us the results, please. Tell us the
10:10:18 20 results of the investigations.

21 THE WITNESS: We discovered that some Kamajors had actually
22 taken the man's property. We arrested them, retrieved the man's
23 property and gave it back to him, gave them back to him, and then
24 detained the ringleaders.

10:11:13 25 MR JABBI:

26 Q. For how long?

27 A. For one week.

28 Q. Was anything more done to them?

29 A. No, not that I can remember.

1 Q. Thank you. Now, the examples given so far are discipline
2 by the Kamajor movement and the local administration of Kamajor
3 infractions. You have also given evidence --

4 JUDGE THOMPSON: Is that your commentary on that?

10:12:08 5 MR JABBI: My Lord, I am just trying to --

6 JUDGE THOMPSON: Recapitulate.

7 MR JABBI: Recapitulate, My Lord.

8 Q. You have also given evidence that there was some
9 interaction between ECOMOG and the Kamajor movement. Do you have
10:12:35 10 any examples of ECOMOG disciplining Kamajors?

11 A. Yes, I do.

12 Q. Can you give any example now?

13 A. Yes.

14 Q. Yes, carry on, please.

10:13:05 15 A. Again it happened during the time we were in Kenema. It
16 was on African Children's Day and some Kamajors went and gave
17 guns to some of the children and they were going about the town
18 in vehicles with guns with children, and ECOMOG was not happy
19 about that.

10:13:27 20 Q. Watch your pace, please.

21 PRESIDING JUDGE: Go ahead, please.

22 THE WITNESS: So they caught a few Kamajors and
23 interrogated them.

24 MR JABBI:

10:13:48 25 Q. Who did?

26 A. The ECOMOG officers. It came out that the guns that the
27 children had been given had been given to them on the instruction
28 of Eddie Massallay.

29 Q. Who was Eddie Massallay?

1 JUDGE ITOE: We know who Eddie Massallay is.

2 THE WITNESS: I've talked to this Court about him quite a
3 lot.

4 MR JABBI: Thank you, My Lord.

10:14:33 5 Q. Carry on.

6 A. So the ECOMOG brigade headquarters had Eddie arrested and
7 subjected to such severe discipline.

8 Q. Of what nature?

9 A. Well, I don't want to go into it, but it made us angry a
10:15:10 10 little bit, but the discipline was very severe.

11 Q. Okay. Thank you.

12 JUDGE ITOE: Why don't you want to go into it?

13 THE WITNESS: My impression is that generally you don't
14 want me to delve into such matters.

10:15:29 15 JUDGE ITOE: What was the discipline? Summarise it. What
16 punishment was accorded to him?

17 THE WITNESS: He was flogged.

18 JUDGE ITOE: Well, yes, what's wrong with that?

19 THE WITNESS: Nothing. It's the impression I've been
10:15:45 20 gathering from the Court.

21 PRESIDING JUDGE: Well, you've got the wrong impression.

22 We want to know what happened. We want to know the facts. So if
23 you know them, tell us.

24 THE WITNESS: He was flogged. He was flogged.

10:15:55 25 JUDGE THOMPSON: I should add that if you've used the word
26 "severe" we would require particulars of severity.

27 PRESIDING JUDGE: He was flogged?

28 THE WITNESS: Flogged, made to roll on the ground, and the
29 duration was quite long.

1 JUDGE ITOE: For what duration?
2 THE WITNESS: It exceeded a day.
3 JUDGE ITOE: It exceeded one day?
4 THE WITNESS: Yeah.
10:16:28 5 MR JABBI:
6 Q. When was that? Can you remember? Give me a rough time
7 schedule?
8 A. No, I can't pin it down.
9 PRESIDING JUDGE: What year?
10:16:39 10 THE WITNESS: In 1999. I suspect 1999.
11 PRESIDING JUDGE: And what you have described is something
12 that you have observed or something that was reported to you?
13 THE WITNESS: It was not particularly reported. I was in
14 Kenema when it happened.
10:17:06 15 PRESIDING JUDGE: You saw that being done?
16 THE WITNESS: What did you say?
17 PRESIDING JUDGE: You saw that being done?
18 THE WITNESS: I didn't go there.
19 PRESIDING JUDGE: So how do you know about it then?
10:17:17 20 THE WITNESS: Because it was public knowledge, in fact.
21 All Kamajors, everybody knew about it. In fact, we sent a
22 message to our headquarters in Freetown that that incident had
23 taken place.
24 Q. But my question was did you see it or not?
10:17:35 25 A. I did not see it. I did not go there to see it.
26 PRESIDING JUDGE: Thank you.
27 MR JABBI:
28 Q. Apart from that, do you, perchance, have any other example
29 of ECOMOG disciplining Kamajors?

1 A. Yes, there was another.

2 Q. Yes.

3 A. It involved Mr KBK Magonna. He was also senior in the CDF
4 movement.

10:18:13 5 JUDGE ITOE: KBK?

6 THE WITNESS: KBK Magonna.

7 MR JABBI:

8 Q. Again, briefly, please.

9 A. In his own case, he went to -- there's a place called
10:18:32 10 Milton Margai in Kenema where people normally go to drink palm
11 wine in the evening. It was there --

12 Q. What is it called?

13 A. Milton Margai.

14 JUDGE THOMPSON: Did you say people retired there to drink
10:18:53 15 palm wine?

16 THE WITNESS: In the evenings, yes.

17 MR JABBI: In the evenings, he said.

18 JUDGE ITOE: There's Milton Margai at the high level and at
19 the low level as well. That's very democratic, isn't it?

10:19:19 20 MR JABBI:

21 Q. Yes, carry on.

22 A. I really cannot recall what happened but his boys fired
23 shots in the air and that led to some panic. The matter got to
24 ECOMOG and they had Mr Magonna arrested and he too was subjected
10:19:36 25 to very severe discipline. Like in the case of Mr Massallay, I
26 don't want to go into it.

27 PRESIDING JUDGE: So he was flogged?

28 THE WITNESS: Yes, he was.

29 PRESIDING JUDGE: This was reported to you, presumably; you

1 didn't see this?

2 THE WITNESS: If I saw where Mr Magonna was being subjected
3 to discipline?

4 PRESIDING JUDGE: Yes.

10:20:22 5 THE WITNESS: No, I did not see that.

6 PRESIDING JUDGE: And the fact that he'd been accused that
7 his people, his boys, were shooting in the air, you were informed
8 of that; you didn't see that, as such?

9 THE WITNESS: I didn't see that. The report went directly
10:20:36 10 to ECOMOG headquarters and they handled it.

11 PRESIDING JUDGE: Thank you.

12 MR JABBI:

13 Q. Now, Mr Witness, with your membership of the Kamajor
14 movement and your very high administrative status there, would
10:21:05 15 you want to tell the Court what the structure and organisation of
16 the Kamajor movement was?

17 A. I wouldn't mind doing so.

18 Q. Please.

19 JUDGE ITOE: You say structure and organisation?

10:21:34 20 MR JABBI: Yes, My Lord.

21 PRESIDING JUDGE: Please proceed.

22 THE WITNESS: Yes. What Dr Jabbi was referring to as the
23 Kamajor movement was actually a secret society into which people
24 got initiated. There were several initiators. For instance, the
10:22:32 25 late Kamoh Brima Bangura, who was our own chief initiator in the
26 Eastern Region; Mama Mundie Fortune; Kamoh Lahai Bangura;
27 Dr Allieu Kondewa, just to name a few. There are other
28 initiators, but just to name a few. In Kenema District the
29 initiations were done on the basis of chiefdoms.

1 MR JABBI:

2 Q. At whose behest would a person be initiated?

3 A. In the chiefdoms, the paramount chief and his sub-chiefs
4 would identify a specified number of young men for initiation and
10:24:27 5 then they would pay their initiation fees to the initiator.

6 Q. Did the would-be initiate have a say in the matter?

7 A. Yes, it was voluntary. A young man who did not want to get
8 initiated would say so, but generally it was trendy and everybody
9 wanted to be.

10:25:12 10 Q. It was?

11 A. Trendy. Trendy.

12 Q. Trendy?

13 A. Yeah, then everybody wanted to be. There were times when
14 the chiefdom did not have sufficient money to pay for all the
10:25:33 15 initiates. Some initiates would actually go and look for money
16 and then go through the rites of initiation, pay for their own
17 initiation. It happened in a number of cases. May I proceed?

18 Q. Yes, please.

19 A. Because I earlier on told the Court that some people
10:26:20 20 initiated to go for combat and some did so only for protection
21 from guns and that aspect.

22 Q. Yes, we have that.

23 A. After that initiation the initiates were then again
24 returned to the chiefdom authorities.

10:26:35 25 Q. After initiation?

26 A. Yeah.

27 Q. Yes.

28 A. So generally we did not have a standing force that was
29 there always permanently. There was never any standing Kamajor

1 force, standing force. Every time there was a task to be
2 accomplished -- if, for instance, we wanted 100 Kamajors for a
3 certain -- to accomplish a particular task, word would be sent
4 round to the various chiefdoms, quotas would be given. We would
10:27:26 5 request one chiefdom to give five -- depending on the size of the
6 chiefdom, we would request every chiefdom to send a specified
7 number of Kamajors to get the hundred and then those 100 Kamajors
8 would be used to accomplish the task specified.

9 Q. What would happen to them after that exercise?

10:27:55 10 A. They go back home.

11 Q. "Home" meaning?

12 A. Their chiefdoms of origin, their villages. And then at the
13 time of their initiation Kamajors were generally given laws.

14 Q. Yes, we have heard enough of that here now.

10:28:18 15 PRESIDING JUDGE: Thank you, Dr Jabbi.

16 JUDGE ITOE: Thank you very much, Dr Jabbi.

17 PRESIDING JUDGE: It proves that you were listening to some
18 of my comments.

19 MR JABBI: My Lord, I said a long time ago that those
10:28:39 20 observations were taken into good part.

21 Q. Now, Mr Witness, you have spoken about the voluntary nature
22 of membership of the Kamajor movement and that there was also no
23 one standing force. In terms of the exercise, the activities
24 that the Kamajors were involved in, did that help in the general
10:29:40 25 operations of the Kamajor?

26 A. I want you to go over that question. Frame it --

27 Q. The fact that they were voluntary and the fact also that
28 they were not in a concentrated standing force, was that of any
29 help to the general operations of the Kamajor movement?

1 A. Yes, indeed.

2 Q. Yes, please?

3 A. The advantage it had, in my opinion, was that the Kamajor
4 organisation generally did not have a centre of gravity. In
10:30:20 5 terms of, say, like it had a headquarter that could be destroyed
6 and then when once it was destroyed the organisation was
7 finished.

8 Q. Watch your pace, please. Yes?

9 A. So this means that, for instance, the RUF/AFRC forces could
10:30:54 10 take a lot of locations, lots of chiefdoms, but then there would
11 always be Kamajors from other chiefdoms to come and help. If you
12 took a village, there would be people from other villages to
13 again come back. So it was very difficult to actually put a stop
14 to Kamajor activities because of that decentralised nature of the
10:31:22 15 organisation.

16 Q. Yes. Now, what forms of protection did the individual
17 chiefdom Kamajors offer to their respective chiefdoms?

18 A. May I proceed?

19 Q. Yes, carry on, please.

10:32:35 20 A. In terms of protection, it was generally armed protection
21 and what Kamajors would do was to most often place roadblocks
22 right at the boundaries of their chiefdoms, checkpoints, to
23 ensure that they knew when anyone was coming or leaving their
24 chiefdom. So if someone was moving across those chiefdoms where
10:33:47 25 they had Kamajor organisations, you would encounter a lot of
26 checkpoints - most people did not actually understand this -
27 because you are moving through one chiefdom to another, through a
28 series of chiefdoms you would encounter lots of checkpoints as
29 you move from one to the other, one to the other.

1 Q. What was the general attitude of the people themselves to
2 these checkpoints?

3 A. The ordinary people normally misunderstood the essence of
4 the checkpoint and moving through so many checkpoints normally
10:34:42 5 made them feel bad, they didn't like it, the ordinary people.

6 Q. And did the Kamajor movement authorities do anything about
7 the attitude of the people to the checkpoints or, vice versa, the
8 attitude of Kamajors at the checkpoints?

9 A. Of course we -- we, as an administration, for instance, in
10:35:24 10 Kenema District, we told our chiefdom chairman to be very careful
11 about the way Kamajors behaved at the checkpoints to the common
12 people.

13 Q. By what method would that be done?

14 A. In our own case we called -- we normally held briefings.
10:35:50 15 We would call the chiefdom chairman and other commanders together
16 and then the matter would be discussed and decisions taken and
17 then they would go back and implement.

18 PRESIDING JUDGE: Who's the "we" normally called meetings?

19 THE WITNESS: The administration in Kenema, the district
10:36:15 20 administration of CDF.

21 PRESIDING JUDGE: Which comprised you and who else?

22 THE WITNESS: We had a staff including the administrative
23 secretary, a logistics officer, the welfare officer, the
24 investigation officer, the director of operations, our general
10:36:59 25 battalion commander, treasurer.

26 MR JABBI:

27 Q. I think that's enough. Now can you have a look at this
28 document. My Lords, it's Registry page 18210. Have you had a
29 good enough look at it?

1 A. Yes, I have.

2 Q. What is the date of that document?

3 A. 31st August 1999.

4 Q. And do you recognise it?

10:38:32 5 A. Yes, I do.

6 Q. As what? Do you with what subject matter?

7 A. It's a letter from Chief Brima Jimmi to section commanders

8 in Nongowa Chiefdom.

9 Q. Who was Chief Brima Jimmi?

10:38:50 10 A. Chief Brima Jimmi was the chiefdom chairman.

11 Q. Which chiefdom?

12 A. Nongowa Chiefdom.

13 Q. Chairman of what?

14 A. Chiefdom defence chairman, CDF.

10:39:00 15 Q. Chiefdom defence chairman. And you say it was dealing with

16 what?

17 A. The letter?

18 Q. Yes, the letter. What is the subject matter of the letter?

19 A. It's a letter to the section commanders. It's a warning

10:39:24 20 about the attitude towards people at the checkpoints.

21 Q. Now, did you have knowledge of this letter around the time

22 of its writing?

23 A. Yes.

24 Q. How?

10:39:44 25 A. In fact, I recall that the letter came after we had held

26 the sort of meeting I just mentioned. Then he was only trying to

27 implement what we had -- decisions we had taken. When he wrote

28 this letter he copied us for us to know.

29 Q. Did you receive the copy?

1 A. Yes. This is mine. It's a photocopy of mine.

2 Q. Now can you look at paragraph 3 of that letter. Without
3 reading it, what is the subject matter of that paragraph,
4 briefly?

10:40:58 5 A. It's requesting the Kamajors to refrain from harassing
6 civilians at checkpoints, especially when they have documents
7 from their paramount chiefs.

8 Q. Especially when?

9 A. They have documents from their paramount chiefs.

10:41:14 10 Q. When who has documents?

11 A. The civilians, the people.

12 Q. Did civilians have documents from their chiefs?

13 A. Yes, they could have.

14 JUDGE THOMPSON: Counsel, are you going to tender this
10:41:29 15 document? Do you intend to tender it?

16 MR JABBI: This one we're now talking about, My Lord?

17 JUDGE THOMPSON: Yes, do you intend to tender it?

18 MR JABBI: Yes, indeed, My Lord.

19 JUDGE THOMPSON: Then why probe the contents at this stage?

10:41:43 20 MR JABBI: Thank you, My Lord. Thank you. Cue taken. I
21 was actually at this time talking about -- he said --

22 JUDGE THOMPSON: Because there are two standard, recognised
23 procedures. You can either do this before tendering or after
24 tendering. I was going to say if it's better to tender the
10:42:02 25 document and then --

26 MR JABBI: I will do it after tendering, My Lord. My Lord,
27 we wish to tender this document.

28 PRESIDING JUDGE: Counsel for second accused?

29 MR KOPPE: No objection, Your Honour.

1 PRESIDING JUDGE: Mr Lansana for third accused?

2 MR LANSANA: None.

3 MR KAMARA: No objection, Your Honour.

4 PRESIDING JUDGE: Thank you. So this document from Civil
10:42:24 5 Defence Forces, Sierra Leone, Kenema District, Nongowa Chiefdom
6 dated 31st August 1999 from chiefdom chairman to all section COs
7 and subject "Warning Letter," this document is marked as Exhibit
8 144.

9 [Exhibit No. 144 was admitted]

10:42:54 10 MR JABBI: Thank you, My Lord.

11 Q. Now, again, Mr Witness, just a brief look at paragraph 3 of
12 the letter and if you can briefly say what it concerns, paragraph
13 3.

14 MR KAMARA: My Lord, that is the question the witness has
10:43:09 15 just answered.

16 JUDGE ITOE: Is that not the question which the witness has
17 just -- I was going to interject. He has summarised it and we
18 know that it was a caution on Kamajors to treat people well at
19 checkpoints. Isn't that the point you're seeking to --

10:43:26 20 MR JABBI: Yes, My Lord. My Lord, I only went back into it
21 because of the point raised by His Lordship Thompson. So I am
22 satisfied that it has been --

23 JUDGE THOMPSON: Well, the records reflect.

24 MR JABBI: Indeed, My Lord.

10:44:04 25 Q. Now, Mr Witness, yesterday in your evidence you mentioned
26 initial interactions with the police when the Kamajors and ECOMOG
27 re-took Kenema for the first time. Can you explain what was the
28 situation about the police on the arrival of ECOMOG and the
29 Kamajors in Kenema?

1 A. Yes, I will.

2 Q. Yes, briefly, please.

3 A. When we got to Kenema what I observed was that once ECOMOG
4 had established a headquarter at the NIC building a lot of police
10:45:04 5 officers ran to that headquarter.

6 [CDF04MAY06B - EKD]

7 PRESIDING JUDGE: Yes.

8 MR JABBI:

9 Q. Yes, carry on.

10:45:34 10 A. And they were there until we invited the chief police
11 officer to bring the policemen to our CDF office, where we
12 addressed them and then told them to get back to work.

13 Q. Did you observe or was that a good representation of the
14 number of policemen in Kenema?

10:46:27 15 A. When we discussed the matter with Colonel Yayah Abu Bakarr
16 and we extended the invitation to the chief police officer, we
17 told him to bring all of them to our office. But my impression
18 was that they were not very plenty.

19 Q. Why?

10:46:57 20 A. In my opinion not all of them responded to the call of the
21 chief police officer to come to the office.

22 Q. Do you have any idea why some didn't respond?

23 A. Those who did not respond apparently were afraid of coming
24 to our office.

10:47:51 25 Q. Now, Mr Witness --

26 MR JABBI: My Lord, Registry page 18214.

27 Q. Mr Witness, I would like you to look at a certain document.
28 18214. Can you see the date of that document?

29 A. 5th September 1998.

- 1 Q. And the author?
- 2 A. Major Tony Nwadiaro.
- 3 Q. Of?
- 4 A. 15th ECOMOG Brigade headquarters.
- 10:49:41 5 Q. To whom was it written?
- 6 A. To the commander of the police in the Eastern Region,
- 7 Kenema.
- 8 Q. What do you recognise it as, if you do?
- 9 A. It was a request by Major Tony to the police commander to
- 10:49:53 10 hand over to them a certain policeman who was wanted for security
- 11 reasons. Apparently the man, it was said then, had been a rebel
- 12 collaborator.
- 13 Q. Did you know of this letter around that time?
- 14 A. Yes, this is our own copy of the letter.
- 10:52:43 15 Q. What do you mean by "our"?
- 16 A. I'm talking about CDF Kenema District.
- 17 MR JABBI: My Lord, we want to tender this document.
- 18 MR KOPPE: No objection, Your Honour.
- 19 PRESIDING JUDGE: Thank you. Mr Lansana?
- 10:52:43 20 MR LANSANA: None, Your Honour.
- 21 MR KAMARA: No objection.
- 22 PRESIDING JUDGE: Thank you. So this document, a letter of
- 23 5 September 1998, signed by Major Nwadiaro for Commander, 15
- 24 ECOMOG Brigade to the Commissioner of Police, Eastern Region,
- 10:52:52 25 Kenema, Sierra Leone, subject "Handing over of Sierra Leone
- 26 police," is marked as Exhibit 145.
- 27 [Exhibit No. 145 was admitted]
- 28 MR JABBI: Thank you, My Lord.
- 29 Q. Now, Mr Witness, you have spoken about various activities

1 and operations. For example, disciplining of the Kamajors. Was
2 Chief Norman involved at any stage in the exercise of discipline,
3 the disciplining of Kamajors who committed infractions?

4 A. The ones that I've related to you?

10:52:52 5 Q. Yes.

6 A. We informed him about some of them.

7 Q. Before or after the event?

8 A. After.

9 Q. Thank you.

10:53:08 10 JUDGE ITOE: So what you are saying is that Chief Norman
11 was not involved in the disciplinary mechanism. It was after you
12 had disciplined that you informed him.

13 THE WITNESS: Yes.

14 JUDGE ITOE: Is that what you're saying?

10:53:08 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: But are you also saying you informed him
17 of some of them, but not of all of them?

18 THE WITNESS: Not all of them, yes. I could remember when
19 the disciplinary action was taken against Eddie, we reported
10:53:08 20 that, the one by ECOMOG. And when we took disciplinary action
21 against James Kallon, I could remember that some of his relatives
22 consulted a lawyer in this town and we referred the matter to
23 Chief Norman.

24 MR JABBI: Thank you.

10:53:34 25 Q. Now, Mr Witness, to what extent, if any, did the government
26 of Sierra Leone recognise the efforts of the Kamajors in the
27 restoration process?

28 A. At the end of it all?

29 Q. Yes, indeed.

1 JUDGE ITOE: Did the government of Sierra Leone recognise
2 the efforts of the Kamajors in the process? And, if so, how?

3 THE WITNESS: I'm coming to it.

4 JUDGE ITOE: That's the question put to you.

10:56:31 5 MR JABBI: That is the question.

6 PRESIDING JUDGE: That should have been put to you.

7 JUDGE ITOE: Yes, that should have been put to you.

8 THE WITNESS: Well, in the first place --

9 MR JABBI:

10:56:31 10 Q. Answer it in light of the latter version.

11 A. Even before the war had come to an end, specimens of
12 certificates were circulated to various district administrations
13 and it was said that it was the intention of His Excellency to
14 confer these certificates upon Kamajors for the role they had
10:56:35 15 played in the restoration of democracy.

16 Q. His Excellency what?

17 A. The President.

18 Q. There are many Excellencies, so you just said "His
19 Excellency"?

11:34:44 20 A. Our own. My reference is to our own. When I say "His
21 Excellency," there is only one in this country.

22 JUDGE ITOE: There are many. What of His Excellency the
23 Vice-President? Don't minimise others who also -- and what of
24 the ministers themselves?

11:34:44 25 THE WITNESS: His Excellency the President.

26 MR JABBI:

27 Q. Yes, carry on, please.

28 A. And they were told that specimens of them were sent around.
29 We were also told that they were also going to give medals. In

1 addition to that --

2 Q. Before that addition, do you know if such certificates and
3 medals were ever given to such people?

4 A. No, they were not given.

11:34:44 5 Q. Thank you. Yes, in addition to that?

6 A. In addition to that, after the war had ended and the DDR
7 program had been concluded. It was observed that a lot of
8 Kamajors did not go through the DDR program because they hadn't
9 guns to do so - didn't have guns. So in order to console them,

10:57:39 10 the President also gave a large amount of rice and cash to be
11 given to such Kamajors.

12 Q. Thank you. Now, can you have a look at this document?

13 JUDGE ITOE: I would like to understand what I'm trying to
14 read between the lines here. You say that many Kamajors did not
10:58:36 15 go through the DDR program.

16 THE WITNESS: Yes, that's what I said.

17 JUDGE ITOE: Do I understand it that there was a
18 compensation paid to those who went through the DDR program?

19 THE WITNESS: There were lots of benefits.

10:58:54 20 JUDGE ITOE: Lots of benefits. I just want to be very
21 clear.

22 THE WITNESS: Yes, yes.

23 JUDGE ITOE: What the President gave in terms of bags of
24 rice, and money, was to compensate those who did not receive
10:59:06 25 compensation from the DDR program?

26 THE WITNESS: Yes.

27 JUDGE ITOE: Thank you.

28 MR JABBI:

29 Q. Now you say there were many benefits. Can you just name a

1 few of the benefits of the DDR program?

2 A. The cash benefits. When you give your weapon you receive
3 some amount of cash in tranches and there are also material
4 benefits you got. At the time of disarmament, in fact, you got a
10:59:39 5 bucket, you got clothes, you got praying mats, and then there was
6 also the training package.

7 Q. That is for those who went through the DDR program?

8 A. Yes, those who wanted to could enter a lot of training
9 programs. They could be trained as carpenters; train as masons;
11:00:02 10 tailors, and at the end of their training they are also given
11 tool kits. Then there was also the military reintegration
12 program. Those who wanted to go into the army would also do so
13 if they met the stipulated criteria.

14 Q. Thank you. Can you look at a document that has been given
11:00:31 15 to you?

16 PRESIDING JUDGE: Yes, Dr Jabbi. Please.

17 MR JABBI:

18 Q. What document is that? Do you recognise it?

19 A. Yes, I do.

11:01:13 20 Q. Yes, what document is it?

21 A. It is a photocopy of the certificate of which I was
22 speaking moments ago.

23 Q. A certificate of?

24 A. A photocopy of the certificates.

11:01:29 25 Q. That you spoke about?

26 A. Yes.

27 Q. What is the certificate called?

28 A. Certificate of recognition.

29 PRESIDING JUDGE: But if I hear your evidence well, this is

1 a copy of a specimen of a certificate intended to be given that
2 were never given; am I right?

3 THE WITNESS: Yes, you're right.

4 PRESIDING JUDGE: These specimens were circulated around,
11:02:01 5 obviously, to you as administrator in Kenema at the time?

6 THE WITNESS: Yes, yes.

7 PRESIDING JUDGE: Yes, Dr Jabbi.

8 MR JABBI:

9 Q. Was a certificate signed, in fact, notwithstanding it was a
11:02:15 10 specimen?

11 A. One part of it was signed. There were two signatories.

12 Q. Which part of it was signed?

13 A. The part that belonged to His Excellency the President was
14 signed in red ink.

11:02:27 15 Q. In red ink.

16 A. Yes, the original copy.

17 Q. On the specimen?

18 A. Yes.

19 MR JABBI: My Lord, we wish to tender this document.

11:02:42 20 MR KOPPE: I have no objection, Your Honour.

21 PRESIDING JUDGE: Thank you. Mr Lansana?

22 MR LANSANA: I have none, Your Honour.

23 MR KAMARA: My Lord, at the risk of being overruled, I will
24 object again. This document is irrelevant. It does not bear any
11:02:58 25 endorsement and, moreover, the very fact of the evidence of the
26 witness that they were never awarded.

27 JUDGE ITOE: Do you see that it bears the President's
28 signature there?

29 MR KAMARA: There is a signature here, My Lord. I wouldn't

1 say it is the signature of the President. I wouldn't know
2 either.

3 JUDGE ITOE: Anyway, at the risk of being overruled,
4 indeed, I am sure my colleagues and I overrule you on this, and
11:03:29 5 the document is admitted.

6 MR JABBI: Thank you, My Lords.

7 Q. Now you have already said that this certificate was never
8 in fact given to the respective persons?

9 MR JABBI: Pardon, My Lord?

11:03:46 10 JUDGE THOMPSON: It is marked Exhibit 146, is it? 146.

11 MR JABBI: Sorry, My Lord.

12 PRESIDING JUDGE: So this document referred to as a
13 specimen of a certificate of recognition, bearing a signature,
14 allegedly that of the President and Commander in chief of the
11:04:13 15 armed forces of the Republic of Sierra Leone is marked as
16 Exhibit 146.

17 [Exhibit No. 146 was admitted]

18 MR JABBI: Thank you, My Lords.

19 Q. Mr Witness, you have already said this certificate was in
11:04:32 20 fact never given to the persons it was intended for. Do you know
21 why? Do you know why it was never distributed?

22 A. I only suspect, but I don't know why.

23 PRESIDING JUDGE: If you don't know, you don't know.

24 MR JABBI:

11:05:04 25 Q. You either know or you don't.

26 JUDGE THOMPSON: And it would be highly objectionable to
27 speculate in examination-in-chief.

28 MR JABBI: Indeed, My Lord.

29 Q. Do you know why --

1 PRESIDING JUDGE: He has just told us he doesn't know.

2 JUDGE ITOE: He just said he doesn't know and that he can
3 only speculate.

4 MR JABBI: Thank you. My Lord, that is all for the
11:05:25 5 witness.

6 PRESIDING JUDGE: Thank you. Counsel for second accused?
7 This is a common witness, is it?

8 MR KOPPE: It is, yes.

9 PRESIDING JUDGE: So this is your examination-in-chief of
11:05:42 10 this witness?

11 MR KOPPE: It is, Your Honour.

12 EXAMINED BY MR KOPPE:

13 Q. Good morning, Mr Witness.

14 A. Good morning.

11:05:52 15 Q. Do you know Moinina Fofana?

16 A. Yes, I do.

17 Q. When did you first meet Moinina Fofana?

18 A. Way back in 1997, some time in July after the AFRC coup of
19 May 25 when I went to Gendema.

11:06:22 20 PRESIDING JUDGE: Can you speak a bit closer to the
21 microphone, Mr Witness, because we are missing half of what you
22 are saying. You said you met Mr Fofana in July 1997?

23 THE WITNESS: Some time.

24 PRESIDING JUDGE: Some time in July 1997?

11:06:38 25 THE WITNESS: Yes.

26 PRESIDING JUDGE: Where was it that you've just said it
27 was?

28 THE WITNESS: Gendema.

29 PRESIDING JUDGE: In Gendema, thank you. Yes, Mr Koppe.

1 Sorry.

2 MR KOPPE:

3 Q. Mr Witness, what position, if any, was Mr Fofana holding at
4 Gendema?

11:06:57 5 A. I'm not aware that he was holding any position in Gendema.

6 Q. Would you expand a little more on Mr Fofana in Gendema?

7 A. Well, when I knew Mr Fofana he was not holding any
8 position. He was in fact just -- he was introduced to me as one
9 of those people associated with the initiators.

11:07:39 10 Q. Have you received any orders or instructions from
11 Mr Fofana?

12 A. No.

13 Q. Do you know, Mr Witness, if Mr Fofana at any point in time
14 left Gendema?

11:08:37 15 A. At one time. At what time? Because I know he did not stay
16 there forever. He is not in Gendema now, anyway.

17 Q. That is correct. Do you know if he left Gendema at any
18 point in time, or you don't know?

19 A. I know that he left Gendema.

11:09:06 20 Q. Do you know when he was in Gendema, where he went to?

21 A. At the time of our departure from Gendema I went to
22 Base Zero and I saw Mr Fofana.

23 Q. Do you recollect, Mr Witness, when you saw Mr Fofana at
24 Base Zero?

11:09:42 25 A. Yes, I do remember.

26 Q. Would you please tell this Court.

27 A. I was in Base Zero for two days and I saw Mr Fofana and
28 greeted him just like an acquaintance; there for two days and
29 left on the third day.

1 PRESIDING JUDGE: When was that?

2 THE WITNESS: In December 1997, early December.

3 MR KOPPE:

4 Q. Mr Witness, was Mr Fofana given any official position
11:10:27 5 within the CDF?

6 A. Mr Fofana was made the director of war.

7 Q. When did you first hear that he was director of war, do you
8 remember?

9 A. I heard about that appointment long after the restoration
11:11:00 10 of the democratically elected government. After March 10, 1998.

11 Q. That was the first time you heard he was --

12 A. Director of war.

13 Q. -- director of war?

14 JUDGE ITOE: What date was that again, you say? After the
11:11:27 15 restoration?

16 THE WITNESS: 10th March 1998.

17 PRESIDING JUDGE: That's the restoration. So for the date
18 you had, you say long after that.

19 THE WITNESS: Long after that.

11:11:39 20 PRESIDING JUDGE: So you are --

21 THE WITNESS: It was not on that date. The restoration
22 officially took place on 10th March. Long after that I got to
23 know he had been made director of war.

24 MR KOPPE:

11:12:03 25 Q. Mr Witness, when you saw Mr Fofana at Base Zero did you
26 have any interactions with him?

27 A. No.

28 Q. Did you observe Mr Fofana doing anything particularly at
29 Base Zero at the time you saw him?

1 A. I did not observe Mr Fofana doing anything, not worthy that
2 I could remember.

3 Q. Mr Witness, in your view, what role, if any, did Mr Fofana
4 play in relation to the title director of war?

11:13:12 5 JUDGE ITOE: Not in his view, to his knowledge.

6 MR KOPPE: To his knowledge.

7 THE WITNESS: As far as I can recall, there's nothing that
8 I can recall that Mr Fofana did that will make me personally feel
9 he was director of war. We did not discuss anything pertaining
11:13:39 10 to the war. In all of my testimony I have not mentioned
11 Mr Fofana and I was highly connected with the fighting.

12 MR KOPPE:

13 Q. Mr Witness, do you know as to why Mr Fofana was given such
14 a title of director of war?

11:14:24 15 A. Must have been in recognition of --

16 JUDGE THOMPSON: Don't speculate.

17 JUDGE ITOE: You do not know.

18 JUDGE THOMPSON: Just give us whether you know as a fact or
19 you do not know as a fact. Don't speculate.

11:14:42 20 THE WITNESS: It's the way the question is being put to me.

21 JUDGE THOMPSON: The question was, "Do you know why?" It's
22 a factual question and don't take it outside its factual realm.
23 Don't speculate. We are interested in factual answers.

24 THE WITNESS: I apologise.

11:14:57 25 JUDGE ITOE: Were you there when the title was given to
26 him?

27 THE WITNESS: I was not there.

28 JUDGE ITOE: You learnt about it, from what you say, later,
29 later, later. So how do you want to speculate on -- anyway, it

1 is not your fault. It is the way the question was put by
2 Mr Koppe.

3 MR KOPPE:

4 Q. You don't know but have you heard later maybe as to why he
11:15:17 5 was given such a title?

6 A. No.

7 Q. Did you know, Mr Witness, what Mr Fofana's duties entailed
8 as director of war?

9 A. I don't know.

11:15:38 10 Q. Would you expand on that a little?

11 PRESIDING JUDGE: He doesn't know.

12 THE WITNESS: I told this Court I never discussed anything
13 pertaining to the war or the combat situation, the problems that
14 we were facing. I never discussed anything with Mr Fofana so I
11:16:08 15 can't know, I don't know. I was not there when he was appointed
16 and I got to know about it rather late. So I don't know. I
17 really do not know.

18 MR KOPPE:

19 Q. Okay, thank you, thank you. During the, let's call it,
11:16:30 20 interregnum what was Mr Fofana to you?

21 A. Just another acquaintance, a Kamajor acquaintance, somebody
22 who was associated with initiation. There were thousands and
23 thousands of Kamajors at Gendema. Just any other one of them.

24 Q. Could you tell this Court anything about his importance,
11:17:09 25 for instance? Was he an important man, was he unimportant?

26 A. Whilst the war lasted? Whilst the war lasted?

27 Q. Yes.

28 A. Well, the title attached to him, director of war, in the
29 eyes of Kamajors, made him a big man. Just that. Remember I'm

1 saying title, the title.

2 Q. Yes, I understand. Was Mr Fofana in a de facto sense an
3 important man or unimportant?

4 PRESIDING JUDGE: I just want to clarify that during
11:17:55 5 examination-in-chief in this respect this is your witness. We
6 have been fairly liberal in the acceptance of leading questions,
7 but this is your witness in chief.

8 MR KOPPE: I know.

9 PRESIDING JUDGE: It's a common witness. Having said that,
11:18:09 10 please proceed.

11 MR KOPPE:

12 Q. Do you have anything to add or not at this point about
13 Mr Fofana?

14 JUDGE THOMPSON: Mr Koppe, perhaps I should understand your
11:18:28 15 question. What is the distinction between a de facto important
16 and a de jure important person from your perspective? I was a
17 little befuddled by the question itself; de facto important or de
18 jure important.

19 MR KOPPE: For instance, somebody could be de jure a
11:18:52 20 director of a company, let's say, but does not have any real
21 power, doesn't really have anything to say.

22 JUDGE THOMPSON: I concede that. I am just thinking of the
23 word "important," because, in my kind of experience, the
24 distinction seems to be a problematic one. I am not too familiar
11:19:14 25 with making that distinction between an important person de facto
26 and an important person de jure. Perhaps I know the distinction
27 of a VIP and a non-VIP.

28 MR KOPPE: But I think the witness could say whether within
29 the hierarchy Mr Fofana was an important man or not.

1 JUDGE THOMPSON: Well, we learn every day. Thanks.

2 MR KOPPE:

3 Q. Mr Witness, I will move on. Do you know whether Mr Norman
4 had a second in command?

11:19:55 5 A. No.

6 Q. Mr Norman did not have a deputy?

7 MR SESAY: Sorry, My Lord. May we, at this stage, My Lord,
8 express our concern in relation to the line of
9 examination-in-chief so far as it now relates to the first
11:20:27 10 accused rather than the second accused.

11 PRESIDING JUDGE: Yes, so? What is your objection?

12 MR SESAY: My objection is, My Lord, that it might tend
13 to --

14 JUDGE ITOE: This is a witness who - he has said it - was
11:20:46 15 very, very much involved with the Kamajor movement and its
16 operations. He was himself a fighter. So how is that a question
17 out of context given the evidence which this witness has put
18 across to the Tribunal?

19 MR SESAY: My Lord, I am of the impression, notwithstanding
11:21:12 20 that are jointly charged, the indictees -- I stand to be
21 corrected, but I am of the view that he is now conducting the
22 examination-in-chief, not cross-examination.

23 PRESIDING JUDGE: Indeed, this is a witness common to the
24 two.

11:21:24 25 MR SESAY: Yes, My Lord, but in respect of the second
26 indictee, My Lord, the second accused. My learned colleague,
27 with all due respect to him now, has now been posing questions,
28 pursuing questions in respect of the first accused.

29 PRESIDING JUDGE: But he -- I mean, if his questions are --

1 the fact that it may or may not implicate the first accused
2 should not be a limit to the question that may be asked. It is
3 important for this Court to know that you are objecting to it and
4 obviously these kinds of questions and answers may not be imputed
11:22:01 5 to the first accused and should not be used against the first
6 accused because it is a joint trial. I can see why you are up
7 and making objection. [Overlapping speakers] the fact that the
8 question may be asked, but that question, especially in the way
9 it is framed, may have an impact on the first accused and
11:22:18 10 therefore the Court is aware of it and will be very cautious
11 about how to use this evidence, but it does not make it
12 irrelevant and certainly it is possible for the second accused to
13 explore that.

14 MR SESAY: I am grateful, My Lord. I was merely expressing
11:22:37 15 concern in respect of how to what extent it may or may not
16 implicate the first accused.

17 PRESIDING JUDGE: We have consistently stated the fact that
18 this is a joint trial does not mean that any accused individually
19 should suffer and have any prejudice as a result of that. So
11:22:52 20 obviously these questions and answers if they may prejudice the
21 first accused will be ignored in this respect by the Court.

22 MR SESAY: Thank you, My Lord.

23 JUDGE THOMPSON: I just wanted to say that that was a
24 very -- the way I was more or less trying to conceptualise what
11:23:10 25 you are trying to do -- because clearly if it is a question that
26 you anticipate, the answer to which might in fact tend to
27 implicate the first accused, then I yield to what the
28 Presiding Judge has said. But the way you framed your objection
29 did not satisfy me as to why you were objecting, because I wanted

1 to know whether you were complaining that it was a leading
2 question or whether it was a question which was impermissible in
3 examination-in-chief. But I acquiesce in what the
4 Presiding Judge has said.

11:24:04 5 MR SESAY: I will oblige, My Lord. I will wait and see,
6 My Lord.

7 PRESIDING JUDGE: Mr Koppe?

8 JUDGE ITOE: The question has received a reply already
9 anyway, it is on record, although the objection to that question,
11:24:07 10 as I imagine, in the view of the Tribunal is overruled. We have
11 the answer in the records anyway. Yes, Mr Koppe.

12 MR KOPPE: Thank you.

13 Q. So, Mr Witness, you're saying there is no second in
14 command. Who, if anyone, would come close to the position of
11:24:32 15 second in command to Mr Norman?

16 A. Please go over that question again.

17 Q. Who, if anyone, would come close to the position of second
18 in command to Mr Norman, to your knowledge?

19 A. Insofar as the CDF was concerned?

11:24:56 20 Q. Yes.

21 JUDGE ITOE: I'm worried about this question. I'm worried
22 about this question, because the witness has said Mr Norman did
23 not have a second in command. He did not have a deputy. So I
24 think the matter should rest there. When he goes into -- when
11:25:12 25 you ask him, "Who do you think should be the second in command",
26 in the absence of any knowledge that there was a second in
27 command, it becomes speculative and you are putting the witness
28 in a situation where he will start saying, "But I have just said
29 that there was no second in command." Who will then be the

1 second in command? That, to me, is very highly speculative.

2 JUDGE THOMPSON: And I would like to say that perhaps if
3 you pursue it further it might become that you may be seeking
4 here to cross-examine your witness, because in this particular
11:25:54 5 area too you may be coming close to infringing the finality rule.
6 Please stand up when we are talking to you, Mr Koppe. You may be
7 coming close to infringing the finality rule. Once there is a
8 clear answer to a question, whether in examination-in-chief or
9 not, unless there is some kind of ambiguity to a particular
11:26:19 10 issue -- because here is an issue which you are putting to him
11 and he has given you a clear answer. If you probe it further in
12 an argumentative or speculative way, you may be not only just
13 infringing those rules but also the finality rule, because how
14 far are you going to take it? That is my view of the law,
11:26:41 15 anyway.

16 MR KOPPE: Your Honour, the witness has answered there is
17 no second in command.

18 JUDGE THOMPSON: That is the point I am making about the
19 finality rule. It is an issue that you are putting and it is an
11:26:55 20 issue which may be a contentious issue. You have got a very
21 clear answer to it, so the question is how far should the
22 Tribunal allow you to pursue it and re-open it over and over
23 again. It would seem to me that this would be going outside the
24 permissible limits of examination-in-chief. Even if it were in
11:27:20 25 cross-examination, the finality rule applies.

26 MR KOPPE: To me, Your Honour, it is a highly relevant
27 point because, as you know, my client --

28 JUDGE ITOE: Mr Koppe, what you're saying is that what
29 you're soliciting from the witness is speculative?

1 MR KOPPE: Not necessarily, no.

2 JUDGE ITOE: It is and we rule that it is speculative. Can
3 you move on, please?

4 MR KOPPE: My question --

11:27:48 5 JUDGE ITOE: It is speculative because there is finality to
6 this issue from what Justice Thompson has told you. He has given
7 an answer to this and you cannot lead him to speculate as to who
8 he thinks came close to being the second in command to Mr Norman.
9 We think it is speculative and I think your question in this
11:28:12 10 regard is overruled.

11 MR KOPPE: Is that the decision of the Bench?

12 JUDGE THOMPSON: I take the view that, quite frankly, if we
13 let you go further there will be no end of this kind. It is an
14 issue which is contentious. You have got an answer from this
11:28:28 15 witness and, if you pursue it beyond that, as my learned brother
16 has said, you will in fact be inviting speculation, argument and
17 virtually saying that -- you know, you can go on and on with it.
18 I certainly think that this question, the way it is framed, given
19 the answer of the witness, is clearly objectionable.

11:28:54 20 MR KOPPE: What you're saying is that there is no such
21 situation as somebody being close to a second in command?

22 JUDGE THOMPSON: I am not suggesting that. I am talking
23 about an issue which is contentious and I'm saying that if the
24 witness has given a final answer, clear answer, not leaving any
11:29:15 25 room for ambiguity, or any inconsistency, or need for
26 clarification in examination-in-chief, if you pursue it, you
27 clearly are coming close to cross-examining your witness, which
28 you cannot do, or you are violating the finality rule. That is
29 my understanding of the law.

1 MR KOPPE: So I cannot ask this question; is that the
2 decision?

3 PRESIDING JUDGE: The way the question has been framed, no,
4 you cannot ask that question. Mr Koppe, it is 11.30 anyhow. We
11:29:58 5 will break for the usual morning recess and we can take it up
6 again when we resume. Thank you.

7 [Break taken at 11.30 a.m.]

8 [Upon resuming at 12.00 p.m.]

9 PRESIDING JUDGE: Mr Koppe, you are still in
12:02:33 10 examination-in-chief of your witness. Are you ready to proceed?

11 MR KOPPE: Yes, Your Honour.

12 Q. Mr Witness, did you have a superior within the CDF?

13 A. Yes, I did.

14 Q. Please tell this Court who was your superior.

12:03:06 15 A. Generally in CDF I considered all of those in the national
16 executive to be my superiors.

17 JUDGE ITOE: National executive of what?

18 THE WITNESS: Civil Defence Forces, Sierra Leone.

19 MR KOPPE:

12:03:48 20 Q. Mr Witness, who gave you your position as commander?

21 PRESIDING JUDGE: Has he testified or do we have in
22 evidence that he was a commander - as a commander. Maybe what is
23 confusing a bit now is we are talking of a different period of
24 time, because the witness has been testifying that for a period
12:04:13 25 of time he was the administrator of the CDF in Kenema District -
26 administrator, not commander, as such. He may have had different
27 functions at other times. That is why I am saying maybe it would
28 be important, so there is a very clear understanding of what is
29 and what is not of the time frame that you're talking about in

1 making reference to this.

2 MR KOPPE:

3 Q. Mr Witness, I am referring to the time frame of the
4 interregnum. Did you, at any time in that period, hold a
12:04:44 5 position as commander?

6 A. Well, not as commander. I could recall that when we went
7 to Gendema and I finally got involved in the fighting, one day
8 Eddie Massallay told me that I was now the adjutant, but then I
9 didn't even know what an adjutant was. I did not know what an
12:05:31 10 adjutant was, what it means, what my functions were. Because, at
11 the end of the day, I left him at Bo Waterside and I went to go
12 for Makpele where we had our combat camp and we seldomly
13 interacted, but at that time everybody just called adjutant,
14 adjutant, adjutant.

12:05:51 15 PRESIDING JUDGE: When you say "We seldom interacted", that
16 is yourself and Eddie Massallay?

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: So, Mr Koppe, maybe you can classify the
19 issue because your question was, "Did you have a superior in the
12:06:15 20 CDF?" You meant during the interregnum.

21 MR KOPPE: Yes.

22 PRESIDING JUDGE: I don't think this is quite the answer
23 that he gave. Mr Witness, the question you were asked, "Did you
24 have a superior in the CDF," you said all of those in the
12:06:31 25 national executive were my superiors, as such, but does that
26 apply to the period called the interregnum as well?

27 THE WITNESS: In the interregnum I considered
28 Eddie Massallay -- Eddie Massallay, Honourable ML Kallon, those
29 ones, to be my superiors.

1 MR KOPPE:

2 Q. Mr Witness, in this interregnum period, did you consider
3 anybody else to be your superior?

4 A. Apart from the names I've mentioned?

12:07:24 5 Q. Yes.

6 A. No.

7 Q. Thank you. Mr Witness, during the interregnum period, did
8 you ever discuss with Mr Fofana matters of strategy for
9 prosecuting the war?

12:07:53 10 A. I did not.

11 Q. Mr Witness, to your knowledge, did any other commanders
12 with whom you talked in that period ever discuss with Mr Fofana
13 matters of strategy for prosecuting the war?

14 A. No, I don't think so, because we were there at the
12:08:44 15 forefront and we were the ones generally who discussed tactics
16 and strategy, and Mr Fofana was not involved.

17 Q. Mr Witness, I asked you about matters of strategy. You,
18 yourself, said matter of tactics. Did you ever discuss with
19 Mr Fofana matters of operations for prosecuting the war?

12:09:29 20 A. That also we did not.

21 Q. To your knowledge, Mr Witness, did other commanders ever
22 discuss with Mr Fofana matters of operations for prosecuting the
23 war?

24 A. Well, I don't know.

12:10:01 25 Q. Mr Witness, did you ever receive any information from
26 Mr Fofana with respect to matters of policy and strategy for
27 prosecuting the war?

28 A. I did not.

29 Q. Mr Witness, did you ever liaise with Mr Fofana in any

1 capacity during the interregnum period?

2 A. No, I did not liaise with Mr Fofana.

3 Q. Did, Mr Witness, Mr Fofana ever supervise or, in other
4 words, monitor your operations in the interregnum period?

12:11:30 5 A. No.

6 Q. Did Mr Fofana ever give you direct orders in this
7 interregnum period?

8 A. He did not, no.

9 Q. Did you, Mr Witness, ever make reports in this interregnum
12:12:17 10 period to Mr Fofana?

11 A. No, I did not.

12 Q. Mr Witness, to your knowledge did Mr Fofana ever command a
13 battalion of Kamajors?

14 A. To my knowledge, no.

12:12:59 15 MR KOPPE: Your Honour, I would like to show the witness an
16 exhibit which has been put into evidence already. It is
17 Exhibit 112.

18 JUDGE THOMPSON: Repeat the reference, Mr Koppe.

19 MR KOPPE: 112, Your Honour.

12:13:36 20 PRESIDING JUDGE: This is the calendar?

21 MR KOPPE: Yes, that's correct.

22 [Exhibit No. 112 shown to witness]

23 Q. More specifically, Mr Witness, I would like you to go to
24 the page just after January 2001. I believe it is the fourth
12:14:13 25 page. To be more precise, it has numbered on the side 840. Do
26 you see this page, Mr Witness?

27 A. Yes, I do.

28 Q. Mr Witness, this is a CDF calendar containing a photograph
29 of Mr Fofana and others, and this, as I said earlier, has been

1 admitted into evidence. Beneath the photograph of Mr Fofana it
2 states, inter alia, as follows, "As far as the Sierra Leone Civil
3 Defence Forces are concerned, they don't say war unless he says
4 they say war." Have you seen that?

12:15:23 5 A. Yes, I have.

6 Q. Please tell this Court what your reaction is to that
7 statement.

8 A. That statement is incorrect, because insofar as I could
9 remember we are fighting, we had fought for so long and on many
10 occasions without the knowledge and consent of Mr Fofana.

11 Q. Now, Mr Witness, underneath the same photograph it also
12 states that Mr Fofana, "Was the man who oversees the mobilisation
13 and deployment of the volunteer fighters of the CDF." Could you
14 please tell this Court what your reaction is to that statement?

12:16:41 15 A. Again, that statement is incorrect, because as I have
16 related to this Court on many occasions, we mobilised men,
17 deployed them without any knowledge of Mr Fofana.

18 Q. So -- I will leave it there. You can also see on the
19 photograph that it shows Mr Fofana seated behind a desk with a
12:17:16 20 pen in his hand. Do you see that?

21 A. Yes, I do.

22 Q. He's holding a pen in his hand. Please tell the Court what
23 your reaction to that is?

24 A. In my opinion the photograph is misleading and --

12:17:36 25 MR KAMARA: Objection, Your Honour.

26 PRESIDING JUDGE: What is your objection?

27 MR KAMARA: Counsel is canvassing opinion evidence from
28 this witness, especially when it is related to a photograph. A
29 look at the photograph shows what it is and soliciting the

1 opinion of this witness as to the nature or the interpretation of
2 the photograph is opinionated, and I object on the grounds of
3 soliciting opinion for this Court.

4 PRESIDING JUDGE: Mr Koppe?

12:18:03 5 MR KOPPE: Your Honour, I believe that the witness is
6 capable of forming an opinion on the basis of what he sees in
7 front of him.

8 JUDGE ITOE: Somebody seated at an office desk and handling
9 a pen.

12:18:20 10 MR KOPPE: Of course, I am asking specifically about the
11 pen.

12 JUDGE ITOE: What has the pen got to do other than it is
13 just a pen if you were not soliciting something more?

14 PRESIDING JUDGE: The way the question has been framed we
12:18:36 15 have to sustain the objection.

16 MR KOPPE: Let me rephrase the question, Your Honour.

17 Q. Do you know in the relevant period of time, interregnum
18 period, whether Mr Fofana was able to write or read?

19 A. Within the period of interregnum I didn't know him
12:19:15 20 sufficiently to be able to tell whether he knew how to read or
21 write.

22 Q. Let me expand the period of time.

23 In the interregnum period and the time following the
24 interregnum period do you know --

12:19:32 25 A. I later got to know that Mr Fofana could not read and
26 write, but not during the period of the interregnum when I knew
27 him at Gendema. That's the point.

28 MR KOPPE: That will be all the questions in respect of
29 Exhibit 112.

1 Q. Mr Witness, to your knowledge who made the decisions as to
2 which and how many Kamajors went to the war front?

3 PRESIDING JUDGE: What period of time again?

4 MR KOPPE: Interregnum period, Your Honour.

12:20:34 5 THE WITNESS: During the time of the interregnum when we
6 were at Gendema, for instance, those decisions were taken by us
7 locally at our combat camp, yes. When we wanted to go on
8 patrols, we wanted to send out patrols, we would. We would say
9 how many men were going to be sent on patrols. When we wanted to
12:21:02 10 attack a location, we would also do our estimate of the manpower
11 requirement.

12 MR KOPPE:

13 Q. To your knowledge, Mr Witness, during the interregnum
14 period who made the decisions as to which and how many Kamajors
12:21:30 15 went to the war front as is from other locations? Not Gendema,
16 but other locations. Would you know that?

17 A. When I moved to the Tongo general area, it was the local
18 commanders who were there.

19 Q. Mr Witness, when you were the administrator for
12:22:06 20 Kenema District, did Mr Fofana ever come to you to check on the
21 progress of the war?

22 A. Not on one single occasion did he do it. He never did.

23 Q. Now, Mr Witness, at least one prosecution witness has
24 testified that as director of war Mr Fofana was in charge of all
12:22:42 25 CDF fighting groups. In your own experience, as a member of the
26 CDF, did you consider Mr Fofana to be in charge of your activity?

27 JUDGE ITOE: Mr Koppe, can you enlighten us. Do you have
28 the reference of that witness, please?

29 MR KOPPE: Yes, that's TF2-008, testimony was given on 16th

1 November 2004, and in the transcript is at number 47, page 47.

2 THE WITNESS: I will say that is just the opinion of the
3 witness you have referred to, but insofar as I am concerned his
4 opinion was contrary to the facts as I know them.

12:23:47 5 MR KOPPE:

6 Q. Please expand; what are these facts?

7 A. That is to say Mr Fofana did not have anything whatsoever
8 to do with us in Kenema. Insofar as fighting, mobilising men,
9 discussing strategy matters related to the war were concerned,

12:24:04 10 Mr Fofana was never there.

11 Q. Mr Witness, another prosecution witness has testified that
12 Mr Fofana was one of those responsible for deciding and planning
13 how the war was to be fought. That is, TF2-005, giving testimony
14 on 15th February 2005 at page 94.

12:24:51 15 JUDGE ITOE: That Fofana was?

16 MR KOPPE: This witness has testified that Mr Fofana was
17 one of those responsible for deciding and planning how the war
18 was to be fought. My question to the witness is:

19 Q. In your own experience as a member of the CDF did Mr Fofana
12:25:10 20 decide and plan how the war was fought on your end in Kenema or
21 Gendema?

22 A. Again, my answer is no.

23 PRESIDING JUDGE: I understand your question now to be, as
24 far as the time frame is concerned, much wider now. It is no
12:25:28 25 longer in the interregnum but it is in both in --

26 MR KOPPE: That is correct, Your Honour.

27 PRESIDING JUDGE: -- in Kenema.

28 MR KOPPE: Because I am specifically referring now to the
29 earlier testimony of this witness so the period is wider.

1 PRESIDING JUDGE: I want to make sure I understand the
2 question properly so I am not challenging you on this. I
3 understood your question to be much wider as far as the time is
4 concerned than the previous one.

12:25:57 5 MR KOPPE: That is correct, Your Honour.

6 Q. Now, Mr Witness, the same witness has also said that
7 Mr Fofana was responsible for the selection of commanders. That
8 was witness TF2-005, 15 February 2005 at page 101. My question
9 to you is: As a commander yourself, was Mr Fofana responsible
12:26:28 10 for your selection?

11 A. I have related before this Court that I was made adjutant
12 by Eddie Massallay and I became an administrator by election. I
13 don't know. But I am not aware of Mr Fofana selecting commanders
14 or --

12:26:55 15 Q. Thank you, witness. The same witness, again, has said that
16 a decision as to how many Kamajors would participate in any given
17 attack, that decision belonged to Mr Fofana. That is, TF2-005,
18 16th February 2005 at page 10. My question to you is: As a
19 commander yourself, did the decision as to the number of Kamajors
12:27:28 20 involved in any of the attacks you commanded come from Mr Fofana?

21 A. No.

22 Q. Could you expand on that or is it simply no?

23 A. It's no. It's the same thing I've been saying over and
24 over.

12:27:55 25 Q. Mr Witness, was Mr Fofana involved in the attacks mentioned
26 in your testimony yesterday for Mr Norman between the time you
27 left Gendema in October 1997 and the restoration of
28 President Kabbah in March 1998?

29 A. No, he was not.

1 Q. Mr Witness, you have been giving testimony yesterday about
2 the attacks on Zimmi. Were you the only commander involved in
3 the attacks on Zimmi?

4 A. No. I was not the only commander. There were other
12:28:58 5 commanders. Hassan Jalloh.

6 PRESIDING JUDGE: Were you a commander in Zimmi? Were you
7 a commander in Zimmi?

8 THE WITNESS: I was not in Zimmi.

9 MR KOPPE:

12:29:13 10 Q. But you were involved in the attack on Zimmi?

11 A. Yes, I was involved in attacks.

12 PRESIDING JUDGE: Were you a commander during the attack on
13 Zimmi?

14 THE WITNESS: Yes, I held command positions, I led men.

12:29:25 15 PRESIDING JUDGE: At Zimmi? I am not talking later. The
16 question has do with the attack on Zimmi.

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: You led people at that time?

19 THE WITNESS: Yes.

12:29:35 20 MR KOPPE:

21 Q. You are saying that there were other commanders involved in
22 the attacks on Zimmi?

23 A. Yes, yes, yes. I was only calling names.

24 Q. In the attack on Zimmi was there also, let's say, a main
12:29:55 25 commander or a person commanding the commanders?

26 A. Yes, there are times -- every time we wanted to go there
27 will be one specific head, leading.

28 Q. Who was that in respect of the attack on Zimmi?

29 A. On one instance it was Hassan Jalloh. There was another

1 instance in which Bockarie Fomba led. There was another instance
2 in which we had one BS Kallon.

3 Q. Mr Witness, I would like to take you to another attack, an
4 attack in the period February 1998; the attack on Kenema. Do you
12:30:48 5 have any direct or indirect knowledge concerning the February
6 1998 attack on Kenema?

7 A. Yes, I do.

8 Q. Could you please tell what your knowledge is of that
9 attack?

12:31:02 10 A. The attack on Kenema in February 1998 came from the south
11 of Kenema, along the Kenema-Zimmi road. And the Kamajors who
12 were involved belonged to the five chiefdoms in Kenema District
13 behind the Moa River. There were lots of Kamajors commanders
14 involved, including Mohamed Bhonie Koroma.

12:31:38 15 Q. Who else?

16 A. Including Bockarie Kawa [phon], including Lahai Fassah,
17 including CO Fomba, including JR Swaray.

18 JUDGE ITOE: That's okay. Please move ahead.

19 MR KOPPE:

12:31:58 20 Q. Mr Witness, do you know whether Mr Fofana was involved in
21 any manner in this attack?

22 A. No, Mr Fofana was definitely not involved.

23 Q. Mr Witness, I would like to take you to the attack in
24 February 1998 on SS camp. Do you have knowledge, direct or
12:32:26 25 indirect, concerning this attack?

26 A. Yes, I do.

27 Q. Please expand.

28 A. But, again, SS camp is along the way to Kenema, coming from
29 the south from Zimmi. So SS camp was initially taken before

1 Kenema. And the same set of commanders that I have just named
2 that were again involved, and I will say definitely again
3 Mr Fofana was not involved.

4 [CDF04MAY06 - CR]

12:33:00 5 Q. You know the question already, Mr Witness. Now I would
6 like to go to the February 1998 attack on Blama. Do you have any
7 knowledge, direct or indirect, concerning this February 1998
8 attack on Blama?

9 A. Yes, I do.

12:33:18 10 Q. Please expand.

11 A. Again, the Kamajors that came and took Blama came from
12 Simbaru, Dodo and Kandu Leppeama chiefdoms in Kenema District.
13 Some of the key commanders there were Alhaji Bockarie Abu [phon],
14 Sao Vibbi [phon], Foday Saidu.

12:33:55 15 Q. Thank you. Did these commanders have any -- let me
16 rephrase: Was Mr Fofana involved in this attack?

17 A. Again, definitely --

18 MR KAMARA: Finally, My Lord, I think I have been quite
19 indulgent in the continuity of this line of direct examination
12:34:15 20 and the witness has made a blanket excuse for the second accused
21 that, to his knowledge, he never participated, gave instructions
22 or orders. To his knowledge. And so going to each and every
23 incident is more or less repeating the same evidence over and
24 over again. He has made general -- while during his
12:34:35 25 administration in Kenema the second accused never participated,
26 gave orders or gave instructions to any combat activity. He made
27 a blanket coverage of that. So to particularise within the
28 attacks within the Kenema District is so highly repetitive and
29 there has to be finality to this line of questions.

1 JUDGE THOMPSON: Yes, but why should it be so different?
2 When you led the witnesses -- on some of these witnesses, they
3 were so specific, they set things out with such degree of
4 particularity, why should it be so difficult for the Defence, in
12:35:11 5 trying to rebut the evidence in examination-in-chief, not to
6 indicate with the same degree of particularity the same position?
7 Why should they just be content with a blanket question?
8 Remember it is examination-in-chief in response to a case that
9 you have presented. Your witnesses had the liberty to be -- they
12:35:47 10 went through all those episodes, with such specificity, at
11 length. Why should we deprive the Defence of this opportunity,
12 knowing that they are answering your case?

13 Quite frankly, I find it difficult to see why the objection
14 should be taken. I agree that repetitiveness in these matters is
12:36:13 15 something that the Bench frowns upon, but remember it's a
16 defence. Allegations have been made against them in the form of
17 testimony from the witness stand and I think it would be unfair
18 if they are not given the opportunity to proceed the way they are
19 doing, unless some other reasons can be advanced to say that the
12:36:37 20 Prosecution is unduly prejudiced by this line of
21 examination-in-chief in respect of their own witnesses. Of
22 course, if other objections are taken as to what is permissible
23 or impermissible in respect of examination-in-chief, then
24 different considerations would apply.

12:36:58 25 MR KAMARA: Yes, My Lord. I am just re-echoing the
26 position of finality on questions. As we are all working in the
27 interests of a fair and expeditious trial, if counsel and witness
28 have made a general position which is quite clear within the
29 district and we go and particularise issues within that same

1 district, we are more or less going repetitively over the same
2 evidence and the witness is now leading counsel. He goes ahead
3 and says he never, even before counsel asks the question. So
4 we'll keep on going through that process and the witness's
12:37:27 5 leading counsel is the reverse.

6 JUDGE THOMPSON: But my position is that I remember that
7 when some of these allegations were made in the indictment, they
8 were very specific and particularistic in each town; Tongo, this,
9 that, that, that. The indictment actually particularised the
12:37:48 10 locations. As I say, that's my own thinking. Probably these are
11 my random thoughts anyway. I will restrain myself, Mr Kamara. I
12 didn't intend to --

13 MR KAMARA: I will take it back, Your Honour. I was trying
14 to be helpful to the Court.

12:38:02 15 PRESIDING JUDGE: Thank you for your help. Mr Koppe?

16 JUDGE ITOE: Those details in his examination-in-chief are
17 very important for his case because you started by the detailed
18 examination-in-chief and he is replying by his own detailed
19 examination-in-chief on the same lines that you treaded when you
12:38:28 20 were doing your examination-in-chief.

21 MR KAMARA: I remember that, Your Honour.

22 JUDGE ITOE: That's right.

23 PRESIDING JUDGE: Mr Koppe, please.

24 MR KOPPE: Yes, Your Honour. I will move on to the next
12:38:43 25 attack. That would be the attack on Tongo Field in the period of
26 November 1997 and April 1998.

27 Q. My question to you, Mr Witness, is: Do you have knowledge,
28 direct or indirect, concerning the November 1997/April 1998
29 attacks on Tongo Field?

1 A. Yes, I do.

2 Q. Please expand.

3 A. The attack on Tongo, as I have related before this Court,
4 took place when ammunition was brought from Conakry and the key
12:39:33 5 commanders involved were Bockarie Lansana, Keikula Amara known as
6 Kamabotie, Siaka Lahai, CO Samboka [phon].

7 Q. Thank you. Anything else you can tell this Court about the
8 attack on Tongo Field?

9 A. In fact, as far as my knowledge goes, the planning was done
12:40:07 10 locally. The Kamajors -- the commanders I've just named sat
11 done, planned and executed the attack.

12 Q. Mr Witness, to your knowledge was Mr Fofana in any way
13 involved in this attack on Tongo Field?

14 A. No.

12:40:35 15 Q. He was not involved?

16 A. He was not involved.

17 Q. Thank you. Now I would like to take you to the November
18 1997/April 1998 attacks on Lalehun. Do you have knowledge,
19 direct or indirect, concerning these attacks?

12:40:57 20 A. Yes, I do.

21 Q. Please expand as in the previous way.

22 JUDGE ITOE: Since we already have on record that there was
23 the attack, why don't you put the question to him and we move.

24 MR KOPPE: That's fine with me. But I'm asking the
12:41:13 25 questions because it says something about his knowledge,
26 possibly.

27 JUDGE ITOE: Well, if he says he knows -- I think the next
28 question is the obvious one, which he answers even before you put
29 the question to him, and that is that your client was not

1 involved, I suppose so.

2 MR KOPPE: That would be my final question in respect of
3 this matter, yes.

4 JUDGE ITOE: Okay.

12:41:32 5 MR KOPPE:

6 Q. Was Mr Fofana --

7 A. Yes. Again, in the case of Lalehun, Lalehun is in
8 proximity of Tongo and the same set of commanders I have just
9 named took part in the planning and execution of the attack and
12:41:47 10 Mr Fofana was not involved again.

11 Q. Thank you. Now I would like to move on to the attacks on
12 Kamboma in the period of November '97/April '98. Do you have
13 knowledge, direct or indirect, about this attack?

14 A. Yes, I do.

12:42:14 15 Q. Do you know the commanders involved in attack?

16 A. I was in Panguma when the attack took place. I did not go,
17 but I know the commander who led the Kamajors that went and
18 attacked Kamboma.

19 Q. Who was that?

12:42:28 20 A. Mohamed Kineh.

21 Q. Do you know if in if Mohamed Kineh received orders from
22 Mr Fofana?

23 A. No.

24 Q. Was Mr Fofana in any way involved in this?

12:42:40 25 A. No. The planning was done in Panguma. I was there when
26 the planning was done. I did not go, but Mr Fofana was not
27 there.

28 Q. Do you have knowledge concerning the November '97/ April
29 '98 defence of Talama?

1 A. Yes, I do.

2 Q. Do you know who led the defence of Talama?

3 A. When we took -- when we secured Panguma, Talama is just
4 about -- it's a mile from Panguma. And Keikula Amara, alias
12:43:25 5 Kamabotie, was deployed there. He was the one responsible for
6 the defence of Talama when it came under attack.

7 Q. Do you know if Mr Fofana was involved in this combat?

8 A. No, no, no, no, he was not.

9 Q. He didn't give any orders?

12:43:43 10 A. No, he did not.

11 Q. Finally, Mr Witness, I would like to take you to the attack
12 on Konia in November '97/ April '98. Do you have any knowledge
13 in respect of the attack on Konia?

14 A. No, I don't.

12:44:10 15 MR KOPPE: Sorry, Your Honour, I also would like to go to
16 two other attacks. First of all I would like to bring the
17 witness's attention to the attack on Bo.

18 Q. Do you have any knowledge, direct or indirect, concerning
19 the attack on Bo?

12:44:29 20 PRESIDING JUDGE: When?

21 MR KOPPE: In 1998, February 1998.

22 THE WITNESS: I would want you to specify which of the
23 attacks, whether it's an attack by Kamajors or by the junta
24 forces, because some I know about, some I don't.

12:44:50 25 MR KOPPE:

26 Q. The attacks of the Kamajors on Bo. I'm only interested in
27 the attacks of Kamajors on Bo.

28 A. I know about one, the one that came from the direction of
29 Kenema in February 1998, because what happened was that Bo was

1 initially taken by Kamajors and then the RUF came and seized it
2 from them. But then the relief force -- the force that actually
3 finally relieved Bo came from Kenema and it was a joint task
4 force including ECOMOG, Kamajors and Special Forces.

12:45:29 5 Q. What do you mean with Special Forces?

6 A. These were just ex-ULIMO fighters who were also engaged in
7 fighting on the CDF side. And the planning for that attack took
8 place in Kenema.

9 Q. What do you mean with ex-ULIMO? Please tell us what ULIMO
12:45:46 10 stands for.

11 A. United Movement For the Liberation of Liberia.

12 Q. So these ex-ULIMO people, you refer to them as Special
13 Forces; do I understand that correctly?

14 A. That's the way they referred to themselves and that's the
12:46:12 15 way we used to call them.

16 Q. And in respect of this attack, this joint attack by ECOMOG,
17 ex-ULIMO forces and Kamajors, did Mr Fofana have any role he
18 played in that attack?

19 A. No, Mr Fofana was not in Kenema then. He did not play any
12:46:35 20 role.

21 Q. Was he involved, to your knowledge, in any preparations and
22 plans in respect of this attack?

23 A. No, he did not. He was not involved. He did not know
24 anything about it.

12:46:50 25 Q. Do you know where preparations and plans were made for this
26 attack?

27 A. Preparations and plans for that particular attack were made
28 in Kenema.

29 Q. Mr Witness, the attacks on Koribundu, finally, I would like

1 to draw your attention to. Do have any knowledge in the direct
2 period of time concerning any attacks on Koribundu?

3 A. No, I don't have any knowledge.

4 Q. Mr Witness, by counsel of the first accused, yesterday and
12:48:05 5 also today, you were shown documents and you have given testimony
6 in respect of those documents. Do you know if, in respect of
7 these documents that were shown to you Mr Fofana was copied in?
8 Did he receive a copy of any of the correspondence or documents
9 that were shown to you?

12:48:39 10 A. The ones that were shown to me yesterday and today?

11 Q. Yes.

12 A. No. There's not a single one of those copies -- letters,
13 that had a copy sent to Mr Fofana.

14 PRESIDING JUDGE: Mr Koppe, you're talking of exhibits
12:49:07 15 filed yesterday and this morning, presumably?

16 MR KOPPE: Yes.

17 PRESIDING JUDGE: Just to avoid any confusion or
18 discrepancies, it is 135 up to and including 146, I think.

19 MR KOPPE: Yes, Your Honour.

12:49:31 20 Q. Mr Witness, do you know why Mr Fofana was not copied in
21 respect of those documents?

22 JUDGE ITOE: It's a matter of address, Mr Koppe. It's a
23 matter of address. If he cannot know, how should he know? He
24 was not copied, he was not copied.

12:49:55 25 MR KOPPE: There could be reasons why he wasn't copied.
26 Maybe the witness knows.

27 JUDGE ITOE: Was he the author of all letters tendered?

28 MR KOPPE: Some documents, some letters, he was the author.

29 Q. Maybe I should specify my question to the letters that were

1 drafted and signed and sent by you. Do you know why Mr Fofana
2 was not copied on those letters, drafted, signed and sent by you?
3 A. Because the issues discussed or raised in the letters were
4 not, I don't think, of relevance to Mr Fofana.

12:50:43 5 Q. I recall a letter drafted by you in respect of request for
6 ammunition.

7 A. Yes, there was one.

8 Q. Yes.

9 A. To me, they were not of relevance to him, because you might
12:50:58 10 have seen from one of the other evidences that Dr Jabbi submitted
11 as evidence. We have been told by ECOMOG to confine all of our
12 requests in terms of ammunition and those things we needed for
13 operation, strictly to ECOMOG. In fact, we were to specifically
14 direct all such requests to the 15th ECOMOG brigade. So I don't
12:51:32 15 see how I would have connected that with Mr Fofana.

16 Q. Well, Mr Fofana was, in title, director of war.

17 MR KAMARA: Objection, Your Honour, to this line of direct
18 examination. Counsel is cross-examining his own witness.

19 PRESIDING JUDGE: Objection sustained.

12:51:57 20 MR KOPPE: I withdraw that question, Your Honour. Just in
21 response to the objection of counsel by the Prosecution --

22 PRESIDING JUDGE: I sustained the objection, there is no
23 more argument about it.

24 MR KOPPE: I understand what the position is, however,
12:52:28 25 these documents were brought as testimony, as evidence by counsel
26 for the first accused. The point that I'm trying to make is
27 whether I have the opportunity, not only to examine the witness
28 in-chief, but also to cross-examine, as counsel for the third
29 accused [sic] --

1 PRESIDING JUDGE: No, no, you cannot have it both ways. It
2 is either in-chief or not.

3 MR KOPPE: I understand, but if the matter was brought up
4 by counsel for the first accused --

12:52:57 5 PRESIDING JUDGE: Yes, but you have indicated that this was
6 a common witness, therefore, you are in examination-in-chief of
7 this witness whose common to you and the first accused. So this
8 was your choice, your decision to proceed that way. As I say,
9 you cannot have it in examination-in-chief and cross-examination.
12:53:15 10 This is not permissible.

11 JUDGE THOMPSON: Let me add that if that line is
12 permissible, then you intend putting the credibility of this
13 witness in issue, and if you move beyond that and, again, you get
14 answers which are unfavourable to your questions, you might, in
12:53:40 15 fact, be coming close to the territory of hostile witness. You
16 must be very careful here. It's a very delicate line that you're
17 treading, because, clearly -- this is the difficulty sometimes
18 when you examine a witness and, in this particular case, you're
19 trying to get him to answer questions which probably could be put
12:54:15 20 in cross-examination. It becomes difficult to know whether
21 you're cross-examining him as to credit or facts in issue. We
22 can come close to that borderline between your witness being
23 declared hostile because of some unfavourable responses to your
24 question. But you can take the risk.

12:54:42 25 MR KOPPE: Maybe I might seek your guidance. What if a
26 witness on examination-in-chief brings up a completely new issue?
27 Would we not be allowed, if it were a common witness, to
28 cross-examine on this new issue?

29 PRESIDING JUDGE: No.

1 JUDGE THOMPSON: No.

2 JUDGE ITOE: You can't be cross-examining and in-chief at
3 the same time. It's not possible.

4 PRESIDING JUDGE: If it is a new issue, you can raise that.
12:55:11 5 If it is a new issue and you've been informed of it by the first
6 accused, to use your example, at that time and, therefore, you
7 would like to have sometime for preparation, yes, there are
8 certain avenues which can be explored, but not cross-examination.
9 You've made the decision that this is a witness you'd like to
12:55:28 10 call on behalf of your client --

11 JUDGE ITOE: A common witness.

12 PRESIDING JUDGE: And he's common to you and the first
13 accused.

14 MR KOPPE: We can't have it both ways, that's what you're
12:55:39 15 really saying?

16 PRESIDING JUDGE: No.

17 JUDGE THOMPSON: You can re-examine on a new issue, if the
18 Court feels that is important and in the interests of justice.

19 MR KOPPE: Thank you.

12:56:09 20 Q. Now, Mr Witness, I would like to take you to another topic.

21 JUDGE ITOE: Another topic which would last how long? We
22 just have a few minutes to break time.

23 MR KOPPE: Briefly, but I do have a few miscellaneous
24 topics to end the examination with.

12:56:30 25 PRESIDING JUDGE: We're not trying to cut you short,
26 Mr Koppe. It's almost 1.00, so if it is an issue, that little
27 one, and you can finish before 1.00, fine. If you're opening a
28 new issue, all we're suggesting, we should adjourn and do it
29 after that, that's all.

1 MR KOPPE: Let's take the break, maybe, Your Honour.

2 PRESIDING JUDGE: I think so. Otherwise we'll split right
3 in the middle of that and it might not be the best way to do it.

4 [Luncheon recess taken at 12.57 p.m.]

14:43:30 5 [CDF06MAY06- CR]

6 [Upon resuming at 2.44 p.m.]

7 PRESIDING JUDGE: Good afternoon. Mr Koppe, you're ready
8 to proceed ahead with the remaining of your examination-in-chief
9 of this witness?

14:44:13 10 MR KOPPE: Yes, Your Honour, but I don't have any further
11 questions.

12 PRESIDING JUDGE: I can see that the recess was a very
13 successful one for you. Thank you. Mr Margai, good afternoon.

14 MR MARGAI: Good afternoon, My Lords.

14:44:28 15 PRESIDING JUDGE: Any cross-examination, Mr Margai?

16 MR MARGAI: Yes, just a few questions, My Lord.

17 PRESIDING JUDGE: Proceed now.

18 CROSS-EXAMINED BY MR MARGAI:

19 Q. Good afternoon, Mr Koroma.

14:44:45 20 A. Good afternoon, Mr Margai.

21 Q. Now, yesterday when you were being led in evidence by
22 Mr Bu-Buakei Jabbi you made at least two mentions of Radio
23 Democracy 98.1D?

24 A. Yes, I did.

14:45:15 25 Q. Now, do you know who established this radio station?

26 A. I do.

27 Q. Would you mind telling Their Lordships who did?

28 A. The government in exile in Conakry.

29 Q. That is the --

1 A. SLPP government in exile.
2 Q. Led by?
3 A. His Excellency the President Alhaji Dr Ahmad Tejan Kabbah.
4 JUDGE ITOE: Let me get this clear. Mr Margai, are you
14:45:51 5 treating him as a common witness as well?
6 MR MARGAI: No, My Lord, I'm not part of the commonality.
7 JUDGE ITOE: Okay. Thank you.
8 MR MARGAI: For good measures.
9 PRESIDING JUDGE: The third accused's counsel has no more
14:46:04 10 any commonality of witnesses.
11 MR MARGAI: No, My Lord. I advised myself. Thank you.
12 Q. Do you know when it was established, maybe the month or the
13 year?
14 A. Yes, I do.
14:46:28 15 Q. When?
16 A. In 1997.
17 Q. 1997. Do you know for what purpose it was established?
18 A. Yes, I do.
19 Q. Please tell the Court.
14:46:55 20 A. It was established for propaganda purposes.
21 Q. What propaganda, if I may ask?
22 A. To present the point of view of the SLPP-led government in
23 exile and to also counteract the information that was being put
24 out by the AFRC/RUF junta government.
14:47:55 25 Q. Thank you. Did the CDF, to the best of your knowledge,
26 have access to this radio?
27 A. Yes, the CDF did. Kamajors, in particular.
28 Q. For what purpose?
29 A. For the purpose I've just stated; to present the view of

1 the SLPP-led government in exile.

2 Q. Thank you. Now, finally on the question of 98.1D, who made
3 it possible for the CDF to have access to this radio?

4 A. Dr Albert Joe Demby.

14:49:07 5 Q. And who was he at the time?

6 A. He was the vice-president.

7 Q. Do you know whether in his capacity as vice-president he
8 had anything to do with the CDF officially?

9 A. Yes, I do. He was the chairman of the National
14:49:30 10 Co-ordinating Committee of the Civil Defence Forces.

11 Q. Thank you very much. Mr Koroma, you also referred to a
12 blue helicopter.

13 A. Green.

14 Q. Green helicopter, thank you. Twice, in fact, or three
14:49:59 15 times, you made mention of it.

16 A. Yes, I did.

17 Q. Did the CDF, at any time, have access to these helicopters?

18 A. We had access on numerous occasions.

19 Q. On numerous occasions, as of right?

14:50:24 20 A. Apparently.

21 Q. Or through the hospitality?

22 A. By implication, I would think.

23 Q. By implication. And whose hospitality?

24 A. Of the government in exile.

14:50:40 25 Q. Which government?

26 A. The SLPP-led government in exile.

27 Q. Led by?

28 A. Led by His Excellency the President, Alhaji Dr Ahmad Tejan
29 Kabbah.

1 PRESIDING JUDGE: If I may, Mr Margai, I think it is not
2 disputed any more at all that the government in exile was chaired
3 and presided over by His Excellency President Kabbah. So we can
4 skip that part.

14:51:10 5 MR MARGAI: Thank you very much, My Lord. I shall now move
6 away from that area now that Your Lordship has put my mind to
7 rest.

8 Q. Now, you were shown a letter dated 8th August 1998.
9 Exhibit 135, to be precise. May I have Exhibit 135, please?

14:53:39 10 Exhibit 135, have you seen it?

11 A. Yes.

12 Q. It talks about Kenema District is under the operational
13 command of 15th ECOMOG Brigade.

14 A. That's correct.

14:53:55 15 Q. That letter was addressed to the CDF, Kenema headquarters,
16 I take it?

17 A. Yes.

18 Q. Now my question is: Was there, apart from the Kenema
19 District, an understanding between ECOMOG and the CDF, to the
14:54:17 20 best of your knowledge, of command responsibility whenever the
21 CDF and ECOMOG were operating together as to who should be in
22 command?

23 A. Insofar as my knowledge goes of other areas or Kenema?

24 Q. Of other areas apart from Kenema District.

14:54:40 25 A. Yes.

26 Q. What was that understanding?

27 A. That ECOMOG was in charge.

28 Q. ECOMOG was in charge. Thank you.

29 JUDGE ITOE: He had answered this question earlier on that

1 whenever there was an operation it was always ECOMOG that was --

2 MR MARGAI: I thought he restricted it to his own area of
3 operation which was Kenema District. Just to make assurances
4 doubly sure, My Lord.

14:55:06 5 JUDGE ITOE: I see.

6 MR MARGAI: Thank you.

7 Q. So that was that general understanding.

8 A. That was the general understanding.

9 Q. Thank you. You talked about dissatisfaction within the CDF
14:55:41 10 in Kenema and Bo to wit relating to the position of Jambawai in
11 Kenema and Alhaji Daramy Rogers in Bo.

12 A. Yes, I did.

13 Q. You said as a result of that dissatisfaction VP Demby asked
14 that the regional administrators' posts in both south and east of
14:56:17 15 Sierra Leone be relinquished in favour of district
16 administrators.

17 A. Yes, I did.

18 Q. Yes, you did. Now, in what capacity did VP Demby give that
19 instruction?

14:56:36 20 A. Looking at the time frame, it was as vice-president of this
21 country.

22 Q. Vice-president?

23 A. Because then the NCC had not yet been established.

24 Q. I see. Thank you. Yesterday you talked about the arms and
14:57:09 25 ammunition which were used in capturing Tongo Field by the CDF
26 came from Conakry. Did you say that?

27 A. I did.

28 Q. But you stopped short of telling this Court where precisely
29 the arms and ammunition came from. Would you now tell this

1 Court, please, if you do know?

2 A. I think it is very obvious that when we talk about Conakry
3 within the context it is --

4 Q. No, it is not obvious.

14:57:47 5 JUDGE ITOE: It is not obvious.

6 MR MARGAI:

7 Q. It is not obvious. It is a court of law. Their Lordships
8 will only go by the evidence adduced in this Court.

9 A. From my conversations with Bockarie Lansana who travelled
14:57:58 10 to Conakry --

11 Q. Slowly. Yes, please proceed.

12 A. -- and met with the President and his wife.

13 Q. Which president, Charles Margai? That will be in futuro.
14 Yes?

14:58:21 15 PRESIDING JUDGE: Mr Margai, were you in Conakry at that
16 time?

17 MR MARGAI: I was very much in Conakry, My Lord, but my
18 presidency is in futuro, not now.

19 PRESIDING JUDGE: I just want to remind you that this is
14:58:39 20 indeed a court of law.

21 MR MARGAI: Yes, indeed, My Lord.

22 JUDGE THOMPSON: I wanted to say myself that it is probably
23 not an appropriate forum to canvass these things.

24 MR MARGAI: No, My Lord, I will not canvass at this stage.

14:58:46 25 JUDGE ITOE: Even if you are not president, you are
26 President of the PMDC, aren't you?

27 MR MARGAI: Thank you very much, My Lord.

28 THE WITNESS: I was only saying that from my conversation
29 with Bockarie Lansana who travelled to Conakry and met with the

1 President and his wife, I would infer that from His Excellency
2 the President -- the ammunition, I'm talking about.

3 MR MARGAI:

4 Q. Yes?

14:59:08 5 A. That must have come from the government in exile.

6 Q. Thank you.

7 JUDGE ITOE: What's the name of this gentleman again?

8 THE WITNESS: Bockarie Lansana.

9 PRESIDING JUDGE: So he's one of the commanders, as you
14:59:23 10 testified this morning. He was one of the commanders in the
11 Tongo Field area?

12 THE WITNESS: Even yesterday.

13 MR MARGAI: Even yesterday he said it.

14 PRESIDING JUDGE: But this morning you testified about
14:59:33 15 different commanders. He is one of the commanders.

16 THE WITNESS: I called his name, yes. I can recall, yes.

17 PRESIDING JUDGE: And he was a commander in the Tongo Field
18 area?

19 THE WITNESS: Yes, he was.

14:59:42 20 JUDGE ITOE: And are you saying that he told you he saw the
21 President and the wife?

22 THE WITNESS: He met them.

23 JUDGE ITOE: He met the President and the wife?

24 THE WITNESS: Yes.

15:00:10 25 JUDGE ITOE: Is that the only basis for presuming that the
26 arms must have come from the government in exile?

27 THE WITNESS: From a point of view --

28 JUDGE ITOE: From whose point of view?

29 THE WITNESS: Mine.

1 MR MARGAI:

2 Q. What His Lordship wants to know: Apart from this
3 presumption, do you have any other means of knowing where the
4 arms come from? It doesn't matter. Or where the arms came from,
15:00:34 5 the particular arms you talked about.

6 A. The commander who brought them told me it came from them.

7 Q. Well, that is different from -- thank you. Sorry, My
8 Lords. That's different. Thank you. Now, Mr Koroma, do you
9 know Allieu Kondewa?

15:00:58 10 A. Yes.

11 JUDGE ITOE: Mr Margai, can you wait, please.

12 MR MARGAI: Sorry, My Lord.

13 PRESIDING JUDGE: Yes, Mr Margai.

14 MR MARGAI: Before we go to Allieu Kondewa, may I have
15:01:41 15 Exhibit 146, please?

16 Q. Mr Koroma, do you see Exhibit 146, the certificate of
17 recognition?

18 A. Yes, I do.

19 Q. Was that certificate issued to CDF members, to the best of
15:02:42 20 your knowledge?

21 PRESIDING JUDGE: We had that evidence this morning,
22 Mr Margai, that this was never distributed to anybody.

23 MR MARGAI: Yes, My Lord. I am going a stage beyond that.

24 Q. Well, all right, based on your evidence this morning, why
15:02:59 25 was it not?

26 A. I think I also said this morning that I did not know.

27 Q. You did not know.

28 A. Yes.

29 PRESIDING JUDGE: That's right.

1 MR MARGAI: Thank you, I'll accept that.

2 Q. Now, do you know Allieu Kondewa?

3 A. Yes, I do.

4 Q. Do you see him in this Court?

15:03:20 5 A. Yes, he's the gentleman wearing the suit and tie by the
6 security guard.

7 Q. Behind the glasses?

8 A. Behind the glasses. Blue earphones.

9 Q. Now, when did you know him?

15:03:41 10 A. In December 1997. Early December 1997.

11 Q. What position did he hold, if any, within the CDF society?

12 A. He was an initiator.

13 Q. Was he the chief initiator at any time? Do you know?

14 A. What time frame?

15:04:26 15 Q. I'm talking from 1997 upwards to 1999.

16 A. At some point in time he was made high priest.

17 Q. High priest?

18 A. Yes.

19 Q. What does that mean?

15:04:41 20 A. I don't know what it meant, to be honest with you.

21 Q. He was only referred to as high priest?

22 A. Yeah, I think that would be more correct.

23 Q. Now, you said you were initiated into the CDF society by
24 Kamoh Lahai --

15:05:07 25 A. Kamoh Brima Bangura.

26 Q. Were there laws governing this society from the point of
27 view of initiation?

28 A. Yes, there were.

29 Q. Could you briefly tell Their Lordships the laws?

1 JUDGE ITOE: You want us to go over them again, Mr Margai?
2 Do you want us to go over these laws again?
3 PRESIDING JUDGE: Is there anything new?
4 JUDGE ITOE: There has been an endless recital of the --
15:05:42 5 MR MARGAI: A litany.
6 PRESIDING JUDGE: A litany, if you want to.
7 JUDGE ITOE: A litany, if you want to.
8 MR MARGAI: Very well, My Lords. I will move away from
9 that.
15:05:49 10 PRESIDING JUDGE: Unless there is some aspect of that that
11 you feel has not been covered. I mean, it's up to you. All we
12 can say is that --
13 MR MARGAI: No, I shall take the cue, My Lords. I shall
14 take the cue.
15:06:03 15 JUDGE THOMPSON: Can you clarify something for me? When
16 you said he was an initiator in the CDF society, did you really
17 mean CDF?
18 THE WITNESS: Kamajor.
19 MR MARGAI: Kamajor society.
15:06:23 20 Q. Now let me ask you a specific question. Did Kondewa ever
21 take part in combat?
22 A. Not to my knowledge.
23 Q. Not to your knowledge. Did initiators, to the best of your
24 knowledge, command troops in the CDF or the Kamajor society?
15:07:19 25 A. No, normally when initiations were --
26 JUDGE ITOE: Answer the question first. Let's record you.
27 THE WITNESS: No, no.
28 MR MARGAI: Can he now proceed, My Lord?
29 JUDGE ITOE: To the best of his knowledge, initiators did

1 not take part in combat or so?

2 PRESIDING JUDGE: Command troops.

3 MR MARGAI: Command troops.

4 JUDGE ITOE: Command troops. Okay.

15:07:51 5 MR MARGAI:

6 Q. Yes, you were about to say something.

7 A. After completing initiation, the Kamajors were normally

8 returned to their chiefdom authorities.

9 Q. To their chiefdom authorities. And that was the end of the

15:08:08 10 relationship between the initiates and the initiators?

11 A. No, the relationship did not end there.

12 Q. Yes?

13 A. At times Kamajors would go back to get the potions we used

14 to smear on our body before going for combat missions from the

15:08:58 15 initiators.

16 Q. Why was this necessary?

17 A. For additional protection.

18 MR MARGAI: Thank you, Mr Koroma. That will be all for

19 him, My Lords.

15:09:48 20 PRESIDING JUDGE: Thank you, Mr Margai. Mr Prosecutor, do

21 you wish to -- welcome too, Mr de Silva.

22 MR De SILVA: My Lord, the cross-examination will be

23 conducted by my learned friend.

24 JUDGE ITOE: So your presence is just cosmetic. No

15:10:05 25 particular interest to us excepting your cosmetic appearance.

26 MR De SILVA: It keeps me off the streets.

27 JUDGE ITOE: And, of course, for the morale boost of your

28 learned associate.

29 MR De SILVA: Very nice of Your Lordship to say so.

1 PRESIDING JUDGE: Mr Kamara, your cross-examination.

2 MR KAMARA: Yes, My Lord. May I first of all introduce a
3 new member of the team, Ms Miatta Samba, who has joined the OTP
4 from the WVS.

15:10:40 5 PRESIDING JUDGE: Welcome. Can you spell that name for us,
6 please?

7 MR KAMARA: It's M-I-A-T-T-A S-A-M-B-A.

8 CROSS-EXAMINED BY MR KAMARA:

9 Q. Good afternoon, Mr Koroma.

15:11:02 10 A. Good afternoon.

11 Q. I will start off this afternoon by taking you through your
12 evidence before this Court. You said you knew the first accused;
13 is that not so?

14 A. Yes, I did.

15:11:17 15 Q. When was the first time you had contact with him?

16 A. Before the May 25th coup.

17 Q. Any time reference? Was it two years before that? The
18 question was when was the first time you had contact with him?

19 A. Less than a year before the coup.

15:11:49 20 Q. Were you particularly close to him?

21 A. No.

22 Q. A question was posed to you this morning as to the level of
23 command and you did answer that you were looking up to
24 Eddie Massallay as your commander in terms of the structure of
15:12:17 25 the CDF. Am I right or wrong?

26 A. When we were at Gendema.

27 Q. When you were at Gendema?

28 A. Yes.

29 Q. And before that?

1 A. I have not yet been engaged in combat.
2 Q. Because in your evidence you went to Monrovia.
3 A. When I came initially.
4 Q. You went to Bo Waterside.
15:12:46 5 A. Yes.
6 Q. You met with Eddie Massallay?
7 A. No. I went to Bo Waterside, I met with Eddie Massallay and
8 two weeks after I travelled to Monrovia.
9 Q. He advised you to go and to meet Chief Norman?
15:12:59 10 A. He did not advise me. I told him I wanted to see
11 Chief Norman.
12 Q. Good. What was the purpose of seeing him again?
13 A. I wanted to see Chief Norman, because before leaving Kenema
14 a group of us party members got together and decided the only way
15:13:21 15 of getting rid of the AFRC junta was by force of arms, and that
16 we were to make every effort we could to ensure that arms were
17 brought to Kenema to assist.
18 Q. May I suggest to you that you went to see Chief Norman
19 because you knew he was in charge and he was capable to provide
15:13:40 20 what you wanted? Is that not so?
21 A. You need to go over that question again.
22 Q. I am suggesting to you that you particularly went to see
23 Chief Norman because you knew he was in charge of the CDF and he
24 was in a position to provide answers you were looking for.
15:14:06 25 A. I went to see chief Norman not because he was in charge of
26 CDF, but because he was the deputy minister of defence for the
27 SLPP government in exile and I was a party activist of that
28 party.
29 Q. Thank you. You also gave evidence that you were a

1 combatant.

2 A. You need to refer to the time frame.

3 Q. Were you ever a combatant? Don't worry about the time
4 frame as yet.

15:14:37 5 A. No, I need to worry.

6 PRESIDING JUDGE: Mr Witness, please answer the question.
7 Were you a combatant or not? If you were -- it's a very simple
8 question.

9 MR KAMARA: Thank you, Your Honour.

15:14:47 10 THE WITNESS: There were times after the coup when I was
11 not a combatant.

12 PRESIDING JUDGE: But the question is were you a combatant?
13 Yes or no?

14 THE WITNESS: Yes.

15:15:01 15 MR KAMARA:

16 Q. We'll get to the quarrel, don't worry. I'm not ready yet.

17 A. I don't quarrel.

18 Q. Okay. You did mention about your heroic exploits in
19 combat; is that not so?

15:15:08 20 A. "Heroic," I didn't use that word.

21 Q. No, I'm suggesting it.

22 A. Well, it's up to you.

23 Q. You said you commanded troops, like, for example, the Zimmi
24 attack. Didn't you say so?

15:15:20 25 A. I said so. But I didn't use the word "heroic".

26 Q. Who was the overall commander for that Zimmi attack?

27 A. There were a lot of Zimmi attacks.

28 Q. The one in which you led the troop.

29 A. I was involved in a lot of them and I also led people. I

1 don't know which one specifically you mean.

2 Q. Mr Witness.

3 A. Yes.

4 Q. You're trying to be evasive. My question to you is this:

15:16:06 5 You gave evidence this morning that you led a troop in the course
6 of the Zimmi attack, and you did mention one Mohamed Bhonie as
7 one of the commanders. Is that the not so?

8 A. I did.

9 Q. You also moved on to the Lower Bambara Chiefdom.

15:16:25 10 A. Yes, I did.

11 Q. Is that in Pujehun?

12 A. No, in Kenema District.

13 Q. In Kenema District. Who was the commander there?

14 A. In that general area, it was Musa Junisa.

15:16:37 15 Q. Musa Junisa. Were you part of his troops or under his
16 general command?

17 A. Under his general command.

18 MR KAMARA: Can the witness be shown this document?

19 Q. In your evidence, Mr Witness, you mention that period while
15:18:25 20 you were in the Lower Bambara Chiefdom to be sometime in 1997.

21 A. Yes, I did.

22 Q. Take a look at that document I've just handed to you. What
23 is the heading of that document?

24 A. From commander-in-chief SL CDF Zone 2 front line Dodo,
15:18:52 25 Lower Bambara Chiefdom, Kenema District.

26 Q. And it is addressed to?

27 A. Honourable Chief Hinga Norman, deputy minister of defence
28 and co-ordinator of Sierra Leone Civil Defence Forces.

29 Q. It says, "Enlistment of executive members of Zone 2 front

1 line."

2 A. This one?

3 Q. Is that not the one you have? Let me see.

4 A. I don't know. I don't think so.

15:19:13 5 Q. Let me see if we have the same.

6 MR KAMARA: It's Registry number 3715.

7 PRESIDING JUDGE: So this is a different document than the
8 one that was distributed?

9 MR KAMARA: To him. The others are correct. 3715.

15:19:48 10 MR KOPPE: We have 3717.

11 MR MARGAI: 3717, we have.

12 MR KAMARA: Sorry. It is 3715. You can retain those
13 copies. I will get to that other document.

14 PRESIDING JUDGE: There is no copy for the Bench, I should
15:20:31 15 tell you.

16 MR KAMARA: I can offer this for the Bench. Sorry,
17 My Lord. I thought I made enough copies.

18 Q. Mr Witness, that's a list of executive members of the
19 Zone 2 front line. That document was written by whom?

15:21:11 20 A. Musa Junisa.

21 PRESIDING JUDGE: Mr Prosecutor, can I ask you what you are
22 trying to do and aim at with these documents? Is it something
23 already in evidence? You will attempt to lead that in evidence?

24 MR KAMARA: This document is not yet in evidence, and I'm
15:21:39 25 contradicting his evidence this morning and even this afternoon.

26 PRESIDING JUDGE: You may wish to do so. I'm just
27 questioning not whether you are attempting to do that or not, but
28 the use of this document and how you are attempting to use this
29 document for that purpose. I understand you are showing him the

1 documents.

2 MR KAMARA: Yes.

3 PRESIDING JUDGE: Are you intending to produce this
4 document as an exhibit afterwards?

15:22:08 5 MR KAMARA: After his answer to this question.

6 JUDGE THOMPSON: Would you make that determination after
7 his answer to the question, or have you already decided?

8 MR KAMARA: I haven't decided. I want the answer.

9 JUDGE THOMPSON: In other words, whether you will tender it
15:22:21 10 or not will depend on the answer he gives.

11 MR KAMARA: Yes.

12 JUDGE THOMPSON: Is there some foundation already in
13 respect of this document --

14 MR KAMARA: Yes, My Lord.

15:22:38 15 JUDGE THOMPSON: -- in terms of the witness's knowledge of
16 it? Is he the author of it?

17 MR KAMARA: No, I'm coming to it. I will lay the
18 foundation.

19 JUDGE THOMPSON: I'm sorry, I'm being pre-emptive. I will
15:22:51 20 take that back.

21 MR KAMARA: That's okay.

22 Q. Mr Witness, I was asking you the question of the author of
23 the document.

24 A. Musa Junisa.

15:23:01 25 Q. Musa Junisa. The date of that document is 23rd November
26 1997; is that not so?

27 A. That's so.

28 Q. Yes. You gave evidence that Musa Junisa was the commander
29 of the Lower Bambara Chiefdom, to which you were a member of the

1 troops.

2 A. That general area.

3 Q. Thank you. The document you have in front of you is a list
4 of the members or troops who were with Mr Musa Junisa. I'm
15:23:35 5 inviting you to take a look at that document. See if there is
6 your name on that list.

7 A. My name is not on the list.

8 Q. Your name is not on the list. Do you agree with me that on
9 that list you see even the names of the drivers that were with
15:24:05 10 him.

11 MR MARGAI: My Lords -- sorry.

12 MR KOPPE: I object, Your Honour, because on the bottom of
13 the front page which has this number 3716, I also see "to be
14 continued." So the line of question is implying that this
15:24:22 15 witness should be on that list. However, if the names are to be
16 continued --

17 JUDGE THOMPSON: Quite frankly, I don't even know. We
18 don't even have the document here.

19 PRESIDING JUDGE: We only have one document, and it is
15:24:36 20 difficult to --

21 JUDGE THOMPSON: Follow counsel on this one.

22 MR KAMARA: My Lord, I will run it up fast enough on this,
23 because the point I'm making is that this witness --

24 JUDGE THOMPSON: Counsel, before you go to that, which is a
15:24:49 25 substantive issue, procedurally if you're going to use a document
26 and it is considered so important to you to use it to contradict
27 a witness's testimony, ought the Bench not to be apprised of or
28 be in possession of the document? We don't have it.

29 MR KAMARA: My Lord, you can even have my copy.

1 JUDGE THOMPSON: Why are you trying to --

2 MR KAMARA: My Lord, I made copies, it is just that they
3 weren't sufficient.

4 JUDGE THOMPSON: Procedurally, we should see what you're
15:25:27 5 doing to be able to determine whether you are proceeding properly
6 and following the rules.

7 MR KAMARA: Agreed. I volunteer to give my own copy again,
8 My Lord.

9 MR MARGAI: My own concern, My Lords, is the question of
15:25:45 10 going into the substance of a document which is not yet in
11 evidence.

12 JUDGE THOMPSON: We will come to that. I think what
13 counsel is trying to do was trying to lay the foundation, but,
14 indeed, it seems as if there are two traditions here. I don't
15:26:07 15 know which is the more conventional tradition from the
16 perspective of international criminal tribunals, but it would
17 seem as if you don't refer to the contents of the document,
18 except the heading and the titles, until the document is in
19 evidence. Perhaps we've been a little flexible here to allow
15:26:34 20 counsel on both sides to delve into the contents of the document,
21 even before it is marked as an exhibit.

22 MR JABBI: My Lord, it is also necessary to point out that
23 the heading of the document is: "Enlistment of executive members
24 of Zone 2 front line". It does not talk about general members.

15:27:14 25 JUDGE ITOE: Those are matters for addresses. The issue
26 which we have in hand is whether the name of this witness is on
27 this. I think once we get through this, you know, the Defence
28 would have its right to throw some light on it when the time
29 comes.

1 MR BOCKARIE: Yes, Your Honour, sorry.

2 Your Honour, may I be heard? Your Honour, it is not even
3 clear whether this document relates to the entire Kenema
4 District. If you go through the document, it says, "Executive
15:27:47 5 members of the Zone 2 front line." No evidence has been adduced
6 in this Court to say whether Kenema was divided into zones or
7 whether that was the only zone in Kenema District.

8 JUDGE THOMPSON: I'm more interested in the procedure by
9 which this document can even become an exhibit, or whether
15:28:08 10 sufficient foundation has been laid for it. I'm not, in fact,
11 quarrelling or quibbling over whether there is a zonal
12 complication or that kind of thing. I don't know what counsel is
13 doing. He indicated he intends to tender it as an exhibit. I'm
14 not sure I'm satisfied that sufficient foundation has been laid
15:28:37 15 for the document to be received in evidence. As I said earlier
16 on, if that is done, we get over that hurdle, then the question
17 of cross-examining on the contents would become a secondary
18 matter. That's the point I'm making. That's how I understand
19 the process to be. I'm not following now; you take him here and
15:28:55 20 there, look at this thing, what is it marked, even though the
21 document is not yet in evidence. That's my own view of it. Our
22 flexibility policy does not allow us to admit documents in a very
23 loose and untidy way and abandon the concept of proper legal
24 foundation.

15:29:22 25 MR KAMARA: My Lord, as I answered earlier on to
26 His Lordship earlier on, I have not even made up my mind as to
27 tendering this document as an exhibit. That is why I am trying
28 to lay the foundations for it that may have provoked some other
29 questions.

1 JUDGE THOMPSON: That's where the difficulty is. If you
2 have not yet made up your mind, you are limited to only
3 preliminary matters in terms of whether you wanted to tender it
4 or not to tender it. But to delve into the substance of it in a
15:29:45 5 very detailed way --

6 MR KAMARA: I have not even delved into the substance of
7 this document. And there's only one question --

8 JUDGE THOMPSON: It seems to me --

9 MR KAMARA: -- I was interested.

15:29:53 10 JUDGE THOMPSON: I may be old-fashioned and I would
11 probably just restrain myself.

12 MR KAMARA: No, My Lord, you're not. I have only wanted to
13 ask one question which I haven't asked. I haven't even gone into
14 the document.

15:30:02 15 JUDGE THOMPSON: Counsel, I didn't really mean to in a way
16 distract you from your intended path. I will restrain myself and
17 let you proceed.

18 MR KAMARA: Thank you, My Lord.

19 PRESIDING JUDGE: So what's the question?

15:30:19 20 MR KAMARA: That his name is not on that document which he
21 holds in his hand now.

22 MR JABBI: My Lord, I don't know what my learned friend
23 means by going into the content or the substance if he's already
24 determining the names on the list to the extent that out of such
15:30:42 25 a long list he can determine that the name of this witness is on
26 the list. We're already in context, the substance of the list.

27 PRESIDING JUDGE: I agree with you. I'm at a loss to
28 understand -- I mean, if his name is not -- how can you put this
29 document to the witness if he doesn't even know this document.

1 He's never -- at least ask him. I don't know if he has ever seen
2 this document or seen a copy of it. I don't know. I have to
3 agree with counsel for the first accused. If you're asking the
4 witness if his name is on the list, you're going into the
15:31:19 5 substance of the list.

6 MR KAMARA: Just this very morning, counsel was doing the
7 very thing, asking questions on documents before tendering them.
8 We allowed it without question. The question now, the issue here
9 is I'm putting questions to this witness in the same fashion. I
15:31:33 10 agreed with the learned Justice Thompson about the strict
11 traditional rules of the common law not asking questions until
12 the document is in, and I didn't raise objections this morning
13 based on the ruling of our liberal acceptance for evidence. Now
14 I'm doing the same thing, asking witness questions about the
15:31:52 15 document, having laid the necessary foundations, it is up to me
16 to decide whether I want this document in or not. The only
17 question I've asked of this witness, that his name is not on that
18 document. My Lords, I will take the cue from that.

19 Q. I will suggest to you, Mr Witness, that you were in no way
15:32:11 20 a member of Musa Junisa's team as you profess yourself to be.

21 PRESIDING JUDGE: What's your answer, Mr Witness, to that
22 suggestion?

23 THE WITNESS: Based on the documents here?

24 PRESIDING JUDGE: No, the question is not the document.
15:32:35 25 The question is -- take your question again, Mr Kamara.

26 MR KAMARA:

27 Q. The question is a suggestion, Mr Witness, that you are in
28 no way a member of that troop commanded by Musa Junisa as you
29 profess yourself to be.

1 A. In fact, I would like the Court to know that when I was
2 returning from Panguma to Base Zero, we trekked together with
3 Musa Junisa.

4 JUDGE ITOE: We're not there. We weren't there. That's
15:33:07 5 what you say happened in the field, but we were not there to see
6 whether you checked together --

7 THE WITNESS: Trekked, trekked.

8 JUDGE ITOE: Whether you trekked together with Musa Junisa.
9 That is what you're saying. The suggestion is that you were not
15:33:25 10 a member of the -- whatever you say may be what you are saying.

11 PRESIDING JUDGE: We're trying to understand the situation,
12 Mr Witness. We were not there. We have to listen to what you
13 are telling us. The question suggested to you by the Prosecution
14 is that you were not a member of Junisa's troops. Your answer to
15:33:47 15 that is you trekked with him on some occasions. Does that mean
16 you were part of his troop or not? I don't know.

17 THE WITNESS: What I'm trying to -- his suggestion is not
18 correct.

19 JUDGE ITOE: Are you denying the suggestion?

15:33:59 20 THE WITNESS: Yes.

21 JUDGE ITOE: You are saying you were a member of Junisa's
22 troops?

23 THE WITNESS: Yes.

24 MR KAMARA:

15:34:18 25 Q. During that period that we're talking about, November 1997,
26 you did give evidence that you were answerable to Musa Junisa as
27 your commander?

28 A. Whilst I was in that general area.

29 Q. Did you care to know whether he was answerable to any other

1 person?

2 A. Musa Junisa?

3 Q. Yes.

4 A. At that material point in time, no.

15:34:58 5 Q. I'm putting it to you, Mr Witness, that you're trying to be
6 frugal with the truth here; that Musa Junisa was answerable to
7 Hinga Norman, the first accused, and you know it.

8 A. That is incorrect.

9 MR KAMARA: Let the witness be shown this document,
15:35:17 10 Registry number 3717. It is the one that Your Lordships have.

11 PRESIDING JUDGE: We only have two copies.

12 MR KAMARA: I have another copy. It is the one of
13 25 November 1997.

14 Q. Mr Witness, take a look at that document. What is the date
15:36:09 15 on that document?

16 A. 25th November 1997.

17 Q. Who is the author of that document?

18 A. Again, Musa Junisa.

19 Q. Do you recognise his signature?

15:36:39 20 A. Yes, I do.

21 Q. To whom was this letter addressed to?

22 A. Honourable Chief Hinga Norman, deputy minister of defence
23 and co-ordinator of the Sierra Leone Civil Defence Forces.

24 MR KAMARA: My Lord, the Prosecution wishes to tender this
15:37:10 25 document in evidence.

26 PRESIDING JUDGE: Counsel for first accused.

27 MR JABBI: My Lord, my objection is that there is no
28 relationship at all between this document and the witness or,
29 indeed, with the evidence the witness has given.

1 PRESIDING JUDGE: The question of admissibility of evidence
2 has to do with relevancy, it is not whether it is related to this
3 witness or not.

4 JUDGE ITOE: It is cross-examination. Whether it is
15:37:43 5 related to the evidence he has given or not is not relevant.

6 MR JABBI: Yes, My Lord, but tendering it through this
7 witness --

8 JUDGE ITOE: And he recognises the signature of the author
9 of that document as Musa Junisa, who he says is his boss, or was
15:38:02 10 his boss at the time.

11 MR JABBI: As Your Lordships please.

12 PRESIDING JUDGE: Mr Koppe for the second accused?

13 MR KOPPE: We have no objection, Your Honour.

14 PRESIDING JUDGE: Mr Margai?

15:38:20 15 MR MARGAI: My Lord, I can only be guided by the
16 observations of the Presiding Judge and Justice Thompson. I
17 believe that my learned friend Kamara has still further steps to
18 climb. That is to say, whether the witness has ever seen this
19 document before, especially in the light of the suggestion put to
15:38:48 20 him a short while ago by the Prosecutor that he was not a member
21 of Junisa's team. He may or may not have seen this document.
22 This may be the first time he is seeing it.

23 JUDGE ITOE: But he says he was a member of Junisa's team.
24 He said he was. He denied that suggestion by the Prosecution.

15:39:12 25 MR MARGAI: Yes, but it seems to me, My Lord, by attempting
26 to put this document through this witness, based on his
27 recognition of the signature of Junisa, the Prosecutor is
28 approbating and reprobating.

29 JUDGE THOMPSON: Your precise objection is what?

1 MR MARGAI: My precise objection is that sufficient
2 foundation has not been laid. That is following on your
3 observations and that of the Presiding Judge whether he has seen
4 this document before, he is seeing it here for the first time, it
15:39:50 5 is not addressed to him, he is not the author.

6 JUDGE THOMPSON: Suppose we said to you that the nexus is
7 that the author of the document is somebody who was his, in fact,
8 immediate superior? Would that be a nexus?

9 MR MARGAI: Very well, My Lord.

10 JUDGE THOMPSON: In terms of the liberal approach to the
11 admissibility of evidence.

12 MR MARGAI: In terms of the liberal, I will accept that,
13 because he says he recognises the signature.

14 JUDGE THOMPSON: Quite right. In other words, he's not
15:40:20 15 taken by surprise.

16 MR MARGAI: That was not my complaint, My Lord.

17 JUDGE THOMPSON: Quite right. This was a document with
18 which the material or the subject matter is something within his
19 knowledge by reason of the fact that this man was his boss.

15:40:34 20 MR MARGAI: I accept, My Lord. I accept.

21 PRESIDING JUDGE: Thank you, Mr Margai. We'll accept this
22 document and mark it as Exhibit 148. This document of three
23 pages, described as a letter with attachment from Musa Junisa of
24 25 November 1997, the commander-in-chief SL CDF Zone 2 front
15:41:35 25 line, Dodo and Lower Bambara Chiefdom, Kenema District, to
26 Honourable Chief Hinga Norman, deputy minister of defence and
27 co-ordinator Sierra Leone Civil Defence Force in the Republic of
28 Sierra Leone, West Africa. This document is marked Exhibit 148.

29 [Exhibit No. 147 was admitted]

1 MR KAMARA:

2 Q. Now, Mr Koroma, let me invite you to read the first
3 paragraph of that document. Read the first paragraph.

4 A. "As we have put Tongo Field in the Kenema District" --

15:42:25 5 PRESIDING JUDGE: Read it to yourself. Do you want the
6 witness to read it out?

7 MR KAMARA: Yes, My Lord.

8 JUDGE THOMPSON: This an exercise in recitation, is it?

9 MR KAMARA: No, My Lord.

15:42:37 10 JUDGE THOMPSON: Why not let him read it to himself and
11 then you question him.

12 MR KAMARA: All right, I will take that approach.

13 Q. Have you read the first paragraph?

14 A. Yes, I have.

15:42:47 15 Q. Take a look at item number 8. It says, "Advice on the next
16 operational intention and programs." You've seen it?

17 A. Yeah.

18 Q. Now, having read those two paragraphs, would you agree with
19 me that Musa Junisa was answerable to Chief Hinga Norman, the

15:43:28 20 first accused?

21 A. I will not agree with you.

22 Q. You still will not agree?

23 A. Yes.

24 Q. And why not, if I may ask?

15:43:39 25 A. Because of the knowledge of things I have. Because of the
26 knowledge I have about things that operated there generally.

27 Q. Now, Mr Witness, would you agree with me that this document
28 contradicts your evidence?

29 A. I wouldn't agree with you.

- 1 Q. Now you mention about things of your knowledge.
- 2 A. Yes.
- 3 Q. What is that knowledge that you're talking about?
- 4 A. In the first place, at the time frame, on 25 November 1997,
- 15:44:17 5 I am aware that Musa Junisa had never met Chief Sam Hinga Norman
- 6 and he was no place to have been in a position to write all of
- 7 the things he did and even seek that kind of advice.
- 8 Q. Does that make sense to you, that answer?
- 9 A. It makes sense to me.
- 15:44:37 10 Q. That because he's not met him, so therefore he's not --
- 11 JUDGE THOMPSON: We're not getting the evidence. There is
- 12 a dialogue between you and the witness.
- 13 MR KAMARA: Sorry, My Lord.
- 14 JUDGE THOMPSON: If you want it that way, that's fine.
- 15:44:50 15 MR KAMARA: I'm sorry, My Lord.
- 16 Q. You have given an answer that Musa Junisa had not met
- 17 Chief Norman by that time?
- 18 A. Yes.
- 19 Q. What is the basis of your belief?
- 15:45:00 20 A. The basis of my belief was that Chief Musa Junisa had never
- 21 left the general area where I met him after leaving Gendema.
- 22 Q. He needs him to leave that area for him to be answerable to
- 23 Norman?
- 24 A. For him to have established contact and be answerable, yes.
- 15:45:19 25 Q. Answerable to Norman, not contact?
- 26 A. Yes.
- 27 Q. He has to leave Dodo area?
- 28 A. He must have left there.
- 29 Q. All right.

1 PRESIDING JUDGE: I'm not sure I understand what you mean
2 by that. You mean to say that for Junisa to have written to
3 Chief Norman, he must have met with him before? I'm trying to
4 follow what you mean.

15:45:43 5 THE WITNESS: Under the circumstances then, yes.

6 PRESIDING JUDGE: What are those circumstances? That's
7 what we're trying to understand.

8 THE WITNESS: Now, when the coup took place, Musa Junisa
9 remained in that Dodo, Lower Bambara general area, and
15:45:58 10 Chief Norman was in Monrovia then. There were no contacts
11 between the two of them whatsoever since the May 25th coup.

12 JUDGE ITOE: How do you know?

13 MR KAMARA: Thank you, My Lord.

14 JUDGE ITOE: How would you know that he never contacted
15:46:16 15 him?

16 JUDGE THOMPSON: I would pose the question following that,
17 even if you did, how can you be so certain?

18 THE WITNESS: The only way with which I would be so certain
19 is that those who were the contacts between them were in Gendema
15:46:48 20 with me, and they told me Musa Junisa had stayed behind, and all
21 of them who came from Tongo Field did not return.

22 MR KAMARA:

23 Q. Mr Witness, I'm putting it to you that in November of 1997,
24 Chief Norman was in Talia Yawbeko.

15:47:05 25 A. He had left Monrovia, yes.

26 Q. He was in Talia Yawbeko.

27 A. Yes.

28 Q. Why are you saying because he is in Monrovia there was no
29 contact? You are trying very hard to keep Norman out of the

1 picture.

2 A. No.

3 Q. Desperately --

4 A. No.

15:47:21 5 Q. Woefully, you fail him.

6 JUDGE ITOE: That's not for you to determine.

7 MR MARGAI: I would have thought that is for the Bench to
8 determine, not unless you want to [overlapping speakers].

9 JUDGE ITOE: It is not for you to determine if he is
10 failing or succeeding.

11 MR KAMARA: As My Lord pleases.

12 JUDGE ITOE: We do not know where we are, really, up to
13 now.

14 MR KAMARA: Thank you, My Lord. I am sorry about that.

15:47:33 15 JUDGE ITOE: It is not for you to make that determination.

16 MR KAMARA: We will wait until the end of --

17 JUDGE ITOE: I don't know where we are.

18 JUDGE THOMPSON: Counsel, it seems as if you yourself are
19 not assisting us to understand the issues, because you engage in
15:47:52 20 the dialogue with him and both of you get argumentative with each
21 other. I don't even know what the answer is, and on an issue
22 which may well be so contentious. So if we lose the trend, then
23 we lose a very important part of the evidence.

24 MR KAMARA: Yes, My Lord.

15:48:14 25 JUDGE THOMPSON: That's why I posed the question, when he
26 gave that answer, I was a little intrigued how he could be so
27 certain, but we didn't have a chance to put in context what you
28 had asked. Take it slowly.

29 MR KAMARA: Yes, My Lord.

1 JUDGE THOMPSON: If it is such a very contentious issue for
2 you from the Prosecutor's perspective.

3 PRESIDING JUDGE: And please try to avoid argumentive
4 arguments with the witness, as such.

15:48:47 5 MR KAMARA: Yes, My Lord.

6 Q. If I take the witness back to the question I asked:
7 whether you know Musa Junisa was answerable to Chief Hinga
8 Norman, you denied. You said he was not answerable to
9 Chief Hinga Norman?

15:49:03 10 A. Yes, I did.

11 Q. I showed you Exhibit 148, a letter addressed to
12 Chief Norman, reporting on activities in Tongo and also asking
13 for advice on the operational intention and programs for Tongo,
14 Kenema and Njaiama Nimikoro?

15:49:41 15 A. You did, yes.

16 Q. Then I went further to ask: having read those paragraphs,
17 would you agree with me that Musa Junisa was now answerable to
18 Hinga Norman?

19 A. I said no.

15:49:54 20 Q. You said no. The reason you gave -- am I moving too fast,
21 My Lord? Can you give the reasons again?

22 JUDGE THOMPSON: Yes, that's where we got lost. I got up
23 to the point where he virtually said, notwithstanding the
24 exhibit, he was sticking to his position that, in fact, Junisa
15:50:16 25 was not answerable to Chief Norman at the time.

26 MR KAMARA: Yes.

27 Q. Can you give the answer for --

28 JUDGE THOMPSON: The reasons.

29 THE WITNESS: I started by saying that, in the first place,

1 Musa Junisa had never --

2 JUDGE THOMPSON: Slowly, please.

3 THE WITNESS: Up to the time of writing that letter,

4 Musa Junisa had not met Chief Hinga Norman. Secondly, the

15:51:06 5 office, commander-in-chief SL CDF, Zone 2, front line is not

6 correct, Dodo and Lower Bambara chiefdom.

7 MR KAMARA:

8 Q. Hold it there. That's not part of your answer.

9 PRESIDING JUDGE: I don't understand your comment,

15:51:25 10 Mr Kamara.

11 MR KAMARA: He's proffering a new answer.

12 THE WITNESS: No, you interrupted me when I was talking.

13 PRESIDING JUDGE: He was asked to give the reasons why.

14 MR KAMARA: Sorry. I thought we were regurgitating the

15:51:37 15 evidence.

16 JUDGE THOMPSON: No, he's testifying.

17 MR KAMARA: I'm sorry, My Lord.

18 JUDGE THOMPSON: Evidently, truthfully, that's what we

19 expect. Let him tell us why, even if he expands on what he said

15:51:52 20 before. Let's have the truth.

21 PRESIDING JUDGE: The question that was put to the witness

22 now is: would you please tell us what the reasons were?

23 MR KAMARA: Yes.

24 PRESIDING JUDGE: And he's going through that.

15:52:02 25 JUDGE THOMPSON: [Microphone not activated] the office of

26 and then you --

27 MR KAMARA:

28 Q. Continue, Mr Witness.

29 PRESIDING JUDGE: Yes, Mr Witness.

1 THE WITNESS: Yes, I was saying in addition, the office
2 there, commander-in-chief SL CDF, Zone 2 front line, Dodo and
3 Lower Bambara Chiefdom is incorrect.

4 PRESIDING JUDGE: What do you mean by that?

15:52:35 5 THE WITNESS: In the sense that the zone 2 front line does
6 not only consist Lower Bambara and Dodo Chiefdom.

7 PRESIDING JUDGE: Yes. So these are the reasons?

8 THE WITNESS: Yes, those two are the reasons. The zone 2
9 front line actually included eight chiefdoms, not all of them in
15:53:44 10 Kenema District, some out of Kenema District.

11 MR KAMARA: My Lords, can I proceed?

12 PRESIDING JUDGE: Yes.

13 MR KAMARA:

14 Q. Mr Witness, before I abandon that document, could you
15:54:15 15 explain to this Court how that issue of zone 2 relates to
16 Musa Junisa and Hinga Norman?

17 A. Because Musa Junisa is claiming here to be
18 commander-in-chief of SL CDF and, in so far as my knowledge of
19 things within that time frame are concerned, Chief Norman had not
15:54:39 20 or any other authority had not appointed a commander-in-chief for
21 SL CDF at that point in time.

22 Q. I will leave that issue, even though it does not answer the
23 question.

24 PRESIDING JUDGE: Before you proceed, I need to make a
15:55:02 25 correction. I gave exhibit number 148 to this document. It
26 should have read 147. There was a misreading of the number of
27 exhibits. We were at Exhibit 147 and not 148. Please modify
28 your notes accordingly. Thank you.

29 MR KAMARA:

1 Q. In your evidence this morning, you mentioned that you
2 were --

3 JUDGE ITOE: What you're saying, are you contesting the
4 position of Musa Junisa? The position he arrogates himself that
15:55:43 5 he was a commander-in-chief of zone 2?

6 THE WITNESS: SL CDF.

7 JUDGE ITOE: Because Mr Norman had not yet appointed one.
8 What are you saying, really, Mr Witness?

9 THE WITNESS: I am saying Chief Norman or any other
15:55:57 10 authority had not appointed a commander-in-chief of SL CDF in
11 zone 2.

12 JUDGE ITOE: Zone 2?

13 THE WITNESS: Yes.

14 MR MARGAI: My Lord, I think he did say that zone 2
15:56:12 15 comprised eight chiefdoms.

16 THE WITNESS: Eight chiefdoms, and not two.

17 PRESIDING JUDGE: It did comprise Dodo and Lower Bambara
18 Chiefdom, plus others.

19 THE WITNESS: Six others.

15:56:28 20 PRESIDING JUDGE: Six more, yes.

21 MR KAMARA:

22 Q. Just a question that has been provoked by the one raised by
23 learned Justice Itoe. If that appointment were to be made, who
24 would have made that appointment?

15:56:45 25 MR JABBI: Objection, My Lord.

26 PRESIDING JUDGE: Objection to what?

27 MR JABBI: That is a clearly highly speculative question,
28 My Lord. If that appointment had been made, who would have had
29 to make that appointment?

1 PRESIDING JUDGE: Mr Kamara?

2 MR KAMARA: My Lord, I will rephrase.

3 PRESIDING JUDGE: Very well. Go ahead.

4 Q. Now, Mr Witness, who would make an appointment to that
15:57:20 5 position?

6 A. In answering your question, I would first of all say that
7 commander-in-chief, such offices did not even exist.

8 Q. The issue is not in existence --

9 A. I'm trying to answer your question. I'm only starting.

10 Q. Wait.
15:57:43

11 PRESIDING JUDGE: We're still talking of November 1997,
12 Mr Witness.

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: You say commander-in-chief did not exist
15:57:58 15 at that time?

16 THE WITNESS: It was not that there was an office into
17 which you had to put somebody, that's what I'm trying to say.

18 PRESIDING JUDGE: If it is not an office, the title, the
19 name, the position, whatever it is.

15:58:13 20 THE WITNESS: I believe Musa Junisa just arrogated that to
21 himself and wrote this letter.

22 JUDGE THOMPSON: In other words, what you're saying, what
23 we have here is you're alleging is a fiction?

24 THE WITNESS: I beg your pardon?

15:58:39 25 JUDGE THOMPSON: Are you alleging this is a fiction, what
26 we have in that exhibit in terms of a position?

27 THE WITNESS: The position commander-in-chief SL CDF, yes,
28 is fictitious.

29 JUDGE THOMPSON: Is it fiction?

1 THE WITNESS: Yes.

2 JUDGE THOMPSON: In other words, the document --

3 THE WITNESS: No, the document itself is signed by
4 Musa Junisa and I recognise the signature because I have worked
15:58:54 5 for him for a very long time.

6 JUDGE THOMPSON: Yes, but that part of it is telling a lie
7 about itself; is that your testimony?

8 THE WITNESS: Yes.

9 PRESIDING JUDGE: He's boasting about his position and rank
15:59:05 10 at the time, his role; this is what you're saying?

11 THE WITNESS: Yes.

12 MR KAMARA: Thank you, Your Honours.

13 Q. Mr Witness, let me take you to the Kenema crime base.

14 A. Kenema.

15:59:32 15 JUDGE ITOE: There is a question you put on the floor here:
16 who would have made such an appointment if it existed? Are you
17 abandoning that?

18 MR KAMARA: No, My Lords, I forgot about it when the
19 question [indiscernible].

15:59:40 20 JUDGE ITOE: My records are floating, you know, somewhere.

21 MR KAMARA: I have it here as well.

22 MR JABBI: My Lord, I objected to that question.

23 JUDGE ITOE: And he rephrased it and you did not object.

24 MR JABBI: My Lord --

15:59:52 25 JUDGE ITOE: He rephrased it and you did not object.

26 MR JABBI: The answer that the witness gave disposed of
27 that question. The witness is saying -- he has already said that
28 such a position did not exist for appointment to be made to it.
29 So the question of whether an appointment were made to it or who

1 could have made the appointment, My Lord, doesn't arise at all if
2 the position did not exist, according to the witness.

3 JUDGE THOMPSON: The witness did agree that it is a
4 fiction, that that part of the document carries a fiction.

16:00:30 5 THE WITNESS: Yes, I did.

6 JUDGE THOMPSON: So we're not dealing with reality here.

7 PRESIDING JUDGE: And therefore we would move into the
8 realm of hypothetical scenarios, so it did not exist.

9 MR KAMARA: The position as to the commander-in-chief?

16:00:51 10 PRESIDING JUDGE: Indeed. This is the evidence of the
11 witness.

12 MR KAMARA: That's his evidence, yes.

13 Q. Now, I'm taking you to Kenema. You gave evidence that you
14 knew about the planning of the Kenema attack; is that not so?

16:01:12 15 A. You have to be specific.

16 [CDF04MAY06E - SV]

17 Q. The Kenema attack of February, early February?

18 A. Which year?

19 Q. 1998, by the Kamajors?

16:01:30 20 A. There was no Kamajor -- please be specific.

21 Q. How more can I be specific? February 1998, Kamajor attack
22 on Kenema.

23 A. Okay, go ahead.

24 MR JABBI: My Lord, there again, objection. It is not true
16:01:52 25 that evidence has been given by this witness to that effect. The
26 evidence of the witness was that they were away, on their way to
27 Kenema and found it taken. He did not talk about the planning.
28 Thank you, My Lord.

29 MR KAMARA: My Lord, I will refer my learned friend to the

1 transcript of 3rd May 2006 at page 30 where the witness said, "We
2 learned that the Kamajors had entered Kenema already by
3 mid-February."

4 MR JABBI: My Lord, is that not confirming what I have just
16:02:43 5 said?

6 PRESIDING JUDGE: Yes, but that does not preclude the
7 Prosecutor from asking a question about the planning of that
8 attack.

9 MR JABBI: Yes, but he did not give evidence. The
16:02:53 10 Prosecutor said, "You have given evidence about the planning."
11 What I'm saying is that the witness did not give evidence about
12 the planning.

13 JUDGE THOMPSON: But that does not disentitle the
14 Prosecution to put that question under cross-examination, does
16:03:07 15 it?

16 MR JABBI: My Lord, if the preface to his question is that
17 the witness has given such evidence --

18 JUDGE THOMPSON: All right, conceding that, is he precluded
19 from putting a question about planning under cross-examination?

16:03:17 20 MR JABBI: He may put a question about planning if he does
21 not presume in the question that the witness has given evidence
22 in that respect.

23 JUDGE THOMPSON: I am not quarrelling with you on that.

24 PRESIDING JUDGE: But I am quarrelling with you on the fact
16:03:28 25 that this is not the question. The question was -- the
26 Prosecutor said, "I will be asking you a question now about the
27 planning of the Kenema attack in February of 1998." Then the
28 questions came from the witness, "What do you mean the attack in
29 February 1998?" So that was not the question the way it was put.

1 MR JABBI: My Lord, what I am saying is the Prosecutor's
2 statement was, "You have given evidence about the planning."
3 That is what he said.

4 PRESIDING JUDGE: Well, maybe. If that was the case, I
16:03:58 5 misunderstood that question.

6 MR JABBI: That is exactly what he said, My Lord.

7 JUDGE THOMPSON: Perhaps counsel for the first accused
8 should concede that there is a wide latitude in cross-examination
9 which the Defence always enjoyed so much all the time. So not to
16:04:17 10 afford the same latitude to the Prosecution would violate the
11 principle of equality of arms.

12 PRESIDING JUDGE: Mr Prosecutor, you may proceed.

13 MR KAMARA: Thank you, My Lord.

14 Q. Mr Witness, are you aware of the planning for the Kenema
16:04:42 15 attack of February 1998?

16 A. The planning, no.

17 Q. And you gave evidence that while you were at Gendema you
18 learnt that Kamajors had entered Kenema; is that so?

19 A. Yes, I did.

16:05:36 20 Q. And when thereafter did ECOMOG enter Kenema?

21 A. A couple of days after.

22 Q. Could you give an estimate?

23 A. Three days.

24 Q. About three days?

16:06:06 25 A. About three days.

26 Q. So for three days the Kamajors were in charge of Kenema
27 independently?

28 A. Yes, they were.

29 Q. You also gave evidence that when you entered Kenema you

1 observed a lot of Kamajors in the township?
2 A. Yes, I did.
3 Q. And that everyone was just roaming about?
4 A. Yes, I did.
16:07:00 5 Q. Mr Witness, you said you were administrator of Kenema
6 District in 1998?
7 A. Yes, I did.
8 Q. What time in 1998?
9 A. I think the election was held in May.
16:08:00 10 JUDGE ITOE: You're referring to the election where you
11 were returned unopposed?
12 THE WITNESS: Yes.
13 JUDGE ITOE: Is that the election?
14 THE WITNESS: Yes.
16:08:22 15 MR KAMARA:
16 Q. And now as administrator of Kenema, are you aware of SS
17 Camp at that point in time?
18 A. Yes, I know SS Camp.
19 Q. Does it fall under your jurisdiction?
16:08:51 20 A. Yes.
21 Q. Who was the Kamajor that was in charge of SS Camp?
22 A. Again you would have to give me a time frame because --
23 Q. When you were administrator.
24 A. Lahai Fassah.
16:09:29 25 Q. Mr Witness, were you aware of the atrocities that had been
26 committed at SS Camp by Kamajors during that period such as
27 murder, unlawful detention?
28 A. No, I am not aware.
29 Q. You're not aware. Mr Witness, take a look at Exhibit 89.

1 Registry number 906. It is dated 26 December '98.

2 PRESIDING JUDGE: Mr Witness, you have been given a copy of
3 Exhibit 89?

4 THE WITNESS: Yes.

16:12:08 5 PRESIDING JUDGE: Fine. Thank you.

6 MR KAMARA:

7 Q. Mr Witness, let me draw your attention to page 3, paragraph
8 L. It reads: "Even though Mr Magonna denied killing anybody at
9 the SS Camp there are strong evidences, even within the Kamajor
16:13:35 10 groups, that he committed the act."

11 A. I've seen it.

12 Q. You've seen that. Is this your first time of seeing this
13 document?

14 A. Yes.

16:13:48 15 Q. It was addressed to you. Do you see there "CDF Kenema"?

16 A. I don't think it was addressed to me.

17 Q. It was copied to you?

18 A. Copied to our office, yes.

19 Q. But you never saw it?

16:14:03 20 A. I never received it.

21 Q. Mr Witness, I am suggesting to you that you're not telling
22 the truth. You've seen this document before.

23 A. I have not seen this document before. This document was
24 written by major -- Captain Abu Bakarr, the brigade intelligence
16:14:32 25 officer, and I am certain it was never submitted to our office,
26 our own copy.

27 Q. In that case, were you aware of the actions of KBK Magonna
28 as described in Exhibit 89?

29 A. You haven't given me the opportunity of reading the whole

1 document.

2 Q. I'm still on L.

3 A. On L -- I don't know. You must have gone through this
4 document. I would want to ask if there is any part of this
16:15:21 5 document wherein Captain Abu Bakarr actually gave the evidence
6 you are referring to in L.

7 PRESIDING JUDGE: Mr Witness, in fairness to you, you've
8 been asked to look at this document, you should take the time to
9 read it, because if they are to ask you questions about it you
16:15:38 10 should read it.

11 THE WITNESS: Yes, I was in the process of reading it when
12 he started asking me questions.

13 PRESIDING JUDGE: Very well. Take your time to read it,
14 please. And when you've finished, please let us know.

16:19:43 15 THE WITNESS: I'm through.

16 PRESIDING JUDGE: Thank you. Mr Prosecutor.

17 MR KAMARA: Thank you.

18 Q. Now that you've had time to go through the document, in
19 paragraph 5 the penultimate sentence reads:

16:20:02 20 "It was the decided that a board of inquiry involving CDF
21 representatives be instituted to investigate the matter.
22 The board of inquiry report which indicted Mr Magonna was
23 sent to the CDF headquarters and no action was taken
24 against him in order to forestall future occurrence."

16:20:34 25 Are you still saying you're not aware of any of this?

26 A. Yes, I still insist I was not aware and Captain Abu Bakarr
27 should have actually stated the names of the CDF people who were
28 on that board he's referring to.

29 Q. Let me take you to paragraph 7B . It says:

1 "Mr Magonna took up appointment as national task force
2 commander CDF Sierra Leone in September 1998 and since then
3 the law-abiding citizens of Kenema have seen no peace."
4 What's your reaction to that?

16:21:56 5 A. That's contrary to my own observations within that
6 particular period.

7 JUDGE ITOE: What did you say, Mr Witness?

8 THE WITNESS: The statements made by Captain Abu Bakarr in
9 this report are contrary to my observations within the same time
16:22:09 10 frame.

11 JUDGE THOMPSON: In other words, you disagree with that
12 finding? Is that what you're saying?

13 THE WITNESS: Yes, I disagree entirely.

14 JUDGE THOMPSON: With the finding in 7B?

16:22:24 15 THE WITNESS: That Kenema did not know any peace.

16 JUDGE THOMPSON: That's what you're saying.

17 THE WITNESS: Yes.

18 JUDGE THOMPSON: It's the entire finding you disagree with.
19 Mr Magonna took up appointment as national -- since then -- is
16:22:36 20 that the entire thing that you disagree with or part of that
21 finding?

22 THE WITNESS: The B, B.

23 JUDGE THOMPSON: Yes, that's what I'm saying, the entire B.

24 THE WITNESS: Yes.

16:22:47 25 JUDGE THOMPSON: Not just the first or second part. There
26 are two parts of B. So is it the whole finding that you disagree
27 with?

28 PRESIDING JUDGE: You disagree with the fact that Magonna
29 was the national task force commander CDF Sierra Leone in

1 September 1998?

2 JUDGE THOMPSON: You do not disagree with that.

3 THE WITNESS: No, I didn't.

4 JUDGE THOMPSON: What you disagree with is the second part.

16:23:17 5 THE WITNESS: Yes, "Since then the law-abiding citizens in
6 Kenema have seen no peace." That's the portion that's incorrect.

7 MR KAMARA:

8 Q. I referred you to paragraph L on page 3:

9 "Even though Mr Magonna denied killing anybody at SS Camp
16:24:17 10 there are strong evidences, even within the Kamajor groups,
11 that he committed the act."

12 A. You want my comment?

13 Q. Your response to that?

14 A. Yes. In my opinion, a thorough -- if a thorough job had
16:24:32 15 been done, then Captain Abu Bakarr and his team would have put --
16 proceeded to adduce the evidence that Mr Magonna did.

17 JUDGE THOMPSON: Counsel, what you're asking is whether he
18 agrees --

19 MR KAMARA: He agrees, yes, My Lord.

16:24:48 20 THE WITNESS: I don't agree.

21 JUDGE THOMPSON: -- with the findings in paragraph 7L.

22 THE WITNESS: I don't agree with it.

23 JUDGE THOMPSON: Because really it's not a question of what
24 would have been the preferred methodology in investigating or
16:25:01 25 conducting the inquiries. It is whether he agrees with what you
26 seem to be putting forward as the position that you accept.

27 MR KAMARA: Yes, My Lord. Yes, he said he disagreed. In
28 that same event, let the witness be shown Exhibit 115C.

29 PRESIDING JUDGE: You said 115C?

1 MR KAMARA: Yes, My Lord.

2 Q. Take a look at the highlighted paragraph. That document is
3 a United Nations document, the Sierra Leone Humanitarian Report.

4 A. Yes.

16:28:20 5 Q. That paragraph which reads:

6 "CDF: There are continuing reports of extortion,
7 lawlessness within the areas of Moyamba, Kenema and Bo.
8 Human Rights Watch has also documented several cases of
9 excessive use of brutality against suspected RUF rebels by
10 the CDF."

16:28:40

11 A. You want my comment?

12 Q. Yes, what's your response to that paragraph?

13 A. In the first place, this document is dated 7th August 2000
14 and I'm not so sure of the documents I'm dealing with.

16:29:01 15 JUDGE THOMPSON: Counsel, would you be specific in your
16 question, because really we don't want an analytical commentary
17 on the document.

18 MR KAMARA: Not at all.

19 JUDGE THOMPSON: You're putting a specific issue. Why not
16:29:11 20 put it in a specific way so that we have a specific answer,
21 because we don't want to spend the rest of the time here
22 analysing the authenticity of documents that have been tendered
23 in evidence. This witness is not giving evidence as an expert on
24 the authenticity or related aspects of documents.

16:29:36 25 MR KAMARA: This is a document, a United Nations document,
26 the Sierra Leone Humanitarian Situation Report.

27 JUDGE THOMPSON: Yes, but what you need to do --

28 THE WITNESS: How do I know?

29 JUDGE THOMPSON: I don't think these are the matters in

1 issue now.

2 MR KAMARA: Yes and I invited him to comment on the
3 specific paragraph and I read it.

4 JUDGE THOMPSON: That is what you should do. Otherwise
16:29:52 5 we'll spend the rest of the time here listening to analytical
6 commentary which we can have from the press, we can have from all
7 segments of society, and I don't think this is the purpose of
8 this kind of exercise. We're looking for evidence, facts, and
9 responses of witnesses to answers -- whether they agree or
16:30:11 10 disagree with the observation.

11 MR KAMARA:

12 Q. Mr Witness, you've heard the comments of His Lordship. I
13 didn't want to go into that, but coming from His Lordship, I
14 think it says it all. What is your response?

16:30:20 15 A. By 7th August 2000, what they have stated here on this
16 paper is, by all indications, contrary to the facts that were
17 obtaining in Kenema.

18 Q. So, in other words, you disagree?

19 A. Entirely.

16:30:45 20 MR JABBI: My Lords, I would not have liked to interpose at
21 this stage, but the witness seems to be emphasising the
22 historical date on the document, possibly indicating that it is
23 outside the period that he has been testifying about.

24 JUDGE THOMPSON: He can put that as part of his -- he can
16:31:09 25 say I disagree because of so and so.

26 THE WITNESS: I mentioned the fact that --

27 JUDGE THOMPSON: Yes. Because what we really -- I mean,
28 you would not encourage a witness to come and give an analytical
29 commentary here as to reliability issues here. That's for the

1 Court to decide. We decide what weight to attach to documents
2 that are in evidence as to their reliability, probative value and
3 all that.

4 MR JABBI: I agree with that entirely, My Lord.

16:31:36 5 JUDGE THOMPSON: The specific question put, "Do you agree
6 or disagree."

7 MR JABBI: My understanding of what he said, however, was
8 relating to time frame --

9 JUDGE THOMPSON: He can say he disagrees because of A, B, C
16:31:48 10 and D. I would be happy with that.

11 MR JABBI: My Lord, the structured mind of the --

12 JUDGE THOMPSON: I can assure you that I would not --

13 MR JABBI: The witness may not necessarily --

14 JUDGE THOMPSON: No, it's just to make things easy for us,
16:32:02 15 the judges. We have a mass of documents now so far.

16 PRESIDING JUDGE: But so there is no confusion either for
17 you or the witness, Dr Jabbi, this is 115C and the portion
18 highlighted on that page has been admitted in evidence and this
19 is part of the Sierra Leone Humanitarian Situation Report to the
16:32:24 20 UN. It's a UN document. This is for the period of 25 July to 7
21 August 2000. This is what they're saying about the situation:

22 "CDF: There are continuing reports of extortion and lawlessness
23 within the areas of Moyamba, Kenema and Bo." So this is what
24 they're saying. You say, Mr Witness, that you disagree with
16:32:50 25 that?

26 THE WITNESS: Entirely.

27 PRESIDING JUDGE: That's okay.

28 JUDGE ITOE: That that portion, that highlighted portion,
29 is not true?

1 THE WITNESS: Yes.

2 MR KAMARA: And the technical word there is "continuing
3 reports."

4 JUDGE THOMPSON: Counsel, you will leave that for address.

16:33:00 5 MR KAMARA: Yes, My Lord. It's for response to Mr Jabbi.

6 JUDGE THOMPSON: Sometimes you provoke these argumentative
7 responses.

8 PRESIDING JUDGE: So we are at 4.30. This is the usual
9 time for recess in the afternoon. We will break and come back
16:33:23 10 afterwards. Thank you. Court will recess.

11 [Break taken at 4.33 p.m.]

12 [CDF04MAY06F - EKD]

13 [Upon resuming at 5.05 p.m.]

14 PRESIDING JUDGE: Mr Prosecutor.

17:06:03 15 MR KAMARA: Yes, My Lord.

16 Q. Mr Koroma, will you tell this Court whether, between the
17 period of February 1998 to February of 1999, the first accused
18 did visit Kenema?

19 A. He did.

17:06:57 20 Q. Did he hold any meetings?

21 A. When he did, he did meet with members of --

22 JUDGE ITOE: Did he hold any meetings?

23 THE WITNESS: Yes.

24 MR KAMARA:

17:07:33 25 Q. Was one such meeting with the police of Kenema?

26 PRESIDING JUDGE: With whom?

27 MR KAMARA: The police. The police.

28 THE WITNESS: I can't recall that he ever did.

29 MR KAMARA:

1 Q. Do you recall whether he made any visits to SS Camp?

2 A. Yes.

3 Q. How many times, would you know?

4 A. I remember once.

17:08:40 5 Q. You recall once. Did you go with him to SS Camp?

6 A. Yes, I did.

7 Q. Mr Witness, are you aware of an occurrence book being kept
8 at SS Camp?

9 A. An occurrent book?

17:09:13 10 Q. Occurrence, occurrence. A kind of log wherein events are
11 entered?

12 A. No.

13 Q. Would you tell this Court what was the purpose of the visit
14 to SS Camp?

17:09:38 15 A. May I proceed?

16 Q. Sure.

17 A. As I have said earlier, I was with Chief Norman when he
18 visited SS Camp once. Also in attendance were the Regent chief
19 of Dama Chiefdom, Mohamed Bhonie Koroma, James C Kallon and

17:10:34 20 certain elders from Gaura Chiefdom. We went there to settle a
21 dispute. A dispute had arisen in Gaura Chiefdom in relation to
22 CDF. Because of the problems, James C Kallon, who was then
23 battalion commander, and the chiefs of Gaura Chiefdom, we had, as
24 I had related earlier, relieved him of the position of battalion
17:12:20 25 commander.

26 PRESIDING JUDGE: So what you are saying is that now
27 James C Kallon was the battalion commander?

28 THE WITNESS: No, he had been relieved of the position. We
29 had replaced him with Mohamed Bhonie Koroma. You remember there

1 was a problem in --

2 PRESIDING JUDGE: Yes.

3 THE WITNESS: I mentioned once. I had also mentioned that
4 we had James C Kallon locked up for one month. After his release
17:13:11 5 some Kamajors and certain people in Gaura Chiefdom again started
6 agitating that he should be replaced as battalion commander -- he
7 should be given back his position. So this debate was going on
8 until one day Chief Norman visited Kenema and it came to his
9 hearing. But at the same time a new Kamajor shrine has been --
17:14:30 10 had been established at Karnela. And both SS Camp and Karnela
11 are on opposite sides of the bridge, the Moa River Bridge.
12 Karnela is across the bridge going towards Zimmi and SS Camp is
13 on the side coming towards Kenema. Such a matter as I have
14 mentioned would have naturally been settled at the shrine in
17:15:42 15 Karnela, the shrine at Karnela. But Chief Norman did not want to
16 go across the bridge, because beyond that point was a little bit
17 dangerous. So we decided to hold a meeting at SS Camp, which is
18 why that particular meeting was held there.

19 MR KAMARA:

17:16:09 20 Q. Thank you for that. Now, Mr Witness, are you aware also
21 that SS Camp was a detention facility for the CDF?

22 A. No, it was a CDF checkpoint.

23 Q. Are you also aware that at SS Camp there was a huge pit, 25
24 to 35 feet deep, that was used to detain suspected rebels and
17:17:10 25 combatants?

26 A. No, I'm not aware that the pit you are referring to was
27 used to detain suspected rebel combatants or rebel collaborators.

28 Q. You know about the pit?

29 A. I know about the pit. I've seen the pit.

1 Q. There is evidence before this Court from TF2-201 that
2 ECOMOG Colonel Yayah Abu Bakarr showed this pit to one of your
3 commanders and said that it was the place where it was meant for
4 the treating and punishing of rebel collaborators.

17:18:19 5 A. I disagree with that entirely.

6 Q. Now, Mr Witness, do you know any commander by the name of
7 CO Ngaoujia?

8 A. Yes, I do.

9 Q. Was he under your command?

17:19:24 10 A. No.

11 Q. He was never under your authority; is that what you're
12 saying?

13 A. You're rephrasing the question. You said if he was under
14 my command, I said no.

17:19:41 15 Q. Was he under your authority?

16 A. In a sense, yes.

17 Q. Could you explain to this Court what you mean by "in a
18 sense"?

19 A. As long as he was a Kamajor and he was in Kenema District
17:20:03 20 at some point in time when I was administrator then I had some
21 amount of authority over him.

22 Q. Good. As administrator for the relevant period you have
23 given evidence, are you aware of an incident that CO Ngaoujia
24 broke the prison 's gate and forcefully removed from the prisons
17:20:38 25 one Mohamed Ngombulango?

26 A. I am not aware that CO Ngaoujia carried out such an act.

27 JUDGE ITOE: What is the name of the person he removed
28 again?

29 MR KAMARA: Mohamed Ngombulango. N-G-O-M-B-U-L-A-N-G-O.

1 Q. Are you aware that this Mohamed Ngombulango was a murder
2 suspect and that is why he was incarcerated?

3 A. I'm not aware that CO Ngombulango was a murder suspect.
4 All what I know about the case, the matter you are trying to
17:21:57 5 bring before the Court, I know that CO Ngombulango was arrested
6 by the police for having been in possession of some amount of
7 cannabis and the matter went to court and CO Ngombulango was
8 later sent to the state prisons. And on one morning I'm aware
9 that a group of Kamajors went and removed CO Ngombulango from the
17:22:52 10 state prisons, but I'm not aware that it was done by CO Ngaoujia.

11 Q. Well, thank you. I am putting it to you that it was
12 CO Ngaoujia.

13 A. That is incorrect.

14 PRESIDING JUDGE: You are not aware or are you saying it is
17:23:10 15 incorrect?

16 THE WITNESS: It is not correct.

17 PRESIDING JUDGE: Well, you just stated that you were not
18 aware that CO Ngaoujia was involved, but now you are saying it's
19 not correct. How can you say you're unaware and it's not
17:23:26 20 correct?

21 JUDGE ITOE: Were you there when he was released?

22 THE WITNESS: No.

23 PRESIDING JUDGE: I understand you're saying, it was a
24 group of Kamajors that went to do this.

17:23:34 25 THE WITNESS: Yes.

26 PRESIDING JUDGE: But the question is you say you are
27 unaware that Ngaoujia was there. If you are unaware, then you
28 are unaware. So you don't know what happened about him.

29 THE WITNESS: You see, an investigation was conducted and

1 there were suspects, people who were suspected of having been
2 involved in the whole matter, and the name of CO Ngaoujia never
3 came up. At least the police never identified CO Ngaoujia as a
4 suspect.

17:24:02 5 PRESIDING JUDGE: This is an investigation in the removal.

6 THE WITNESS: Yes, about the whole matter, yes.

7 MR KAMARA: My Lords, I crave your indulgence. I had no
8 intentions of wanting to use this document but, because of the
9 answer he has just given that the police never mentioned

17:24:27 10 CO Ngaoujia as being part of the investigation, I would like the
11 Court to take a look at this document, but I didn't make copies
12 because I never had intentions of wanting to use it. But this is
13 a police report --

14 PRESIDING JUDGE: Which is not in evidence at this moment.

17:24:44 15 MR KAMARA: It is not in evidence at this stage. I don't
16 have copies. That is why I am craving the indulgence of the
17 Court.

18 JUDGE THOMPSON: Why do you want us to look at it at this
19 point?

17:24:53 20 MR KAMARA: Because I am going to use it now.

21 JUDGE THOMPSON: If we don't know what your intention is in
22 terms of the document, if you spell out what your intention is --
23 in other words, what legal option are you adopting now. I mean,
24 I would resist the invitation to look at it at this stage.

17:25:11 25 MR KAMARA: My Lord, I will suggest to the witness then as
26 I did.

27 Q. Mr Koroma --

28 JUDGE ITOE: But if you want to tender the document at a
29 later stage you can make copies.

1 MR KAMARA: Yes, I will make copies at a later stage.
2 Unfortunately I wasn't intending to use it.

3 JUDGE ITOE: You should have foreseen this and taken
4 necessary steps to prepare for this eventuality.

17:25:42 5 MR KAMARA: Certainly, Your Honour. That is why I said I
6 crave the indulgence of the Bench for this one.

7 Q. Mr Witness, I am suggesting to you that the police did
8 mention or refer to CO Ngaoujia as being the man that forcefully
9 removed Ngombulango from the prisons and I have a document to
17:26:08 10 that effect.

11 A. Except you have got knowledge about something I was not
12 privy to in those days.

13 MR KAMARA: My Lord, I seek --

14 JUDGE THOMPSON: Do you know as a fact that they did not
17:26:22 15 mention him? Do you know as a fact. Fact of course meaning that
16 it can come to your knowledge either by direct evidence or
17 indirect evidence.

18 THE WITNESS: I have told this Court that I knew about the
19 matter police conducted. I was even -- I even gave statement to
17:26:41 20 the police and I know that some Kamajors also went to the CID and
21 made statements. I know CO Ngaoujia, but I know CO Ngaoujia was
22 not invited to go and make a statement.

23 JUDGE THOMPSON: But what counsel is asking is do you know
24 whether the police specifically mentioned him as -- did you say a
17:27:01 25 suspect?

26 MR KAMARA: Yes.

27 JUDGE THOMPSON: A suspect.

28 MR KAMARA: That he was the one that broke the prison gate.

29 JUDGE THOMPSON: In other words, the alleged perpetrator.

1 Do you know that as a fact or do you not?

2 THE WITNESS: No, I don't think that could just have been
3 verified in reports of that nature.

4 PRESIDING JUDGE: But, Mr Witness, you just testified when
17:27:21 5 I was asking you the question about you were saying that you were
6 unaware and you said the police never mentioned, in the
7 investigation, CO Ngaoujia. This is the state of your evidence.
8 You just said that. And now there is a question that the police
9 has a report you say, "I am not aware, I don't know of this
17:27:41 10 report." Well, you testified that you knew about a police report
11 and that the police report never mentioned that name. I am just
12 trying to follow your evidence and the logic of your evidence.

13 When I asked you that question, where you said that Ngaoujia was
14 not involved and I asked you, "How can you say that when you say
17:28:00 15 you were unaware" at that question and to that question you said,
16 "The police never mentioned in the investigation that CO Ngaoujia
17 was part of it" and this is your statement to this Court. And
18 now you are asked if you have seen this police report, you say,
19 "Well, I am not aware of the police report." I am trying to
17:28:19 20 follow the logic of what you are trying to say.

21 THE WITNESS: Maybe it's a question of language.

22 JUDGE THOMPSON: Perhaps it's also a question of
23 methodology.

24 JUDGE ITOE: And you are not very deficient in language.
17:28:34 25 The language is very good.

26 THE WITNESS: Thank you. Thanks for the compliment.

27 JUDGE THOMPSON: And it may also be a question of
28 methodology that perhaps you may not have a clear idea of what
29 sort of evidence is required of you here. What we are looking

1 for is evidence of the nature of direct evidence, things that you
2 yourself perceived using your five senses, or that you may have
3 come by indirectly, hearsay information and that kind of thing.
4 Perhaps you may be confusing evidence and opinion and arguments.
17:29:08 5 We are looking for facts here. So perhaps if you try to focus on
6 the facts as you know them, either directly or indirectly, and
7 leave the question of how you interpret them and your opinion and
8 what arguments you can put in response. It may be that is the
9 difficulty. Because really it is a question whether you know or
17:29:34 10 do not know that the police in fact did find, according to
11 counsel, that he was the alleged perpetrator.

12 MR MARGAI: My Lords, I'm sorry --

13 THE WITNESS: I'm a little bit confused about what is
14 happening.

17:29:51 15 JUDGE THOMPSON: So am I.

16 MR MARGAI: My Lords, there is evidence before this Court
17 that the witness was the CDF administrator in Kenema. I want to
18 believe that his answers are related to his knowledge occupying
19 that office at that time. Maybe this is where the --

17:30:13 20 JUDGE THOMPSON: I don't take issue with that. It is the
21 question of some slight equivocation here in terms of his
22 response. My learned brother, the Presiding Judge, did point
23 that out. What I am trying to say is that the way I'm gathering
24 it is that, somehow, some questions go to him and instead of
17:30:33 25 giving us a direct answer, where that is possible, or where it is
26 not possible some answer which relates to coming by the fact
27 through indirect knowledge, he tends to come with opinions or
28 some kind of analysis with how he wants the facts to appear.
29 That is what I am saying.

1 MR MARGAI: I agree with Your Lordship but that is totally
2 dependent upon the nature of the question.

3 JUDGE THOMPSON: Yes, sometimes. Not totally.

4 MR MARGAI: Sometimes, not totally. But when the
17:31:09 5 Presiding Judge made mention of his testimony vis-a-vis the
6 police investigation, I believe that perhaps -- I am not here to
7 tell my learned friend what to do; I am sure he has conduct of
8 his case. But there may be a difference between the
9 investigation, which he himself said he went and made statement,
17:31:32 10 and a report following the investigation. It is only from this
11 document, which learned counsel said he may be tendering, that we
12 now know there was a police report.

13 JUDGE THOMPSON: Well, help me out. Is it so problematic
14 to answer the question do you know or do you not know whether the
17:31:54 15 police named X as the alleged perpetrator? What is so
16 problematic about that from your perspective? I stand to be
17 educated.

18 MR MARGAI: No, there is no problem about it because he was
19 quite emphatic in his first evidence that Ngaoujia was never
17:32:15 20 mentioned in the investigation.

21 PRESIDING JUDGE: That's right. His evidence was - and I
22 can quote you - "in the police report they never mentioned CO
23 Ngaoujia as part of it." This is his evidence.

24 MR MARGAI: With respect, My Lord, he never talked about a
17:32:34 25 police report. He said the police investigation. The report
26 only came up for the first time when learned counsel produced
27 that document.

28 THE WITNESS: Produced those papers, yes.

29 MR MARGAI: Please. That was the first time. I stand to

1 be corrected.

2 PRESIDING JUDGE: We will see. We will have the transcript
3 tomorrow morning. It is 5.30. It will be the right time to
4 adjourn and we will look at the transcript tomorrow morning. It
17:32:56 5 may be so. Mr Margai, you may be right and I may be wrong on
6 this.

7 MR MARGAI: I am just trying to be of assistance to the
8 Court. It is Dr Jabbi's witness. He should be doing what I'm
9 doing.

17:33:06 10 PRESIDING JUDGE: You should be thankful that I did not
11 come to you to say I should not hear from you.

12 MR MARGAI: Thank you, My Lords, thank you.

13 PRESIDING JUDGE: It is 5.30 and this is the normal time
14 where we adjourn. I understand you are in the middle of a
17:33:19 15 question, but that will give you the time to make copies if you
16 need them and we will take it from there tomorrow morning at
17 9.30.

18 MR KAMARA: Thank you, My Lords.

19 PRESIDING JUDGE: Court is adjourned to 9.30 tomorrow
17:33:30 20 morning. Thank you.

21 [Whereupon the hearing adjourned at 5.34 p.m.,
22 to be reconvened on Friday, the 5th day of May
23 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 141	3
Exhibit No. 142	4
Exhibit No. 143	7
Exhibit No. 144	24
Exhibit No. 145	26
Exhibit No. 146	32
Exhibit No. 147	91

WITNESSES FOR THE DEFENCE:

WITNESS: ARTHUR KOROMA	2
EXAMINED BY MR JABBI	2
EXAMINED BY MR KOPPE	33
CROSS-EXAMINED BY MR MARGAI	66
CROSS-EXAMINED BY MR KAMARA	77