

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

FRIDAY, 12 MAY 2006
9.45 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 Ms Andrea Marlowe (intern)
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Desmond de Silva Mr Joseph Kamara Ms Miatta Samba
For the Principal Defender:	Mr Lansana Dumbuya
For the accused Sam Hinga Norman:	Dr Bu-Buakei Jabbi Mr Alusine Sesay Ms Claire da Silva (legal assistant)
For the accused Moinina Fofana:	Mr Arrow Bockarie
For the accused Allieu Kondewa:	Mr Yada Williams Mr Martin Michael (legal assistant)

1 [CDF12MAY06A - RK]
2 Friday, 12 May 2006
3 [Open session]
4 [The accused present]
09:37:59 5 [The witness entered court]
6 [Upon commencing at 9.45 a.m.]
7 PRESIDING JUDGE: Good morning, counsel. Good morning,
8 Mr Witness.
9 THE WITNESS: Good morning all.
09:45:51 10 PRESIDING JUDGE: Dr Jabbi, are you ready to proceed with
11 your next witness?
12 MR JABBI: Yes, My Lord.
13 PRESIDING JUDGE: This witness is giving evidence in Mende,
14 I understand.
09:46:02 15 MR JABBI: Yes, My Lord.
16 PRESIDING JUDGE: Thank you. I just want to make sure that
17 the witness has indeed the proper interpretation. Mr Witness, is
18 this --
19 THE WITNESS: Yes.
09:46:16 20 PRESIDING JUDGE: Is this being translated to you in Mende
21 now?
22 THE WITNESS: Yes, I am hearing.
23 PRESIDING JUDGE: Dr Jabbi, your witness, please.
24 MR JABBI: Thank you, My Lord.
09:46:38 25 PRESIDING JUDGE: But we will proceed to take the oath of
26 the witness first.
27 WITNESS: HAROUN ARUNA COLLIER [Sworn]
28 [Witness answered through interpreter]
29 EXAMINED BY MR JABBI:

1 Q. Good morning, Mr Witness.
2 A. Good morning.
3 Q. I would like first of all to tell you when you are giving
4 your answer to talk as slowly as possible.
09:47:32 5 A. Okay.
6 Q. When you say something, it will be interpreted in other
7 languages.
8 A. All right.
9 Q. You will also see ahead of you that the judges will be
09:47:56 10 writing down what you are saying.
11 A. Okay.
12 Q. So allow a little bit of time before you make the next
13 statement.
14 A. Okay.
09:48:16 15 Q. So if we may start. Can you tell the Court your full
16 names?
17 A. My name is Haroun Aruna Collier. My alias is Hardway.
18 MR JABBI: Hardway, as in English.
19 Q. Do you know when you were born?
09:49:03 20 A. Yes. I was born on 5th March 1973. That was when I was
21 born.
22 Q. Where do you live at present?
23 A. I live currently at Bonthe District, Talia Yawbeko
24 Chiefdom.
09:50:00 25 Q. Any particular town or village?
26 A. I'm residing in my own small established village --
27 MR JABBI: P-A-P-A-H, My Lords.
28 THE WITNESS: -- called Papah. That is where I'm doing my
29 work.

1 THE INTERPRETER: Your Honours, may counsel allow the
2 interpretation to go on.

3 PRESIDING JUDGE: Indeed, Dr Jabbi. Just to remind you of
4 my comments to Mr Sesay, when the witness testifies you speak at
09:50:26 5 the same time. In fact, I did not hear what you were saying and
6 the interpreters are unable to do their work. Thank you for your
7 assistance.

8 MR JABBI: Yes, I just repeated the word "Papah".

9 PRESIDING JUDGE: But you said that when the witness was
09:50:47 10 giving evidence.

11 MR JABBI: Sorry, My Lord.

12 JUDGE ITOE: Is that the name of the village?

13 MR JABBI: That's what he said. P-A-P-A-H.

14 THE WITNESS: Yes, the village is called Papah.

09:50:55 15 JUDGE ITOE: P-A-P-A?

16 MR JABBI: H, My Lord.

17 Q. Is that where you have always lived?

18 A. I have lived there now for a very long time. I left there
19 for some time, but when we reach there, I will explain.

09:51:47 20 Q. Now, what work do you do?

21 A. I'm just a bush worker. I do mining and farming. I work
22 in the bush.

23 Q. And your marital status?

24 A. I am married to two wives.

09:52:33 25 Q. Any children?

26 A. Yes, I have 11 children.

27 Q. Apart from your farming and mining work, do you play any
28 other role or function in your chiefdom?

29 A. Yes. In that of my chiefdom there is as group called the

1 youth group. That youth group that is there, I am the liaison
2 officer in that youth group.

3 Q. Talia, where you say you have lived most of your time, was
4 it ever affected by this --

09:54:11 5 JUDGE ITOE: Talia for most of his time; he did not say so.
6 He said he has lived in Papah for a very long time.

7 MR JABBI: My Lord, I'm sorry. We normally say Talia
8 Yawbeko, meaning the chiefdom.

9 Q. You say you were living in Talia Yawbeko Chiefdom --

09:54:37 10 A. Yes.

11 Q. -- for most of your life?

12 A. Yes, I was in the Yawbeko Chiefdom and I have lived there
13 very long time. Our headquarter town is Talia. That is where we
14 have a big house. And besides that we have our own village that
09:55:07 15 is called Papah --

16 Q. Mr Witness, Mr Witness. I admonished you earlier to talk
17 slowly. So can you repeat all that you said just now, slowly,
18 please.

19 A. I said my home town is Talia Yawbeko. It is in the Yawbeko
09:55:34 20 Chiefdom, Bonthe District. In that Talia we have a big compound.
21 That is where I was. That is where I was when I was going to the
22 primary school. At present in that same Talia, in that same
23 Talia Chiefdom there is a small village called Papah. That is
24 where I currently reside. That is where I do my farming. You
09:56:07 25 asked me just now, I said I do bush work.

26 Q. Can you tell the Court if Yawbeko Chiefdom was ever
27 affected by the civil war in Sierra Leone?

28 A. Yes, this war that came to this country reached the
29 Talia Yawbeko Chiefdom. Initially these rebels that came into

1 this country in 1991, they came and settled in one town. That
2 town is called Tormabum. They crossed the river and entered into
3 Talia.

4 Q. In what chiefdom is Tormabum?

09:56:53 5 A. Bonthe Chiefdom, that Tormabum I am talking about.

6 Q. How far is that from Yawbeko?

7 A. I'm sure it would be up to 12 miles from Tormabum to Talia,
8 the chiefdom headquarters. The time that they went there, they
9 burnt house, they killed people. They looted a lot of property
09:57:28 10 like rice, golds, and other things. They gave them to civilians
11 to carry them to where they were settled, and, indeed, they
12 carried the loads to where they were, that is Tormabum. After
13 that, the other war, the soldiers came and dislodged the rebels
14 from Tormabum. They came again from the Matru Jong axis.

09:58:11 15 Q. Can you put a time frame to the arrival from Matru Jong,
16 the rebels arrival from Matru Jong area?

17 A. Yes, I can give a time frame. The time the rebels came to
18 Matru was between 1994 and 1995. That was when we came.

19 Q. Did they reach Talia at all?

09:58:46 20 A. Yes. They came from Matru and entered into Talia. First
21 when they came and looted people and burnt houses --

22 JUDGE ITOE: What was the year again? 1994?

23 MR JABBI: 1994, 1995, he said.

24 PRESIDING JUDGE: What is it we are talking about now?

09:59:06 25 THE WITNESS: Yes, 1994, 1995.

26 MR JABBI: He is talking about the second wave of rebels
27 coming to Talia.

28 Q. Yes, let us be brief about this.

29 A. When they came to Talia at that time, they looted property

1 and killed people and gave the property to civilians to carry
2 them to Matru. In fact, they were not satisfied with that. Next
3 time they -- the other time they came they even settled in the
4 town.

09:59:50 5 Q. When was that?

6 A. That time was early 1995 when they came and settled.

7 PRESIDING JUDGE: We're still talking of the rebels here?

8 MR JABBI: Yes, My Lord.

9 Q. Was anything done about the rebels settling in Talia in
10:00:09 10 1995?

11 A. Yes. When they came and settled, all of us were afraid of
12 them and we left the place. We went to Kalewanjama. That
13 Kalewanjama where we went --

14 Q. One minute, please.

10:00:33 15 MR JABBI: Kalewanjama, My Lords --

16 PRESIDING JUDGE: That's okay, Dr Jabbi. If we need your
17 help we will call. We will take it the way it sounds for now.

18 MR JABBI:

19 Q. Yes, you went to Kalewanjama. What happened?

10:00:49 20 A. We went to Kalewanjama. We were there and we heard about
21 an organisation called the Kamajor business. Mr Moinina Fofana,
22 and Mr Musa Kortuwai called Mr Allieu Kondewa and he came and
23 initiated the Kamajor society. That is what we met.

24 Q. What time was that?

10:01:16 25 A. 1995, still.

26 Q. Where was that?

27 JUDGE ITOE: Please, let us get this evidence clearly.

28 What is Fofana, what is Kondewa in this? What did Fofana do?

29 THE WITNESS: Mr Moinina Fofana and Mr Musa Kortuwai, their

1 hometown is Kalewanjama. They invited Mr Allieu Kondewa and he
2 came and Mr Allieu Kondewa started initiating the society in
3 Kalewanjama.

4 JUDGE ITOE: Who invited Kondewa?

10:02:09 5 THE WITNESS: The chiefdom people invited Mr Kondewa.

6 PRESIDING JUDGE: And who is Mr Fofana, what does he do at
7 that time?

8 THE WITNESS: He is one the senior-most elders in that
9 chiefdom, Moinina Fofana. And even Mr Musa Kortuwai, they are
10:02:28 10 one of the senior-most people in that chiefdom.

11 MR JABBI: My Lord, just to avoid confusion the witness has
12 given three names.

13 PRESIDING JUDGE: Musa Kondewa who is different than --

14 MR JABBI: No, My Lord, it's Musa Kortuwai. K-O-R-T-U-W-A
10:02:53 15 [phon], just to avoid confusing it with the --

16 PRESIDING JUDGE: Okay, thank you.

17 MR JABBI: So there are three names he has given;
18 Moinina Fofana, Musa Kortuwai and the chiefdom elders invited
19 Kondewa.

10:03:11 20 THE WITNESS: Yes. In fact, these three people I have just
21 named are also chiefdom people, chiefdom elders.

22 MR JABBI:

23 Q. Yes, and did the Kamajors do anything?

24 A. These Kamajors came with our chiefdom elders, like MT
10:03:43 25 Collier. They told these people that, "Please, empower our own
26 children to go and help" --

27 THE INTERPRETER: Your Honours, may the witness go over his
28 last answer.

29 MR JABBI:

1 Q. Mr Witness, please talk slowly. Continue talking slowly.

2 JUDGE ITOE: He is quite close to the microphone, which is
3 very good, but he shouts. It's not his fault, maybe it's the way
4 he talks.

10:04:12 5 MR JABBI: Maybe it is his perception of the size of the
6 room and the distance of the judges from him.

7 PRESIDING JUDGE: Maybe his microphone can be adjusted.

8 Mr Court Officer, can you see if maybe --

9 MR JABBI:

10:04:29 10 Q. Mr Witness, you will be heard clearly however low you talk
11 because the microphone takes it to everybody here. So don't talk
12 loudly because of distance, to cover distance. Just talk
13 normally.

14 PRESIDING JUDGE: That's okay, Dr Jabbi. We don't want to
10:04:50 15 refrain him from being able to talk his normal way.

16 MR JABBI:

17 Q. So was the initiation done?

18 A. Yes. At that time before they came -- before that started
19 initiation, Mr Lamina Gbo-Kambama went with the troop and
10:05:16 20 Mr Rufus Collier and they attacked Talia. They attacked the
21 rebels at Talia.

22 MR JABBI: Do I need to spell Gbo-Kambama? G-B-O -

23 K-A-M-B-A-M-A. Lamina Gbo-Kambama.

24 Q. Yes, what did Lamina Gbo-Kambama do, you said?

10:05:44 25 A. Lamina Gbo-Kambama took a group, together with
26 Rufus Collier, because Talia is his hometown as well, and they
27 attacked the rebels at Talia.

28 JUDGE ITOE: Gbo-Kambama and who?

29 THE WITNESS: Rufus Collier.

1 JUDGE ITOE: Took a group of Kamajors and attacked?

2 PRESIDING JUDGE: Talia.

3 THE WITNESS: May I proceed?

4 MR JABBI:

10:06:25 5 Q. Yes.

6 A. At the time Rufus Collier and Lamina Gbo-Kambama's group
7 attacked Talia, they captured the town from the rebels. After
8 the town had been captured we also brought our own group and we
9 reinforced them.

10:06:58 10 Q. What do you mean by "we," we brought our own group? What
11 group is that?

12 A. We, we, the children of that land. We came and reinforced
13 them. We helped them. We are also the indigents of that land.
14 We, the indigents of Yawbeko.

10:07:19 15 Q. This group of indigents who came and reinforced Rufus
16 Collier and Lamina Gbo-Kambama, were they also Kamajors, the
17 group of indigents you are talking about?

18 A. At the time we were fighting that war I had not been
19 initiated, but I was still amongst them fighting.

10:07:59 20 Q. Are you saying, Mr Witness, that you were fighting with the
21 Kamajors against the rebels before you ever joined the Kamajor
22 society?

23 A. Very well.

24 Q. Did you yourself ever join the Kamajor society?

10:08:33 25 A. Yes, I was initiated there with my whole body and soul.

26 Q. When was that?

27 A. At the time the chiefdom elders called these three people,
28 Mr Musa Kortuwai, and Mr Moinina Fofana and Mr Allieu Kondewa,
29 they came and said they were to start initiating and that the

1 initiations should be at Mokasi. The first batch of initiates --
2 I was among the first batch of initiates.

3 Q. What is Mokasi?

4 A. Mokasi is in the Yawbeko Chiefdom. It is not far from
10:09:28 5 Talia. It is just about three miles away from Talia. It's a
6 town called Mokasi.

7 Q. And when was that initiation, do you remember?

8 A. Yes, I can remember. Mr Kondewa's first initiation when he
9 came to that land was done on November 24th, 1995. Sorry,
10:10:09 10 December 24, 1995. December 24, 1995.

11 Q. And you say you went into it with your whole being?

12 JUDGE ITOE: The whole what?

13 JUDGE THOMPSON: Whole body and soul.

14 JUDGE ITOE: Body and soul. He said he went there with his
10:10:43 15 whole body and soul, not being.

16 THE WITNESS: Yes.

17 JUDGE THOMPSON: He made the distinction. I think he
18 wanted to emphasise that distinction.

19 MR JABBI: Yes, My Lord.

10:11:00 20 THE WITNESS: May I proceed? The time we went there, all
21 the chiefdom elders gathered together and they asked that people
22 should give names for them to be initiated. And at that time the
23 chiefdom elders, if they were to give people, they would have to
24 screen people to make sure that these people were not bad people,
10:11:31 25 they were not criminals and that the person had had no bad
26 records.

27 MR JABBI:

28 Q. Mr Witness, please talk slowly. Slowly. Make sure that
29 your statements are interpreted before you make the next one.

1 And also be looking at the pen on the high bench so that when
2 they are shaking, you wait until they are steady. Yes, please go
3 over that.

4 A. At that time all the chieftom elders gathered together and
10:12:21 5 took names. At the time they were taking these names, they would
6 select and screen. If someone had had a bad record, you will not
7 be taken.

8 PRESIDING JUDGE: Dr Jabbi, these are matters that we are
9 quite familiar with. Unless there is some aspect that you think
10:13:03 10 the Court should be made aware of, can we move ahead?

11 MR JABBI: There is, My Lord.

12 PRESIDING JUDGE: Okay.

13 MR JABBI: Thank you, My Lord.

14 Q. Yes?

10:13:16 15 A. They will not just select people like criminals, someone
16 who had bad records.

17 JUDGE ITOE: We are satisfied with that. We are satisfied
18 with that.

19 MR JABBI:

10:13:31 20 Q. Who did this selection?

21 A. The chieftom people. They were doing the selection. If
22 you had a bad reputation at all you would never be selected at
23 all.

24 JUDGE ITOE: We have heard about that.

10:13:44 25 MR JABBI:

26 Q. Then what would happen? What happened next?

27 A. After the selection they would send you to the initiator.
28 They would pay for your initiation.

29 Q. Mr Witness, remember to talk slowly and wait to hear your

1 own interpretation and also the writing on the high bench,
2 please. Yes, after the chieftom people or elders have selected,
3 what happened next?

4 A. They will be initiated -- the parents of the initiator
10:14:32 5 would pay some subscriptions for them. After paying the
6 subscriptions, when the initiator would have been ready now to do
7 the initiation, he would also do his own form of screening
8 through his mystical powers.

9 Q. How did he do this?

10:15:02 10 A. You will be in a queue and he will take out something and
11 put it in his hand, called moye and he will put something on it
12 and put another thing on it called sent and he will squeeze it.
13 He will smear it on the foreheads of people and if you are a bad
14 person, that moye will be smeared on your forehead and you will
10:15:56 15 be removed and sent to the back. But if it sticks, then you will
16 be declared fit and you will be selected to be initiated into the
17 society. Can I proceed?

18 PRESIDING JUDGE: Yes.

19 THE WITNESS: If that happens, then he has done his own
10:16:18 20 form of selection. He has done his own form of screening.

21 MR JABBI: Thank you.

22 Q. Any other thing?

23 A. Yes, there is another thing. After he had completed the
24 screening, he would take all of you into the initiation bush. He
10:16:52 25 will stand on something of a higher height, so he himself would
26 be at a higher altitude. Then he will admonish you. May I
27 proceed?

28 PRESIDING JUDGE: Yes.

29 MR JABBI:

1 Q. Yes.

2 A. These are some of the admonitions. Firstly, I was
3 initiated by Mr Kondewa who said, "Please take care of yourself."
4 May I proceed?

10:17:26 5 Q. Just give us a few examples of the admonition, even if not
6 all.

7 A. Yes, I will just have to summarise. He also told us that
8 we should not see a naked woman; we should not touch a woman; we
9 should not have sex with women whilst the war is on; we should
10:17:52 10 not amputate and kill innocent people; we should not burn houses;
11 we should not loot. Because those civilians were the ones we
12 were fighting for. If we did bad to them, then we will die in
13 the war. He would give us several other admonitions, but now
14 that you have asked me to summarise, that is just what I've done.

10:18:31 15 PRESIDING JUDGE: Yes, Dr Jabbi, please.

16 MR JABBI:

17 Q. Did he say what would happen if you went against those
18 rules?

19 PRESIDING JUDGE: He just said so, they would die in the
10:18:44 20 war.

21 MR JABBI: I did not catch that.

22 THE WITNESS: I think I have explained that. He said you
23 will die in the war.

24 PRESIDING JUDGE: Yes, you did, thank you.

10:18:53 25 MR JABBI: Yes.

26 THE WITNESS: May I proceed?

27 MR JABBI:

28 Q. Just a minute, Mr Witness. Now, obviously you were then
29 initiated into this society, were you, after the admonitions?

1 A. Yes. After the initiation, even after we had graduated, he
2 would still give us these admonitions. After giving these
3 admonitions, now that you said I should just summarise, even
4 after we had been graduated -- we graduated, they still admonish
10:19:44 5 us in the presence of other people, a large crowd of people.
6 Several people would be dancing, together with their initiates.
7 The whole chiefdom would be gathered together, the paramount
8 chiefs and several people, our wives and the our children. We
9 would be there dancing, jubilating. Then he would also stop that
10:20:14 10 dancing and go on a platform and go over these same rules and
11 admonitions again. After he would have completed, the person who
12 was lazy between us, the civilians and these people, like, for
13 example, Mr Moinina Fofana, Mr Musa Kortuwai and the chiefdom
14 elders, we all gathered together, and Mr Musa Kortuwai and
10:20:50 15 Mr Moinina Fofana would also admonish us. They would also
16 admonish us in their own ways. Some of them would repeat what
17 Kondewa might have already said, and some of them would have
18 their own added to that. They would either talk about the
19 initiation and the rules to be kept.

10:21:27 20 Q. Now, Mr Witness, what do you say was the main purpose of
21 being initiated into the Kamajor society?

22 A. Main reason why I was initiated into the Kamajor society,
23 the man says too much of one thing is good for nothing.

24 MR JABBI: My Lord, I'm sorry to interject at this moment.
10:22:05 25 The witness made a statement and the interpreter has interpreted
26 it - a proverb, actually. I'm sorry, but the interpretation is
27 radically wrong.

28 PRESIDING JUDGE: Dr Jabbi, again, we have to go with what
29 you have from the interpreters. If you are to challenge the

1 quality of the interpretation, well, you do it. But we have to
2 trust the interpretations.

3 MR JABBI: My Lord [overlapping speakers].

4 PRESIDING JUDGE: You may ask the witness to repeat his
10:22:29 5 answer and ask the interpreters to interpret that.

6 MR JABBI: Thank you, My Lord.

7 Q. Mr Witness, you gave a proverb in Mende just now. Can you
8 say it again?

9 PRESIDING JUDGE: Slowly, please.

10:22:46 10 THE WITNESS: I said the Mende people have a parable saying
11 the same river will not let you to be taken out to be undressing
12 yourself every day.

13 MR JABBI: That's better.

14 Q. Yes, continue?

10:23:07 15 A. The time these people came, whenever they met with us, they
16 would take from us. We had something in our area called buwui.
17 When we normally face famine, that is what we eat, but even if
18 they see that in you, they saw that with us, they will take it
19 from us.

10:23:33 20 JUDGE THOMPSON: Mr Counsel, is your witness just out of
21 control?

22 MR JABBI: No, My Lord.

23 JUDGE THOMPSON: I thought examination-in-chief means that
24 you put questions and then you expect answers. It seems as if
10:23:42 25 when you give him the liberty to carry on, then he probably goes
26 on and on and on. He probably makes a speech or a little speech.
27 I'm sure that is not the way you want him to relay his evidence
28 to the Court, otherwise you just ask him to say all what you know
29 about what happened and then we listen to his speech.

1 PRESIDING JUDGE: Dr Jabbi, before you proceed ahead, I
2 would like the evidence of this witness to be a bit more focused.
3 These are certain matters that are in issue. I do not think this
4 question of initiation is in dispute at all, so please move ahead
10:24:22 5 and go to matters. I don't know what this witness is coming here
6 to testify about, obviously, much more than initiation. So
7 please take him there.

8 MR JABBI: With respect, My Lord, I have said that it is
9 for specific purposes the witness is reciting some of the things
10:24:38 10 he is reciting.

11 PRESIDING JUDGE: I've allowed you to do so, but I said
12 let's move ahead, Dr Jabbi.

13 MR JABBI: He is almost through with that now.

14 Q. Now, Mr Witness, please listen to questions and answer only
10:25:11 15 questions as they come, okay?

16 A. Okay.

17 Q. Now, finally on the issue of initiation, Mr Witness, what
18 was the main effect of initiation on the initiate?

19 JUDGE ITOE: Are you through with the purpose of
10:25:30 20 initiation?

21 PRESIDING JUDGE: Don't you think we know this? We've had
22 this, not only from this witness [Overlapping speakers].

23 MR JABBI: Wait, please. The judges are talking.

24 PRESIDING JUDGE: If this is an important matter, I'm
10:25:44 25 failing to see what it is at this juncture of the trial. I think
26 we know what the purpose is from the Kamajor society, unless this
27 witness is to bring a new dimension to it.

28 JUDGE THOMPSON: Yes. To add to that, we've heard this
29 also from other Defence witnesses. We may have heard this from

1 some Prosecution witnesses but, of course, that does not mean
2 that you agree with prior Prosecution witnesses' testimony on
3 that. I think we have heard it from other Defence witnesses
4 unless, as the Presiding Judge says, there is a new perspective
10:26:27 5 which the Court hasn't had the benefit of hearing.

6 MR JABBI: My Lord, it is just for the completion of his
7 narrative that I put that final question.

8 JUDGE THOMPSON: But completion too should avoid
9 repetition. We have complained about repetitiveness in
10:26:42 10 examination-in-chief and cross-examination. Anyway, I'll
11 restrain myself.

12 PRESIDING JUDGE: Proceed, Dr Jabbi.

13 MR JABBI: There is just the possibility of an unstated
14 dominant fact being construed as an absence of it in some
10:26:59 15 evidence, My Lord.

16 PRESIDING JUDGE: Dr Jabbi, you know our understanding on
17 this and you know what we expect. Please proceed.

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

19 Q. Now, Mr Witness, will you agree that you went through
10:27:21 20 initiation for the sake of protecting yourself in the war?

21 A. No, no, no. I was initiated into this -- that is what I
22 wanted to explain -- to protect me myself, my people, the
23 property of the civilians and the country itself, not just for me
24 alone. That is what I wanted to explain.

10:27:53 25 Q. Thank you, very much. Now having been initiated,
26 Mr Witness, did you in fact go into action as a Kamajor in any
27 encounter?

28 A. Yes, in fact, in the first place, just after our
29 initiation, we went to a village called Gbangbaya. It's in the

1 Bo District, Bagbo Chiefdom.

2 THE INTERPRETER: Gbangbalya -- interpreter's mistake.

3 PRESIDING JUDGE: Please proceed.

4 MR JABBI:

10:28:37 5 Q. Mr Witness, what is the name of the place?

6 A. Gbangbaya.

7 Q. What happened at Gbangbaya?

8 A. When we were going to Gbangbaya, there was one Mr Morie
9 Karimu, who was an old Kamajor. He took us to the place. We
10:29:10 10 went and met another old Kamajor called -- who was in Sengehun.
11 He was called Eddie Banister. He was based in Sengehun.
12 Together with his boys, we went and captured Gbangbaya and nobody
13 was hurt in that attack.

14 Q. Against whom were you fighting at Gbangbaya?

10:29:46 15 A. We fought against the rebels at Gbangbaya.

16 Q. Do you know when that was?

17 A. Yes. It was still in 1995. Just after our initiation,
18 that was when we went there, early January 1996. In fact, that
19 was when we went.

10:30:21 20 Q. Early January 1996?

21 A. Yes, that was when we went.

22 PRESIDING JUDGE: I would like to indicate to you,
23 Dr Jabbi, that we are still outside the scope of the allegations
24 against these accused, so only that you use that as some
10:30:40 25 background information is fine, but we'd like to get to matters
26 in issue. That's what I've been indicating to you.

27 MR JABBI: My Lord, I'm coming there very soon. I'm very
28 aware of that admonition, and I will endeavour to comply with it.
29 I will begin with that very soon, My Lord.

1 Q. Now, Mr Witness, can you tell the Court what sorts of
2 people were initiated usually into the Kamajor society?

3 PRESIDING JUDGE: I think he has been through it already.

4 MR JABBI: Sorts of people, My Lord. He has covered --

10:31:26 5 THE WITNESS: I did not get the question clearly.

6 MR JABBI:

7 Q. The question was: Can you tell the Court what sorts of
8 people were you usually initiated into the Kamajor society?

9 A. Yes, I can explain very well. At the time we went and
10:31:51 10 fought at Sengehun and everybody believed now that the initiation

11 was indeed a true thing. In the Bonthe Chiefdom the Sherbro
12 people also brought their own people to be initiated at Mokasi.

13 When they were coming there were boys amongst them, a lot of
14 them. When they reached to be initiated, Mr Musa Kortuwai,

10:32:25 15 Moinina Fofana and Kondewa said they would not agree because the
16 society was stronger than the chiefdom that they had brought.

17 The chiefdom people and the Yawbeko Chiefdom people spoke to the
18 initiators. But you know that the stranger can never be stronger

19 than his host. So Kondewa had to reduce the power of initiation
10:33:02 20 so that he could initiate those boys. So that if rebels attack a

21 town, even if boys are there, they would not be hurt by the
22 bullets, but they would not go to the war front. So they

23 accepted to initiate those Sherbro boys into that society.

24 In fact, after the initiation, when they returned to
10:33:26 25 Tormabum, they were just dancing the graduation dance when the

26 rebels attacked them. That heavy firing that was on, we were the
27 ones that went there to help them. None of the boys were hurt,

28 let alone dead. In fact, for that reason, myself sitting down
29 here, I allowed my own son to be initiated just for him to be

1 immunised against bullets. I saw that. It had happened.

2 JUDGE ITOE: Is he suggesting that children were initiated
3 into the Kamajor society?

4 MR JABBI: Yes, My Lord.

10:34:11 5 JUDGE ITOE: Is that what he's saying?

6 MR JABBI: Yes, My Lord, and why they were initiated.

7 PRESIDING JUDGE: To protect them from bullets. Yes,
8 Dr Jabbi, please.

9 MR JABBI:

10:35:01 10 Q. Yes, Mr Witness, after all this, did you go into service as
11 a Kamajor in the fighting?

12 A. Yes.

13 Q. Yes?

14 A. Just after I've left this thing that I have just explained,
10:35:26 15 I went to my uncle in Kangahun, Sacramento. I was there
16 fighting --

17 Q. What is the name of the uncle?

18 A. Sacramento.

19 Q. Where was he?

10:35:48 20 A. Kangahun, Moyamba District.

21 MR BOCKARIE: Sorry, Your Honours. I just want to get a
22 time frame of the initiation of the children. I want to know the
23 time.

24 THE WITNESS: The time these children were initiated --

10:36:18 25 JUDGE ITOE: But why should you look for it now. You have
26 the time to cross-examine. You have the time to cross-examine.
27 Let's be done with what the first accused's counsel is doing.
28 When it comes to your turn you can seek clarifications.

29 MR JABBI:

1 Q. Can you give a time frame for the initiation of those
2 children?
3 A. Yes.
4 Q. When?
10:36:52 5 A. 1996 was when they were initiated into that society. By
6 then we had already graduated. They were the second batch, 1996.
7 We graduated in December 1995.
8 Q. You were talking about going to your uncle, Sacramento, in
9 Kangahun. Can you explain your activities there?
10:37:27 10 A. When we went to Kangahun -- the town is not called Kangama,
11 it's called Kangahun.
12 Q. Kangahun?
13 A. Yes.
14 Q. What chiefdom is that, by the way? What chiefdom and what
10:37:40 15 district?
16 PRESIDING JUDGE: Moyamba District, he has said.
17 THE WITNESS: It's Moyamba District.
18 MR JABBI: My Lord, your geography of Sierra Leone is --
19 THE WITNESS: I think it's -- Kangahun is --
10:37:48 20 MR JABBI: His Lordship's geography of Sierra Leone, it
21 seems -- [Overlapping speakers]
22 JUDGE ITOE: No, no. The witness mentioned it here.
23 PRESIDING JUDGE: He had said so.
24 JUDGE ITOE: He said it here, right here.
10:38:02 25 THE WITNESS: Kangahun is Moyamba District.
26 MR JABBI:
27 Q. What were you doing in Kangahun?
28 A. I was there. My uncle was an initiator. I was fighting
29 there. I was leading warriors. We went there, we went and even

1 captured a town called Batbana. We went to another town called
2 Magbenka, and called Mabali, and also Camp 44, which was located
3 between -- along the border of Moyamba and Tonkolili District.
4 We went and cleared all of those places.

10:38:53 5 Q. How long did you stay in that area?

6 A. I took some time there, fighting those fights. We went
7 even as far as Koilo. We used to go there.

8 JUDGE ITOE: Please, let him take it over again, the
9 enumeration of the villages he said he captured. Just very
10:39:18 10 briefly.

11 MR JABBI:

12 Q. Can you again give the names of the places, some of the
13 places you said you took. You started with Pathbana [sic], I
14 think.

10:39:53 15 A. Batbana, Mabali, Camp 44, Magbenka, and others.

16 Q. And where did you say those places were?

17 A. In the Tonkolili and Moyamba Districts.

18 Q. How long did you stay in the Kangahun area?

19 A. In that Kangahun area, I was there 'til March.

10:40:37 20 Q. What year?

21 A. 1997. March, April I was there.

22 Q. Did you leave there ultimately?

23 A. Yes, I left there and came to Bo. I was at 82 Dambara
24 Road. After I had reached Bo, I was there when the May month --

10:41:19 25 when it was May. After some days I heard that the radio had
26 announced that Tejan Kabbah's government had been overthrown.

27 Q. What month was that?

28 A. It was in May that I heard that.

29 Q. Yes, what happened?

1 A. After that overthrow I didn't spend much time in Bo.

2 Q. Where did you go?

3 A. I did not take long, I went to Talia. Base Zero, Talia
4 Yawbeko. Because you have asked me to summarise.

10:42:14 5 Q. Roughly how long after hearing of the May 1997 coup did you
6 leave Bo for Talia?

7 A. It did not take long. Just after I heard about the coup, I
8 travelled. It was not actually on that day that I travelled, but
9 I travelled shortly after. Just two days afterwards I went to

10:42:53 10 Talia.

11 Q. Whilst you were in Talia did anything else happen?

12 A. Yes. When I arrived at Talia, just few days after, all the
13 chiefdom people, elders, met and had a very big meeting.

14 Q. Talk slowly, please. Watch the pens. Don't close your
10:43:15 15 eyes when you are talking.

16 PRESIDING JUDGE: Please proceed.

17 MR JABBI:

18 Q. Yes.

19 A. After that meeting, the first thing that was discussed,
10:43:42 20 they said, "These rebels or these soldiers, the juntas who had
21 overthrown, who have taken over this country, we the chiefdom
22 elders and the chiefdom people and all the Kamajors, we would
23 never accept their rule. That is why our Kamajors will fight
24 against them, because that government is not a reputable
10:44:20 25 government."

26 Q. Take your time, please. Did you attend that meeting
27 yourself?

28 A. Yes, we were in the meeting.

29 Q. Carry on, please; what happened at the meeting?

1 A. The first item that was discussed, that this our government
2 which we fought for, we voted for, these people have come and
3 overthrown it, no, we will not accept it. That is why our
4 warriors will fight against them until we see that Mr Tejan
10:45:31 5 Kabbah is brought back, who we voted for. We loved him, we put
6 him to that chair, he must go back to the throne. That was the
7 first thing that was discussed.

8 The second item -- may I proceed?

9 PRESIDING JUDGE: Yes, yes.

10:45:51 10 MR JABBI:

11 Q. Yes.

12 A. Second item, they said Mr Kamoh Lahai Bangura --

13 Q. Who was he?

14 A. He was an initiator as well, because at the time of the
10:46:15 15 overthrow, Mr Allieu Kondewa we learned he was not there. That
16 he was in this town. That, in fact, he was here when the coup
17 took place.

18 Q. Yes, what about Kamoh Lahai Bangura?

19 A. The chiefdom elders told him that, "You are our son, but
10:46:35 20 this thing that has just met us, all the initiates, please,
21 re-initiate them and do another -- a new initiation. But we are
22 not going to pay anything, just for us to forge ahead and fight."

23 The third item --

24 Q. Watch the pens, please.

10:47:08 25 PRESIDING JUDGE: Go ahead, go ahead, Dr Jabbi.

26 MR JABBI:

27 Q. Yes, the third thing in the meeting?

28 A. May I proceed? The third item in that meeting, we the
29 chiefdom people, the chiefdom elders in the Bonthe District,

1 representatives from all over the Bonthe District were in that
2 meeting. They said we should form a group and that group will be
3 there to protect the whole of the Bonthe District and the nearby
4 districts. May I proceed?

10:48:14 5 Q. Yes.

6 A. At the time we formed that group in that Talia's first
7 meeting, some people said -- okay, that group's leader was Borbor
8 Tucker, who is also known as Jegbeyama. Some people said that
9 group should be called Kasange Group. May I proceed? Some
10:48:55 10 others said we should call it Kpao-Jibila Group, the chiefdom
11 people.

12 MR JABBI: Kpao-Jibila, if you don't mind, My Lords.

13 K-P-A-O - J-I-B-I-L-A, Kpao-Jibila.

14 JUDGE ITOE: Was that the first name that he gave?

10:49:21 15 MR JABBI: [Overlapping speakers] no, he said some people
16 suggested --

17 JUDGE ITOE: Yes, various names, yes. What was the first
18 one?

19 MR JABBI: The first name was Kasange, K-A-S-A-N-G-E,
10:49:30 20 My Lord. Some others suggested Kpao-Jibila.

21 PRESIDING JUDGE: So this is the group to be led by Tucker?

22 THE WITNESS: Bob Tucker, Jegbeyama.

23 JUDGE ITOE: Dr Jabbi, I'm interested in one spelling now.

24 MR JABBI: Yes, My Lord. Kpao-Jibila, K-P-A-O -
10:50:03 25 J-I-B-I-L-A.

26 JUDGE ITOE: So others wanted you to you be called
27 Kpao-Jibila?

28 MR JABBI: Yes, My Lord.

29 THE WITNESS: Yes. May I proceed? The reason why we

1 should give Kpao-Jibila because he was a very reputable warrior
2 for that chiefdom of old.

3 JUDGE ITOE: Is this Kpao-Jibila who was the very reputable
4 warrior?

10:50:37 5 MR JABBI: That is what he was saying, My Lord.

6 THE WITNESS: May I proceed? Because we were not the only
7 chiefdom people who were in that group, this group -- because
8 there was a large crowd in it and they have all come from
9 different chiefdoms and we have all come together. For instance,
10:51:09 10 our boss was born in Jong.

11 Q. Which boss?

12 A. This Bob Tucker, Jegbeyama. Jong, Matru Jong. In Gambia,
13 he was born in Gambia. We refused to put our own name on that
14 group. May I proceed? Then the chiefdom people said: "If you
10:51:58 15 do not accept that, then go and hang heads and give us a name."
16 When we came, we hung heads and our boss said we should give it
17 the name Death Squad and that was what it was called 'til today.
18 That is how it was formed. It was the chiefdom elders, the
19 chiefdom people who formed it.

10:52:28 20 Q. Now, was it at the meeting that this group was formed, at
21 that meeting?

22 A. Yes, at that meeting, that Talia Yawbeko meeting. That is
23 where the name was given to it in the presence of so many people
24 and so many other senior Kamajors. It was a special group for
10:52:56 25 Bonthe District then.

26 Q. Now, you explained just now why the name Kpao-Jibila was
27 suggested for the group and why it was rejected. Can you say why
28 the name Death Squad was adopted for the group?

29 A. That is where I'm coming and that question, you are not the

1 only person who asked that question. Even our people asked that
2 question. They said, "Now, we are not literate. What does Death
3 Squad mean?" That is what they were saying. They said, "What
4 does Death Squad mean?"

10:53:45 5 Q. Please, take your time.

6 JUDGE THOMPSON: Try and control his lecture on that, this
7 time.

8 MR JABBI:

9 Q. Yes, what was the meaning of Death Squad? Why did you
10:54:18 10 adopt that name?

11 A. That Death Squad, the reason why we accepted it, those of
12 us who were in the Death Squad at that particular time when we
13 formed it in that barri where we met, we have been there before
14 when the Kamajor business had just come. We were not afraid.
10:54:38 15 Wherever there were soldiers and rebels, we would go there and
16 dislodge them.

17 PRESIDING JUDGE: Slowly. Slowly.

18 MR JABBI: Please talk slowly.

19 THE WITNESS: It is okay.

10:54:55 20 MR JABBI: [Overlapping speakers]

21 Q. And talk slowly, please.

22 A. It's okay, I'll control myself. It is my habit. It is
23 usual. First thing, this group that we were in, we were brave.
24 May I proceed? When they said there are warriors there, we would
10:55:18 25 not be afraid of them. We would go there and dislodge them. May
26 I proceed?

27 PRESIDING JUDGE: Go ahead.

28 MR JABBI:

29 Q. Yes, carry on.

1 A. Death was nothing to us as long as it was for protecting
2 our country. Then we had resolved that we would die for our
3 people and their property just to protect our country. Those
4 were the reasons why we called that group Death Squad.

10:56:07 5 Q. Now, according to you, Bob Tucker, Jegbeyama was appointed
6 as the head of that group. Were there any other people appointed
7 to any positions in that group?

8 A. Yes.

9 Q. Yes.

10:56:29 10 A. That I myself sitting here, I, Haroun Collier, also known
11 as Hardway, I was the front line commander. I would not allow my
12 boss to go to the front line. I would take the fighters there to
13 the front line. The other fellow he was called Ibrahim Nikon
14 Collier. He was my deputy. The other fellow he was called
10:57:31 15 Mr Yasim Collier. He was the secretary-general.

16 Q. Okay. Now, with respect to Bob Tucker, what was he before
17 this meeting?

18 A. Before that meeting, this Mr Jegbeyama, he was a Kamajor.

19 Q. Can you give me a rough idea of the time this meeting took
10:58:20 20 place?

21 A. Yes. This meeting was held -- those of us who were going
22 to lead this thing at that time that this overthrow took place
23 that was the time that we held that meeting. When the overthrow
24 took place, it was not long then we convened this first meeting.

10:58:40 25 And the other meeting was to take place in Tihun. It wouldn't be
26 Talia because Talia was such a far distance away.

27 Q. Just a minute please. Can you be a little clearer on the
28 time the first meeting took place, the one you have just
29 explained?

1 A. In Talia?

2 Q. Yes, that first meeting you have just explained where these
3 three items took place?

4 A. It took place in May, June 1997. That is when it took
10:59:21 5 place, around May, June 1997.

6 Q. Thank you. Did any other thing take place at that first
7 meeting?

8 A. Yes. When this group was formed and we dispersed,
9 everybody has accepted, they said we would all convene again at
10:59:50 10 Tihun, because Talia Yawbeko was such a far distance away. It
11 was to be held at night.

12 Q. Where was it to be held?

13 A. Tihun, in the Sogbini Chiefdom, Yawbeko District.

14 Q. What district?

11:00:14 15 A. In the Bonthe District, Tihun Sogbini Chiefdom.

16 Q. Yes, and what transpired at that second meeting?

17 A. At this meeting they said those of you who were not there,
18 this time people from Moyamba went. Those from Bo went, some
19 part of Pujehun went. Let's say the entire Southern Province we
11:01:02 20 all convened at Tihun. May I proceed?

21 [CDF12MAY06B - SV]

22 Q. Yes, please. Carry on.

23 A. At that time, when the Southern Province met at this
24 meeting in Tihun, everybody said we would not go under the
11:01:20 25 rebels. We said that government that we had voted for and had
26 been elected, it is that government that we would fight to bring
27 it back to power. That was why whatever we could do or to find
28 help, we would find those ways. So at that meeting that was what
29 transpired; that we would not accept at all to go under the

1 rebels.

2 Q. You said it was decided at that meeting that you would look
3 for help. Did you in fact look for help?

4 A. Yes. Some people at that meeting suggested that they had
11:02:12 5 known that Mr Norman was in Liberia, Monrovia. Then the -- may I
6 proceed?

7 Q. Yes.

8 A. Then they said while we are trying to reach Mr Norman, the
9 Death Squad should launch some operations just so that we might
11:02:56 10 get some fighting implements. We launched an operation at Mano
11 Tiama.

12 Q. Against?

13 A. The rebel juntas at Mano Tiama and Njala University
14 College. We ceased --

11:03:29 15 Q. [Overlapping speakers]. Sorry. Where was the group based
16 for these operations?

17 A. This, our group which we formed, we were based at Sumbuya
18 Junction. That was where we were based Bo Matru Road. That was
19 where we were based, Sumbuya Junction.

11:03:55 20 Q. What operations did you do [overlapping speakers]

21 A. We left there and launched an operation on Mano Tiama and
22 Njala University and seized a lot of arms and ammunition. We got
23 ammunition.

24 Q. Yes?

11:04:32 25 A. We got ammunition, up to 11 boxes, and RPGs, RPG tubes and
26 bombs, and AK-47s, LMG, HMG, GPMG, grenade launcher, tear gas
27 launcher, pistols and many others. After this --

28 Q. What did you do with these weapons and ammunitions captured
29 by you?

1 A. We brought all of them and handed them over to the chiefdom
2 elders that the mission they sent us on, this was what we got.
3 We handed them all to Talia Base Zero.

4 Q. To whom did you hand them over?

11:06:39 5 A. Chiefdom elders, those who sent us. They were the ones we
6 handed them over to.

7 Q. Do you know what happened to the weapons and ammunitions?

8 A. Yes. Those things -- those 11 boxes, they gave us three
9 and they distributed the others among the chiefdoms, those
11:07:28 10 chiefdoms which were close to us, and they gave us our guns and
11 they said we should go and base at Sumbuya Junction, and that was
12 where we were based defending the chiefdom.

13 Q. Again, Mr Witness, can you tell the Court roughly when
14 these exploits took place?

11:08:02 15 A. That one too I can explain. It was in the same 1997 that
16 all these things were happening.

17 Q. Any indication of when, as to month?

18 A. I can't tell. I can't say that one, but it was in the dry
19 season. I don't want to tell a month that would be a lie. May I
11:08:38 20 proceed?

21 Q. By that time was Mr Norman in Talia, by this time you are
22 narrating?

23 A. No, at that time, Mr Norman, Mr Fofana, Lumeh, they were
24 all not there. I'm coming to that.

11:09:16 25 Q. Yes, carry on.

26 A. When we have fought and fought and we were going to the
27 other chiefdoms and clearing there, the Bo District, Moyamba
28 District, then our ammunition went out. Then we told the
29 chiefdom people, we said, "Look, now our ammunition has been

1 exhausted. What can we do?" And they said they would hang
2 heads. After they had hung heads and they told us, they selected
3 three people, gave them money and they sent them to Monrovia to
4 Mr Norman. From what they said, when they went, they stopped at
11:10:19 5 Bo Waterside. May I proceed?

6 PRESIDING JUDGE: Yes.

7 MR JABBI:

8 Q. Yes.

9 A. When these people went, it took long and we did not see
11:10:33 10 them, and we did not get any missive from them nor any letter.
11 Then the chiefdom people selected some other people.

12 Q. How many other people were selected?

13 A. This time they sent two people. Sorry, three people. They
14 sent three people.

11:11:08 15 Q. With what objective?

16 A. When they were going -- in fact, they were going to
17 Mr Norman, but when they were going, they did not just take a
18 letter along. The chiefdom people recorded their voices on
19 cassette and they gave it to them for them to take to Mr Norman.

11:11:53 20 May I proceed?

21 Q. Yes, go on.

22 A. When they went, after two weeks a helicopter came and
23 landed at Talia.

24 Q. Now again can you tell the Court roughly when? What time
11:12:30 25 frame you are talking about now?

26 A. This time when Mr Norman came, it was in 1997 but I can't
27 remember the date - during that overthrow period. I can't
28 remember the date.

29 Q. Was that his first arrival in Talia?

1 A. It was the first time he came. That was the first day I
2 saw him. Most of us knew him on that day. Ever since that was
3 the first day.

4 JUDGE ITOE: Are you saying that is the first day he came,
11:13:18 5 or it was the first day you saw him?

6 THE WITNESS: The first day that he came and disembarked,
7 that was the first day that I saw him. May I proceed?

8 MR JABBI:

9 Q. Yes.

11:13:50 10 A. When he came, they disembarked from the helicopter and they
11 came to town. When they came to town, those people whom we had
12 sent, we saw them, and Mr Norman and Mr Moinina Fofana and
13 Mr Lumeh.

14 Q. Yes?

11:14:43 15 A. They introduced themselves and they asked if we had sent
16 for them and why we had sent for them. They said, "We have sent
17 for you. This man's government which they have overthrown, we've
18 not accepted."

19 Q. Mr Witness, you can summarise that area for Their Lordships
11:15:34 20 briefly.

21 A. Okay. They said that, "We have sent for you. These
22 people, the overthrow that they've done, we have not accepted.
23 That was why we sent the first set of people and recorded this
24 cassette for you to come. Now that you've come, that's the
11:16:03 25 situation."

26 Q. Yes?

27 A. He too said that, "Well, I got the message, I got the
28 letter, I read it. The recording that you made, I saw it and
29 read it. But for you to know that I have come, my boss Mr" --

1 Q. Watch the pens, please, Mr Witness, and also keep watching
2 my hand.
3 A. It's okay.
4 JUDGE ITOE: It's an innovation.
11:16:35 5 MR JABBI: Yes, My Lord. I don't want to be interrupting
6 too much. If I want him to go slow I just do something like
7 that.
8 JUDGE ITOE: We would want you to do it orally instead of
9 gesticulating.
11:16:48 10 MR JABBI: Thank you, My Lord.
11 PRESIDING JUDGE: Dr Jabbi, before you proceed ahead with
12 this witness we are going to break now, but it will not be a long
13 recess, for no more than 10 minutes.
14 MR JABBI: As Your Lordship pleases.
11:17:14 15 PRESIDING JUDGE: Thank you.
16 [Break taken at 11.17 a.m.]
17 [Upon resuming at 11.31 a.m.]
18 PRESIDING JUDGE: Dr Jabbi.
19 MR JABBI: Yes, My Lord.
11:31:46 20 Q. Mr Witness, welcome back. Now you were just narrating the
21 arrival of Mr Norman in Talia on the invitation of the people.
22 Yes, can you explain what transpired at that time?
23 A. When Mr Norman came and alighted from the helicopter, he
24 and his people behind him saw them, and those people whom we had
11:32:44 25 sent --
26 Q. And please continue to watch your pace. Don't talk too
27 fast. Yes, carry on, please.
28 A. We saw Mr Norman and Mr Moinina Fofana and Mr Lumeh. They
29 were the strangers amongst our people. When they came, they

1 introduced themselves, why they had come, and they asked why the
2 people had invited them. They were happy to see them. After
3 they had said what they had come, why they had sent them -- sent
4 for them -- now you said we should summarise. Do you want me to
11:33:58 5 say what exactly they said?

6 Q. Yes.

7 A. They said, "We had sent for you. When these people took
8 over the country, we said we would not accept them."

9 PRESIDING JUDGE: That's fine, that's fine. You have gone
11:34:10 10 over all that. After that.

11 MR JABBI:

12 Q. Yes, you have said that already.

13 A. "That was why we had sent for you. We want you to join us
14 so that we'll drive these people away and reinstate Mr Kabbah
11:34:25 15 because he was the one whom we voted for."

16 PRESIDING JUDGE: Yes, after that.

17 THE WITNESS: After that, Mr Norman said, "What you've said
18 and the letter you wrote, I've got all of them. But it is not
19 just up to me. I took it my boss who was superior to me,
11:34:50 20 Mr Alhaji Ahmad Tejan Kabbah, and he sent that I should bring it,
21 so that you would use them to fight this war. Because he is
22 supposed to be in his own -- he's not fit to be in somebody
23 else's country. He would like to come back." Those Kamajors who
24 were there, we were many. We went to the field. The white
11:35:19 25 people who were in that helicopter, they opened it. We brought
26 out a lot of rice, a lot of garri, petrol, kerosene and some guns
27 and bullets. We brought them all out of the helicopter and
28 brought them to town, and the chiefdom people provided a store
29 and we packed all of those things in there. Who was the person

1 who should be in charge, and the chiefdom people selected
2 somebody who would be in charge of the store. The person's name
3 was Jarah Kamara. He was the storekeeper.

4 Q. Was the source of all those items explained to the people?

11:36:33 5 A. I have explained a while ago. The man said his boss,
6 Dr Ahmad Tejan Kabbah, had given -- had sent these things for
7 these people to use them to know that they are ready to sponsor
8 the fight.

9 PRESIDING JUDGE: Yes, he had indeed.

11:37:00 10 THE WITNESS: After that -- may I proceed?

11 MR JABBI:

12 Q. Yes, please.

13 A. He used to go. At one time when he went --

14 PRESIDING JUDGE: Who's the "he"? Who are you talking
11:37:15 15 about?

16 THE WITNESS: Mr Sam Hinga Norman, deputy defence minister
17 by then. He used to go using the same helicopter. At one time
18 he went and returned. We saw him bring a lot of things. He
19 brought a lot of rice, some garri, drums of petrol, two
11:37:47 20 generators, drums of kerosene, a satellite phone, mattresses,
21 foam mattresses, and used clothing, video and television, and
22 cassettes depicting war and Nigerian films and so many other
23 things. Pots, buckets, blankets. May I proceed?

24 MR JABBI:

11:38:34 25 Q. Did he say the source of these other items?

26 A. Yes. That's what I'm coming to. He summoned the whole
27 chiefdom and said, "Mr Alhaji Ahmad Tejan Kabbah, my boss, had
28 said I should bring these things for you. And these things that
29 I've brought for you, he gave me one radio, a satellite phone, so

1 that the two of us would be talking to each other and so that
2 you, too, will be talking to him, so that he would know exactly
3 what was happening here at all times." This satellite phone, it
4 was at my window.

11:39:24 5 Q. Please watch your pace. Don't talk too fast. Yes, the
6 satellite phone, what were you saying about it?

7 A. I said it was placed at the window in my own room because
8 the chiefdom people had said my own father should be hosting the
9 people who would come to that chiefdom. It was my father,

11:39:56 10 Mr MT Collier, who was hosting the guests who would come. At one
11 time I was sitting close to the satellite phone and there was a
12 call. When I received the call --

13 Q. Watch the pens, please.

14 PRESIDING JUDGE: That's okay, Dr Jabbi. If we run into
11:40:21 15 difficulties, we'll tell you.

16 MR JABBI: Thank you, My Lord.

17 Q. Carry on, please.

18 A. When I received the phone call, the background said, "It's
19 me, the President. Please let me talk to Mr Norman." I let the
11:40:47 20 phone down and went and called him, that the President wanted to
21 talk to him. He came and received the call. They talked a lot
22 but I did not know what they talked about because I left.

23 Q. Now what did you say about the positioning of the satellite
24 phone in relation to your own room?

11:41:33 25 JUDGE ITOE: He said it was placed on his window. On his
26 window.

27 THE WITNESS: I said the satellite phone was at my window.
28 The cable was connected and that's where they charged it, because
29 it was my father who hosted those people. Because he had a very

1 large compound, so the entire chiefdom said he should host these
2 people.

3 PRESIDING JUDGE: We've been through it, Dr Jabbi. We've
4 been through it, we've heard all of that.

11:41:57 5 MR JABBI: Just to be sure, My Lord.

6 PRESIDING JUDGE: If we need to hear it again we'll tell
7 you. It's not to be sure, it's just to be quite repetitive.

8 THE WITNESS: May I proceed?

9 PRESIDING JUDGE: Yes.

11:42:10 10 MR JABBI:

11 Q. Yes, please.

12 A. After some weeks, then they said we should sit together and
13 organise something.

14 Q. Who said? Who said?

11:42:20 15 A. The chiefdom people organised themselves, because there
16 were a lot of the other people there. People were coming from
17 Bo, from Kenema, from Moyamba District. All of them came after
18 Mr Norman had come. Some of them were Mr Charles Caulker, Daramy
19 Rogers, Gayete Aruna, many of them. Then they said they should
11:42:56 20 form a council which became known as the War Council. This War
21 Council, we said it was formed by the entire Sierra Leone because
22 there were representatives from different many districts. Chief
23 Caulker had come from Moyamba District, Gayete Aruna and Daramy
24 Rogers had come from Bo District.

11:43:23 25 Q. Please watch your pace. Yes, carry on.

26 A. And some other people from Kenema District. Chiefdom
27 speaker had come from Kenema District. This War Council which
28 was formed, the late PC Quee of Njama was made the chairman.
29 Late PC Charlie Tucker was made its vice chairman. He was from

1 Gbap, Nongoba Chiefdom, Bonthe District. He was the vice
2 chairman. Chief Charlie Tucker -- Charles Caulker. Chief
3 Charles Caulker, secretary. Daramy Rogers, financial secretary.
4 And a lot of other positions were given to other people from
11:45:00 5 different, different districts. May I proceed?

6 Q. Yes, please.

7 A. It was this War Council that were organising everything.
8 Mr Norman told them that those of us who had come, we brought
9 three positions, but all three of those positions, even if you
11:45:39 10 want to remove me today, you can, as long as you have somebody
11 who would take the position to work in that position.

12 JUDGE ITOE: I am not clear about those three positions
13 which they brought. What does he mean to say? That Norman said
14 they brought three positions?

11:46:15 15 THE WITNESS: Those three positions which they brought, it
16 was Chief Norman who was their head as co-ordinator of the Civil
17 Defence Forces. Mr Moinina Fofana, they called him director.
18 And Mr Lumeh, they called him logistic officer. These three
19 people, he said, "If you want to remove us, you can remove us
11:47:08 20 because you are the people who have the right today." But
21 because they did not remove them, they pushed everything to the
22 War Council. All the things that they brought they surrendered
23 to the War Council. They were the ones who were organising
24 everything that concerned the Kamajor affair.

11:47:51 25 PRESIDING JUDGE: When you say they are the ones, you mean
26 the War Council?

27 THE WITNESS: The War Council, yes. They were organising
28 everything.

29 MR JABBI:

1 Q. Yes, carry on.

2 A. It was this War Council which sat down, they organised
3 themselves and they distributed promotions. Albert Nallo was
4 made the operational commander for the south, and they appointed
11:48:57 5 somebody for the east and the north. So many people were coming
6 from Tongo, Kono, Bo, Moyamba and they were all coming to Base
7 Zero. There was a large crowd at Base Zero.

8 At one time, after this council had been formed, we were
9 there when one man came in a helicopter and alighted. But ever
11:49:43 10 since this helicopter was landing here, it would never turn off
11 its engine. But this time it put off its engine. After the
12 engine has been put off we saw -- those of us who had gone there,
13 we saw a soldier with his henchmen behind him, and they said --

14 Q. Watch your pace, please. Yes, please.

11:50:33 15 A. Then he came. There was a booth there behind my house. He
16 came and entered there together with Mr Norman who went to
17 receive him. The other elders who were behind him, he called
18 them, quickly. He said, "This guest has come to us."

19 JUDGE ITOE: Who?

11:51:23 20 THE WITNESS: He said, "This man who is called" --

21 JUDGE ITOE: Who said that?

22 THE WITNESS: Mr Norman said, "This is our guest." He
23 said, "This man, the man who is called Maxwell Khobe, this is
24 him." I myself, that was my first time of seeing him. After
11:52:10 25 that they summoned all of us, Kamajors, the chiefdom people.
26 They said we should all meet at the field where we did the
27 training. When we went, there was an anthill that they had
28 brushed and fenced. Mr Norman and Maxwell Khobe, they all
29 mounted that anthill and he introduced him to us, but he said he

1 had brought a message.

2 MR JABBI:

3 Q. Watch your pace, please. Talk slowly. Yes, carry on.

4 A. He said -- he, Mr Maxwell Khobe, said he is greeting us and
11:53:26 5 thanking us a lot for the good work that we've done. He said he
6 is urging us to continue this work until Mr Kabbah is reinstated.
7 He told us also that --

8 Q. Watch your pace, please. Yes, carry on, please.

9 A. He said we and the soldiers should work as one.

11:54:15 10 Q. What do you mean by "we"?

11 A. We the Kamajors, and the soldiers, the ECOMOG soldiers. He
12 said we should work as one because we were working towards the
13 same end, the reinstatement of Kabbah - Mr Kabbah.

14 Q. Yes, please.

11:54:56 15 A. He again said when they are ready to recapture
16 Sierra Leone -- Freetown, sorry. He said when they are ready to
17 capture Freetown, we the Kamajors and the soldiers would unite
18 and we would come and capture Freetown. And that was how I saw
19 it happen.

11:55:46 20 Q. Did he say anything more?

21 A. Yes. There was one thing my own uncle on my mother's side,
22 the one whom I had said was called Sacramento, an initiator, he
23 had designed something called the controller.

24 Q. What was the controller?

11:56:28 25 A. It was used -- if somebody had it in his hand and he was
26 leading you in a fight, if they shot a gun at you, you would not
27 be caught by the bullet. That controller, if it alarms, it
28 alarms like something that carries a battery, like an electronic
29 device. So if you shout -- you carrying the controller, if you

1 shout, if you say your enemy's gun should not shoot, it wouldn't
2 shoot.

3 Q. Yes. So what about the controller?

4 A. They took this controller to the field that day when
11:57:25 5 Mr Maxwell Khobe was at the field. When they explained -- when
6 they talked about the controller to him, for him to understand it
7 properly and how it works, he asked one of his boys to test it.

8 Q. When you say "one of his boys", what do you mean?

9 A. One of his soldiers. All of those soldiers who were with
11:58:04 10 him who he brought. He was the one who tested it.

11 Q. And how did he test it?

12 A. Somebody had said initially that he should handle it but,
13 no, my father disagreed. They placed it down somewhere and they
14 shot at it for so many times, and if it continued -- that
11:58:31 15 particular gun, if it continued shooting, no bullet would come
16 out of it but water.

17 JUDGE ITOE: [Overlapping speakers] is shooting the
18 controller it will not produce bullets, it will only produce
19 water. Is it what you're saying?

11:58:49 20 THE WITNESS: If you continued shooting with the gun, yes,
21 bullets wouldn't come out of it. At a point, it is water would
22 be coming out of it.

23 PRESIDING JUDGE: Coming out of the weapon? Coming out of
24 the gun?

11:59:03 25 THE WITNESS: Yes, from the weapon. Yes, if you continued
26 shooting with it, that's what would happen.

27 MR JABBI:

28 Q. What happened on that occasion when they tested the
29 controller?

1 A. Mr Maxwell Khobe, he gave it to his boys and they took it
2 away, they didn't leave it behind.

3 JUDGE THOMPSON: So, counsel, there was no demonstration at
4 all. Is that what he's saying?

11:59:39 5 MR JABBI: Let me ask.

6 JUDGE THOMPSON: I heard "would", "would", "would" all the
7 time. I didn't hear anything about demonstration. He said
8 Maxwell Khobe's boys took it away.

9 MR JABBI:

11:59:50 10 Q. Can you explain --

11 JUDGE THOMPSON: I'm not saying -- if that's not part of
12 your case, that's okay. I'm just asking whether on his evidence
13 there was an actual demonstration.

14 MR JABBI: It is what was being explained in that language.

12:00:04 15 JUDGE THOMPSON: The narration was would, would, would,
16 would hypothesis and that kind of thing.

17 MR JABBI: I want to ask him in more categorical terms,
18 My Lord.

19 Q. Now, can you tell the Court how the controller was tested
12:00:25 20 in Khobe's presence?

21 A. They placed the controller somewhere. They attached it to
22 a tree.

23 PRESIDING JUDGE: Go ahead.

24 THE WITNESS: They tied it to a tree and shot at it for so
12:01:06 25 many times, they wasted a lot of bullets on it. It couldn't be
26 caught by a bullet.

27 MR JABBI:

28 Q. And did anything happen to the gun with which they were
29 shooting?

1 A. That gun which was used to shoot, they said there was a man
2 who had brought this controller from Sacramento. He said from
3 this day, if you shoot that gun any longer, it is water that will
4 come out of it. So they told them if they continued shooting it,
12:01:37 5 water would come out of it, but they did not shoot it any longer.

6 PRESIDING JUDGE: So no water came out of it?

7 THE WITNESS: No, because they didn't shoot it any more.

8 JUDGE THOMPSON: So it was a partial demonstration,
9 counsel?

12:01:57 10 THE WITNESS: Yes, he himself said he was satisfied with
11 what they had done. In fact, he said he was not going to leave
12 it behind, that he was taking it away and indeed he took it away.

13 PRESIDING JUDGE: Now, how are we further ahead with all of
14 this with the matters in issue, Dr Jabbi? I want to see some
12:02:15 15 progress. It may be interesting to know that there was a
16 controller and so on, but is this really a substance that is in
17 dispute and a big issue in this case?

18 MR JABBI: Well, it may not be a big issue, My Lord, but I
19 leave believe it is important.

12:02:31 20 PRESIDING JUDGE: How is it important?

21 MR JABBI: I didn't expect that I would need to begin my
22 address at this stage, My Lord.

23 PRESIDING JUDGE: It's not that it is important, how
24 relevant it is to this case. We have spent now 15 minutes to
12:02:47 25 hear about that and I just wonder why.

26 MR JABBI: My Lord, a lot of things have been explained
27 about how the Kamajors fought and engaged their enemy.

28 PRESIDING JUDGE: Yes, but the issue in this trial is not
29 how they engaged their enemies. This is not what the charges are

1 all about.

2 MR JABBI: My Lord, the charges are about --

3 PRESIDING JUDGE: There's no dispute that the Kamajors have
4 fought and have fought a war and have been successful. This is
12:03:23 5 not the issue.

6 MR JABBI: The issues revolve around Kamajors and their
7 exploits.

8 PRESIDING JUDGE: It's not their exploits. It's abuse that
9 may have been committed, not their exploits, as such. Nobody is
12:03:38 10 disputing that they have been successful in their war, absolutely
11 nobody.

12 MR JABBI: My Lord, I am watching the clock and in fact, I
13 was just thinking that perhaps that would be a suitable point.

14 JUDGE ITOE: Are you not wrapping up your
12:03:55 15 examination-in-chief? Are you saying you are continuing with
16 your examination-in-chief? If you are, we can go on to 12.15,
17 this is what we said so we can wrap it up.

18 MR JABBI: My Lord, I will not be able to finish by 12.15.

19 PRESIDING JUDGE: Well, let's move ahead anyhow and see how
12:04:15 20 much more we can accomplish, making sure that you focus on
21 matters that are really of importance.

22 MR JABBI:

23 Q. Mr Witness, you have explained enough about the controller
24 and the fact that Mr Khobe was satisfied with the explanation and
12:04:29 25 he took it away. Now, I want to take you back to the time that
26 the Death Squad was formed.

27 A. The Death Squad --

28 Q. [Overlapping speakers] I will ask you questions. I'm just
29 leading to it. Don't say anything.

1 JUDGE THOMPSON: Perhaps clearly, too, in the same vein in
2 which the Presiding Judge indicated, perhaps there needs to be
3 some fine tuning of your methodology that we really -- I mean,
4 quite frankly, it's not helpful to hear speeches from a witness.

12:05:21 5 MR JABBI: That's why I've told him not to say anything
6 until I've asked him question.

7 JUDGE THOMPSON: Take control of him. Let's have the
8 classic example of question and answer and then the
9 examination-in-chief will be more focused. You know your case.
12:05:36 10 Really the narration thing is more akin with the oral tradition
11 which we're not in a folklore setting here.

12 MR JABBI: Except, My Lord, that when you have witnesses
13 who are --

14 JUDGE THOMPSON: From that tradition. I take the point.
12:05:54 15 Don't pursue it.

16 MR JABBI: Thank you.

17 Q. Now, Mr Witness, I want to take you back to the time the
18 Death Squad was formed.

19 A. It's okay.

12:06:20 20 Q. Now, when it was formed at that meeting, according to your
21 narrative, did the people at that meeting indicate any desire
22 about how it should operate?

23 A. Yes.

24 Q. Yes, can you explain and, please, just to the point in the
12:06:47 25 question.

26 A. These people who formed this Death Squad, the chiefdom
27 people, they gave them some rules by which they should abide
28 during the war because they were the people who identified us
29 that we could be initiated and we were not bad people and some of

1 the rules that were laid down, here are some of them. May I
2 proceed?

3 Q. Yes, just a few.

4 A. They said we should not kill somebody, we should not
12:07:30 5 mutilate somebody, we should not burn houses, we should not loot
6 civilians because we were fighting for them.

7 JUDGE ITOE: We've been through all this. Don't do this,
8 the don'ts, the don'ts, you know, the commandments. I mean,
9 we've gone through all this.

12:07:45 10 MR JABBI: This, however, My Lord, is not the Kamajor
11 initiation. He's talking about what they were told as the
12 Death Squad when it was formed.

13 JUDGE ITOE: Isn't it the same rhetoric that flows from
14 initiation which was really not new to the so-called members of
12:08:09 15 the Death Squad.

16 JUDGE THOMPSON: Counsel, then why not circumscribe it if
17 it's so different from the generic one? If this is the special
18 one, why not see how you can circumscribe it if it's helpful.
19 Because really, if it's the same as the generic one, then why are
12:08:31 20 we duplicating the evidence? But if it's not, of course, I
21 yield.

22 MR JABBI: My Lord, what is being demonstrated here,
23 notwithstanding there may be similarities between it and the
24 so-called Kamajor laws, on this occasion he's talking about a
12:09:04 25 special group, operational group, having been formed and certain
26 things emphasised to them.

27 JUDGE THOMPSON: I concede but the question really, as I
28 say, would it not serve our purposes in the interests of judicial
29 economy if there is something different from the generic category

1 of so-called rules and prohibitions, then why not lead him
2 through that, and particularly they are not contentious matters.
3 I don't think the Prosecution would object, rather than let him
4 have a free ride, an open season.

12:09:39 5 MR JABBI: My Lord, I have already said he should be brief
6 and only a few items to be mentioned.

7 JUDGE THOMPSON: Well, when you gave this witness a free
8 ride, you know we really have open season here.

9 MR JABBI:

12:10:02 10 Q. Now, Mr Witness, if what you are saying is the same as was
11 said in respect of the Kamajor initiation, then only give one or
12 two examples.

13 PRESIDING JUDGE: Is it the same thing that you were told
14 then that you were told when you were initiated? These are the
12:10:18 15 same rules that were issued to you? When the elders talked to
16 you for the Death Squad, they gave you rules. Were these rules
17 different than the rules that were given to you when you were
18 initiated?

19 THE WITNESS: It's the same but the --

12:10:45 20 PRESIDING JUDGE: How do they differ?

21 THE WITNESS: The admonitions were not the same.

22 PRESIDING JUDGE: What are they? How are they different?

23 THE WITNESS: The difference is that -- let's take it that
24 when you are initiated into the Bondo society and your sowe
12:11:04 25 admonishes you and your husband -- when you are in your husband's
26 house and your parents warn you as to what you should do in your
27 husband's house, they would be different. So that's the
28 difference. Sometimes it's possible for you not to do what your
29 sowe tells you. But you would do what your mother tells you and

1 sometimes when you refuse to do what they tell you, you would be
2 regarded as a bad person.

3 PRESIDING JUDGE: So how you were to conduct yourself
4 during those operations, not how you were to conduct yourself in
12:11:44 5 your house. For operations, as such, the rules that they were
6 talking to you then were the same as the rules that they had
7 given to you when you were initiated. Is it what you mean?

8 THE WITNESS: What I mean by is going by the admonition,
9 some people would warn you and you would not listen. Some other
12:12:20 10 people would warn you, you're bound by those admonitions. If you
11 don't, then you are a bad person. For instance, the one that was
12 given to us by the high priest, sometimes it would show that
13 we've already paid them. And they would say we did not go by
14 what they said; they have already paid them. Their business
12:12:34 15 doesn't concern us but if your mother, your father, warns you,
16 those who give birth to you, they warn you, they advise you, it
17 is value than the one given to you by the high priest when he
18 said if you do not do this, you would die. So if you do not do
19 what you have been told by your parents, then you would be
12:12:53 20 regarded as a bad person.

21 JUDGE ITOE: So the admonition from your father was taken
22 more seriously by you than the admonitions of the high priest.
23 Is that what you're saying?

24 THE WITNESS: No. I wouldn't take it more serious than
12:13:20 25 that. But those who had given us money to be initiated --

26 JUDGE ITOE: Tell this man to stop telling his stories,
27 please. Take control of your witness, please.

28 MR JABBI:

29 Q. Mr Witness, we take it that the Death Squad was given

1 certain specific rules as to how to operate. Okay?

2 JUDGE THOMPSON: And counsel perhaps you need to guide him.
3 We're not talking about --

4 THE WITNESS: Yes.

12:13:45 5 JUDGE THOMPSON: Let him hold on. We're not talking about
6 the effect of breaking rules, not the sanctions. Perhaps he is
7 getting -- it's getting -- and I can see the subject is very
8 exciting for him, that he's getting so much carried away in an
9 overzealous manner in trying to play on the idea of the effect of
12:14:07 10 breaking the prohibition. But that's not your question. Your
11 question is: Were there specific rules given in respect of the
12 alleged Death Squad and so what are the specific rules? If I
13 understand your position rightly, you're looking for a factual
14 answer.

12:14:29 15 MR JABBI: Indeed, My Lord.

16 JUDGE THOMPSON: But what he is doing to us here is taking
17 us into some philosophical realm as to what happens if rules
18 emanate from, say, your father or your mother as distinct from
19 some other agent. That does not seem to be getting us anywhere,
12:14:49 20 unless I misrepresent the situation.

21 MR JABBI: My Lord, with respect, that particular answer
22 was in response to a question posed by His Lordship Itoe. I
23 think he wanted to understand whether the witness took more
24 seriously -- as a result of a comment that the witness made, His
12:15:11 25 Lordship wanted to understand whether he meant that they took
26 more seriously what their parents told them than what the
27 initiators told them and that was what led the witness into
28 giving what --

29 JUDGE ITOE: Because he made us believe that they had more

1 belief in what -- even though the initiator told us this, that,
2 that, if it came from our parents we would take it more
3 seriously, because if we don't take it seriously we are
4 considered as bad people. That is why I asked him.

12:15:38 5 JUDGE THOMPSON: And My Lord is right, that is what you
6 asked. But the question for me is: How is the tribunal assisted
7 by the effects of breaking rules in terms of sanctions as
8 distinct from what specific rules were given to you, which is a
9 factual inquiry. I thought that was what you were trying to do.
12:16:06 10 I mean, the witness's answer tends to multiply the issues.

11 That's my own position.

12 MR JABBI: Yes, My Lords.

13 Q. Mr Witness, let us shift ground. Now, in the operations of
14 the Death Squad did you always operate to the satisfaction of the
12:16:35 15 people?

16 A. Very, very, very well. Not just our own people but just
17 the people who were in the surrounding villages and the entire
18 Sierra Leone.

19 Q. Were there any complaints ever about the special squad -- I
12:17:03 20 mean, the Death Squad?

21 JUDGE ITOE: Not the Special Court.

22 THE WITNESS: Well, at one time we were at the base where
23 we were at the Sumbuya Junction, the War Council sent some
24 people --

12:17:21 25 PRESIDING JUDGE: The question is very simple, Mr Witness.
26 Was there complaints, yes or no?

27 MR JABBI:

28 Q. Was there any complaints ever against the special -- the
29 Death Squad?

1 JUDGE THOMPSON: The law of diminishing returns.

2 MR JABBI: No, My Lord, it's the Special Court that is so
3 predominant.

4 JUDGE THOMPSON: It's the law of diminishing returns,
12:17:41 5 Dr Jabbi.

6 THE WITNESS: Yes, they complained us.

7 MR JABBI:

8 Q. Yes, can you give an example?

9 A. At one time we were at the Sumbuya Junction and they sent
12:18:02 10 one battalion commander to go for us --

11 THE INTERPRETER: Your Honours, he has called a name that
12 did not come out clearly.

13 MR JABBI:

14 Q. Please, Mr Witness, go deliberately and talk clearly. Talk
12:18:12 15 slowly and talk clearly.

16 PRESIDING JUDGE: Who was sent to the junction, what is the
17 name of that person?

18 THE WITNESS: Battalion commander Rufus Collier.

19 PRESIDING JUDGE: Yes.

12:18:27 20 MR JABBI:

21 Q. Who sent him?

22 A. He was sent by the War Council.

23 Q. Yes?

24 A. He went for us and they asked him -- we asked him why he
12:18:41 25 said they had made a complaint about us there.

26 Q. Who are "us"?

27 A. The Death Squad. He said, "Albert Nallo had made a
28 complaint about you." He said, "What you've come for here,
29 you're not doing it. You are mining diamonds close to Bumpu. To

1 Mafui." That we were mining diamonds at Mafui close to Bumpe.

2 Q. Yes, carry on.

3 A. All of us went to the vehicle, we were 11, and we went up
4 to Talia. Those of us who were the group leaders, 11 of us.

12:19:43 5 Q. Was Bob Tucker among you?

6 A. Yes, all of us.

7 Q. Yes?

8 A. When we arrived we went to the War Council and told them
9 that we are here. When the War Council investigated and
12:20:21 10 deliberated upon it, they found out that in fact Mr Albert Nallo
11 had told lies about us. They said we should return to where we
12 were based. Apart from that, the War Council was dealing with a
13 lot of other cases.

14 Q. Can you give any other example, just one more?

12:21:09 15 PRESIDING JUDGE: Of possible complaints against the Death
16 Squad. That's all we're interested in.

17 MR JABBI: Yes, that is what I'm saying.

18 Q. Was there any other complaint against the Death Squad?

19 A. No, no. That was the only complaint I know about for the
12:21:25 20 Death Squad.

21 MR JABBI: My Lord, I want to begin another stretch. I
22 don't know --

23 PRESIDING JUDGE: That's fine, thank you. So you would be
24 moving in a different direction, to a different subject matter?

12:21:44 25 MR JABBI: Yes, My Lord.

26 PRESIDING JUDGE: And it is likely to be more than a few
27 minutes, presumably.

28 MR JABBI: Yes, My Lord.

29 PRESIDING JUDGE: Very well. We will adjourn at this

1 particular moment. We had said we would break earlier today
2 because of our commitments this afternoon, so the Court will
3 adjourn its proceedings until Monday morning. So the Court
4 adjourns to 9.30 Monday morning. Thank you. Court is adjourned.

12:22:32 5 [Whereupon the hearing adjourned at 12.22 p.m.,
6 to be reconvened on Monday, the 15th day of
7 May, 2006, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: HAROUN ARUNA COLLIER 2

EXAMINED BY MR JABBI 2