

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

TUESDAY, 23 MAY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Andrea Marlowe
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Joseph Kamara Mr Mohamed Bangura Ms Bianca Suciu Ms Wendy van Tongeren
For the Principal Defender:	NO APPEARANCE
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 Michiel Pestman Mr Andrew Ianuzzi
For the accused Allieu Kondewa:	Mr Yada Williams Mr Ansu Lansana Mr Martin Michael (legal assistant)

1 [CDF23MAY06A - CR]

2 Tuesday, 23 May 2006

3 [Open session]

4 [The accused Norman not present]

09:36:54 5 [The accused Fofana and Kondewa present]

6 [Upon commencing at 9.45 a.m.]

7 PRESIDING JUDGE: Good morning, counsel. Good morning,
8 Mr Witness. Mr Kamara, you were in your examination-in-chief.

9 MR KAMARA: The Prosecution has a few concerns that we
09:44:28 10 would like to raise before the Chamber this morning.

11 PRESIDING JUDGE: Can it be done in the presence of the
12 witness?

13 MR KAMARA: Yes, My Lord. The Prosecution has been
14 particularly concerned about the issue of the absence of the
09:44:51 15 first accused. We note since 16 May, 17th, 18th, 19th and on the
16 22nd. My Lords, we seek clarification, having read Rule 60 and
17 together in consonance with the Article 17 of Statute requesting
18 the accused to be present in his own trial. My Lord, the reading
19 of the Prosecution of Rule 60 would not seem to apply in the
09:45:58 20 present state of affairs, because, from the transcript, it shows
21 that the accused is not refusing not to be in Court. Therefore,
22 Rule 60 may not be applicable in the circumstances. My Lord,
23 therefore, the Prosecution is restrained to work with Article 17,
24 17(D) to be precise, that he has to be tried in his or her
09:46:39 25 presence.

26 My Lord, it is a submission of the Prosecution that it is
27 for the Court to invoke its inherent powers and direct or permit
28 the first accused not to be present.

29 PRESIDING JUDGE: I thought we had done so, not necessarily

1 in these terms, when these matters were raised with the Court.
2 We noted that the accused was not present and, therefore, we
3 proceeded, obviously we didn't say so specifically.

4 MR KAMARA: That is why we are trying to proceed
09:47:29 5 cautiously, so the records can clearly reflect, with the
6 understanding of the Prosecution, that that was an interim
7 measure, but now it is proceeding consistently, it has become of
8 much more concern to the Prosecution, My Lord.

9 PRESIDING JUDGE: If I follow your argument and its logic,
09:47:50 10 what would be the solution if we disagree with your position? In
11 other words, we stop the trial?

12 MR KAMARA: No, My Lord. We suggest we do have a medical
13 report tendered to the Court and that forms part of the
14 proceedings of the Court, it becomes a record of the Court. And
09:48:08 15 based on the medical report, the Court can then make a finding
16 and direct the accused not to be in Court. Procedurally, the
17 Prosecution feels more comfortable and we believe that the Rules
18 would then procedurally be accurately reflected.

19 As it stands for now, My Lords, and this is our concern, we
09:48:31 20 do not clearly see an order specifically from the Chamber
21 allowing or permitting the accused not to be in Court. We've
22 heard the position of the accused being articulated by his
23 defence counsel from the Bar and it is understandable. But My
24 Lord, by virtue of the importance of these proceedings and the
09:48:55 25 right of the accused to be present, it is a submission of the
26 Prosecution that we have to go another threshold wherein a
27 medical report has to be tendered to the Court, the Court
28 considers the medical report, it forms part of the proceedings,
29 and then the Court takes a decision based on that. That is

1 invoking its inherent jurisdiction in the absence of clear
2 provisions under Rule 60.

3 PRESIDING JUDGE: Rule 60 dealt with the scenario of a
4 trial in the absence of an accused, and when you read 60 in
09:49:28 5 context as such, obviously this is a provision dealing with a
6 case wherein an accused refuses to attend or he's at large or
7 whatever he is.

8 MR KAMARA: This is why we say it doesn't apply.

9 PRESIDING JUDGE: That's right. It is not a trial in the
09:49:44 10 absence of the accused. The accused has appeared in front of the
11 Court, has attended to the Court, participated in the
12 proceedings, and the information we have at this particular
13 moment, and that you have as well, is on record, that the accused
14 is unable to attend for medical reasons, as such, agreed and
09:50:00 15 conceded, that no medical report, per se, has been filed by the
16 Court. But if you're taking issue with the fact that this may
17 not be sufficient information to allow the Court to make a
18 decision, well, fine, we can hear you on this, but up to this
19 particular moment, we have relied in part on the information that
09:50:22 20 the detention has provided on this issue and, mostly, information
21 that has come from his counsel to the effect that Mr Norman was
22 sick, could not attend because he was undergoing some treatment
23 and examination and so on. That is where we are.

24 We have not gone to that extent of being very formal with
09:50:47 25 these applications. We have allowed for the second accused to be
26 absent yesterday afternoon based on a representation by his
27 counsel. We felt, for the time being, there was absolutely no
28 requirement to go to the extent of having a medical report filed
29 with the Court, because these persons are detained here within

1 the confines of the Special Court and they have medical treatment
2 provided to them there. I take it when a professional lawyer
3 stands up and says this is the information why they haven't been
4 to the Court in this respect, we took it as being sufficient for
09:51:23 5 our purposes at that particular moment. You are saying it might
6 not be.

7 MR KAMARA: Not necessarily, My Lord. I agree with you in
8 the context that when they are isolated occasions it is
9 understandable, but when it becomes as a pattern and then the
09:51:32 10 procedure, My Lords, it is the position of the Prosecution, that
11 we have to follow. It goes similarly with what you said that
12 section 60 may not apply. That is wherein it can be waived. And
13 if it doesn't apply, then we follow what Article 17 says. This
14 is crucial in that the accused has to be tried in his presence.
09:51:51 15 It is not clear on the records as to where the position is,
16 especially so with the fact he has been consistently absent for
17 five days.

18 JUDGE THOMPSON: I take the view myself that -- I'm putting
19 it as even beyond just "may" that Rule 60 doesn't apply any more.
09:52:14 20 At some point in time it did apply, but there was a complete
21 break in the sequence when the accused voluntarily decided to
22 come back to Court, so we're not in that territory.

23 MR KAMARA: Yes, My Lord.

24 JUDGE THOMPSON: So your contention, if I understand it
09:52:34 25 correctly, is that there would seem to be some procedural
26 irregularity in the way we're proceeding now in the sense that
27 the records may not be clear as to whether this accused is being
28 tried in his absence or in his presence. We have, so to speak, a
29 limping situation, and you're saying that the best thing to do is

1 to tidy it up. I myself am minded to incline to your view and
2 perhaps this is something that we should reflect on, as a Bench.
3 Is there any recent case law authority that you think can help us
4 here? If there is none, I would not press you, but if there is
09:53:26 5 something where this kind of situation may well have arisen in
6 another tribunal and, of course, we haven't anything in our own
7 rules to take care of the situation. You probably might want to
8 guide us on that. I certainly wouldn't press you.

9 MR KAMARA: Unfortunately I have a Canadian case law
09:53:49 10 authority, but we are currently working on the research for the
11 international tribunals and when next we meet we will be able to
12 provide more case authorities in that area.

13 JUDGE THOMPSON: Thank you.

14 PRESIDING JUDGE: Dr Jabbi, you wish to respond to this?

09:54:14 15 MR JABBI: Yes, My Lord. Broadly --

16 JUDGE ITOE: Dr Jabbi, just one question before you
17 continue. We might have a surprise that the first accused
18 appears this afternoon or tomorrow. What is your calendar as the
19 person in touch with him, for how long should we continue waiting
09:54:36 20 for him to appear? If you might just enlighten us, I think we
21 would be in a better position to appreciating what steps to take
22 with regards the application or, rather, the submissions made by
23 the Prosecution.

24 MR JABBI: My Lord, do I need to answer before I say --

09:55:06 25 JUDGE ITOE: I just wanted to put that so that you can take
26 care of that in addition to whatever you have to say.

27 MR JABBI: Thank you, My Lord. Maybe I better answer it
28 first before I make the comment I want to make. There is every
29 likelihood that the first accused will begin to come to Court on

1 Thursday morning. He would otherwise have come tomorrow, but for
2 some treatment he received late yesterday. So I'm quite sure
3 that by Thursday morning he will have begun coming to Court.

4 My Lord, just to say that the position taken by the
09:55:56 5 Prosecution is understandable. The more issues of this nature
6 are regularised and brought within explicit procedures, the
7 better, I think, for the Court, ultimately. However, the
8 Article 17 requirement talks of an entitlement, not necessarily
9 of a compulsion.

09:56:34 10 My Lord, I would, however, want to point out the need for a
11 medical report on this indictee, not only to take care of the
12 present procedural issue that has been raised by the Prosecution,
13 but also in response to some concern that we ourselves have
14 raised about his condition generally and what should be done
09:57:07 15 about him. We are not yet, however, in a position to make a
16 formal application to the Court in that regard. We are, at
17 present, pursuing the matter. We have had discussions with the
18 medical doctor and with the indictee himself and we have an
19 appointment with the Registrar at 12.00. After those
09:57:36 20 consultations we will be in a position to determine whether we
21 need to make a formal application or not. But just to note the
22 point that the request for a medical report is a good one and we
23 may well ourselves endorse it, depending on our conclusions after
24 we have done the consultations we are doing at present. But the
09:58:09 25 witness intends to come to Court from Thursday onwards.

26 PRESIDING JUDGE: Thank you, Dr Jabbi. To avoid any
27 ambiguity in this respect, and pending the information you are
28 likely to provide to the Court as a result of your consultation,
29 I ask that the Chief of Detention produces from now on every

1 morning a status report on the health condition of the accused,
2 together with a reason as to why an accused person is not coming
3 to Court and that he has indicated that he's unable, or whatever
4 the reason may be to attend so we know exactly what the status
09:58:51 5 is. Attached to that, if it is for a medical reason, a short
6 statement from the medical authority saying, in his view, the
7 patient or the accused is unable to attend because. That should
8 respond to some of your concerns and our concerns at the same
9 time. So if that could clarify the whole process it may, indeed,
09:59:14 10 be needed. From now on, until we consult more on this particular
11 matter, I think that would be the best way to proceed. Thank
12 you. Thank you for raising this matter with us, Mr Kamara.
13 We're ready to proceed now, Mr Sesay?

14 MR SESAY: Yes, Your Honour.

09:59:50 15 EXAMINED BY Mr SESAY: [Continued]

16 Q. Good morning, Mr Witness.

17 A. Good morning, sir.

18 Q. Now, you recall yesterday we had left off from where you
19 said you had planned to attack Tongo?

10:00:07 20 A. Yes, sir.

21 Q. What happened after the planning to attack Tongo?

22 A. After we had planned to attack Tongo, because we invited
23 other commanders from various bases, so they went back. The time
24 that we fixed was January 14th, 1998.

10:00:48 25 Q. Before we proceed, may I appeal to you once more that you
26 go slowly, please, as you did yesterday. Now proceed from there.

27 A. So when the time came, those that were appointed to go to
28 the attack went. They left some men, that was us, at the base in
29 order for us to attack that road against the juntas so that they

1 would not be able to reinforce those that are at Tongo. That was
2 at Wima.

3 PRESIDING JUDGE: When you say "at the base," in your case,
4 which base are you talking about?

10:01:48 5 THE WITNESS: That was Wima. Wima. Wima base.

6 MR SESAY:

7 Q. And you said they left us at Wima. Who did they leave at
8 Wima?

9 A. It was the Kamajors. We, the Kamajors.

10:02:05 10 Q. Now, you stayed at Wima?

11 A. Yes. I remained there -- we remained there until they
12 captured Tongo.

13 Q. As far as you know, who led the attack -- I mean, the group
14 that led the attack to Tongo, who was the leader of that group?

10:02:41 15 A. In our own group that came from Wima it was CO Bockarie
16 Lansana that led it.

17 Q. My question to you is: Who was the leader of the group
18 that left you at Wima and you said they went to Tongo to attack?
19 Who led that group that attacked Tongo?

10:03:22 20 A. It was that man that I called, Bockarie Lansana.

21 Q. It was Co Bockarie Lansana?

22 A. Yes, sir.

23 Q. Now, where did you go from Wima?

24 A. After they had made the deployment, the other commander who
10:03:44 25 was CO Mambu took us to hold Bendu Junction. That was the
26 highway leading to Kenema.

27 Q. When was that? Can you assist us with the time, please?

28 A. The actual date I cannot recall, but it was in January in
29 1998.

1 Q. Yes?

2 A. So when we had captured Bendu Junction, we did not base
3 there. There was another village that was very close to Bendu
4 Junction that is called Komende Luyama where we settled.

10:04:45 5 Q. Now, was there a base at that village that you've just
6 mentioned?

7 A. Komende Luyama was where we settled as our own base,
8 Kamajor base.

9 Q. Now, what happened after you had established a base in that
10:05:13 10 village?

11 A. So while we were in the village at Komende Luyama, because
12 it was very close to my village that I was born, Majihun. So I
13 told my CO. I said, "Well, I have heard information that my
14 mother, junta had captured her, so I want to find out".

10:05:53 15 Q. Yes, you want to find out what?

16 A. I got an information that juntas had captured my mother,
17 they arrested her. They said she gave birth to a Kamajor who
18 went into the bush to fight them. So the CO himself told me that
19 now you could go.

10:06:21 20 Q. Did you go?

21 A. Yes, I went. It was at night.

22 Q. To where?

23 A. To my village where I was born, Majihun.

24 Q. What did you inquire when you went to the village? Slowly,
10:06:48 25 please, Mr Witness.

26 A. I went and met my mother. I called her. She and I went in
27 the corner. We sat. She narrated to me all that had happened to
28 her when she was arrested. I asked her --

29 Q. Now, what did you ask your mother about?

1 A. I asked her the reason why the soldiers captured her. She
2 said, "They said that I gave birth to you. You've gone to the
3 bush and now you're fighting them. That was why they captured
4 me." She said, "They took me as far as Daru where their barracks
10:08:00 5 was."

6 Q. Yes?

7 A. She said, "I spent three days in their hand. People went
8 and begged them." They took money from her hand, which was up to
9 150,000 leones.

10:08:20 10 Q. Yes?

11 A. She said, "That was not the end. They took all the
12 property that you left in your room. They took them to
13 Segbwema."

14 Q. Now, Mr Witness, what did you do after your mother had
10:08:52 15 narrated all what she went through in the hands of the soldiers?
16 What did you do from there?

17 A. Well, I sympathised with her and returned where I came
18 from.

19 Q. Where?

10:09:13 20 A. Komende Luyama, where we were based.

21 Q. Now, you said Komende Luyama was a base. A base leading to
22 where?

23 A. It was there that we made a base, because when we were
24 advancing, it was there that we settled when awaiting for Kenema
10:09:40 25 attack.

26 Q. Now, what was the distance, if you can assist the Court,
27 from that base to Kenema Town?

28 A. It was about 22 miles.

29 Q. Now, did anything happen after you had returned to that

1 base?

2 A. Yes.

3 Q. What happened?

4 A. So, when I slept in my village, soldiers had information
10:10:22 5 that I was there, so they came. They looked for us and because
6 they were not able to see us, because I went with my brother, so
7 what they did was that it was the town chief and the speaker that
8 they captured and they took them to Segbwema. They said they
9 were the ones that were harbouring Kamajors in their own village.

10:10:50 10 Q. What was the name of this town chief and the name of his
11 speaker which you've just referred to?

12 A. Chief Alpha Vana and Chief Moriba Bockarie. He was the
13 speaker.

14 Q. Of what chiefdom?

10:11:14 15 A. Majihun village, Bonafa section, Nongowa Chiefdom, Kenema
16 District.

17 Q. They took them to where?

18 A. To Segbwema, their headquarters.

19 Q. Whose headquarter?

10:11:35 20 A. The headquarters of the soldiers.

21 Q. Do you recall what happened to those two chiefs, the
22 speaker and the chief?

23 A. Well, I was not there. What I understood was that I --
24 that they were put in the guardroom, but I didn't know what had
10:12:06 25 happened.

26 Q. Mr Witness, I want us to come back to the base, where you
27 said the base was leading to Kenema and where you said it was
28 about 22 miles from that village to Kenema. Now, what happened
29 at that base?

1 A. Well, when I heard that they had arrested two chiefs again,
2 I informed my commander. I said all that has happened to our
3 parents, they are arrested there is not good. I wanted the
4 soldiers that were in that bridge, we should try very hard to
10:13:01 5 flush them from that place, because they were harassing our
6 people in that area.

7 Q. Yes?

8 A. He said, "What you've said is correct. We should do that."

9 Q. Did it happen?

10:13:25 10 A. It happened, but it did not take place immediately. He
11 told me that before we went there, we should send somebody there
12 to find out if they had released the chiefs.

13 Q. Yes?

14 A. He said because if they were under custody, in the custody
10:13:48 15 of the soldiers, if we attack them, they would harm them, they
16 would be killed. So, let us find out first. I said okay.

17 Q. Did you, in fact, inquire what had happened to them?

18 A. Yes.

19 Q. What were your inquiries?

10:14:14 20 A. We sent somebody, a boy that was with us but he was not a
21 Kamajor, but he was a native of the town. His name was Moriba.
22 He found out -- luckily that day he went. He found that they had
23 been released at Segbwema and had come to the village.

24 Q. Now, Mr Witness, were you involved in the attacks on
10:14:52 25 Kenema?

26 A. Yes.

27 Q. When was that?

28 A. When our brothers came from Bo Njala, they came as far as
29 SS Camp. They were very close to Kenema. So they sent a message

1 to us that we should all come and capture Kenema on 15th February
2 1998. But since we are far in --

3 Q. Slowly. Yes?

4 A. We were far from Kenema. So by the time we prepared to
10:15:45 5 come, we did not meet to that date, the 15th. We found that the
6 other Kamajors that were in the SS Camp had already captured
7 Kenema on the 15th.

8 Q. Mr Witness, when did your own group of Kamajors come to
9 Kenema?

10:16:34 10 A. The second day. That was 16th February 1998.

11 Q. Now, Mr Witness, I want you to carefully narrate what in
12 fact happened on 16th February 1998 when you said your own group
13 came to Kenema. Can you explain what happened on that day?

14 A. The town name that I heard was Kambia, but it will be
10:17:30 15 Kenema. When we entered Kenema on the 16th, early in the
16 morning, it did not take long the juntas came and attacked Kenema
17 very seriously.

18 Q. Yes?

19 A. The fighting continued for about four hours, for over four
10:17:55 20 hours, until we were able to drive away the juntas.

21 Q. Yes?

22 A. That day, all the civilians were all happy, they were
23 dancing. We are doing everything in common.

24 Q. Yes?

10:18:21 25 A. On the 17th we were there, the 18th. Then ECOMOG came from
26 Bo Njala and some of the Kamajors that were left behind.

27 JUDGE ITOE: This is on the 18th?

28 MR SESAY: Yes, My Lord.

29 Q. 18th of which month?

1 A. February 1998.

2 Q. What happened on that day on the 18th when you said ECOMOG
3 came with some Kamajors from -- is it Bo Waterside? What
4 happened on that day?

10:19:14 5 PRESIDING JUDGE: He didn't say they were from Bo
6 Waterside. He just said they came with Kamajors who were left
7 behind. I don't know where they came from.

8 MR SESAY: My Lord, may I go over that, because I recall
9 that he had said the place where they had left behind, My Lord.
10:19:29 10 I will go over that.

11 Q. Now, you said ECOMOG entered Kenema with Kamajors whom you
12 said had been left behind. Where? Where were these Kamajors
13 that came with ECOMOG in Kenema?

14 A. They all came from Bo Njala. They come to one place, then
10:20:00 15 the Kamajors came to SS Camp. So when they entered, they sent a
16 message and informed that they had captured Kenema. So they all
17 entered to Kenema from Bo Njala, Bo Waterside.

18 Q. Now, what happened on the 18th when ECOMOG entered Kenema?

19 A. When they entered Kenema, because we are not all in the
10:20:30 20 same place when we came, they made a meeting, all the fighting
21 forces that entered Kenema. ECOMOG and Kamajor had a meeting.
22 They told us that that was the commander. He said the security
23 was under their control. We, the Kamajors, should be under them.
24 We should listen from them.

10:20:54 25 Q. Yes?

26 A. So we are in the town. In the morning we are moving about.
27 The civilians that were in Kenema, because of the problem that
28 the junta had done to them, that was harassment, some began to
29 burn the houses in which juntas were living.

1 PRESIDING JUDGE: Who did that?

2 THE WITNESS: It was the civilians. There was one house
3 that was at Kpoli Street. In fact, when we came, we met that
4 they have set fire on it.

10:22:00 5 MR SESAY:

6 Q. Yes?

7 A. Then we took them to the ECOMOG, they advised them that
8 nobody should burn a house in Kenema. Where they knew that junta
9 lived there, they should not burn there. If a report is made --

10:22:22 10 THE INTERPRETER: Your Honour, could the witness -- the
11 witness is too fast.

12 PRESIDING JUDGE: Please take it back again and go a bit
13 slower. You are speaking too fast.

14 MR SESAY:

10:22:37 15 Q. Slowly, please, Mr Witness. Can you go over that again?

16 A. Okay. So when we took the civilians to the ECOMOG, they
17 told them, "That we did not do that for nothing. That was where
18 the juntas occupied and it was from there they left harassing us.
19 That was why we decided to burn all those areas." Then the

10:23:18 20 ECOMOG told them that --

21 Q. What did ECOMOG say to them?

22 A. They said, "If we say we are to burn houses because the
23 hunters had been living there and they were harassing you, that
24 wouldn't be fine. All of you know that if anybody has a house
10:23:47 25 where the juntas had been living, let the person come and report
26 to us." That, "We'll tell the soldiers or the Kamajors who
27 hadn't a place to sleep so that they could occupy those places
28 than burning those houses." So they pleaded to them that nobody
29 should burn a house in Kenema inasmuch as they have arrived

1 there.

2 Q. Now, as far as you know, was there any attack by the junta
3 on the 18th, when you say that ECOMOG entered Kenema?

4 A. It was the 16th when we entered. That was the time they
10:24:36 5 came and attacked very seriously. The 16th.

6 PRESIDING JUDGE: The question is on the 18th.

7 MR SESAY:

8 Q. On the 18th.

9 A. There was no attack on the 18th. It was ECOMOG that
10:24:47 10 entered.

11 Q. Now, you said on the 16th there was serious fighting,
12 according to you - not so? - in Kenema.

13 A. Yes, sir. Yes, sir.

14 Q. How did it happen on that day?

10:25:09 15 A. The junta came by the highway from the Hangha Road end.
16 They came up to the police barracks. They were there when the
17 fight ensued in a very serious manner.

18 Q. Now, Mr Witness, I want you to explain how -- in fact, to
19 describe -- rather to describe how in fact it happened you say
10:25:53 20 around the area to the police barracks on the highway.

21 A. When the juntas arrived initially, during that time, we and
22 the ECOMOG were based at the NIC. That was the headquarters. So
23 they came, they started firing. So we pushed them. They came
24 and all of them entered at the police barracks. So they were
10:26:33 25 there, we were exchanging fire until we finally drove them off.
26 That the combined forces of the Kamajor and the ECOMOG against
27 the junta. We, the Kamajors, during that time -- during that
28 time the ECOMOG had not yet entered.

29 PRESIDING JUDGE: I am totally lost. I don't understand

1 any more. I thought ECOMOG had joined them on the 18th and now
2 they're on the 16th.

3 JUDGE ITOE: We're back to the 16th.

4 PRESIDING JUDGE: I don't understand.

10:27:06 5 MR SESAY: I will let him clarify that in a minute,
6 My Lord.

7 Q. Now, I asked you about the 16th. You said there was very
8 serious fighting on that day. I went further to ask you to
9 describe, in fact, how was this fighting along the highway.

10:27:28 10 You've just narrated how it happened. Now, that fighting was
11 between which factions on 16 February 1998?

12 A. It was between the juntas and the Kamajors.

13 Q. Now, did you walk around the town itself, Kenema Town
14 itself, on that day, the 16th?

10:28:11 15 A. Yes. After we had driven the junta out, so we started
16 patrolling the town.

17 PRESIDING JUDGE: Are you out of the attack now?

18 MR SESAY: No, it's on the same 16th, My Lord. After the
19 attack he walked around the town. That is the question.

10:28:31 20 PRESIDING JUDGE: Yes, I understand. I thought you were
21 going back to try to clarify this attack, because I am totally
22 confused.

23 MR SESAY: My Lord, he had already said -- I asked him that
24 the fight on the 16th, he said it was between the Kamajors and
10:28:47 25 the junta forces.

26 PRESIDING JUDGE: Yes, but I still don't understand the
27 description he's made, even though you say that. The description
28 he made would not be logical with what you have now. Have him go
29 back over the fight.

1 MR SESAY: As My Lord pleases.

2 Q. Now, on 16th February, on that day, you said you went
3 through the highway - not so? - and you said there was serious
4 fighting.

10:29:24 5 A. Yes.

6 Q. Now, who fought who?

7 A. It was the junta who fought against the Kamajor.

8 Q. From what direction?

9 A. From Hangha up to the road, because Hangha Road leads up
10:29:48 10 to -- it leads into Kenema Town, unto the middle of the town to
11 the clock tower.

12 Q. Mr Witness, we are still on the 16th. I want to restrict
13 you to that date, 16th February 1998. After the attack on that
14 day, on 16th February 1998, did you go around the town itself,

10:30:17 15 Kenema Town itself?

16 A. Yes. I walked round the town.

17 Q. What did you observe on that day, on the 16th?

18 A. The only thing I saw, we lost two Kamajors. They killed
19 them. Their corpses were laid opposite the Capital, one cinema
10:30:55 20 opposite the police station.

21 Q. Yes, anything else?

22 A. Well, that was what I saw.

23 Q. Now, you recall saying that on the day you entered Kenema,
24 your group -- you said your group entered on the 16th; not so?

10:31:27 25 A. Yes.

26 Q. From what direction did your group enter Kenema?

27 A. We entered by Kombema.

28 Q. Now, who led that group, your group that entered from the
29 direction of Kombema?

1 A. CO Mambu Saffa. They were the most imminent commanders.

2 THE INTERPRETER: Correction interpreter. CO Mambu Saffa.

3 He was our immediate commander.

4 MR SESAY:

10:32:33 5 Q. For how long did you stay in Kenema?

6 A. From the time we entered Kenema, I did not leave there
7 until now. I'm still there because my father has a house there.

8 MR SESAY: My Lord, that is all for this witness.

9 PRESIDING JUDGE: Thank you. Mr Pestman, any
10:33:02 10 cross-examination of this witness?

11 MR PESTMAN: Yes, Your Honour.

12 CROSS-EXAMINED BY MR PESTMAN:

13 Q. Mr Witness, I'm counsel for Mr Moinina Fofana. I would
14 like to ask you two or three questions. Do you know Mr Moinina
10:33:32 15 Fofana?

16 A. I know him now, but I did not know him before.

17 Q. Did you ever receive orders from Mr Fofana?

18 A. No.

19 Q. Did you ever report to him?

10:33:57 20 A. No.

21 Q. Not even indirectly through other people?

22 A. Not at all, as far as I know.

23 MR PESTMAN: Thank you. Those were my questions.

24 PRESIDING JUDGE: Thank you. Counsel for third accused,
10:34:15 25 Mr Lansana.

26 MR LANSANA: Yes, Your Honour, a few questions.

27 CROSS-EXAMINED BY MR LANSANA:

28 Q. Good morning, Mr Witness.

29 A. Good morning, sir.

1 Q. In your testimony yesterday before this Court you informed
2 the Court that your motivation for being initiated into the
3 Kamajor society was protection in reaction to harassment and
4 extortions by the soldiers; is that correct?

10:34:57 5 A. Yes, very correct.

6 Q. Were there any personal experiences you had in that
7 respect?

8 A. Concerning what?

9 Q. In that respect, concerning harassment and extortions.

10:35:31 10 A. Yes.

11 Q. Did you have any personal experiences?

12 A. Yes. I narrated that all yesterday.

13 Q. Mr Witness, what you narrated was in a general sense. They
14 could take money, property from civilians, they would even take
10:35:54 15 wives and girlfriends from civilians. My question is: Did you
16 personally become a victim of this harassment and/or extortions?

17 A. Yes. Even the time when I did not join the Kamajor yet, a
18 lot of things that the soldiers were -- the soldiers did to me
19 personally.

10:36:36 20 Q. For instance?

21 A. There was a time, 1994, we were at Segbwema --

22 MR KAMARA: My Lord, if I may interpose there. I'm
23 concerned about the relevance of this evidence coming in.

24 PRESIDING JUDGE: I agree with you. I don't know where
10:37:03 25 we're going in 1994. I tried to --

26 MR LANSANA: Your Honour, I take the cue. I had no
27 intention that the witness would take me to 1994.

28 PRESIDING JUDGE: You asked a question that was so vague;
29 has he any personal experience.

1 MR LANSANA: I take pleasure in rephrasing my question.

2 Q. Mr Witness, your personal experiences that you want to
3 narrate to the Court, do you have any personal experience on
4 those dates between 1996, 1997 up to 1999?

10:37:43 5 A. Yes.

6 Q. Can you please tell the Court?

7 JUDGE ITOE: Be specific, learned counsel, when you're
8 referring to 1996. Put yourself within the framework of the
9 indictment, please.

10:38:08 10 MR LANSANA:

11 Q. Mr Witness, do you have any experiences dating from 1997 to
12 1999?

13 JUDGE THOMPSON: Perhaps, counsel, you might want to be
14 selective with the samples rather than take us through the entire
10:38:34 15 structure.

16 MR LANSANA: Yes, Your Honour.

17 JUDGE THOMPSON: He may have 10, 15.

18 MR LANSANA: I just want a few samples.

19 JUDGE THOMPSON: And perhaps important ones.

10:38:46 20 MR LANSANA:

21 Q. What is important is what you remember vividly in that time
22 frame, 1997 to 1999.

23 A. As I stated earlier to this Court, the soldiers used to
24 harass us. In fact, I sitting here, I have told you that the
10:39:24 25 soldiers went to my village and looted my property and went with
26 it. That is one experience.

27 Q. Now, when you got initiated into the Kamajor society, did
28 you personally believe in the powers that you were given by
29 virtue of the initiation?

1 A. Very seriously.

2 Q. Do you have any personal experience in battle that will
3 exemplify this belief?

4 A. Yes.

10:40:17 5 Q. Can you please oblige the Court?

6 A. I used to go to the war front. I fought, I left there
7 safely. No bullet has ever pierced my body, so that is one of
8 the beliefs that I acquired during the initiation period.

9 Q. You say you were initiated by Kamoh Brima Lahai -- Brima
10:40:56 10 Bangura, is it?

11 A. Yes, Brima Bangura. Kamoh Brima Bangura.

12 Q. At the time of your initiation, did you know of any other
13 initiators?

14 A. We heard that there were people that initiated people into
10:41:24 15 the Kamajor society, but where we were, we only heard about
16 Kamoh Brima Bangura. There were two, but one of them died, so I
17 did not meet the other man. It was only Kamoh Brima that I met.

18 Q. Did you ever hear about an initiator called Allieu Kondewa?

19 A. Yes. I used to hear about him, but during that time, I did
10:42:00 20 not know him. I only heard his name. Up to now, I cannot tell
21 you that this is the man.

22 Q. Now, the initiators that you knew personally, did you ever
23 see them command troops?

24 A. No. No, they hadn't that right. Their concern was to
10:42:28 25 initiate us and hand us over to our paramount chiefs and our
26 traditional authorities. That was all.

27 Q. Apart from the fact that they didn't command troops, did
28 you ever see them go into combat, into battle?

29 A. I have never experienced that.

1 Q. Did they participate in supplying logistics, arms and
2 ammunition to combatants?

3 A. No, sir. I did not see that.

4 Q. Now, you narrated before this Court how you engaged in
10:43:15 5 combat in the attack on the junta at Weama.

6 A. Yes.

7 Q. And at Bendu Junction.

8 A. Yes.

9 Q. And at Komende Luyama.

10:43:35 10 A. No.

11 Q. You said you captured Komende Luyama.

12 A. Komende Luyama, we did not fight there. In fact, the
13 juntas were not there. We only met their base.

14 Q. Now, let me restrict myself to the Wima and the Bendu
10:43:59 15 Junction attacks. Who gave instructions that Wima and Bendu
16 Junction be attacked?

17 A. It was the commanders that were with us. After Mr Eddie
18 Massallay had announced that all Kamajors that had left their
19 various villages because of the junta, he said we shall try and
10:44:41 20 begin to attack their positions, anywhere they were in
21 Sierra Leone. That was what inspired our commanders that where
22 we are, we should try to advance, so that entreated us to advance
23 to Wima and force out the juntas there. And we settled there.

24 Q. Now, let's come to the Kenema attack. In a narrative this
10:45:15 25 morning, you've informed this Court that your group entered
26 Kenema the day after it was captured; correct?

27 A. Yes.

28 Q. And that you had come from the Kombema end to enter Kenema;
29 correct?

1 A. Yes. Yes, sir, it is correct.

2 Q. Now, when you came to Kenema the following day, did you get
3 information about how Kenema was captured or what the situation
4 was on the ground?

10:46:02 5 A. Yes. The Kamajors that we met, they told us that they
6 entered Kenema without firing a shot because, during that time,
7 they had overpowered the juntas at SS Camp because they used to
8 attack them at SS Camp. When they went, they overpowered them.
9 So, as they heard that the Kamajors were advancing at Kenema,
10:46:38 10 they left Kenema, looting property. So they entered Kenema that
11 very day. They said they did not fight. That was what they
12 explained to us when we arrived.

13 Q. Now, Mr Witness, a Prosecution witness has testified before
14 this Court and his narrative is something I'll be putting to you.
10:47:09 15 I will be inviting your comments or reaction to that.

16 MR LANSANA: Your Honours, this is the testimony of
17 TF2-223, 28 September 2004, commencing at page 69 through 70.

18 [CDF23MAY06B - SV]

19 Q. Mr Witness, listen to this:
10:47:57 20 "Q. Okay, Mr Witness, what was the situation in Kenema on
21 that day that you entered Kenema? Did you see combatants?
22 Did you see other fighters there, non-Kamajors, I mean?
23 "A. Yes, yes. That day, as I am just saying, we had
24 pocket attacks like at around main Dama Road highway
10:48:34 25 linking to the Ful'a Mosque at Massaquoi Street
26 junction. One soldier was under the culvert and he was
27 releasing his weapon in a kind of military shot. Because
28 we know all the technical ways. If you are a rebel, if you
29 happen to give a shot, I will straight away know that that

1 sound is coming from the river wing and if it's from the
2 SLA, I will straight away know -- I will straight off know
3 it's from SLA wing. Likewise, it's a Kamajor. So we came
4 to notice that there is an unusual sound of weapon within
10:49:25 5 that particular circle. So on searching we saw him and he
6 came to notice that he was around, because whenever the gun
7 is shot, when the lead is out, at the [inaudible], there
8 you see smoke and he was by the time in the culvert and it
9 goes down. We gave him two tyres because the place was
10:49:52 10 close to a garage. We gave him two tyres, set him on fire
11 and took the rifle from him.

12 "Q. Are you saying here did you do anything to him before
13 you put -- set him on fire?

14 "A. Yes, yes. We shot dead. He was shot dead and put on
10:50:12 15 fire.

16 "Q. Who shot him?

17 "A. We shot him. I will not say specific man but it was
18 from our wing."

19 Mr Witness, did you learn of any incident like this on Dama
10:50:35 20 Road?

21 A. No, sir.

22 Q. I'll read another portion, same page 70, same text.

23 "Q. Now, apart from this incident, do you remember any
24 other incident that the Court -- in which a combatant was
10:51:00 25 killed by your group?

26 "A. Yes, yes, I could remember. But before that I would
27 like to talk on that particular area first at around
28 Massaquoi Street junction to Dama Road because another
29 incident happened again wherein a Mohamed Tarawallie, a

1 Madingo man, was killed too when he was pointed by one
2 woman to a Kamajor."
3 Then it goes down, line 16 on page 71:
4 "Yes, Mr Mohamed Tarawallie was shot dead.
10:51:47 5 "Q. Hang on, how did you know his name?
6 "A. I came to know his name from the people who claimed
7 his corpse, that is a Fuła imam who claimed his corpse, and
8 he was living even just 10 metres away from where he was
9 shot dead."
10:52:04 10 Then it goes down, line 27:
11 "He was spoken of as being a collaborator to one of our
12 Kamajors, that Mr Tarawallie was a collaborator. He used
13 to buy diamonds from the junta and go and sell it."
14 Mr Witness, did you get to learn of the death of a Madingo
10:52:29 15 jeweller?
16 A. No, I did not experience that at all.
17 Q. Did you, apart from not experiencing it, did it come to
18 your hearing, or your knowledge, that Kamajors were summarily
19 executing captured soldiers and civilian collaborators in Kenema?
10:52:59 20 A. No.
21 Q. Mr Witness, by hindsight, thinking back on your role as a
22 Kamajor in the fight for the restoration of democracy, are you
23 proud of the role you played in the crisis?
24 A. Yes, because I am aware that I did something good. That I
10:53:28 25 did no bad to anybody.
26 MR LANSANA: That will be all for this witness, Your
27 Honours.
28 PRESIDING JUDGE: Thank you. Mr Prosecutor.
29 MR KAMARA: Yes, My Lord.

1 CROSS-EXAMINED BY MR KAMARA:

2 Q. Good morning, Mr Witness.

3 A. Good morning, sir.

4 Q. We are not disputing most of what you've said in this
10:54:05 5 Court; all right?

6 A. Yes, sir.

7 Q. The only area we are at variance is the Kenema attack and
8 what happened there; okay?

9 A. Yes, sir.

10:54:19 10 Q. So I will try to ask you a few questions as relate to those
11 variations. Now, you said you had a Commander CO Mambu Saffa;
12 I'm correct?

13 A. Yes, sir.

14 Q. Do you know who was his boss?

10:54:56 15 A. Yes, I knew CO Mambu's boss during that time; it was
16 Pa George Jambawai.

17 Q. And who was this Pa George Jambawai?

18 A. We were told that he was the regional co-ordinator.

19 Q. Do you know who was the boss of Pa George Jambawai?

10:55:42 20 A. Where we were, I don't know. We were never told, not a
21 day.

22 Q. But we have a letter of appointment that Pa George Jambawai
23 was appointed by Hinga Norman. Would you agree with me?

24 A. I don't know about that. He did not tell me that at all.

10:56:09 25 Q. Now was your group the first group that entered Kenema?

26 A. No, sir. We met Kamajors in Kenema. We entered the second
27 day. So those who entered the first day were among the first
28 group that entered. Yes, that was what they said.

29 Q. Now how many Kamajors were in your unit?

1 A. We were many. I did not know the number because we were
2 advancing to Kenema, so I cannot say.

3 Q. But there were a lot?

4 THE INTERPRETER: The interpreter is sorry. We want the
10:57:08 5 witness to come back, please.

6 MR KAMARA:

7 Q. And you yourself you were --

8 PRESIDING JUDGE: Just a moment, please, because the
9 interpreters have some difficulties. There were many of you in
10:57:21 10 your unit. Then you added something. Can you repeat your
11 answer, please?

12 THE WITNESS: We were many in our unit, but the question he
13 put to me, he said if we were up to 100, and I told him that I
14 don't know the figure. So if I tell him that we were up to 100
10:57:43 15 or below 100 that I'm saying lies, so I did not know. I did not
16 know the exact figure.

17 PRESIDING JUDGE: But you were a lot, that's what you've
18 said?

19 THE WITNESS: Yes.

10:57:55 20 PRESIDING JUDGE: Mr Kamara.

21 MR KAMARA: Thank you, My Lord.

22 Q. Mr Witness, there were other commanders that were involved
23 in the Kenema attack; is that not so?

24 A. Yes.

10:58:06 25 Q. Would you tell us the names of any of them?

26 A. After we had entered Kenema, that was the time I came to
27 know them. But my immediate boss was CO Mambu. But the other
28 group, they said the man that led them to Kenema was
29 Mohamed Bhonie Koroma.

1 Q. Thank you. Now when you entered Kenema on the 16th did you
2 observe or did you see any corpses on that day?

3 A. The day I entered Kenema, except when the rebels attacked,
4 that was the time I saw two corpses of Kamajors along the Hangha
10:59:12 5 Road opposite the Capitol Cinema Hall.

6 PRESIDING JUDGE: The question, Mr Witness, was on the 16th
7 when you entered in Kenema did you see corpses that day?

8 THE WITNESS: When we entered initially I did not see
9 corpses. But the very day that we entered Kenema, that was the
10:59:38 10 very day they attacked. We entered in the morning. It was not
11 too long when they launched the attack. So after the attack,
12 that was the time I saw the two corpses.

13 THE INTERPRETER: The interpreter is sorry, it appears that
14 the attorney understands the language which the witness speaks
10:59:54 15 through, so he is not waiting for the interpretation. We are
16 very sorry.

17 PRESIDING JUDGE: Just a moment, please. Mr Kamara, you
18 are kindly requested to wait for the interpretation to be
19 completed. You hear and understand Krio and therefore you move
11:00:06 20 on to ask your next question before it is completely translated.

21 MR KAMARA: Sorry, My Lord.

22 PRESIDING JUDGE: So please assist the Court. So could you
23 take your next question because the witness -- we were still
24 hearing the interpretation when you were asking your question.

11:00:21 25 MR KAMARA: I will switch my channels.

26 PRESIDING JUDGE: Thank you. So, Mr Witness, you just said
27 that initially when you entered into Kenema in the morning you
28 did not see any corpses, but then you went on to say that in the
29 afternoon there was an attack. So can you take it from there

1 because we were unable to hear what you were saying, please.

2 MR KAMARA: Obligated, My Lord.

3 Q. You will agree with me that --

4 PRESIDING JUDGE: Wait until we get the answer.

11:00:56 5 THE WITNESS: So after the attack, in the afternoon, that
6 was when I saw two corpses of Kamajors.

7 PRESIDING JUDGE: Thank you. Mr Kamara.

8 MR KAMARA: Yes, My Lord.

9 Q. Now when you entered Kenema the civilians were happy to
11:01:12 10 receive the Kamajors; correct?

11 A. Yes.

12 Q. They joined the Kamajors in the dancing; is that correct?

13 A. Yes.

14 Q. And they helped the Kamajors identify the location of the
11:01:39 15 junta?

16 A. Yes, they used to do that.

17 Q. And the junta collaborators or themselves were arrested;
18 right?

19 A. Repeat.

11:02:10 20 Q. The question is that these persons that had been identified
21 as junta or collaborators were arrested by the Kamajors; is that
22 correct?

23 A. Yes. When they said this was a junta collaborator, we
24 apprehended him and handed him over to the ECOMOG, because the
11:02:41 25 ECOMOG were in Kenema and they were taking charge of the entire
26 security there.

27 Q. All right, Mr Witness. We are still on the 16th and by
28 your evidence you said ECOMOG never came until the 18th. So you
29 cannot be speaking the truth that they were handed over to

1 ECOMOG; is that not so?

2 MR JABBI: My Lord, at the time the question was posed the
3 clarification that it was dealing only with 16th was not made to
4 the witness.

11:03:06 5 PRESIDING JUDGE: I agree with you, yes.

6 MR JABBI: Thank you, My Lord.

7 PRESIDING JUDGE: Your question that the time was not --
8 about the identification of junta and so on was not clearly
9 referring only to 16th.

11:03:18 10 MR KAMARA: My Lord, I started with the day they entered,
11 the Kamajors were happy, they received them, they danced. It's
12 on the same day. I was moving cautiously, step by step. After
13 the dancing they identified the junta, and after the
14 identification of the junta they were arrested. Then my next
11:03:38 15 question, what happened to them?

16 PRESIDING JUDGE: Ask the question again.

17 MR KAMARA: All right, My Lord.

18 Q. Mr Witness, you said that junta or their collaborators were
19 arrested by the Kamajors; is that not so?

11:03:56 20 A. Yes, after the attack, because I have already narrated
21 that, because the very day we entered Kenema on the 16th,
22 civilians were dancing as we entered. It was not too long when
23 an attack was launched. It was not that very day they started
24 appointing junta collaborators. We were -- it was not that
11:04:17 25 particular day that they started identifying the individuals that
26 were collaborators.

27 Q. Now you have moved on to another day. I'm still at the
28 16th.

29 PRESIDING JUDGE: He has answered your question, Mr Kamara.

1 He has answered your question.

2 MR KAMARA: As My Lord pleases.

3 PRESIDING JUDGE: You may take him back to the 16th if you
4 want to but he has answered your question.

11:04:48 5 MR KAMARA: I'm still there, I'm just not asking the same
6 question.

7 Q. Now, Mr Witness, were any persons arrested by the Kamajors
8 on that date of the 16th?

9 A. No, sir.

11:05:02 10 Q. No junta was apprehended on that day of the 16th?

11 A. At all. I did not observe that.

12 Q. Did you see civilians apprehend junta collaborators?

13 A. On the 16th I did not observe that.

14 Q. Right. Now let's move on to the next day.

11:05:43 15 PRESIDING JUDGE: Mr Kamara, before you do, so you know, we
16 will break at 12.00 today. We're going to take a recess now,
17 otherwise we're going to be on the recess until 12.00. So we'll
18 take a short recess and come back. You can organise your
19 cross-examination accordingly. It doesn't mean that you need to
11:06:03 20 be finished by 12.00, I'm just warning you.

21 MR KAMARA: Yes, My Lord.

22 PRESIDING JUDGE: Thank you. Court will adjourn.

23 [Break taken at 11.06 a.m.]

24 [Upon resuming at 11.31 a.m.]

11:32:01 25 PRESIDING JUDGE: Mr Prosecutor, are you ready to resume
26 your cross-examination of this witness?

27 MR KAMARA: Yes, My Lord.

28 PRESIDING JUDGE: Please proceed.

29 MR KAMARA: Thank you.

1 Q. Mr Witness, we were on 17 February 1998. My question to
2 you in relation to that date: did you capture, and I mean you,
3 you, your team, capture any civilian collaborators or junta?

4 A. Repeat that question. As a result of the dates that you
11:32:54 5 mentioned.

6 PRESIDING JUDGE: Mr Kamara, you've moved to another day
7 now.

8 MR KAMARA: Yes, 17th.

9 PRESIDING JUDGE: I just wanted to make sure there is no
11:33:06 10 ambiguity here. Because we were on 16th when we left, now we're
11 on the next day.

12 MR KAMARA: The next day, yes.

13 PRESIDING JUDGE: That's fine.

14 MR KAMARA:

11:33:14 15 Q. On the next day, did your team capture any civilians or
16 junta collaborators?

17 A. On 17th, when we met a joint patrol?

18 Q. Yes.

19 A. We were -- while passing along, they point out one boy who
11:33:45 20 they said was a collaborator. We went to his house. They showed
21 us, but did not see him. So that day we were unable to get him.

22 Q. Were you able to get him at a later stage?

23 A. On 18th, yes.

24 Q. He was eventually captured; right?

11:34:26 25 A. Yes.

26 Q. What time was he captured on 18th? Was it in the morning?

27 A. It was in the evening, at about 5.00.

28 Q. What happened to him?

29 A. During that time, ECOMOG had already come, so we handed him

1 over to ECOMOG.

2 Q. Mr Witness, between the days of 16th and 18th, before the
3 arrival of ECOMOG, did you observe killings of civilians by
4 burning?

11:35:33 5 A. I did not observe that.

6 Q. Were you aware that civilians were being killed by burning?

7 A. I did not hear that and I did not also see.

8 Q. Now, Mr Witness, you testified to this Court that a meeting
9 was called on 18th, all the Kamajors were summoned; right?

11:36:29 10 A. Yes, when ECOMOG came.

11 Q. And the Kamajor elders attended that meeting; am I correct?

12 A. Repeat the question.

13 Q. Kamajor elders attended the meeting as well; am I correct?

14 A. Yes, you are correct.

11:36:52 15 Q. It was a big meeting?

16 A. Yes.

17 Q. Do you recall who were these elders, the Kamajor elders?

18 A. Yes, I can remember some.

19 Q. Just name a few. Two, for example.

11:37:21 20 A. The commander in charge, CO, who was the co-ordinator,
21 Pa George Jambawai, was there. CO Bhonie that I had called his
22 name, Mohamed Bhonie Koroma, was also there. CO Jaya was there,
23 CO Mambu.

24 Q. That's okay. You will agree with me that only a few police
11:38:04 25 officers were present at that meeting?

26 A. I would not be agreeing with you.

27 Q. Were there a lot of police officers in attendance?

28 A. I did not see a police officer. ECOMOG, Kamajors and
29 sometimes leaders.

1 Q. Do you know why the police were not there?

2 A. I do not know the reason.

3 Q. I'll tell you. The police and Kamajors were not in cordial
4 relations at that time; am I correct?

11:39:09 5 A. I do not know that to say that the police and the Kamajors
6 were not in unison.

7 Q. The Kamajors accused the police of working with the junta;
8 is that not correct?

9 A. I never saw a Kamajor accuse a police, saying that he was
11:39:53 10 with a junta working together. They did not accuse a policeman
11 where I was present. I never heard that.

12 Q. But you've heard a policeman say that they will always
13 work with the government of the day, haven't you?

14 A. Yes, in Tongo one police said that.

11:40:27 15 Q. It is your evidence that you were not satisfied and happy
16 with that remark?

17 A. Repeat the question once more.

18 Q. I said it is your evidence that you and your other Kamajors
19 were not happy with that remark?

11:41:02 20 A. I was not angry when he said that and when we came and have
21 reinstated the government and he said any government that is in
22 existence, he was ready to serve that. So I would not say that I
23 will have grudge against that person.

24 Q. I wouldn't take issue with that, Mr Witness, but it is your
11:41:37 25 evidence that you were not satisfied and you had to leave. But
26 let me suggest to you, Mr Witness, that at the relevant time in
27 Kenema, that is between 1997 and 1998, there was open hostility
28 between the police and the Kamajors in Kenema.

29 A. Please, I do not want us to go into that. In 1997 was not

1 the time that I came to Kenema. I told you about 1998. So if
2 there was a problem between the Kamajors and the police in 1997,
3 then I was not there. So, please, let us don't go there.

4 Q. Okay, let us go to 1998. I will still suggest to you that
11:42:40 5 there was open hostility between the soldiers and the Kamajors in
6 1998 in Kenema, and you know about it?

7 JUDGE THOMPSON: Is it the soldiers?

8 MR KAMARA: Between the Kamajors and the police.

9 JUDGE THOMPSON: Not the soldiers?

11:43:00 10 MR KAMARA: Not the soldiers. Thank you, My Lord, I'm
11 obliged.

12 Q. You know that as a fact?

13 A. From the word that you used that you are suggesting to me,
14 I am telling you that. Don't suggest to me. I was not aware of
11:43:16 15 that.

16 JUDGE THOMPSON: Witness, he can suggest to you. It's a
17 question. The only response you can give is you disagree with
18 the suggestion, or you agree with it, or you do not know that, or
19 you are not aware.

11:43:34 20 THE WITNESS: I don't know.

21 JUDGE THOMPSON: He has a right to suggest to you, just as
22 you have a right to disagree with him.

23 MR KAMARA: Thank you, My Lord.

24 Q. Mr Witness, I will now put it to you, strongly at that,
11:44:02 25 that because of this hostility between the two sides, Kamajors
26 and the police, the police became an obvious target when the
27 Kamajors attacked Kenema; is that not so?

28 A. No.

29 Q. Are you aware that police officers died between the days of

1 15 and 18 February 1998?

2 A. No, sir, I am not aware of that.

3 Q. You will agree with me you said this morning that there was
4 an attack, and a serious one, which ended up at the police
11:45:19 5 barracks on Hangha Road where the junta retreated. Is that not
6 what you said?

7 A. Yes, it was the juntas that attacked Kenema around the
8 police barracks.

9 Q. And no death resulted from that attack, police deaths?

11:45:48 10 A. I did not see a policeman being killed.

11 Q. Were you there yourself?

12 A. I was there.

13 Q. Where were you?

14 A. During that attack I did not face the police station, but I
11:46:24 15 was in Kenema at the other direction.

16 Q. The junta -- sorry, finish your story.

17 A. But after the attack I came towards Hangha Road. It was
18 there that we saw the two Kamajor corpses laying on the ground.

19 Q. The juntas were overpowered by the Kamajors; is that
11:47:04 20 correct?

21 A. Yes.

22 Q. And they were pursued by the Kamajors; is that correct?

23 A. Yes, we flushed them out of Kenema completely.

24 Q. And they were pursued unto the police barracks; is that
11:47:33 25 correct?

26 A. Even beyond the police barracks.

27 JUDGE ITOE: Up to, don't go to beyond. Up to.

28 THE WITNESS: It was in the police barracks that they came
29 and they started firing at us. So the Kamajors fought very hard

1 to remove them from the barracks until we were able to flush them
2 out of Kenema completely.

3 MR KAMARA:

4 Q. At that time was the police barracks occupied by police
11:48:14 5 personnel and relatives?

6 A. Well, I did not know if the police occupied when -- that
7 place when the attack took place.

8 Q. Mr Witness, I am putting it to you now that on that day on
9 the attack Kamajors killed police officers, accusing them of
11:48:59 10 supporting the juntas during that period; is that not so?

11 A. No Kamajor killed a police officer because he was
12 supporting a junta. I did not see that.

13 Q. Okay. Are you aware or do you know any Alhaji Kuyateh in
14 Kenema?

11:49:35 15 A. I did not know him personally.

16 Q. Do you know his compound in Kenema?

17 A. I don't know. I know somebody personally then I would know
18 where he lives. But since I don't know him personally, how would
19 I know his compound?

11:50:07 20 Q. Mr Witness, you gave evidence that certain houses were
21 burnt in Kenema; am I right?

22 A. Yes. I saw a house at Kpoli Street while patrolling.
23 Civilians were there during that time and the fire had already
24 caught. So we captured -- we held them. That was on the 18th.

11:50:38 25 They said the house was occupied by soldiers and they were
26 housing them, and they said that they burned their houses and
27 they were revenging. We held the civilians and we took them to
28 ECOMOG.

29 Q. Is that the only scene you witnessed of a house being

1 burnt?

2 A. Yes. It was what -- it was where I saw that the civilians
3 set fire on.

4 Q. I see. Now tell us about the ones that the Kamajors set
11:51:17 5 fire on.

6 A. Kamajors never burnt houses in Kenema. Most of the
7 Kamajors, we burnt -- we joined the Kamajor for our properties.

8 THE INTERPRETER: Your Honour, the witness is too fast.
9 Could he retake his evidence?

11:51:44 10 MR KAMARA:

11 Q. And try to answer the question, all right.

12 A. Yes.

13 PRESIDING JUDGE: Mr Witness, please talk slowly when you
14 answer the question. So can you repeat your last answer that the
11:51:55 15 Kamajor never burnt a house in Kenema. What did you say after
16 that?

17 THE WITNESS: I said Kamajors never burnt a house in
18 Kenema. Most of us, the Kamajors that joined, we joined for our
19 property that were in Kenema. So we would not be part and parcel
11:52:20 20 to burn them again.

21 MR KAMARA:

22 Q. Mr Witness, Kenema is a very large town, you will agree
23 with me; right?

24 A. Yes.

11:52:34 25 Q. And there were a lot of Kamajors in Kenema at the time we
26 are talking about; correct?

27 A. Yes.

28 Q. Are you in a position to tell this Court what was happening
29 all over Kenema?

1 A. At that moment when we entered there, I can tell you what I
2 saw.

3 Q. That is it. Are you in a position to tell us what was
4 happening all over Kenema or not?

11:53:15 5 A. At that moment that we entered there, yes.

6 Q. Can you be at Kombema Road and at the same time be at Show
7 Avenue road at the same time?

8 A. I cannot leave -- I cannot stay --

9 THE INTERPRETER: Your Honour, can the witness take his
11:53:47 10 answer again.

11 PRESIDING JUDGE: Can you repeat your answer, Mr Witness,
12 please. You were saying you cannot be, and what did you say
13 after that?

14 THE WITNESS: Kombema Road. I can't stay in Kombema Road,
11:54:08 15 at the same time see Show Avenue. But if I walk I will be able
16 to reach Show Avenue.

17 MR KAMARA:

18 Q. Are you suggesting to this Court that you walked the entire
19 Kenema between the 16th and 18th?

11:54:35 20 A. No, I was not able to walk everywhere, all the corners.
21 But those areas that you mentioned, I walked there, around there.

22 Q. Therefore you can only attest to what you know for
23 yourself. You agree with me?

24 A. Yes.

11:54:48 25 Q. So why are you trying to deny other activities that you
26 cannot attest to? Why?

27 A. I did not deny everything. The Kamajor activities is what
28 I denied, because we had strict laws which said that no Kamajors
29 should burn a house in Kenema. That's why I deny. And we never

1 had such a report, that Kamajor has burnt such and such a house.

2 Q. All right. No Kamajor has ever broken any law of the
3 Kamajors; is that what you're telling? Is that what you want
4 this Court to believe?

11:55:49 5 A. I wouldn't say no Kamajor -- there is no Kamajor who had
6 broken a law of the Kamajor society. I wouldn't say that.

7 Q. My advice to you now is speak for yourself; all right?
8 Now, you stayed in Kenema, you said, since the entry of the 16th
9 until today. You still live in Kenema.

11:56:37 10 A. Yes, I'm still living in Kenema.

11 Q. By chance, do you work for Arthur Koroma?

12 A. Arthur Koroma is my brother, but I'm not working for him.
13 I was under Arthur Koroma the time he was made an administrator
14 after Pa Jambawai. During that time our immediate boss, who was
11:57:18 15 our commander, CO Mambu, had already been killed.

16 Q. Where do you live now in Kenema?

17 A. I live at 27 Kaisamba Terrace, the former CDF.

18 Q. CDF headquarters?

19 A. Former CDF headquarters.

11:57:53 20 Q. Since when did you start living there?

21 A. It was in 2003, when the house was handed over to the
22 owner. So the house was given to my brother. That time I was at
23 Kombema Road. So when the house was handed over to Arthur Koroma
24 as caretaker, he called me and said, "Now, I live in another
11:58:22 25 place, so you live here and look after this property because it
26 is ours." So that was why I went there, because it was for me.

27 Q. Mr Witness, I'm asking you these questions about
28 27 Kaisamba Terrace and Arthur Koroma because you are only here
29 to support what Arthur Koroma has said. That is why you're here;

1 right?

2 A. No, that's not why I'm here. What I'm saying here is --
3 what I know and what I saw is what I'm explaining to you.

4 Q. And you, yourself, are a pro-Norman activist, just like
11:59:13 5 Arthur is; correct?

6 MR MARGAI: Objection, My Lord.

7 PRESIDING JUDGE: Mr Margai, please sit down. I am not
8 prepared to hear objection on your part. Thank you very much.

9 MR MARGAI: As My Lord pleases.

11:59:25 10 PRESIDING JUDGE: Proceed.

11 MR KAMARA: Thank you, My Lord.

12 THE WITNESS: Repeat the question once more.

13 MR KAMARA:

14 Q. The question is: You, yourself, are a pro-Norman activist,
11:59:37 15 just like your brother?

16 A. No.

17 Q. Did you ever attend a meeting in support of the Norman
18 defence?

19 A. Yes, when the Defence lawyers went there they summoned a
12:00:08 20 meeting, they invited everybody in that meeting. The former CDF
21 members, other members in Kenema, everybody was present. So I
22 went there. I went to that meeting.

23 Q. Including sympathisers of Norman as well; right?

24 PRESIDING JUDGE: Let the witness answer the question.

12:00:31 25 THE WITNESS: It was a general meeting. Everybody was
26 there.

27 JUDGE THOMPSON: To avoid confusion can we make a
28 distinction here, because the concept of "activist" is a much
29 more refined concept. Is it "sympathisers" you want to use?

1 Because we use the term "activist" in a much more technical
2 sense. I'm not sure whether, when you put it like that, we tend
3 to get a clear answer. I, quite frankly, do not understand who
4 is a pro-Norman activist. Quite frankly.

12:01:14 5 MR KAMARA: My Lord, I will rephrase it.

6 JUDGE THOMPSON: If you talk about sympathisers I would
7 understand, but I don't know what activism means in that context.
8 I'm just expressing my ignorance.

9 MR KAMARA: No, My Lord, it cannot be.

12:01:29 10 Q. Mr Witness, in what capacity did you attend that meeting
11 you've just referred to?

12 A. I was a concerned citizen. Concerned Kamajor.

13 Q. That's the answer I wanted. Now tell this Court what is
14 that group, Concerned Kamajors. What is their objective?

12:02:05 15 A. We hadn't any bad intention, but when we heard that
16 Pa Norman had been indicted because he was the head of the
17 Kamajors, and the name was mentioned, so I am a Kamajor. That
18 was why I was concerned.

19 Q. Thank you. So you came to this Court with a preconceived
12:02:48 20 notion about this trial; correct?

21 MR SESAY: May I object to that question, My Lord.

22 "Preconceived notion" is vague and it is open ended, My Lord.

23 PRESIDING JUDGE: Objection sustained.

24 MR KAMARA: Obligated, My Lord.

12:03:13 25 MR JABBI: My Lord, I just remember what Your Lordship has
26 said, and the clock.

27 PRESIDING JUDGE: Thank you for your kindness, Dr Jabbi.
28 Indeed I had said we were to break at 12.00 and we are still
29 intending. Do you have any more questions or you are finished?

1 MR KAMARA: No, My Lord. I have a few issues to round up
2 with him, My Lord.
3 PRESIDING JUDGE: Very well. So the Court will adjourn to
4 2.30 this afternoon.
12:04:08 5 MR KAMARA: As My Lord pleases.
6 [Luncheon recess taken at 12.04 p.m.]
7 [CDF23MAY06C - EKD]
8 [Upon resuming at 2.48 p.m.]
9 PRESIDING JUDGE: Mr Kamara.
14:48:13 10 MR KAMARA: Yes, My Lord.
11 PRESIDING JUDGE: You had two or three more questions for
12 this witness, as you said before we proceeded to the recess. So
13 you are ready to resume your cross-examination?
14 MR KAMARA: Yes, I'm ready, My Lord.
14:48:33 15 PRESIDING JUDGE: Please do so, Mr Kamara.
16 MR KAMARA: But I do not recall saying three or four.
17 PRESIDING JUDGE: Maybe you said two or three.
18 JUDGE THOMPSON: I am of the same mind.
19 MR KAMARA: Well, all right.
14:48:45 20 JUDGE ITOE: I heard him say that he had some more grounds
21 to explore with this witness.
22 MR KAMARA: Thank you, My Lord.
23 JUDGE ITOE: So, Mr Kamara, your witness.
24 MR KAMARA: Thank you, My Lord, much obliged.
14:49:01 25 Q. Good afternoon, Mr Witness.
26 A. Good afternoon, sir.
27 Q. Now, you said you entered Kenema in 1998 and you've been
28 there ever since.
29 A. Yes.

1 Q. That's a long time.

2 A. Yes.

3 Q. Are you aware of any Kamajor atrocities within the period
4 of 1998 to 1999? Any?

14:49:52 5 A. No.

6 Q. I am giving you another opportunity --

7 JUDGE ITOE: By Kamajor atrocities, you mean atrocities
8 where? In Kenema?

9 MR KAMARA: Yes, My Lord, in Kenema.

14:50:11 10 Q. You're saying to this Court that you're not aware of any
11 Kamajor killing during that period; correct?

12 A. Yes, I am not aware.

13 Q. You're also not aware of any Kamajor lootings within that
14 period; correct?

14:50:41 15 A. I did not see.

16 Q. No, there is a difference between what you saw and what you
17 may have been aware of. Did you hear of any Kamajor lootings?

18 A. I did not hear.

19 Q. And during that period you were very close to the Kamajor
14:51:13 20 centre of administration; correct?

21 A. Yes.

22 MR KAMARA: Now let the witness be shown Exhibit 89.

23 Q. I will get to that exhibit shortly. You do read and write;
24 is that so?

14:52:55 25 A. Yes.

26 Q. In your evidence this morning you said Kamajors reported to
27 ECOMOG. You agree with me?

28 A. Yes.

29 Q. You'll also agree with me that civilians reported to

1 ECOMOG?

2 A. I did not speak about civilians.

3 Q. I am suggesting this to you now. I am not saying you said
4 that. Civilians also reported to ECOMOG; do you know about that?

14:53:46 5 A. Yes.

6 Q. You'll also agree with me that ECOMOG documented those
7 reports. Whether it's Kamajors or civilians, they maintained a
8 reporting system, are you aware?

9 A. Who?

14:54:21 10 Q. ECOMOG maintained a system whereby reports were being kept,
11 whether that is from civilians or from Kamajors or from soldiers.
12 Are you aware?

13 A. Well, I cannot say much about ECOMOG because I wasn't a
14 soldier, I was a Kamajor.

14:54:47 15 Q. Yes. Do you know any KBK Magonna, the national task force
16 commander for CDF in Kenema?

17 A. I did not know him.

18 Q. You're telling this Court that with your closeness to the
19 centre of command of the CDF in Kenema, you do not know who the
14:55:23 20 National Co-ordinator is in Kenema, the national task force
21 commander, KBK Magonna?

22 MR SESAY: At this stage, My Lord, if counsel may be of
23 assistance to this Court in relation to the time.

24 JUDGE THOMPSON: Probably, in addition to that, learned
14:55:43 25 counsel, to be exact as to the title.

26 MR KAMARA: Yes, My Lord.

27 JUDGE THOMPSON: I am not sure whether the nomenclature is
28 the same you are talking about. Perhaps that may be the reason
29 for the witness's inability to answer -- the exact title that you

1 are talking about.

2 MR KAMARA: Yes, My Lord.

3 JUDGE ITOE: What about the name itself, does he admit
4 knowing the name? Put the question to him.

14:56:10 5 MR KAMARA: Yes.

6 JUDGE ITOE: Does he know that name.

7 MR KAMARA:

8 Q. Mr Witness, do you know a person called KBK Magonna?

9 A. I heard about him, but I did not know him in person.

14:56:42 10 Q. Do you know that he held a very high position in the CDF in
11 Kenema?

12 PRESIDING JUDGE: At what time?

13 MR KAMARA: 1998.

14 Q. He was appointed to that position of task force commander
14:56:54 15 in September 1998.

16 A. I heard about it, but I did not know him.

17 PRESIDING JUDGE: When you say you heard about him, you
18 mean that he was national task force commander, or you just heard
19 of the name? What is it you heard about?

14:57:17 20 THE WITNESS: I used to hear. In fact, during that time,
21 he was in Bo. But, in Kenema, I never heard about that. That is
22 to say, KBK Magonna was the task force in Kenema.

23 PRESIDING JUDGE: He was a task force commander, but not in
24 Kenema?

14:57:42 25 THE WITNESS: That was what they used to say in Bo.

26 MR KAMARA:

27 Q. You gave evidence this morning that Arthur Koroma is your
28 brother; right?

29 A. Yes.

1 Q. He was the CDF administrator in Kenema; right?

2 A. Later, in 1998.

3 Q. Yes, about May 1998. About May 1998 he became the
4 administrator?

14:58:32 5 A. I don't know the month, but it was in 1998.

6 Q. You worked very closely with Arthur Koroma after this
7 appointment as administrator; is that not so?

8 A. Yes.

9 Q. At that time of September 1998 KBK Magonna was appointed
14:59:10 10 the national task force commander and was operating in Kenema; is
11 that not so?

12 A. I don't know. I don't know. Like Arthur Koroma, I was
13 very close to him. If it were his position, I can say. But KBK,
14 I hardly heard about him in Bo, that he was the national task
14:59:34 15 force commander, but not in Kenema.

16 Q. Now look at the document, Exhibit 89. Take your time and
17 look at it.

18 A. I'm seeing it.

19 Q. It is a report from ECOMOG regarding KBK Magonna. See
14:59:59 20 that?

21 A. Yes, sir.

22 Q. Let me draw your attention to page 2. Are you with me?

23 PRESIDING JUDGE: Page 2 of the report?

24 MR KAMARA: Yes.

15:00:26 25 PRESIDING JUDGE: This is the one with the number 0908 at
26 the top.

27 MR KAMARA: Yes, My Lord.

28 Q. If you look at paragraph 5, it explains an incident
29 involving firing on 14 December 1998 in which Mr Magonna was

1 accused of unlawful arrest and detention, extortion, and, most
2 cases, killing of innocent people who he tagged RUF/junta
3 collaborators, that is SS Camp. Do you see that paragraph?

4 A. Yes, I have seen paragraph 5.

15:01:32 5 Q. Further down to the second-last sentence in that same
6 paragraph, it says, "It was decided that a board of inquiry
7 involving CDF representatives be instituted to investigate the
8 matter." Are you with me?

9 A. Yes, sir.

15:02:02 10 Q. "Report which indicated Mr Magonna was sent to the CDF
11 headquarter and no action was taken against him in order to
12 forestall" --

13 JUDGE THOMPSON: The word there appears to be "indicted",
14 not "indicated".

15:02:22 15 MR KAMARA: You're quite right, My Lord.

16 Q. "The board of inquiry report which indicted Mr Magonna was
17 sent to the CDF headquarter and no action was taken against him
18 in order to forestall future occurrence." You've seen that as
19 well?

15:02:39 20 A. Yes.

21 Q. Finally, paragraph 7, and that is the finding of the report
22 by the ECOMOG. It says, "Mr KBK Magonna is a CDF/SL national
23 task force commander based in Kenema. Mr Magonna took up
24 appointment as the national task force commander CDF/SL in
15:03:14 25 September 1998 and since then law abiding citizens in Kenema have
26 seen no peace."

27 Having read this piece of information to you, as contained
28 in Exhibit 89, do you still maintain that you are unaware of
29 Kamajor atrocities including this incident?

1 A. For me, like the document before me here, up till now, I'm
2 telling you that I know nothing about it. This is the first time
3 I've seen this type of document concerning KBK Magonna. Because,
4 like Arthur Koroma that you referred to, I wasn't a secretary to
15:04:20 5 him, I was a brother to him. Not everything that he did in his
6 administrative capacity he used to report to me. I was a
7 personnel. So that is just what I have to tell you.

8 Q. Mr Witness, leave Arthur Koroma for a while. I am now with
9 KBK Magonna, okay?

15:04:46 10 A. Yes. Since you said, I was very close to the
11 administration, that's why I have said so.

12 Q. Okay, okay. My question to you is this: the firing
13 alleged in the report creates so much unease in Kenema and you
14 were in Kenema at that time, and you are still saying you never
15:05:13 15 knew anything about that?

16 A. I wasn't aware.

17 Q. Thank you. Let me take you to my final issue. I will
18 close with the Concerned Kamajors again.

19 PRESIDING JUDGE: You're through with this exhibit now?

15:05:49 20 MR KAMARA: Yes, through with Exhibit 89.

21 Q. Mr Witness, one of the strategies of the Concerned
22 Kamajors, I'm putting it to you, is to parade its members as
23 witnesses of fact before this Tribunal; is that not so, including
24 Arthur Koroma, Ismail Senesie Koroma, Mohamed Bhonie Koroma, and
15:06:29 25 now yourself?

26 A. No, that is not the purpose that we have become witnesses
27 for this Court.

28 Q. [Overlapping speakers]. Finally --

29 A. To me, that is not the strategy.

1 Q. Finally, Mr Witness, I'm putting it to you that your
2 testimony is part of a desperate measure by the Concerned
3 Kamajors to deliberately mislead this Court and distort the
4 evidence?

15:07:17 5 A. No.

6 MR KAMARA: That's all for this witness, My Lord.

7 PRESIDING JUDGE: Thank you. Mr Sesay, any re-examination?

8 MR SESAY: No re-examination.

9 PRESIDING JUDGE: Thank you very much. Mr Witness, that
15:07:48 10 concludes your evidence in this Court. We thank you for coming
11 here to give your evidence and we wish you a safe trip back home.
12 Thank you very much. Can the witness be assisted, please?

13 Dr Jabbi or Mr Sesay, are you ready with your next witness?

14 MR SESAY: Yes, Your Honour.

15:08:18 15 PRESIDING JUDGE: So you are going to be doing the next
16 one?

17 MR SESAY: Yes, Your Honour.

18 PRESIDING JUDGE: Is it 17 on your list?

19 MR SESAY: 17, Your Honour.

15:08:28 20 PRESIDING JUDGE: Fallah Bindi?

21 MR SESAY: Yes, Your Honour.

22 PRESIDING JUDGE: This next witness will testify in Mende?

23 MR SESAY: In Mende, My Lord.

24 MR KAMARA: I'm sorry to intervene. We were informed that
15:08:52 25 Fallah Bindi was bereaved, I think some time last week, and that
26 he is out of town. We were taken -- I remember the
27 Presiding Judge did point out that we will fall sequentially
28 after Fallah Bindi. Now it appears he is back and they are doing
29 him without us being informed. Is that it?

1 PRESIDING JUDGE: I do remember that the Defence had
2 indicated that this witness was bereaved and they asked that they
3 be relieved from the obligation to call him in position 17 as
4 they had him for that session, as such. It was agreeable to
15:09:35 5 everybody. Now whether he is back now or not, I don't know.
6 Yes, Dr Jabbi.

7 MR JABBI: My Lord, the position then was that we were
8 informed he was bereaved and was going to leave immediately. I
9 think I made the explanation that he was even likely to be back
15:09:51 10 before his time was due and he asked for only two days.

11 PRESIDING JUDGE: I don't remember the period of time, but
12 I was clearly under the impression, Dr Jabbi, that indeed he was
13 not going for a long period of time.

14 MR JABBI: Indeed. We also made it clear that it was
15:10:11 15 unlikely that he would go out of turn.

16 JUDGE ITOE: But what is the purport of Mr Kamara's
17 observation? Is it that you're not ready to proceed with this
18 witness?

19 MR KAMARA: No, My Lord, we will proceed and defer
15:10:27 20 cross-examination because we were expecting Chief Lahai to be the
21 next witness and that Fallah Bindi is not back in town, assuming
22 that if he is back we will have been notified and we were
23 expecting Fallah Bindi. But we were working on Chief Lahai
24 thinking he was the next. We will proceed with the direct
15:10:48 25 examination and defer cross-examination until tomorrow, if it
26 pleases.

27 JUDGE THOMPSON: And apply to do that.

28 JUDGE ITOE: That's right. That is the only solution we
29 can think of, unless Chief Lahai is around to testify, depending

1 on what you want, Mr Jabbi.

2 MR JABBI: My Lord, Chief Lahai only came two days ago and
3 I don't think he has even been prepared.

4 JUDGE ITOE: That's all right. I am not insisting on that.

15:11:19 5 PRESIDING JUDGE: Let's start with Fallah Bindi and we will
6 see where we get today. It is quite likely, in any event, that
7 we are going to be at the end of the day before we get to your
8 cross-examination. There was another witness as well, while we
9 are at this [indiscernible] of witnesses. I think it was witness
15:11:46 10 listed 23, Feika.

11 MR JABBI: Kailie, I believe, My Lord. The other one who
12 was bereaved and went away?

13 PRESIDING JUDGE: Yes.

14 MR JABBI: That was Kailie, My Lord. I think he is
15:12:09 15 number --

16 MR BANGURA: Number 8.

17 MR JABBI: Yes, My Lord, number 8.

18 PRESIDING JUDGE: So is this witness back?

19 MR JABBI: He is not yet back, My Lord.

15:13:37 20 WITNESS: FALLAH BINDI [Sworn]

21 [The witness answered through interpreter]

22 JUDGE ITOE: Is that the Koran? Did he swear on the Koran
23 or the Bible? Koran.

24 PRESIDING JUDGE: Mr Sesay.

15:13:59 25 MR SESAY: Yes.

26 EXAMINED BY MR SESAY:

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon, grandfather.

29 Q. Mr Witness, before I commence your testimony may I again

1 appeal to you to talk as slowly as you can, because your
2 testimony will have to be interpreted. Is that all right?
3 A. Yes.
4 Q. Your full names?
15:14:36 5 A. My name is Fallah Bindi.
6 Q. Where do you live?
7 A. I live in Kenema.
8 Q. Your occupation?
9 A. I was a driver, but now I do farming. I'm not employed.
15:15:12 10 Q. Can you tell the Court your age, please?
11 A. I can be up to 70 -- 55 years.
12 THE INTERPRETER: Sorry, Your Honours. I can be up to 55
13 years.
14 MR SESAY:
15:15:37 15 Q. You are married; not so?
16 A. I have wives.
17 Q. How many children?
18 A. Nineteen.
19 Q. You were a Kamajor; not so?
15:16:05 20 A. Yes, I am a Kamajor.
21 Q. When did you become a member of the Kamajor society?
22 A. The year called '91.
23 Q. And where exactly did you become a member?
24 A. I became a Kamajor in Kenema.
15:16:57 25 Q. Who initiated you?
26 A. Saddam Sheriff.
27 Q. After you were initiated to the Kamajor society, where did
28 you go?
29 A. When I graduated I didn't go any other -- where we were

1 working with the soldiers in Kenema.

2 Q. What work were you doing with the soldiers in Kenema,
3 briefly please?

4 A. When they would be ready to go and fight, we'd be in front
15:18:08 5 of them showing them the way, because we know the terrain.

6 Q. That working relationship, did it continue?

7 A. We went for up to some time, then the relationship got
8 soured.

9 Q. What exactly happened after that?

15:18:47 10 A. We were passing together, working together that time when
11 we graduated from the Kamajor society, we were fighting together
12 with them, we went on to the east by Kailahun, we went up to
13 Pendembu.

14 Q. Yes?

15:19:08 15 A. Upon reaching Pendembu, fighting, we based there for some
16 time together with them.

17 Q. Yes?

18 A. After that we made an arrangement together with them that
19 we were to go further the war up to Koindu so that we can capture
15:19:44 20 the place.

21 Q. Yes?

22 A. The day we planned capturing Koindu was on a Sunday.

23 Q. What happened after?

24 A. On that Sunday, we were moving together with them. Just at
15:20:33 25 sunrise in the morning we heard that they had overthrown

26 Pa Kabbah.

27 Q. Yes?

28 A. After that they stopped us, that we should not go anywhere.

29 That whosoever was a Kamajor and you know you were a Kamajor, you

1 are not going to fight any more, so we should return.

2 Q. Yes?

3 A. Whosoever would have to return should go and report himself
4 to the police with all your fighting gadgets. If you have a
15:21:40 5 uniform, you had a weapon, you should take everything to the
6 police. That they didn't want any Kamajor in this country any
7 more.

8 Q. Yes?

9 A. At that time all the Kailahun District Kamajors came out,
15:22:12 10 all my brothers, I was the leader. In fact, I was the first
11 person who was disrobed.

12 Q. You said you were with all those Kamajors that were in
13 Kailahun District. Now, what was your position at that time in
14 the Kamajor society?

15:22:29 15 A. At that time the position that our priest gave to us was
16 that I was the CO.

17 Q. Yes, proceed, please.

18 A. After that, some of the Kamajors, when they saw that they
19 were taking off the uniforms of some of the other Kamajors, they
15:23:07 20 went into the bush and didn't return.

21 Q. Yes?

22 THE INTERPRETER: Your Honours, may the witness repeat his
23 answer.

24 PRESIDING JUDGE: Can you repeat your answer, Mr Witness,
15:23:39 25 please.

26 THE WITNESS: They were circumventing Pendembu, find a
27 bypass to come to Kenema.

28 MR SESAY:

29 Q. What happened after they were running to Kenema, towards

1 Kenema rather?

2 A. They came -- most of them, they came and met me in Kenema.

3 Q. Now, which Kamoh are you referring to?

4 A. At that time, Kamoh Brima -- it was Kamoh Brima because
15:24:37 5 Kamoh Zidan was killed.

6 Q. Yes?

7 A. So they came and I explained to Kamoh that most of these
8 guys, they are coming, they had been disrobed. So they have
9 uniforms which we would use to fight the war.

10 Q. What happened after that?
15:25:21

11 A. So Kamoh said, "That is not a difficult thing. If your
12 chiefs gave you so that you would" --

13 Q. Can you go over that again?

14 A. He said, "That is not a difficult thing. If your chiefs
15:25:45 15 who brought you to me so that I would initiate you, if you had
16 been disrobed, you go back and you get your uniforms to continue
17 fighting."

18 Q. Yes.

19 A. Some of the Kamajors who were disrobed, our chiefs tried
15:26:15 20 and negotiate with Kamoh.

21 Q. Yes.

22 A. They return just as how they were, and they were given
23 uniforms.

24 Q. Where did you go from there?

15:26:45 25 A. We didn't go anywhere else. We stayed to Kamoh but those
26 who used to pass initially in unison, we're not like that any
27 more. So we stayed close to the Kamoh.

28 Q. You said you stayed in Kenema; not so?

29 A. Yes.

1 Q. Whilst you were in Kenema, did anything happen?

2 A. Yeah, something happened. We were there one evening and
3 they came to Kamoh and said they wanted to hold a meeting
4 together with Kamoh, the soldiers?

15:27:55 5 Q. Yes.

6 A. We thought this of our first Kamoh, they killed him, and we
7 said, "Kamoh, don't go there. Don't go to that meeting."

8 Q. Yes.

9 A. Kamoh didn't go.

15:28:31 10 Q. Did that meeting take place?

11 A. We were not there again. We didn't know whether they held
12 a meeting or not. I didn't know that now.

13 Q. What happened after that? When you said Kamoh Brima did
14 not attend the meeting, and you said you don't know whether in

15:29:02 15 fact there was such a meeting -- such a meeting took place, what
16 happened after that?

17 A. Nothing happened but, in the morning, when we heard heavy
18 gunshots.

19 Q. Before you go further, can I ask you this question: in
15:29:44 20 what part of Kenema Town was Kamoh Brima's house?

21 A. Kamoh Brima was at Mambu Street, at the hotel, Ribbi Hotel.

22 Q. You say what happened there?

23 A. After that, there were people were coming shouting and
24 there were heavy gunshots. They said the soldiers were still
15:30:29 25 coming to Kamoh.

26 Q. Yes.

27 A. All of us came out and we were on the streets. Some of
28 them had guns. We said, "Let them come. Whatever they have to
29 do, let them do it."

1 Q. Which street did you come?

2 A. They came straight to us, Mambu Street.

3 Q. You said you came out to the street; not so, you, the
4 Kamajors?

15:31:41 5 A. Yes, we came out on the street.

6 Q. Whilst you came out to the street, Mambu Street, did
7 anything happen?

8 A. Yes. Bullets were coming towards us and for some of those
9 amongst us whom had guns were returning fire.

15:32:22 10 Q. You said you collected those arms from the soldiers. Can
11 you go over that again, Mr Witness?

12 A. Where I stopped, when they were coming with that force
13 towards us, some of them amongst us who had weapons were also
14 returning firing. So we exchanged firing.

15:33:13 15 Q. What did the soldiers do?

16 A. We saw that they were many, they outnumbered us. So we
17 left.

18 Q. Where did you go?

19 A. All of us entered the Kombema bush, wanting to cross the
15:33:41 20 river.

21 Q. Did you go anywhere from that point?

22 A. When we left the place, we went and accompanied Kamoh up
23 till Tungia.

24 Q. From Tungia, where did you go? After you said you escorted
15:34:26 25 the Kamoh, Kamoh Brima? From Tungia, where did you go?

26 A. They went, because we were there when we got a message that
27 Eddie Massallay had said whosoever was a Kamajor should go and
28 you'd meet at the border.

29 Q. You said the border. Did Eddie Massallay tell you the town

1 where you should all go, the Kamajors? Was there any town that
2 you were told -- I mean, you were --
3 A. Yes. He said it in a radio.
4 Q. [Overlapping speakers] border?
15:35:19 5 A. He said at Bo Njala.
6 Q. Did you answer to Eddie Massallay's call?
7 A. Kamoh and some other people went, but I said I couldn't go
8 because I had several people on me.
9 Q. So you were not able to go?
15:36:01 10 A. No.
11 Q. You said you had a lot of people with you, and you said you
12 were not able to go. Who were these people who you had with you?
13 A. My children, my wives and some other people who were in my
14 house in Kenema. They were all for me in Kenema.
15:36:46 15 Q. Did anything happen later, after that?
16 A. Yes.
17 Q. Yes.
18 A. At the time they went and spent some time, we got a message
19 from afar that Kamajors were coming, headed for Kenema.
15:37:25 20 Q. Yes.
21 A. Before that, the soldiers started using our uniforms, those
22 they had initially taken from us, using them to go to the
23 villages.
24 Q. Yes.
15:37:46 25 A. When they would go, they would loot the people, the
26 people's property.
27 Q. What else?
28 A. One village along the Segbwema Road called Bungeya, they
29 went and killed two people there.

1 Q. From where you said you stayed with your family and your
2 dependants, did you go anywhere from there?

3 A. After that, I left and crossed over the river to Dama.

4 Q. Now, Mr Witness, I want you to -- I will ask you this
15:39:14 5 question now directly. Were you involved in the attacks on
6 SS Camp?

7 A. Yes, we came there.

8 Q. Can you remember or can you recall the time when the attack
9 took place on SS Camp?

15:40:01 10 A. I can remember. It was in '98.

11 Q. Can you explain to the Court how in fact you attacked
12 SS Camp?

13 A. We came from the Joru end and we came and met them, some of
14 them, we met them at Gofor. But those who were at Gofor, we
15:40:50 15 didn't fight much, because I think they were there to guide the
16 civilians.

17 Q. Yes?

18 A. Just when they saw us coming, they left the town, and they
19 went towards the Moa River, they were going towards the SS Camp.

15:41:18 20 Q. What happened?

21 A. When they reached at the bridge, seeing that we were
22 chasing them, then they opened fire, firing heavily.

23 Q. Where was this bridge you are referring to?

24 A. The Moa Bridge. It is that bridge that you cross to go to
15:41:41 25 Dama, then you cross to come over to Kenema. So we also braved
26 it and we chased them. Whenever they will fire at us, we would
27 shoot the gun and we would chase them.

28 Q. Yes?

29 A. When they saw us chasing them in our [indiscernible], so

1 they moved.

2 Q. Who moved from SS Camp?

3 A. The soldiers who were there. All of them moved, running.

4 Q. Who led that attack, the attack you're referring to on

15:42:42 5 SS Camp?

6 A. At the time we were going the man who was leading us was
7 called Mohamed Bhonie.

8 Q. Was there any other name -- is this Mohamed Bhonie Koroma
9 you're referring to?

15:43:10 10 A. Yes, that is his name.

11 Q. You said the soldiers and the rebels ran away from SS Camp.
12 Did you find anything in SS Camp when you took over SS Camp?

13 A. Yes. When we entered SS Camp there were guns there and
14 ammunitions and food. But they could even take it, so whatever
15:44:05 15 we met there we also possessed.

16 Q. For how long did you stay at SS Camp?

17 A. We were there for one week.

18 Q. During that period of the one week which you said you were
19 at SS Camp did you have any other encounter with the soldiers and
15:45:10 20 the rebels?

21 A. Yes.

22 Q. What other encounter?

23 A. They didn't want to give us peace, so they used to come and
24 attack us and we'll drive them and they'll go back.

15:45:59 25 Q. What happened after that one week which you said you stayed
26 in SS Camp? What happened after that?

27 A. Well, in that week I was talking about, when it was
28 finishing, we talked about entering Kenema, because the food that
29 we had to enter there, it was still there.

1 Q. Did you in fact come to Kenema?

2 A. We entered there, indeed.

3 Q. Can you remember the time when you came to Kenema from
4 SS Camp?

15:46:55 5 A. That month, 15th February it was.

6 Q. What happened on that 15th February?

7 A. When we left SS Camp in order to go and capture Kenema we
8 met some of them in Kpetema, but there were not many.

9 Q. Where exactly is Kpetema?

15:47:50 10 A. It is Kpetema that you leave to enter Kenema, on the
11 Wahmman Abu Road going towards Tokpombu or Kpetema. They're all
12 towns.

13 Q. You said you met the junta at Kpetema. What happened
14 there?

15:48:21 15 A. That one, they just shot sporadically and went away. Then
16 we chased them.

17 Q. Can you assist the Court with the distance from the Kpetema
18 to Kenema Town?

19 A. It's not up to a mile. It's a short distance. It's part
15:48:55 20 of the town.

21 Q. After you chased them from Kpetema, where did you go?

22 A. We were divided. Some people went to the headquarters at
23 Dauda Town. The others went to Kombema, Kombema Road. And we
24 went to the town and went straight to the brigade. That's where
15:49:26 25 we based.

26 Q. You said your own group came to the brigade. The brigade
27 where? Where is that brigade?

28 A. The brigade was behind the Capitol, at the reservation in
29 Kenema Town.

1 Q. Who was the leader of your own group that came to the
2 brigade in Kenema? Your own group, who was the leader?

3 A. Mohamed Swarray.

4 Q. Do you know what was the position of Mohamed Swarray in the
15:50:46 5 Kamajor society at that time?

6 A. I used to hear them call him BC.

7 Q. Do you know the meaning of BC?

8 A. I used to ask them. They would say it is battalion
9 commander.

10 Q. You have said you went straight to the brigade. Was it on
11 that day, on 15th February, that you went straight to the
12 brigade?

13 A. That same day that we entered. When we entered, we were
14 divided. So we walked all over the place and we were sitting
15:52:02 15 there.

16 Q. Did anything happen the day following 15th?

17 A. In the morning they came and attacked us, and we fought
18 very seriously.

19 Q. Mr Witness, I want you to narrate how in fact it all
15:52:48 20 happened on that day.

21 A. On that day when we had that encounter, the civilians whom
22 we met there, in fact they were jubilating when they saw us enter
23 the town. And there were people who were dressing in some way --

24 Q. Yes?

15:53:16 25 A. Their dressing was different, but when they saw us, those
26 of us who had the original dress entered, in fact the jubilation
27 was different. They were saying, "Indeed, our children have
28 entered."

29 Q. Yes?

1 PRESIDING JUDGE: Can you clarify that? I am not sure I
2 understand what the witness means by that.

3 MR SESAY: Yes.

4 Q. Mr Witness, can you go over that, please?

15:53:44 5 A. When they saw us enter the town, with the Kamajor dress
6 that they originally knew for us, they were very happy for us.
7 In fact, they started dancing around us.

8 Q. For purposes of clarification, what was this dress that the
9 Kamajors put on or were wearing before, that you said the people
15:54:17 10 saw?

11 A. When we dressed, we would put something on top of them,
12 mirrors, and it will be glittering.

13 Q. What happened after that? You said you had dancing. What
14 happened after that on that day?

15:55:01 15 A. On that day, we saw civilians -- some civilians. They were
16 setting some houses on fire in Kenema.

17 Q. Yes?

18 A. Then we asked them, "Why is it that you've jubilated for us
19 and now you're burning down houses?"

15:55:57 20 Q. Yes?

21 A. Then they told us that, "Whichever house you see burnt down
22 here, those guys who were here had burnt those houses. We too
23 are burning their own houses."

24 Q. You have just told us what you observed on that day. Did
15:56:24 25 you observe any other thing in the town?

26 A. Apart from what I have said? That's what we did until
27 nightfall, when we went to sleep.

28 Q. What happened the following day?

29 A. On the third day, then ECOMOG came to Kenema.

1 Q. Yes?

2 A. When they entered Kenema, no sooner they reached Dama Park
3 then we heard gunshots. The boys have come again to attack us.

4 Q. Who were these people that fired -- you said you heard a
15:57:47 5 gunshot. Who were these people --

6 A. The rebels, they returned and attacked us.

7 Q. Yes?

8 A. We too, the brave people who were amongst us, that "Our
9 grandfathers have come. Let's chase them out."

15:58:31 10 Q. To what direction?

11 A. My own group went straight towards Kombema and we went up
12 to Kombema village. We chased them up to that point.

13 Q. Yes?

14 A. Before we could reach the Kombema Town, houses were on
15:59:05 15 some -- fire was on some houses. They torched them on fire as
16 they were going along.

17 JUDGE ITOE: Who set them on fire? Is it the rebels?

18 MR SESAY: My Lord, I was just coming to ask him.

19 THE WITNESS: The rebels who were retreating.

15:59:41 20 MR SESAY: I am sure he has answered. Shall I go over
21 that, My Lord?

22 PRESIDING JUDGE: Proceed, Mr Sesay.

23 MR SESAY:

24 Q. Now, Mr Witness, I want you to -- I want to ask you on a
16:00:06 25 specific area in Kenema. Was there any encounter around the
26 police barracks in Kenema with the rebels?

27 A. Yes, there was fighting in the centre there, of
28 Hangha Road, towards the police barracks.

29 Q. Were you there? Were you present at that account?

1 A. We were there. I was there.

2 [CDF23MAY06D - CR]

3 Q. Can you describe how it happened?

4 A. At that time when that fighting was going on, the firing
16:01:10 5 was all around that barracks. We were going when we saw people
6 in police uniforms. Some of them had military uniform.

7 PRESIDING JUDGE: Can you go over that again, Mr Witness,
8 please? You said there was firing.

9 THE WITNESS: At the time that we came, there was shooting
16:01:36 10 in the police barracks. The rebels were all mixed; some of them
11 had police uniforms, some of them had military uniform. But the
12 shooting was intensive.

13 MR SESAY:

14 Q. Yes?

16:02:09 15 A. But our strength was more than them. As they were shooting
16 we went towards them, so they ran away into the barracks, so we
17 chased them until we took them out of the barracks.

18 Q. Now, is that all that you saw around the police barracks?

19 A. That was all I saw there.

16:02:54 20 PRESIDING JUDGE: Maybe you wish to clarify the date this
21 is taking place?

22 MR SESAY: Yes, My Lord. I wish to come to that.

23 Q. You told us, the Court, that you came on 15th and you said
24 the following day, 16th, there was an attack. You also said that
16:03:16 25 the day when ECOMOG entered Kenema there was an attack. Now, can
26 you recall when was this attack, this encounter, at the police
27 barracks, around the police barracks?

28 A. The day that ECOMOG came, it was on 17th.

29 Q. Mr Witness, I'm asking you about -- not the time when

1 ECOMOG came. My question is in relation to when was that
2 encounter at the police barracks?

3 A. It was on 17th. That month that we are talking about, it
4 was on 17th.

16:04:19 5 Q. It was on 18th, you say?

6 MR KAMARA: He said it was 17th.

7 MR SESAY: 17th. Sorry, My Lord.

8 PRESIDING JUDGE: Yes, the witness has enumerated twice
9 that it was 17th.

16:04:25 10 MR SESAY: Yes, My Lord. I am sure it is the channel. I
11 know a bit of Mende, My Lord, so it was a mistake on my part. I
12 said 18 instead of 17.

13 Q. Mr Witness, at the time when ECOMOG arrived in Kenema on
14 18th February, can you tell the Court --

16:05:03 15 PRESIDING JUDGE: I'm not sure what you mean by this,
16 because the witness just testified that ECOMOG entered on 17th.
17 Now you're saying the time of 18th.

18 MR SESAY: As My Lord pleases. I will ask him again.

19 Q. When did ECOMOG enter Kenema? Can you remember the time,
16:05:23 20 the date?

21 A. At the time that they entered, when we came 15th, three
22 days after, they came.

23 Q. So you came on 15th. Three days --

24 A. On the third day, they came.

16:05:53 25 Q. How were you working with ECOMOG when ECOMOG came in
26 Kenema?

27 A. When they came, they were at the ARC, they called us up
28 that, "All of you who have captured this town, that fighting that
29 you've done behind us is not what we're talking about, but, now,

1 no fighting should go on until we say so, or tell you to do so."

2 Q. You had told the Court that you were CO, commander - not
3 so? - in the beginning?

4 A. Yes.

16:07:01 5 Q. Now, did you remain in that position as CO?

6 A. I was in that CO position, I alone when I was working in
7 the bush, but I returned as a chief. I can explain when I get
8 there.

9 Q. If I can ask you more direct now. Were you given any other
16:07:39 10 position, apart from being a CO?

11 A. At the time when we returned to my own land, Kailahun, they
12 gave me another position. The person that was leading us, the
13 fighters and the Kamajor, was called director of operations. I
14 was his deputy.

16:08:07 15 Q. For what district?

16 A. Kailahun District.

17 Q. Now, you remained in that position up to when?

18 A. I was in that position until the war ended.

19 Q. Now, do you know, Mr Witness, one Pa Soko Doguba?

16:08:57 20 A. Mr Soko Doguba, I used to know him.

21 Q. Where was he?

22 A. He was in Kombema.

23 Q. Kombema in what town?

24 A. Near Kenema, Nongowa.

16:09:34 25 Q. Where is he now? Do you know where he is?

26 A. The day that we repelled these guys, when we met the fire
27 in the town, we saw him lying on the ground. There were mortar
28 pestles around him. They had beaten him to death.

29 Q. Now, you said who did that?

1 A. The rebels who were retreating, they were the ones who did
2 that.

3 MR SESAY: My Lord, that will be all for this witness.

4 PRESIDING JUDGE: Thank you. Counsel for second accused?

16:10:34 5 MR BOCKARIE: Yes, Your Honour.

6 PRESIDING JUDGE: This is a witness in cross-examination
7 for you?

8 MR BOCKARIE: Yes, Your Honour.

9 PRESIDING JUDGE: You're prepared to cross-examine now?

16:10:43 10 MR BOCKARIE: Yes, Your Honour.

11 PRESIDING JUDGE: Please do so.

12 CROSS-EXAMINED BY MR BOCKARIE:

13 Q. Mr Witness, do you know Moinina Fofana?

14 A. I used to hear his name.

16:11:32 15 Q. Have you ever met him?

16 A. I've not met him before. I just used to hear his name.

17 Q. Mr Witness, in your examination-in-chief, you told this
18 Court that Mohamed Bhonie Koroma and Mohamed Swarray were
19 involved in the attack on SS Camp; correct, isn't it?

16:12:12 20 A. Yes, together with them.

21 Q. Were you also told by these commanders that the other
22 further attack on SS Camp was given by Eddie Massallay?

23 A. Yes.

24 Q. Mr Witness, you said after the fall of SS Camp, you stayed
16:12:57 25 at the camp for about a week; isn't it?

26 A. Yes.

27 Q. Now, did you take any prisoner in that attack?

28 A. They didn't wait for us there. They were on their way we
29 we went. They would run away. We did not capture anybody.

1 Q. [Microphone not activated] thank you.

2 A. I would not capture anybody. They ran away. They left all
3 their belongings behind.

4 Q. Mr Witness, while you were at SS Camp, did you hear of any
16:14:09 5 killings of civilians by Kamajors?

6 A. No. We were fighting for the people. We were looking out
7 for them in order to protect them. How could we kill them?
8 That's a lie that person is saying.

9 Q. Mr Witness, during this time, there were other senior
16:14:45 10 Kamajor commanders in SS Camp like Stephen Lahai Fassah; am I
11 correct? Do you know him?

12 A. Oh, that name you're talking about. I might not know him.
13 Even if he were there, I would not know that name for him.

14 Q. Did you hear the name Peter Wundu, another Kamajor who was
16:15:32 15 SS Camp at that time?

16 PRESIDING JUDGE: What's the name again, please?

17 MR BOCKARIE: Peter Wundu.

18 THE WITNESS: That one, too, even if he were there, that
19 name, I do not know him, that name for him.

16:16:02 20 MR BOCKARIE:

21 Q. Mr Witness, listen keenly. One Prosecution witness TF2-223
22 testified on 20 September 2004, at page 61/62, had this to say:
23 "That there were many civilian casualties at SS Camp." Do you
24 know whether there were any civilian casualties at SS Camp at the
16:16:34 25 time you were there?

26 A. The person who said that, it's an ordinary, ordinary lie
27 that he was telling.

28 Q. Mr Witness, listen again keenly. The same witness, at page
29 57, said that his unit was assigned to take SS Camp. Are you

1 aware of any other Kamajors who were based at SS Camp before you
2 took over?

3 PRESIDING JUDGE: Can you take that again, Mr Bockarie.

4 MR BOCKARIE: Yes.

16:17:24 5 Q. The same witness said that his unit was assigned to take SS
6 Camp, at page 57 of the records.

7 A. Maybe he went to another land where there is SS Camp, but
8 that Kenema SS Camp, he's telling a lie.

9 Q. Mr Witness, do you know anybody called Steve Biko or Biko?

16:18:22 10 A. Those names, all those names, I did not hear of those
11 names, and I don't know them at all.

12 Q. Mr Witness, have you ever heard of the name Yamorto, or the
13 Yamorto group?

14 A. No, I don't know that, that group.

16:19:10 15 JUDGE ITOE: Mr Bockarie, what did you call the group?

16 MR BOCKARIE: Yamorto.

17 JUDGE ITOE: I thought you preceded it with another name.

18 MR BOCKARIE: "Have you heard the term Yamorto, or Yamorto
19 group?"

16:19:26 20 THE WITNESS: I've not heard of that.

21 Q. Mr Witness --

22 A. Yes.

23 Q. -- are you aware of the existence of a unit that alleged to
24 have taken over SS Camp known as Transport 2 Unit?

16:20:02 25 A. That group, they are telling lies. We captured SS Camp. I
26 did not see any other group.

27 JUDGE ITOE: What did you call the group again?

28 MR BOCKARIE: The Transport 2 Unit.

29 Q. Mr Witness, you told this Court you had not met

1 Moinina Fofana, but you heard his name. Are you aware whether he
2 was given any official position within the CDF?

3 A. I did not know the person; how would I know his position?

4 PRESIDING JUDGE: But you have testified that you used to
16:21:26 5 hear his name, so you may have heard what position he had at the
6 time.

7 THE WITNESS: I heard his name, that they had captured
8 Moinina Fofana, they've arrested Moinina Fofana. But I didn't
9 know who he was. I just heard his name. I have never known him.

16:21:50 10 MR BOCKARIE:

11 Q. But do you know whether he had any official title within
12 the CDF, Mr Witness?

13 A. I wouldn't know that.

14 Q. Now, Mr Witness, do you know one Colonel Abu Bakarr of
16:22:24 15 ECOMOG?

16 A. Yes, I used to know him.

17 Q. Were you involved in any battle alongside ECOMOG?

18 A. Yes, that Colonel Abu Bakarr whom you've named, he was our
19 boss in Daru.

16:23:04 20 Q. Whilst in Daru, it was Colonel Abu Bakarr who used to give
21 the orders; am I correct?

22 A. He took us. We went together and he was our boss.

23 Q. And he used to give you orders as to how to carry on with
24 any battle; correct?

16:23:52 25 A. They did not allow us to go fighting.

26 MR BOCKARIE: Thank you very much, Mr Witness. That will
27 be all for him.

28 PRESIDING JUDGE: Thank you. Counsel for third accused,
29 Mr Margai?

1 CROSS-EXAMINED BY MR MARGAI:

2 Q. Mr Witness, who initiated you into the Kamajor society?

3 A. It was Saddam Sheriff who initiated me.

4 Q. When your group moved into Kenema on the 15th to take over
16:24:55 5 Kenema, before you got there, which fighting force was in control
6 of Kenema?

7 A. Before we arrived there, it was the juntas who were there.

8 Q. Do you know Allieu Kondewa?

9 A. No.

16:25:56 10 Q. When you moved to take over Kenema, who was commanding the
11 Kamajors at that time?

12 A. When we were entering Kenema?

13 Q. Yes, please.

14 A. It was Bhonie who led us.

16:26:20 15 Q. That's Mohamed Bhonie Koroma?

16 A. Yes.

17 Q. Whilst you were in Kenema as a fighting force, did any
18 initiator take part in combat?

19 A. When we were in Kenema?

16:27:01 20 Q. Yes, please.

21 A. No. We were the ones doing our fighting.

22 Q. Now, when you were preparing - meaning the Kamajors - to go
23 into battle, who did the planning?

24 A. Well, at that time, when we graduated, we were handed over.
16:27:38 25 Whenever we were ready to go to fight, there were people who led
26 us. They would plan as to where we go to fight.

27 Q. Who were such people?

28 A. There were people in our office, like -- I've forgotten the
29 boy's name. KJ Samai.

1 Q. Was he a commander?
2 A. He was a leader all to Kailahun District.
3 Q. Was he a commander, ground commander?
4 A. For fighting?
16:28:26 5 Q. Yes.
6 A. He was not the commander.
7 Q. Was he a fighter?
8 A. He was in our office. He said he was the co-ordinator.
9 Q. The co-ordinator?
16:28:52 10 A. Yes, sir.
11 Q. How long did you stay in Kenema?
12 A. In Kenema. I've been in Kenema for 40 years.
13 Q. No. When you got there on the 15th, for how long were you
14 there?
16:29:26 15 A. We were there for two weeks.
16 MR MARGAI: The witness has told this Court -- My Lords,
17 I'm referring to TF2-223 of 28th September 2004 at page 98.
18 Q. A witness has told this Court that Moinina Fofana and
19 Allieu Kondewa were in charge of the Kamajors at Kenema. What is
16:30:24 20 your comment on that?
21 A. I do not see this as the truth. It's a lie. I do not
22 know. I want to drink water.
23 PRESIDING JUDGE: Yes, please.
24 JUDGE ITOE: Take your time. Take your time.
16:31:20 25 PRESIDING JUDGE: Mr Margai. We don't want to rush you.
26 It is the time we normally recess. Do you want to complete
27 before, or we'll give you the time?
28 MR MARGAI: I shall continue hereafter.
29 PRESIDING JUDGE: Fine. The Court will recess for the

1 usual afternoon recess.

2 [Break taken at 4.32 p.m.]

3 [CDF23MAY06E - SV]

4 [Upon resuming at 5.06 p.m.]

17:07:17 5 PRESIDING JUDGE: Mr Margai, are you ready to resume your
6 cross-examination of this witness.

7 MR MARGAI: Yes, My Lord.

8 PRESIDING JUDGE: Please proceed.

9 MR MARGAI: Thank you.

17:07:27 10 Q. Mr Witness, is it true that within the Kamajor fighting
11 force there were people who would go and spy on the enemy
12 position; in other words, recce?

13 A. There were people amongst us who did that.

14 PRESIDING JUDGE: Mr Margai, spy and recce are two
17:08:05 15 different initiatives.

16 MR MARGAI: Are they, My Lord?

17 PRESIDING JUDGE: Yes. Spy is a more covert operation and
18 recce is more in the open, but whatever.

19 MR MARGAI: All right. Covertly, I mean. What I mean is
17:08:23 20 going to find out the location of the enemy.

21 PRESIDING JUDGE: I do not disagree with that statement.

22 MR MARGAI: No, I appreciate the subtle difference.

23 Q. And this information as to the location of an enemy would
24 be supplied to the commanders on the ground; is that correct?

17:09:00 25 A. Yes, those whom we sent, when they went and came back,
26 would tell us exactly what they were doing.

27 Q. Would they report to the commanders?

28 A. Yes.

29 Q. Upon receipt of that report the commanders would then

1 decide whether to attack the enemy; is that correct?

2 A. Well, we wouldn't do that, but we would tell those people
3 for whom we were. For instance, the ECOMOG.

4 Q. That is when you were fighting alongside ECOMOG you would
17:09:52 5 tell ECOMOG; not so?

6 A. Yes, the time we were fighting as one, whatever we were
7 doing, we wouldn't do if they had not told us. We would first
8 consult them.

9 Q. Thank you. But where you were not fighting alongside
17:10:12 10 ECOMOG, the commanders would take the decision on the ground
11 whether to attack or not to attack the enemy position?

12 A. At that time when the soldiers were in Sierra Leone and we
13 were fighting, at that time when they told us, we would arrange
14 it together. We did not just fight by ourselves.

17:10:53 15 Q. Mr Witness, let me help you.

16 PRESIDING JUDGE: Mr Witness, please listen to the question
17 carefully.

18 MR MARGAI: I'll take it in stages, My Lord.

19 PRESIDING JUDGE: Yes.

17:11:02 20 MR MARGAI:

21 Q. Now, before the overthrow of President Kabbah's government
22 the Kamajors fought alongside the soldiers.

23 A. Yes, we were fighting together.

24 Q. And whilst you fought together, meaning with the soldiers,
17:11:31 25 the soldiers were in command of the fighting forces, the joint
26 fighting forces?

27 A. Yes. Yes, they were commanding.

28 Q. And when the soldiers proved disloyal and teamed up with
29 the rebels, the Kamajors were left on their own to fight the

1 rebels?

2 A. We were the ones fighting for ourselves -- by ourselves.

3 Q. Thank you. Now at the time the Kamajors were abandoned by
4 the soldiers and you fought on your own, information received

17:12:29 5 from those who were going to --

6 PRESIDING JUDGE: To spy.

7 MR MARGAI:

8 Q. To spy on the location of the enemy troops, the commanders
9 would then decide on whether or not to launch an attack against

17:12:46 10 the enemy?

11 JUDGE THOMPSON: In other words - and this is the
12 difficulty I think he's having - you're virtually saying that the
13 product of that information would be the exclusive basis for
14 determining whether an attack should be launched or not.

17:13:04 15 MR MARGAI: By the commanders on the ground. That's
16 correct.

17 JUDGE THOMPSON: I think that's what he probably needs to
18 process.

19 MR MARGAI: I think the confusion here is --

17:13:13 20 JUDGE THOMPSON: He may be finding it difficult to process
21 that.

22 MR MARGAI: No, the confusion, My Lord, I think stems from
23 the stage when they fought alongside ECOMOG. But ECOMOG came in
24 1998, you see.

17:13:24 25 JUDGE THOMPSON: That's one aspect of it. But the general
26 position I think your question is trying to elicit is whether the
27 product, based on this reconnaissance, so to speak, in terms of
28 identifying enemy locations, would be a factor, either the only
29 factor or an important factor, in a decision whether to launch an

1 attack or not.

2 MR MARGAI: That is it. All right, I will try again.

3 Q. This time the Kamajors are by themselves, fighting the
4 enemy.

17:14:05 5 A. Yes.

6 Q. And information has been received about the location of the
7 enemy from the recce team.

8 A. Yes.

9 Q. Now is it true that based upon that information the
17:14:31 10 commander on the ground would then decide whether to attack the
11 enemy position or not?

12 A. Yes, we would chase them.

13 Q. Thank you. And is it true that it was the responsibility
14 of the commander on the ground to decide how that attack was to
17:15:14 15 be launched?

16 A. Yes.

17 Q. Thank you. And was it also the responsibility of the
18 commander on the ground to determine the number of fighting men
19 that should take part in that attack?

17:15:59 20 A. Yes.

21 MR MARGAI: Thank you very much. That will be all for him,
22 My Lord.

23 PRESIDING JUDGE: Thank you. Mr Prosecutor, I know you had
24 indicated that you'd like to have some time.

17:16:24 25 MR KAMARA: Yes, My Lord.

26 PRESIDING JUDGE: You're still requesting that time?

27 MR KAMARA: Yes, My Lord.

28 PRESIDING JUDGE: Tomorrow morning?

29 MR KAMARA: Yes, My Lord.

1 PRESIDING JUDGE: So we'll adjourn the proceedings to
2 tomorrow morning at 9.30.

3 MR KAMARA: Much obliged.

4 PRESIDING JUDGE: Dr Jabbi, I don't know how long that will
17:16:38 5 take, but assuming on the average of what has taken place, we
6 might be able to have another witness tomorrow morning.

7 MR JABBI: Yes, My Lord.

8 PRESIDING JUDGE: You'll be ready to proceed with your next
9 witness, which according to the list is Chief Lahai Koroma, if
17:16:59 10 I'm not mistaken.

11 MR JABBI: Yes, My Lord, number 18.

12 PRESIDING JUDGE: Number 18.

13 MR JABBI: Yes.

14 PRESIDING JUDGE: You have indicated the witness is here,
17:17:06 15 so tomorrow morning you should be ready to proceed with him when
16 we've finished.

17 MR JABBI: Yes, My Lord.

18 PRESIDING JUDGE: Very well. So the Court is adjourned to
19 9.30 tomorrow morning. Thank you.

17:17:40 20 [Whereupon the hearing adjourned at 5.17 p.m.,
21 to be reconvened on Wednesday, the 24th day of
22 May 2006, at 9.30 a.m.]

23

24

25

26

27

28

29

WITNESSES FOR THE DEFENCE:

EXAMINED BY MR SESAY	8
CROSS-EXAMINED BY Mr PESTMAN	20
CROSS-EXAMINED BY MR LANSANA	20
CROSS-EXAMINED BY MR KAMARA	28

WITNESS: FALLAH BINDI	54
EXAMINED BY MR SESAY	54
CROSS-EXAMINED BY MR BOCKARIE	71
CROSS-EXAMINED BY MR MARGAI	75